

PERSONNEL HANDBOOK



City of Newport Newport Oregon

125 YEARS OF HISTORY – NEWPORT, OREGON

The City of Newport was incorporated October 23, 1882. Newport was in Benton County at that time. On February 20, 1893, Lincoln County was established and took in the Siletz Indian Reservation as well as part of both Polk and Benton Counties. Through the following years the town grew steadily. As of our 125th year our population is hovering around 10,000 residents, our tourist population often brings the numbers closer to 20,000 people in our community.

Historical accounts tell us that around 1861 the first settler in the Yaquina precinct was Captain Spencer, who came to the coast with an Indian guide and discovered the oyster beds that lie four miles East of Newport on Yaquina Bay Road. Famous almost instantly the Yaquina Bay Oysters have been featured on Menus in New York City, notably our local oysters have been an offering of the Waldorf-Astoria Hotel. In 1864 the first merchandise store on Yaquina Bay Road was opened near what was then Oysterville. Traveling further East on Yaquina Bay Road you will find more areas steeped in the history of the Wild West as you come across the site of Daniel Boone's great-grandson's homesteaded of 1852.

Navigating the rocky coastal waters of the Pacific Northwest has long been a tricky proposition, one of the first navigational aids to answer to that was the old Yaquina Bay Lighthouse that helped to safely shepherd in the Calamet, the first vessel in reported history to have entered Yaquina Bay in 1856.

Casting a gaze further abroad for other notable historical items one can not forget to mention the historic teachings of Dr. Condon the first Professor of Geology at the University of Oregon, lecturing using Jump-Off Joe and nearby beaches as both classrooms and sources of material for his lectures.

During World War I our county had a national impact on the American way of life with the U.S. Government establishing the largest Spruce mill in the world at the time in Toledo, located just seven miles to the east. The mill cut spruce lumber for government airplane manufacturing.

Before the development of U.S. Highway 101 in the late 1920s, Newport was a tourist destination for people from the Mid-Willamette Valley. The tourists came to Yaquina Bay by train from Corvallis and other valley towns, transferred by ferry or horse and buggy to Newport. In 1936 the bridge was opened over the Yaquina Bay in Newport. The Yaquina Bay Bridge is one of the most notable Art Deco structures in the United States.

The early economy of Newport was primarily the lumber industry and commercial fishing. The City now has several fish plants on the Yaquina Bay, along with many restaurants whose offerings include the fresh bounty from our world famous fishing fleet. Tourism is also a large part of Newport's economy. We have many attractions from our beautiful lighthouses, sport fishing, hiking, biking, birding, surfing and a variety of family entertainment that is both educational and fun.

Newport is home to the Oregon Coast Aquarium. The Aquarium is consistently rated in the top ten such institutions in the country and is internationally recognized.

The Hatfield Marine Science Center at Newport is part of the Oregon State University Campus, the result of expanding marine research, teaching and extension activities. The main building of the Hatfield Marine Science Center was the first to be completed in 1965. It consists of three wings; the east wing provides facilities for the Yaquina Marine Biology Laboratory; the west wing for the Pacific Fisheries Laboratory; and the public wing for the aquarium and museum. A second building, for service and ship support, and a dock for oceanographic research vessels was also finished in 1965.

Newport also has a unique position of being a full service city, with our own airport, fire department, world class recreation center, and library we provide a wide array of services to our citizens and visitors.

It is a wonderful and unique time to be a part of such a vibrant and growing city. We have so many opportunities to excel individually and as a City team. We can all look forward to being a part of writing the next 125 years of history for Newport.

A.	GENERAL PROVISIONS	7
A.1	Purpose.....	7
A.2	Scope and Application	7
A.3	Department Policies	8
A.4	Definitions.....	8
A.5	Equal Employment Opportunity Policy	11
A.6.	Policy against Harassment	11
A.7	Personnel Records and Employee Privacy	12
B.	CLASSIFICATION PLAN.....	14
B.1	Purpose.....	14
B.2	Class Specifications	14
B.3	Administration	14
C.	COMPENSATION	16
C.1	Policy	16
C.2	Administration	16
C.3	Rates of Pay	16
C.4	Pay Day.....	16
D.	RECRUITMENT AND SELECTION.....	17
D.1	General.....	17
D.2	Job Announcement.....	17
D.3	Selection.....	17
D.4	Background Checks	18
D.5	New Employee Orientation.....	19
E.	PERSONNEL ACTIONS	21
E.1	New Employee.....	21
E.2	Performance Appraisal.....	21
E.3	Promotion.....	21
E.4	Demotion.....	22
E.5	Transfer	22
E.6	Reclassification.....	22
E.7	Layoff.....	22
E.8	Resignation	23
E.9	Termination.....	23
F.	EMPLOYEE STATUS	24
F.1	Probationary Period	24
F.2	Regular Appointment.....	24
F.3	Temporary Appointment.....	24
F.4	Relatives in City Service.....	24
G.	OVERTIME.....	26
G.1	Policy	26
G.2	Definition and Administration	26
G.3	Exemptions	26
G.4	Authorization for Overtime.....	27
G.5	Compensation for Overtime.....	27
G.6	Compensatory Time.....	28

H.	ATTENDANCE AND HOURS OF WORK	29
H.1	Hours of Work	29
H.2	Attendance	29
H.3	Meal/Rest Periods	29
I.	EMPLOYEE BENEFITS.....	30
I.1	Holidays	30
I.2	Vacation	31
I.3	Sick Leave.....	33
I.4	Retirement.....	36
I.5	Insurance	36
I.6	Worker's Compensation	37
I.7	Deferred Compensation	37
I.8	Incentives/Rewards	37
J.	LEAVES OF ABSENCE.....	39
J.1	Leaves of Absence with Pay	39
J.2	Leaves of Absence without Pay	40
J.3	Family and Medical Leaves	41
K.	DISCIPLINE AND PERFORMANCE EVALUATION AND ASSISTANCE.....	45
K.1	General.....	45
K.2	Cause for Discipline.....	45
K.3	Forms of Disciplinary Action	46
K.4	Disciplinary Process/Hearings	48
K.5	Performance Evaluation and Assistance	49
L.	GRIEVANCE PROCEDURE.....	50
L.1	General.....	50
L.2	Grievance Process	50
M.	SAFETY AND HEALTH.....	52
M.1	General.....	52
M.2	Safety Committee.....	52
M.3	Injuries and Accidents.....	52
M.4	Workplace Smoking.....	53
M.5	Drug Free Workplace.....	53
N.	MISCELLANEOUS	58
N.1	Use of City Vehicles	58
N.2	Legal Liability.....	58
N.3	Outside Employment	58
N.4	Political Activities.....	58
N.5	Personnel Appearance and Conduct	59
N.6	Duty to Report.....	59
N.7	Background Checks for Current Employees.....	60
O.	TRAINING, EDUCATION, TRAVEL AND EXPENSE.....	61
O.1	Purpose.....	61
O.2	Scope.....	61
O.3	Policy Statement	61
O.4	Training and Education.....	62

O.5	Training.....	62
O.6	Education (College Courses)	62
O.7	Travel and Expense.....	63
P	ELECTRONIC COMMUNICATION.....	65
P.1	Telephones/Voice Mail.....	65
P.2	Cellular Telephones	65
P.3	Computers/Internet/E-mail	66
P.4	Information Technology Access Policy.....	68
P.5	E-mail.....	70
P.6	Employee Responsibility	71
P.7	System Security	71
P.8	Public Record.....	71
P.9	Retention and Disposition.....	71
Q.	CODE OF ETHICS.....	72
R.	JOB SHARING.....	75

CITY OF NEWPORT PERSONNEL POLICIES

A. GENERAL PROVISIONS

A.1 Purpose

These personnel policies set standards to insure that actions used in the recruitment, examination, selection, appointment, classification, compensation, advancement, training, retention and discipline of employees will be impartial and consistently applied. The application of these policies strives to enhance City service as a career opportunity and to encourage each employee to reach his/her potential and provide the best service to the City.

The City reserves the right to vary or modify the strict application of the provision of these personnel rules and regulations in cases in which a strict application would result in practical difficulties or unnecessary hardships. The City will conduct an annual review of the personnel policies and may make additions, deletions or modifications of the manual at any time. Approved revisions will be distributed to each employee for inclusion in his/her manual. These personnel policies shall not be deemed to create a vested contractual right in any employee or to limit the power of the City to repeal or modify these rules or to terminate an employee not for cause. The City Manager has authority to adopt, amend, and interpret these rules.

A.2 Scope and Application

These personnel policies and procedures apply to all City employees but do not apply to elected officials, volunteers and independent contractors, except to the extent that a specific reference is made to one of these categories. In the event of a conflict between these policies and any collective bargaining agreement, employment contract, City ordinance, state or federal laws, the terms and conditions of that contract, rule or law will apply. In all other cases, these policies and procedures will apply.

While these policies establish standards, the City expects that the policies will be applied with some measure of flexibility, so long as the application is consistent with the overall approach of the policies.

In the event of an emergency, the City Manager may suspend or amend personnel policies as needed to deal with the emergency, including but not limited to policies related to hours of work, working out of class, and hiring qualifications and procedures.

A.3 Department Policies

The Personnel Policies do not restrict the authority of individual departments to establish other departmental policies, regulations and procedures which are not in conflict with the policies contained in this manual. These departmental policies are binding upon the employees of that department.

A.4 Definitions

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

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

Compensatory Time Off - time off from work to compensate a non-exempt employee for overtime worked, in lieu of cash.

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

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

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

a. Involuntary demotion: the demotion of an employee as a disciplinary action, for performance related reasons, or for other reasons, as deemed necessary by the City.

b. Voluntary demotion: a demotion requested by an employee where the action is entirely voluntary on the part of the employee and not taken for disciplinary reasons.

Dismissal - involuntary termination of employment with the City.

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

Exempt Employee - an employee who holds an administrative, professional or executive position as defined under the wage and hour laws of the Fair Labor Standards Act and is designated as an exempt employee.

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

Full-time Employee - an employee who is appointed to a position which has a schedule of 40.0 hours per week; except for fire department apparatus operators where full-time averages 56.0 hours per week.

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

Immediate Family - the husband, wife, domestic partner, stepchild, brother, sister, father-in-law, mother-in-law, and any ancestor or descendant; as well as any other relative living in the employee's household.

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

Non-exempt employee - an employee who is not employed in an exempt administrative, professional or executive position as defined under the Fair Labor Standards Act or is not designated as an exempt employee.

On-Call Employee - an employee who is hired to work on an intermittent or as-needed basis and not on a predetermined schedule

Overtime – For full time employees and employees working thirty (30) or more hours per week, overtime is time worked in excess of eight (8) hours per day or forty (40) hours per week. In addition, overtime for time worked in excess of eight (8) hours per day does not apply to employees who work an established work schedule of ten (10) hour or twelve (12) hour shifts.

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

For fire protection employees, overtime is time worked in excess of 212 hours within an established 28-day work period.

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

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

Probationary period - a working trial period of at least six months during which an employee is evaluated on the basis of actual job performance for suitability to the position.

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

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

Regular employee - an employee who has satisfactorily completed a probationary period and is employed in either a full-time or part-time position

Seniority - the length of the employee's continuous service to the City since the employee's last date of hire.

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

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

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

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

A.5 Equal Employment Opportunity Policy

It is the policy of the City of Newport to provide equal employment opportunities to all qualified persons without regard to race, religion, color, sex, sexual orientation or identity, national origin, mental or physical disability, age, veteran's status, familial status or other protected status in accordance with applicable law. The City strives to make employment decisions based on the evaluation of an individual's qualifications, ability and contribution to the success of the City.

Although, the City fully respects the right of employees to pursue complaints of discrimination through available outside channels, we encourage employees to report any alleged act or complaint of discrimination on the part of any City employee to their immediate supervisor, department head, the Human Resources Coordinator, the City Attorney or the City Manager for appropriate investigation and action on an internal basis.

A. 6. Policy against Harassment

It is also our policy that all employees have a right to work in an environment where the dignity of each individual is respected. For that reason, we expect all employees to accomplish their work in a business-like manner with concern for the well-being of their co-workers. Any harassment of employees by fellow employees is not permitted, regardless of their working relationship or supervisory status.

Specifically forbidden is harassment of a sexual, racial, ethnic, age, religious or disability-related nature. This includes on or off-duty conduct such as unwelcome sexual advances; innuendoes; unwelcome touching; dirty jokes; offensive derogatory comments about a person's gender; sexually explicit posters; and, other verbal, graphic or physical conduct of a sexual nature which has the purpose or the effect of creating a hostile or offensive work environment. It also includes racial slurs; ethnic jokes; derogatory comments or gestures about a person's physical or mental limitations or sexual orientation and other verbal, graphic, physical or other conduct of a racial, religious, ethnic, age or disability related nature which creates a hostile or offensive work environment.

In addition, no one should suggest or threaten that an employee's cooperation, tolerance or objections to conduct of this nature will have any effect on that employee's employment. The City does not base employment decisions on such factors.

If you are subjected to any type of harassment, particularly of a sexual, age, racial, ethnic, religious or disability-related nature by an employee or anyone you come into contact with through your job (suppliers, business visitors, library or recreation center patrons, etc.) you should promptly contact your supervisor or department head. Likewise, if you have observed behavior or overheard comments that raise concerns regarding compliance with this Policy, you should promptly contact your supervisor,

department head, the Human Resources Coordinator or the City Manager. We encourage employees to report complaints and work with us to informally resolve problems involving harassment. Our ability to resolve these kinds of problems is dependent on your cooperation in reporting incidents which create an offensive work environment for you. We believe that all our employees have an affirmative obligation to promptly report harassment. The City has less ability to control persons who are not employees and has only a limited ability to control access to City facilities. The City cannot guarantee that the workplace will be free from harassment by non-employees over whom the City may have little control. Nevertheless, the City will take measures what measures it can to reduce or eliminate harassment by non-employees.

In the event an incident or complaint is reported, an investigation will be undertaken immediately. Investigations will be kept confidential to the extent we determine confidentiality can be maintained while allowing us to comply with our obligations. Violators will be subject to appropriate disciplinary or other corrective action.

It is also important for you to understand that the City respects the rights of its employees to raise harassment concerns and to participate in investigations. We do not allow supervisors, managers or employees to retaliate against employees who report harassment or cooperate with investigations.

"Retaliation" is broadly construed and includes conduct, such as giving an employee the cold shoulder, changing their duties, treating an employee rudely, etc. Employees should bring complaints of retaliation to the attention of their supervisor, department head, the Human Resources Coordinator or the City Manager. These types of complaints will also be promptly investigated and violators will be subject to appropriate disciplinary or other corrective action.

A.7 Personnel Records and Employee Privacy

The City Manager or designee shall initiate and maintain a personnel record for each employee in a central location. The record will show the employee's name, position and department to which assigned and include employment application, salary, change in employment status, performance appraisals, training records, written disciplinary actions, written commendations and other pertinent information.

No material will be placed in an employee's personnel file without the knowledge of the employee. An employee may respond in writing to any item placed in the employee's personnel file and that response will become a part of the file after review by the City Manager or designee. Employees may review their personnel files in the City Manager's Office during regular City office hours. Employees may request copies of personnel file materials and may be charged a minimum copying fee.

To the extent permissible under Oregon law, all personnel actions and records related thereto will be treated confidentially. Any request for information or access to records

relating to the employment status or reference for any current or former employee will be referred to the Human Resources Coordinator or the appropriate Department Head for responses. Employment references are limited to objective information documented in the City's personnel file and no employment reference shall be provided except when approved by the Human Resources Coordinator or City Manager.

B. CLASSIFICATION PLAN

B.1 Purpose

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

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

B.2 Class Specifications

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

B.3 Administration

The Human Resources Coordinator shall establish and maintain a classification plan. The City Manager shall approve the classification plan and any subsequent adjustments. When a new position is created, the Department Head will prepare a description of the duties and responsibilities which will be reviewed and evaluated by the Human Resources Coordinator for allocation to the appropriate class.

A Department Head may request a change in classification when the duties of a position have changed substantially in type or level of work performed or if the labor market changes. Such a request will be submitted to the Human Resources Coordinator with a description of the duties and responsibilities. The Human Resources Coordinator will make a reclassification recommendation based on the duties and responsibilities assigned, overall relationship to the organization and without regard to the personal characteristics and abilities of the employee holding the position. Any changes in salary

range for a classification shall be based on the salary range for similar positions for similar sized coastal cities in Oregon. Salary ranges for private entities in the immediate area may also be considered.

C. COMPENSATION

C.1 Policy

The policy of the City of Newport is to maintain a compensation plan which: (1) will enable the City to recruit and retain qualified employees; (2) is competitive with comparable labor markets; (3) maintains internal relationships between classes and compensates employees according to the level of tasks, responsibilities and other relevant job evaluation factors; and (4) provides a system to recognize successful performance based upon the evaluation of the employee by the employee's supervisor.

C.2 Administration

The City Manager or designee is responsible for the development and maintenance of the compensation plan covering all classes of positions, including minimum and maximum rates of pay.

The minimum and maximum rates of pay (salary ranges) assigned to each classification will be established to reflect the differences in the duties and responsibilities between it and other classifications and takes into consideration salary rates and benefits paid by comparable employers for similar work, the City's financial condition, unusual problems of recruitment and any other relevant factors. The compensation plan becomes effective each July 1st, upon adoption of the city budget by the City Council.

C.3 Rates of Pay

Each employee will be paid within the salary range for the assigned classification except as provided for elsewhere in this manual. The City may hire the City Manager, City Attorney, the City Recorder, department heads, and other exempt employees outside the salary range in order to hire the most qualified person for the position.

C.4 Pay Day

Paychecks will normally be available by 12 Noon on the first of each month. Employees (except for part-time employees working less than thirty (30) hours per week and temporary employees) may request to receive a partial payment (draw) on the 15th day of the month. The maximum partial payment (draw) an employee may receive shall not exceed 35 percent (35%) of gross monthly earnings.

If any pay day (1st) or draw day (15th) falls on a Saturday, Sunday or a holiday, employees shall be paid on the last working day preceding the pay day.

D. RECRUITMENT AND SELECTION

D.1 General

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

D.2 Job Announcement

A job announcement will be prepared for any vacant position within the City service and shall be initiated upon the request of the Department Head to the Human Resources Coordinator. The announcement will specify title and hiring salary range of the position, the nature of the duties performed, qualification requirements, the time and place to apply, and the general selection process to be used. Job announcements will be distributed for posting on bulletin boards, and may be distributed to publications and organizations as determined necessary. Job announcements will be posted a minimum of five working days prior to the closing date. The City may use a two step process to determine the availability of qualified candidates, with the first step being limited to City employees.

D.3 Selection

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

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

All job offers for regular full time employment shall be contingent on the applicant passing a drug screen and background check. To avoid litigation, the drug screen requirement for employees other than police officers and positions requiring a commercial driver's license shall not be effective until the City Manager provides notice to all employees that the requirement is becoming effective. A job-related physical examination may also be required for appointment to certain job classifications. The job offer will be made prior to requiring the candidate to take the drug screen and physical

examination, if applicable. The information obtained is to be maintained in a separate file and treated confidentially.

D.4 Background Checks

Background checks are conducted to ensure the continuing safety of our workforce and citizens, and the security of City resources. It is the policy of the City of Newport to conduct and/or request criminal, civil court and financial records appropriate to the position on final external applicants for all City positions. At the discretion of the department director, record investigations may be also be conducted on final internal applicants for, and current employees in, certain job classifications that work with vulnerable persons (children, elderly and the disabled), job classifications that have direct and unauthenticated access to the City's network resources and certain positions responsible for financial operations. Department directors may also request record investigations on volunteers and persons hired through temporary employment agencies or as independent contractors, when they work with vulnerable persons or have direct and unauthenticated access to the City's network resources. Record checks will be conducted only once on employees who were hired before this policy was implemented. The Human Resources Coordinator will coordinate all criminal and civil court record checks and investigations, except for police positions.

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

Method and Timing

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

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

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

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

Process if a Record Exists

Human Resources will notify the department director of any criminal, civil court or financial record on an applicant, and the decision concerning application selection will rest with the department director. In cases concerning a current employee, the decision will rest with the department director. The department director will evaluate:

Whether the City's interests justify termination of employment or disqualification of the applicant based on the criminal, civil or financial record;

Whether the applicant/incumbent disclosed the information on the employment application;

The nature and gravity of the offense and whether it indicates a propensity to cause harm to other employees or citizens in the community;

The time that has passed since the conviction or completion of sentence;

Whether the individual completed treatment or rehabilitation;

The relationship between the nature of the offense and the job in question

D.5 New Employee Orientation

The City Manager's office is responsible for arranging an initial orientation for each new full-time regular employee and others receiving insurance benefits. This orientation includes a review of the City's personnel policies and benefits. The City Manager's office is responsible for ensuring that all necessary paperwork is completed by new employees; including benefit enrollment forms, tax withholding and payroll deduction forms. Each new employee will be provided with these personnel policies and is required to sign an acknowledgment of receipt of the policies to be included in their

personnel file. Departments shall be responsible for orientation of part-time and temporary employees.

The department head or designee is responsible for introducing the new employee to other City personnel and orienting the employee to department policies, safety procedures and performance standards.

E. PERSONNEL ACTIONS

E.1 New Employee

New employees will normally be placed at the minimum rate within the assigned salary range, but may be placed at a higher rate commensurate with the new employee's experience and qualifications. Employees will not be placed more than ten percent (10%) above the minimum rate on the basis of experience or qualifications without approval of the City Manager or designee.

Under-filling of positions should occur only when the employee hired does not possess the necessary minimum qualifications and qualified employees cannot be recruited. Under-filled positions should not be placed more than ten percent (10%) below the entry rate and a specific plan, including objectives and time line, should be developed to bring the employee within the established salary range during the first six months to one year of employment. Placement of new employees below the minimum of the salary range requires the approval of the City Manager or designee.

E.2 Performance Appraisal

The performance of every City employee will be periodically appraised to make sure that employees know how they are doing in terms of carrying out their job duties and requirements. The appraisals will be a factor in personnel actions such as merit increases, promotions, performance improvement counseling efforts and determinations of training needs and/or opportunities.

Department Heads and supervisors will be responsible for conducting formal performance appraisals on probationary employees prior to their regular appointment. Regular employees' performance will be appraised at least annually.

Supervisors may appraise an employee's performance at more frequent intervals or at the request of the employee. Performance appraisals will be in writing as well as discussed with the employee and will become a part of the employee's personnel record.

E.3 Promotion

Promotion is the appointment of an employee to another classification with a higher salary range. The City encourages employees to apply for promotions to positions for which they are qualified. A notice announcing each job vacancy will be posted for a minimum of five working days.

Upon promotion, an employee will be paid at the higher salary range in accordance with the guidelines established for new employees.

E.4 Demotion

Demotion is the appointment of an employee from a position in one classification to a position in another classification having a lower salary range. A reclassification to a lower classification is not considered a demotion.

An involuntary demotion is a disciplinary action and is addressed in Section K.3 of this manual.

A voluntary demotion is a demotion requested by an employee where the action is entirely voluntary on the part of the employee and not taken for any disciplinary reasons. Appropriate salary adjustments will be addressed with the employee at the time of the request.

E.5 Transfer

A transfer is the appointment to a position in the same or different classification which has the same salary range. When an employee is transferred, the rate of pay will remain the same.

E.6 Reclassification

A reclassification is the allocation of a position to another classification when the duties and responsibilities of the existing position have significantly changed.

If reclassification of the position is determined to be justified, in accordance with Section B.3 of this manual, the employee's classification and salary will be adjusted appropriately as of the date the reclassification is approved.

E.7 Layoff

The City will try to provide continuous employment to all regular employees whose performance is satisfactory. In the event that a workforce reduction becomes necessary due to changes in the duties of the organization, lack of work, lack of funds or other reason, the order in which employees will be laid off will be based on the relative qualifications and abilities of the employees in the job classifications involved. Seniority will be considered where the affected employees' qualifications and abilities are equal.

E.8 Resignation

If an employee chooses to resign, a written resignation should be submitted to the employee's supervisor or Department Head giving as much notice as possible, preferably not less than 10 working days.

When an employee resigns and has provided at least 48 hours of notice, excluding Saturdays, Sundays and holidays, the employee's final paycheck will be available on the last day worked. If the final day worked falls on a Saturday, Sunday or holiday, the employee's paycheck is due not later than the end of the next work day.

When an employee resigns without notice, all wages earned are due within five days, excluding Saturdays, Sundays and holidays, or at the next regular payday, whichever occurs first.

E.9 Termination

Department heads are at-will employees and may be terminated at any time without cause by the city manager. The city manager may, but is not required to, offer a department head an opportunity to resign or to accept a different position rather than a termination without cause. Terminations shall be in writing or confirmed in writing, with the termination letter to include the date of termination and a statement that the termination is without cause and is not a disciplinary action.

F. EMPLOYEE STATUS

F.1 Probationary Period

The probationary period is an integral part of the selection process for new employees and employees receiving promotions. Department heads and supervisors will use the probation period to evaluate and train the new employee and to encourage adjustment to the new position and City service.

The length of the probationary period for new employees and promotional appointments will be six months, except for fire apparatus operators and police supervisors who have a 12 month probationary period. During the probationary period a new employee may be disciplined or dismissed without right to the grievance procedure. In the case of promotional appointments, a promoted employee may be reinstated to his/her former classification without right to the grievance procedure during the probationary period.

Prior to the completion of the probationary period the supervisor will meet with the employee to evaluate the employee's performance and to determine if the probationary period has been successfully completed. An employee's probationary period may be extended for up to an additional six (6) months by the department head. Extensions of the probationary period are to be in writing, outlining the performance problems or other concerns which need to be corrected /addressed.

F.2 Regular Appointment

Employees receive regular appointment upon notification of successful completion of his/her probationary period.

F.3 Temporary Appointment

An employee hired for a position for a limited period not to exceed six consecutive months. This period of time may be extended by the City Manager for unusual circumstances. Temporary employees receive no benefits with the exception of those required by state or federal regulations.

F.4 Relatives in City Service

The City does not discriminate against an individual solely because another member of that individual's family works or has worked for the City.

An individual will, however, not be hired if it results in one relative exercising supervisory, appointment or grievance adjustment authority over a member of the individual's family. "Member of an individual's family" is defined as husband, wife, son, daughter, and mother; father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent or stepchild of the individual. If one employee becomes related to another employee through marriage and a supervisory, appointment or grievance adjustment relationship exists, one of them must elect to transfer to a position that the person is qualified for and that would not result in a violation of this policy or resign within 120 days.

G. OVERTIME

G.1 Policy

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

G.2 Definition and Administration

Overtime – Full-time employees and part-time employees working 30 or more hours per week will be paid overtime for time worked in excess of eight hours per day or 40 hours per work week. Overtime for hours worked in excess of eight hours per day may be waived in advance by mutual agreement in writing between the City and the employee. A copy of the agreement shall be provided to Payroll. In all instances, employees will be paid for hours worked in excess of forty 40 hours per work week.

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

Fire protection employees will be paid overtime for hours worked in excess of 212 hours within an established 28 day work period. Police department employees will be paid overtime for hours worked in excess of 171 hours within an established 28 day work period.

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

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

G.3 Exemptions

Employees of the City in positions which fall under the definition of an administrative, executive or professional employee (FLSA 29 C.F.R. Section 541.1, 2, 3) and are designated as exempt employees are exempt from overtime provisions. All such

employees are required, for the salaries, compensation, fees or pay fixed for their respective positions, to render such service as may be necessary to complete assigned duties and responsibilities in a proper and efficient manner.

G.4 Authorization for Overtime

All overtime worked by non-exempt employees should normally be approved by the immediate supervisor in advance of being worked; however, in the case of emergencies, the employee must notify the supervisor as soon as possible, but not later than the next working day, of the need to work overtime. Department heads may authorize overtime by policy or category without the need for individual approval of each instance of overtime work. Overtime may be authorized retroactively by a department head for good cause, such as the need to leave a worksite in a safe condition or to complete transactions with citizens.

G.5 Compensation for Overtime

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

G.6 Compensatory Time

Employees are encouraged to take accumulated compensatory time on a timely basis. Requests to use compensatory time require approval by the immediate supervisor or Department Head. The City can also require the use of compensatory time to ensure accruals are being used in a timely manner. Compensatory time is to be taken in minimum of one-half (1/2) hour increments. Employees may accrue a maximum of forty (40) hours of compensatory time. The maximum accrual for compensatory time may be increased by the City Manager or designee.

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

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

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

H. ATTENDANCE AND HOURS OF WORK

H.1 Hours of Work

Department Heads are responsible for establishing a schedule of general business and regular working hours for their departments.

H.2 Attendance

Employees are expected to be at work on their normally scheduled work days unless they have received prior approval from his/her immediate supervisor. An employee who cannot report to work at the designated time should notify his/her immediate supervisor as soon as possible of the reason and expected duration of the absence. If the employee has a legitimate reason for the absence, any such time off shall be an authorized absence and shall be taken as sick time, vacation time, compensatory time, or leave without pay, consistent with these policies. Any unauthorized absence will be as leave without pay and may be cause for disciplinary action. Nothing in this rule prevents a supervisor from retroactively authorizing an absence if the supervisor determines that the absence was for a legitimate reason and that any failure or delay in reporting the absence was excusable.

H.3 Meal/Rest Periods

Employees working six or more consecutive hours in a work day will be provided with at least a thirty (30) minute meal period normally scheduled by the employee's immediate supervisor. For work periods of seven hours or less (but at least six), the meal period is to be taken between the 2nd and 5th hour worked. If the work period is more than seven hours, the meal period is to be taken between the 3rd and 6th hour worked. If an employee is required to remain on duty during the meal period or performs any tasks, the employee will be paid for the meal period.

Employees will be provided with a fifteen minute rest period for each four (4) hours of working time to be taken, insofar as feasible, approximately midway in the work period. Breaks should be arranged so as not to interfere with City business.

I. EMPLOYEE BENEFITS

I.1 Holidays

- a. Recognized Holidays - the following days will be recognized and observed as paid holidays:

New Year's Day	(January 1st)
Martin Luther King Day	(third Monday in January)
President's Day	(third Monday in February)
Memorial Day	(last Monday in May)
Independence Day	(July 4th)
Labor Day	(first Monday in September)
Veteran's Day	(November 11th)
Thanksgiving Day	(fourth Thursday in November)
Day After Thanksgiving	(Friday following Thanksgiving)
Christmas Day	(December 25th)
Personal Holiday	(day off during year at employee's

discretion)

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

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

Whenever a recognized holiday falls on a Sunday, the following Monday will be considered a holiday. Whenever a recognized holiday falls on a Saturday, the preceding Friday will be considered a holiday.

- b. Eligibility - Full-time employees will receive their regular compensation for each recognized holiday. Part-time employees who work an average of 20 hours or more per week receive prorated compensation for holidays based on annual scheduled hours. Part-time employees who work an average of less than 20 hours per week and temporary employees are not eligible for paid holidays. Fire Apparatus Operators receive five (5) additional shifts off per year, in lieu of holiday pay.

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

c. Working on a Holiday - An employee eligible for holiday pay who works on a recognized holiday (not to be moved because of the recognized holiday falling on either a Saturday or Sunday) as part of his/her regular work week will be compensated at one and one-half (1 2) times his/her regular rate of pay for actual hours worked in addition to holiday pay.

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

d. Personal Holiday - An employee may take a personal holiday of his/her choosing with prior approval of the immediate supervisor. The personal holiday is credited on July 1st of each year to current eligible employees. An employee must use the personal holiday within that fiscal year or lose any unused personal holiday time.

I.2 Vacation

Vacation Accrual - Vacation accrual is calculated on a monthly basis beginning with an employee's date of employment. Vacation accrual amounts in the first and last month of employment will be prorated based on the number of hours worked and will be rounded to the nearest two (2) hours.

New employees will accrue vacation, but are not able to use it until after successfully completing the first six (6) months of employment. If an employee terminates during the first six (6) months of employment, no vacation benefits will be paid. Upon separation from the City, an employee will be paid for any unused vacation accrual.

The following chart sets forth the amount of vacation accrual a full-time employee earns on a monthly basis.

Years of Service	Monthly Accrual	Days/Year
0 to 5 years	8.0 hours	12 days
5 to 10 years	10.0 hours	15 days
10 to 15 years	12.0 hours	18 days
15 to 20 years	15.34 hours	23 days
20+ years	16.67 hours	25 days

The following chart sets forth the amount of vacation accrual a full-time Fire Apparatus Operator earns on a month basis.

Years of Service	Monthly Accrual	Shifts/Year
0 to 5 years	12.0 hours	6 shifts
5 to 10 years	14.0 hours	7 shifts
10 to 15 years	16.0 hours	8 shifts
15+ years	17.33 hours	8 3/4 shifts

Employees designated as exempt accrue an additional 4 hours per month (6 days per year) of vacation. Department heads accrue a further additional 2 hours per month (3 days per year) of vacation.

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

An eligible employee accrues vacation benefits for any period during actual work and/or while on paid status. This includes an injured worker who is receiving worker's compensation time loss benefits. To be credited vacation benefits during partial months, the employee must work or be on the above-stated paid status at least one-half of his/her assigned work hours for the month. Vacation benefits do not accrue when an employee is on unpaid status more than one-half of his/her assigned work hours for the month.

The maximum accrual for vacation benefits is thirty (30) working days or fifteen (15) shifts for Fire Apparatus Operators. Although an employee's accrual may exceed this amount during the year, the maximum accrual amount is the amount that can be carried over from one calendar year to the next without written permission of the City Manager or designee. The City in certain circumstances at its sole discretion may choose to pay the employee for vacation time accrued in excess of the maximum accrual rather than allowing for the carryover of vacation time over the maximum accrual, but will not pay for more than 40 hours per year.

Scheduling - Vacation schedules must be approved by the Department Head. Desires of individual employees will be considered. At times, vacation requests may have to be denied or amended to meet department needs or work

emergencies. Vacation is to be taken in minimum of one-half (1/2) hour increments.

I.3 Sick Leave

a. Sick Leave Accrual - Full-time employees accrue sick leave at the rate of eight (8) hours per month and the maximum accrual is 910 hours, unless otherwise provided by law or agreement. Fire Apparatus Operators accrue sick leave at the rate of one-half shift (12 hours) per month.

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

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

c. Scheduling/Employee Responsibility - Sick leave is to be taken in one-half hour increments and charged to the nearest one-half hour of time off work. An employee who works a twenty-four (24) hour shift and is absent because of illness for an entire shift will be charged twenty-four (24) hours of sick leave credits.

It is expected that an employee will notify the immediate supervisor of intent to use accrued sick leave as soon as possible, and generally no later than one (1) hour after his/her normal starting time. This section does not relieve the employee of the obligation to inform the city of an absence prior to the time the employee is scheduled to start work. The immediate supervisor may require certification from a physician to substantiate that an illness or injury prevents the employee from working and/or a signed work release to return to work. If the employee does not provide appropriate notification or certification as required, sick leave with pay will not be provided and the employee may be subject to disciplinary action.

For sick leave requests which are predictable, the employee should provide the immediate supervisor sufficient notice to plan for appropriate staffing during the employee's absence.

In order to maintain employment status while on sick leave in excess of fourteen (14) calendar days, an employee must maintain a current physician's statement on file with the City and must call in to his/her immediate supervisor at a minimum of every fourteen (14) calendar days. The employee must notify his/her immediate supervisor as soon as the attending physician releases the employee to return to work and a signed work release must be provided to the immediate supervisor on or before the start of the first day back to work.

Sick leave is intended to protect an employee against undue financial loss in the event of a serious illness or injury. Any misuse or abuse of sick leave will be grounds for disciplinary action.

- d. Use of Sick Leave - Employees may use their accumulated sick leave for the following purposes:
 - 1) On- or off-the-job illness or injury which renders the employee unable to perform their work duties. In the event of an on-the-job illness or injury, an employee may utilize sick leave for the three day waiting period before worker's compensation benefits begin, if applicable. After any waiting period, an employee may utilize sick leave to augment worker's compensation benefits up to his/her normal gross salary.
 - 2) Medical or dental appointments which cannot reasonably be scheduled during non-working time.
 - 3) Quarantine of an employee by a physician.
 - 4) Illness or temporary disability of an immediate family member of the employee to allow the employee:
 - i. To care for the family member;
 - ii. In the case of a serious illness, to be with the family member in a hospital or other medical or care facility;
 - iii. To arrange or facilitate care for the family member.
- e. Sick Leave Credits Upon Separation - No payment will be made for unused, accrued sick leave upon separation of employment. As applicable PERS/OPSRP employees will have one-half of their unused sick leave accrual, up to any caps, sent to PERS/OPSRP for credit toward their retirement benefits (ORS 237.153 - City Resolution No. 2443).
- f. Donated leave.
 - 1) Employees will be allowed to donate accrued vacation or compensatory time to other employees under certain

circumstances. Donations may not be withdrawn once made but will be returned to the donor if not used. All time donated will be converted to sick time for the receiving employee. Donated hours may be used by an employee who is ill for a protracted period of time or by an employee who would otherwise be entitled to unpaid family medical leave under federal or state law.

- 2) The City shall determine the order in which donated leave will be transferred to the recipient employee. Donations not used will not be debited against the donor's accrued leave.
- 3) Donated hours shall not be processed in an amount greater than needed to cover more than a single pay period at a time.
- 4) To avoid any impact on the city's financial resources, the amount of leave credited shall be adjusted based on the relative salary of the donor and recipient employees. The adjustment shall be calculated as follows:
 - i) Multiply the donor's hourly rate times the number of hours donated.
 - ii) Divide the product by the recipient's hourly rate to arrive at the number of hours of donated leave available for use by the recipient.
- 5) For all purposes, donated time shall be considered sick time.
- 6) The City will not release any medical information regarding the recipient employee or his/her family members unless authorized to do so, in writing, by the recipient employee.
- 7) The City retains the right to change, modify or discontinue this program at any time.

Conditions for Making Leave Donations

- Donations must be made in increments of whole hours.
- Employees may donate any accrued compensatory time.
- In order to donate accrued vacation leave, an employee must still have forty (40) hours of accrued vacation time after making his/her leave donation.
- In order to donate sick leave, the employee must still have 160 hours of accrued sick leave after making the donation.
- The maximum amount of sick leave that may be donated by an employee to another employee is 20 hours per calendar year.
- Donors must sign a declaration that their donation is voluntary and is intended as a gift and has been made without coercion, compensation or for other consideration.
- The City will not release to the recipient information regarding who has or who has not made a donation.

I.4 Retirement

- a. Eligibility - Regular employees scheduled to work 30 or more hours per week other than public safety employees become participants of the City of Newport Employees' Retirement Plan on the first of the month following six (6) months of employment.
- b. Retirement Benefits - A Summary Plan Description of the City of Newport Employees' Retirement Plan which describes the retirement program and benefits is available to employees at the time of hire and upon request.
- c. Public Safety Employees - Sworn police officers and firefighters participate in the Oregon Public Employees Retirement System (PERS) or Oregon Public Service Retirement Plan (OPSRP) as applicable. Member's Handbooks are available from PERS or OPSRP which describe these programs in additional detail.
- d. Retirement Date - There is no mandatory retirement date for City employees. Employees may continue to work while they meet the expectations and requirements of the position and fulfill their duties.

I.5 Insurance

- a. Eligibility - Employees working an average of 30 or more hours per week are eligible for insurance benefits. Part-time employees working less than 30 hours per week and temporary employees are not eligible. Coverage begins on the 1st of the month following one month of employment.
- b. Health Insurance - Health insurance benefit programs provide medical, dental and vision coverage for employees and eligible dependents.

Health insurance benefits will continue to be provided while an employee is on a paid leave of absence from the City. If an employee is on an unpaid leave of absence of more than one-half of his/her assigned work hours for the month, the employee may choose to continue his/her health insurance coverage by paying the entire premium amount to the City.

For employees that have requested and been granted a leave under the Federal Family Medical Leave Act (FMLA), his/her health benefits will be maintained during any period of unpaid leave under the same conditions as if his/she had continued to work. If the employee does not return to work following the FMLA leave for other than the continuation, recurrence or onset of a serious health condition which would entitle him/her to FMLA leave, he/she may be required to

reimburse the City for the share of health insurance paid on his/her behalf during the FMLA leave.

On separation from City employment or other qualifying event, an employee or their dependents may elect to continue City health benefits at their own expense to the extent provided for under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Additional information regarding the health insurance coverage is available through the summary plan descriptions provided by Regence Blue Cross/Blue Shield or at their website (www.or.regence.com)

c. Life Insurance - The City provides \$10,000 of term life insurance and \$10,000 of accidental death & dismemberment (AD&D) insurance coverage to eligible non-management employees. Management employees receive \$30,000 of term life insurance and \$30,000 of AD&D insurance. The City also provides \$2,000 of life insurance for the employee's spouse and graded amounts of life insurance up to \$2,000 for children, depending on age. A supplemental life insurance program is also available through payroll deductions for employees and dependents.

d. Long-Term Disability (LTD) - Salary Continuation Plan - The City provides eligible employees a salary continuation plan that provides payment of 66 2/3% of the employee's salary up to a maximum amount if the employee is disabled for more than 90 calendar days.

I.6 Worker's Compensation

All employees (including part-time and temporary employees) are covered under worker's compensation which provides payment for medical treatment and time loss benefits for on-the-job injuries and occupational diseases. An employee may choose to supplement these benefits with accrued paid sick leave as provided for in Section I. 3. d of this handbook

I.7 Deferred Compensation

Employees may choose to invest pre-tax dollars through payroll deduction in a deferred compensation program.

I.8 Incentives/Rewards

The City may from time-to-time provide additional benefits or rewards to employees. Benefits may be available for all, may be for specific job performance or may be a random basis. Examples of additional benefits include

but are not limited to: partial payment of health club membership; meals, entertainment and prizes at employee appreciation events; and food or refreshments at city meetings.

J. LEAVES OF ABSENCE

J.1 Leaves of Absence with Pay

Employees may request a leave of absence with pay for the purposes specified in this section. Each request must be approved by the Department Head and will be evaluated on its own merits and on the basis of the guidelines provided in this section.

a. **Compassionate Leave** - In the event of a death in an employee's immediate family, the employee may be granted a leave of absence with pay not to exceed three (3) working days. If the death in the employee's immediate family should require out-of-state travel or more than eight hours drive time, the leave may be extended to five (5) working days.

b. **Funeral Participation** - When an employee attends a funeral locally (generally, within the County), but not of an immediate family member, and serves as a pallbearer or in another way participates in a funeral ceremony, the employee may be granted a reasonable amount of time off with pay to do such duty.

If an employee wants to attend the funeral of a friend locally (generally, within the County), the employee may be granted the time off with pay to attend the funeral. Employees wanting to attend a related social gathering must use vacation and/or compensatory time for such activities.

c. **Jury Duty and Witness Leave** - An employee called for jury duty or required by the City to testify in any court or administrative proceeding and is required to miss work as a result will be on leave with pay status for any work time missed. The employee is required, however, to remit to the City any compensation received for such duties, excluding compensation received for mileage and amounts received when required to report outside the employee's normal work shift.

Employees are expected to report to work when not actually engaged in jury service. Employees working outside normal working hours should consult with their department head regarding work expectations while on jury duty.

d. **Military Leave** - An employee who has been employed by the City for six (6) months or more immediately preceding an application for military leave, and who is a member of the National Guard or of any reserve components of the armed forces of the United States will be entitled, upon application, to a leave of absence for a period not exceeding fifteen (15) calendar days in any one "training year." "Training year" for this section means the federal fiscal year for any particular unit of the National Guard or a reserve component.

Such leave will be granted without loss of pay or other leave, and without impairment of merit ratings or other rights or benefits to which entitled. Military leave with pay will be granted only when an employee receives bona fide orders to temporary active or training duty, and will not be paid if the employee does not return to the employee's position immediately following the expiration of the period for which the employee was ordered to duty. The City shall maintain insurance for employees and any covered dependents if the employee is called up for active duty until such time as insurance coverage for the employee related to the employee's military service commences. The employee shall be required to pay the employee's share of any premiums.

e. Search and Rescue Operations - An employee may be granted a leave of absence with pay to participate in a search and rescue operation for a period of not more than five (5) working days.

J.2 Leaves of Absence without Pay

Employees may request a leave of absence without pay for the purposes specified in this section. Each request must be approved by the Department Head and will be evaluated on its own merits and on the basis of the guidelines provided in this section.

Benefits including, but not limited to, sick leave, vacation, and insurance coverage, will not normally accrue during an extended leave of absence without pay. For the employee to maintain his/her health, life and dental insurance in effect, he/she must pay the premium amount to the City in advance for any period during which the insurance would lapse. To accrue sick leave and vacation leave and for the City to continue to make health insurance premiums during partial months, the employee must work or be on paid status for at least one-half of his/her assigned work hours for the month.

Military Leave of Absence - Military leaves of absence will be granted in accordance with the Uniformed Service Employment and Re-employment Rights Act (USERRA) and any other applicable federal or state law.

b. Peace Corps Volunteer Leave - A full-time employee will be granted a leave of absence for up to two (2) years to serve as a volunteer in the Peace Corps. Upon expiration of the leave the employee will have the right to be reinstated to the position held before the leave was granted and at the prevailing salary rate for such position without loss of seniority or other employment rights. Employees are required to report to work within ninety (90) calendar days following termination of Peace Corps service.

c. Other Leaves of Absence without Pay – A regular employee may be granted a leave of absence without pay upon a showing of good cause. Generally, unpaid leaves of absence may not exceed ninety (90) days. The department head may, however, authorize extensions beyond a ninety (90) day period. All leaves must be requested in writing, including the reason for the leave and a date certain for the employee to return to work. Employees who fail to return to work upon expiration of an authorized leave will be considered to have terminated their employment with the City. The granting of such an unpaid leave of absence is subject to the operational needs of the City and is discretionary.

J.3 Family and Medical Leaves

a. General Provisions - It is the policy of the City of Newport to grant family and medical leave in accordance with the Family and Medical Leave Act of 1993 (FMLA) and the Oregon Family Leave Act (OFLA) of 1995. The leave may be paid, unpaid or a combination of paid and unpaid depending on the circumstances.

b. Eligibility - To be eligible for Oregon Family Leave (OFLA), an employee must have worked for the City at least 180 days before the first day of the leave. Employees must also have worked an average of 25 hours or more per week. However, to take leave for the birth, adoption or placement of a child, the 25-hour average is not required.

To be eligible for federal Family and Medical Leave (FMLA), an employee must have worked for the City at least 12 months and for at least 1250 hours during the previous 12-month period. Leave taken under federal FMLA will count as OFLA entitlement.

c. Type of Leave Covered - In order to qualify under this policy, the employee must be taking the leave for one of the reasons listed below:

- * The birth of a child and care for that child;
- * The placement of a child for adoption or foster care;
- * To care for a spouse, child or parent with a serious health condition; (OFLA leave also includes parent-in-law).
- * The employee's own serious health condition;
- * To care for a sick child who is suffering from an illness or injury which requires home care, but is not a serious health condition. (OFLA leave only.)

A "serious health condition" for the purpose of FMLA leave is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility or a condition which requires continuing care by a licensed health care provider. Under OFLA, a "serious health condition" means: (a) an

illness, injury, impairment or physical or mental condition which requires inpatient care in a hospital, hospice or residential medical care facility; or (b) an illness, disease or condition that in the medical judgment of the treating health care provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care; or (c) any period of disability due to pregnancy or child birth or period of absence for prenatal care.

Employees with questions about what illnesses are covered by family and medical leaves are encouraged to consult with the City Manager's office. The City may require an employee to provide a doctor's certification of the serious health condition. The certification process is outlined in section I.

d. Length of Leave - An eligible employee can take up to 12 weeks of leave under this policy during any 12 month period. The City will measure the twelve month period as a rolling 12 month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

Under OFLA an additional 12 weeks of leave is available to a woman for an injury or condition related to pregnancy or childbirth. Under OFLA, parents who use family leave to care for a newborn, newly adopted child or newly placed foster child are also entitled to take up to 12 weeks to care for a child with an illness or an injury that is not a serious health condition.

e. Procedure for Requesting Leave - When an employee plans to take leave under this policy, the employee must provide the City 30 day's written notice, including an explanation of the need for leave. If it is not possible to give 30 days notice, the employee must provide as much notice as is practicable. An employee undergoing planned medical treatment is expected to make a reasonable effort to schedule the treatment to minimize disruption to the City's operations.

Under FMLA, if an employee fails to give proper notification, the leave request may be postponed for 30 days. Under OFLA, if an employee fails to give proper notification, the City may reduce the period of family leave by up to three weeks in any one-year period.

If the employee has accrued paid leave available (such as vacation, sick leave, compensatory time or any other paid leave), the employee must use paid leave first and take the remainder of the leave as unpaid.

While on leave, employees are required to report periodically to the City regarding the status of the medical condition and their intent to return to work.

f. Employee Status & Benefits During Leave - While an employee is on FMLA leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.

Under current City policy, the employee pays a portion of the health care premium. While on paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Payroll Office by the 10th of the month for the following month's premium. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.

g. Employee Status After Leave - An employee who takes medical or family leave will be able to return to the same or equivalent position. An equivalent position will have the same pay, benefits and working conditions; will involve the same or substantially similar duties; and involve substantially equivalent skill, effort, responsibility and authority.

h. Intermittent Leave or a Reduced Work Schedule - An employee may take family or medical leave in 12 consecutive weeks; or under certain circumstances, may use the leave intermittently (take a day periodically when needed over the year) or may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 weeks over a 12-month period.

For the birth, adoption or foster care of a child, the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the City before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must provide proof that the use of the leave is medically necessary.

i. Certification of the Serious Health Condition - The City may ask for certification of the serious health condition for which family or medical leave is

requested. The employee must respond to such a request within 15 days of the request, or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

The City has the right to request a second opinion if it has reason to question the certification. The City will pay for the employee to receive a second opinion from a doctor of the City's choice.

If necessary to resolve a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor, jointly agreed upon by the employee and the City. This opinion will also be paid by the City and will be considered final.

K. DISCIPLINE AND PERFORMANCE EVALUATION AND ASSISTANCE

K.1 General

Disciplinary action is established to assure appropriate workplace behavior and to assure that the City maintains workforce of trustworthy and honest employees. The City also has performance standards for employees so that they provide quality and efficient service to the City of Newport. To assist employee performance, the City provides evaluation and assistance of employees. The purpose of disciplinary action is to correct inappropriate conduct and to assist the employee in avoiding inappropriate conduct. The purpose of performance evaluation and assistance is to assist employees to perform their work to meet or exceed expectation. Discipline is not to be used to correct performance issues unless the performance issues also involve inappropriate conduct.

K.2 Cause for Discipline

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

- * theft, misappropriation or unauthorized removal of City property
- * falsification or omission of facts on forms, records, or reports including time sheets/records or application materials.
- * personal solicitation or acceptance of a payment, gift or other valuable item for providing a City service.
- * destruction, misuse or being wasteful of City property, facilities, materials or working time.
- * use of alcohol or controlled substances which affects performance; possession of alcohol or controlled substance during working hours (except as may be required in the line of duty)
- * Abusive language or discourteous conduct toward the public or other employee; sexual or other harassment of another employee or the public
- * failure to comply with established rules, procedures or directives
- * failure to comply with a proper directive from a supervisor
- * non-compliance or disregard of established safety policies or procedures; failure to report injury, accident, or unsafe conditions.
- * excessive absences or tardiness; abuse of sick leave; working overtime without appropriate approval.
- * dishonesty
- * any act, whether employment related or not, that has a serious detrimental effect on the City, the City's reputation or public trust in the City, taking into account the job classification of the employee. Management

personnel are held to a higher standard of workplace and non-workplace behavior.

- * violation of the provisions of City or departmental policies, rules or regulations, other than violations of performance standards.

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

K.3 Forms of Disciplinary Action

Disciplinary action may take any of the following forms depending upon the seriousness of the infraction, previous work record, longevity of the employee and other relevant factors.

1. Oral Warning - A verbal notice to an employee that his or her behavior must be improved or corrected. An oral warning may be given by the immediate supervisor and defines the corrective action required and informs the employee that failure to comply with the oral warning will result in more serious action. Supervisors will record the date and subject of the oral warning, but no record will be placed in the employee's personnel file.
2. Written Warning - A written notice to an employee that his or her behavior must be improved or corrected. It is generally used when an employee fails to respond to an oral warning, but may be used without a prior warning. This notice will be given by an immediate supervisor and contain a statement of the cause for the action, improvement or corrective action required of the employee, time frames for such action, and possible results of the employee's failure to comply. Written warnings are placed in the employee's personnel file. An employee receiving a written warning may write a response to that action and place a copy of the response in the personnel file.
3. Suspension - The temporary removal of an employee from duty without pay. A suspension without pay may be given for serious infractions of employee rules of conduct that are not deemed sufficient justification for termination, for repeated offenses, or for failure to correct an action for which a written warning was given. Suspension may be imposed regardless of whether the employee had received a previous oral or written warning. Suspension actions are placed in the employee's personnel file.
4. Involuntary Demotion - The transfer of an employee to a position in another classification having a lower maximum salary rate. A demoted employee will retain all seniority and will assume a salary commensurate with the lower classification. Notice of demotion will be placed in the employee's personnel file. Involuntary demotion may be imposed for serious misconduct regardless of whether disciplinary action had been previously taken against the employee.

Only department heads or the City Manager may involuntarily demote an employee. A change in job assignments within the same classification or to another classification with the same pay range is not a demotion and is not disciplinary action.

5. Reduction in Pay - A reduction in pay is a reduction of the employee's salary within the salary range for disciplinary purposes for serious misconduct. Reduction in pay may be used as an alternate to suspension without pay. A reduction in pay is set for a time certain, during which period any consideration of a merit increase will be suspended. Notice of a reduction in pay will be placed in the employee's personnel file. A reduction in pay may be imposed regardless of whether the employee had received a previous oral or written warning. Only a department head or the City Manager may impose a reduction in pay.

6. Dismissal - Dismissal is the involuntary termination of an employee from City service for reasons attributable to the employee. Only a department head or the City Manager may dismiss an employee. Dismissal will be used when all other means of improving the employee's behavior or performance have failed or when the nature of the misconduct warrants dismissal. A prior history of disciplinary action is not a pre-requisite to dismissal – an employee may be dismissed for a single act or omission. Acts or omissions that are grounds for termination without a prior history of misconduct include but are not limited to:

- a. Knowingly false statements made on or in connection with an application for employment or benefits, including knowingly false statements on any resume submitted to the City.
- b. Theft or misappropriation of City funds or property.
- c. Conviction of a misdemeanor involving dishonesty or violence or of a felony.
- d. Sexual or physical harassment.

The City may terminate employees for reasons other than discipline, including lay-offs for budgetary reasons and terminations for poor job performance. Lay-offs and performance-related terminations are not disciplinary actions.

Nothing in this list of potential disciplinary actions prevents the City from taking other actions to assure appropriate workplace conduct, including, but not limited to, requiring an employee to depart the work place for the remainder of the day with pay, or placing an employee on administrative leave with pay while a disciplinary process is pending.

K.4 Disciplinary Process/Hearings

Verbal warnings are final and not subject to review or appeal. Any suspension with pay is an interim action not subject to review or appeal. Disciplinary action other than verbal warnings or suspension with pay shall be initiated by a supervisor, responsible department head, or City Manager by informing the employees in writing of the allegations and potential discipline. The notice of potential discipline shall state what discipline will be imposed if no written submission is provided and no hearing requested. For sanctions greater than a warning, a supervisor who is not a department head may initiate the disciplinary action by issuing the required written notice, but the decision shall be made at the department head level or above. For written warnings, the employee shall have five working days to provide a written response to the notice of discipline. For discipline other than verbal or written warnings, the employee shall have the right to submit a written response or a written request for hearing within five working days of the written notice of discipline. If a hearing is requested, the hearing shall be scheduled within one week after the written request for a hearing is submitted. The written notice of potential discipline may place the employee on administrative leave with pay pending a final decision on the disciplinary sanction.

After considering the employee's response, the supervisor, department head or City Manager may decide not to impose any discipline, may proceed with the default disciplinary action stated in the notice, or select another form of discipline. Final written notice of the disciplinary action will state the discipline imposed, the findings that substantiate the discipline, the effective date of the discipline, and the employee's appeal rights, if any.

If a situation arises where an employee must be immediately removed from the work site, a supervisor may have the employee removed and initiate formal disciplinary action. In these instances, any time off from work prior to the final decision shall be with pay.

A final decision by a supervisor imposing a written warning may be appealed to the department head, whose decision shall be final. The Department Head may consult with the Human Resources Coordinator, the City Attorney and/or the City Manager in making the decision. A final decision of a department head other than an oral warning or a decision on appeal of a written warning, may be appealed to the City Manager. Appeals must be filed in writing with the Human Resources Coordinator within 10 calendar days of the decision imposing the sanction. When an appeal is filed, a date shall be set for a hearing within 10 calendar days after the date the appeal is filed.

Nothing in this section shall be interpreted as limiting the City's right to proceed with a "not for cause" termination of any employee. An employee who is laid off for economic reasons shall be eligible for rehire by the City.

Termination of department heads shall be according to their employment contracts.

The City may vary from the procedures stated in this section as needed to comply with applicable law, including decisions from courts that would have jurisdiction, either at trial or at any level of appeal or review, to consider challenges to City decisions.

K.5 Performance Evaluation and Assistance

Each employee's work performance is subject to monitoring, review and evaluation by the employee's supervisors, including both direct supervisors and higher level supervisors and management. Most employees will receive an annual performance evaluation, but the City may evaluate performance more frequently. A performance evaluation may include directives or suggestions to improve performance. Directives or suggestions must be included for any identified deficiency in performance. The goal of all performance evaluations is to improve performance.

The City may terminate any employee during the probation period. After an employee passes probation, the employee is expected to competently perform assigned tasks within the job description. If a supervisor determines that an employee is not performing to an acceptable level, the supervisor will attempt to assist the employee to meet the expectations of the position. Minor deficiencies may often be corrected by a simple verbal directive from a supervisor. Repeated or more serious job deficiencies require written performance evaluations and directives. A performance evaluation intended to address a deficiency shall describe the deficiency and provide directions for proper performance of the job.

If an employee is unable to perform the work for which the employee is responsible to an acceptable level, after repeated (at least three) written directives to improve performance, the employee may be reassigned or terminated. Termination for inadequate performance is not discipline and not subject to Sections K.2, K.3, or K.4.

The process for termination for inadequate performance shall be initiated by written notice from the department head to the employee specifying the inadequacies in performance and describing the history of inadequate performance. The employee may request a hearing by submitting a written request for hearing to the human resources coordinator within five days of receiving the notice, and the hearing shall be held within five days of receipt of the notice. The hearing shall be before the City Manager or designee. The department head that issued the notice may attend but may not preside over the hearing.

L. GRIEVANCE PROCEDURE

L.1 General

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

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

L.2 Grievance Process

A formal grievance will be handled in the following manner:

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

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

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

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

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

M. SAFETY AND HEALTH

M.1 General

The City seeks to provide a safe and healthful working environment which protects employees and the public from injury. Department Heads are responsible for the development and maintenance of safety and health rules in their departments. Each new employee will receive instructions on safety procedures as part of their job-training and orientation process.

Employees are responsible for following established safety procedures, including wearing and/or using appropriate personal protective gear and safety equipment. An employee who is aware of an unrecognized or poorly identified hazard or potential hazard in his/her job or the work place is to report such hazard to the supervisor or a member of the City's safety committee. If the situation presents an immediate hazard to personal safety, the employee should take necessary measures to prevent injury before notification of the supervisor.

Employees who violate established safety and health rules or procedures may be disciplined up to and including dismissal depending on the severity and frequency of the violation.

M.2 Safety Committee

The City's Safety Committee responsibilities include; investigating injuries and accidents and proposing needed corrective measures; reviewing employee safety and health suggestions/recommendations; recommending changes or additions to improve safety; conducting periodic workplace inspections and making recommendations; following up on inspection results; and recommending activities to stimulate and maintain employee interest in efforts to improve safety and health in the workplace.

M.3 Injuries and Accidents

If an accident occurs while an employee is performing his/her assigned duties, the employee will immediately notify his/her supervisor, who will ensure that all necessary forms are completed. If a motor vehicle is involved in the accident, the Police Department will be notified immediately. If the injury/illness requires medical attention and/or time loss, a Report of Accident form and a Worker's Compensation 801 form must be filled out by the supervisor and employee. The City Manager's office will be notified of accidents involving City employees and City equipment as soon as possible.

M.4 Workplace Smoking

To protect the health of all employees, smoking is prohibited in all city-owned or operated facilities, in city vehicles, and in outside areas at some city facilities. Except where prohibited by ordinance, smoking is permitted outdoors.

M.5 Drug Free Workplace

1. Philosophy - The City of Newport is committed to maintaining a drug-free workplace in order to provide a safe, healthy and productive work environment for all employees.

The City recognizes its responsibility to protect and serve the community and is concerned with alcohol use and substance abuse because of its effect on an employee's performance on the job. Employees are encouraged to report any instances of possible substance and/or alcohol abuse in the workplace.

The City further recognizes alcohol dependency and substance abuse as treatable illnesses and encourages employees who suspect they may have an alcoholism/substance abuse problem to take advantage of available diagnostic, counseling and other treatment services.

This policy is intended to set forth guidelines for the detection, deterrence and treatment of alcohol and substance abuse.

2. General Statement of Policy - The use, sale, possession or distribution of any controlled substance during working hours is prohibited, except for police officers in the line of duty. Any use of or impairment by alcohol or illicit drugs while working or during on-call status is prohibited. Employees whose off-duty use of alcohol or illicit drugs impacts job performance will be disciplined accordingly.

Employees having an alcoholism or substance abuse problem are expected to seek appropriate treatment for their illness. Employees may confidentially request initial assistance from the Employee's Assistance Program (EAP) and/or the City Manager's office or Department Head to find appropriate agencies to deal with this illness. In many instances, insurance benefits are available for treatment programs. Sick leave benefits will be allowed for an employee who needs time off in order to obtain professional treatment.

The policy of treating alcoholism or substance abuse like other illnesses does not relieve an affected employee from the employment conduct or job performance standards applicable to other employees. Affected individuals will be held to the same standards of performance as all employees. Participation in and successful completion of a treatment program may be required as a condition of continuing employment.

In accordance with the Drug-Free Workplace Act of 1988, employees must give the City notice within five (5) days of any conviction for a drug offense in the workplace. Where provisions of state or federal law(s) conflict with the provisions of this policy, the state or federal law(s) will prevail.

3. Mandatory Alcohol and Drug Testing Program for Commercially Licensed Drivers (CDL) - City employees who are required to hold a Commercial Driver's License (CDL) as a requirement of their position are covered by this program. The program requires pre-employment, random, post accident, reasonable cause and return-to-duty/follow-up drug and/or alcohol testing in accordance with all applicable provisions of the U.S. Dept. Of Transportation, Federal Register 49 CFR, Parts 40, 382 and 391.

4. Pre-Employment Substance Screening – Prior to starting work, job applicants may be required to submit to a pre-employment substance screening. Applicants required to submit to substance screening will be advised of the substance screening requirement. Applicants who refuse to consent to substance screening or who attempt to tamper with the screening sample will not be eligible for City employment. The Human Resources Coordinator shall be responsible for administration of the substance screening program. The City Manager may exempt classes of temporary and part-time employees from the pre-employment substance screening requirement. The City Manager may require certain classes of volunteers to undergo drug screening.

An applicant who receives a positive result on the drug test may be disqualified from consideration for City employment for positions requiring a drug screen for twelve months from the date of the test unless a split sample test paid for by the applicant shows a negative result. If this final screen again confirms the positive test result, the applicant will be disqualified from consideration for City employment in those positions requiring a substance screen for a period of twelve months from the date of the test.

If any test result is negative, the City will reimburse the applicant for the expense of the screen and the individual will not be disqualified from City employment by reason of the previous positive screens.

5. Sale, Distribution, or Use of Illegal Substances - The sale, manufacture, distribution, possession or use of any illegal substance by an employee while working, during lunch or other breaks or any other time while the employee is on a City work site or City working time constitutes cause for disciplinary action, up to and including termination.

6. Use of Medication - Employees who are using a prescription or non-prescription drug which may in any way impact their job performance must notify their supervisor. Depending on how the drug affects the employee, the

supervisor may choose to not allow the employee to work. Employees not allowed to work under these circumstances may be allowed to use sick leave benefits. The Department Head may require a doctor's statement if the employee indicates that there is a need to use the prescription drug for an extended period.

7. Substance Screening for Current Employees.

a. The City Manager may require substance screening for all employees, or all employees within specified job classifications, who have not been previously screened. If existing employees are to be tested under this policy, the testing will be scheduled at a mutually agreeable time during the employee's working hours. The City will pay the cost of all testing for current employees. The testing will be performed under the procedures and standards in subsection 8.

b. Individual City employees are subject to substance screening if there is reasonable suspicion that, while on duty, they are impaired, even if they have previously undergone substance screening. Impairment is defined as being unable to perform their duties safely and competently due to the use of alcohol or controlled substances. Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so the employee's ability to perform his/her job safely is reduced.

A supervisor who has reasonable suspicion that an employee is impaired by alcohol or other substance on the job may immediately arrange for a substance screening through the Human Resources Coordinator. Employees who are scheduled for a substance screening are to be transported to the designated medical facility by the employee's supervisor. The type(s) of screening and the levels of the substances which constitute a positive screen will be determined based upon prevailing practices. After the sample is given, the supervisor will see that the employee is safely transported home.

If a negative result is received, the conclusion will be that the sample contains no alcohol or controlled substances. If the third test (split sample) indicates a negative result, it will be assumed that the sample contains no alcohol or controlled substances. However, if the tests indicate a positive result or if it is shown that the employee tampered with the sample, the employee will be presumed to be impaired by alcohol or controlled substances.

Employees who refuse to submit to a substance screen when reasonable suspicion of substance use has been identified, will be disciplined in accordance with these policies and procedures.

8. Drug Testing Procedures. – Drug testing will be by a duly licensed testing laboratory. Negative results may be communicated directly to the City. Positive results shall be communicated to the Medical Review Officer (MRO).

The Human Resources Coordinator shall retain the services of an MRO. The MRO's primary function is to review, interpret and report positive test results of applicants and employees.

A confirmed positive test from a certified laboratory does not automatically identify an employee or applicant as having used illegal drugs. The MRO brings detailed knowledge of possible alternate medical explanations to his/her review of the test results. This review is performed by the MRO prior to the transmission of results to the City.

Before reporting a positive drug test result on an applicant or employee to the City, the MRO will give the applicant or employee a chance to discuss it. If a prescription drug is involved, the applicant or employee will be asked to provide the name of the medication and the prescribing doctor's name for verification. The MRO may review the employee's medical history, any relevant biomedical factors, and medical records to determine whether a positive test resulted from legally prescribed medication before verifying a test result as positive or negative.

Upon verifying a test result as positive, the MRO will inform the applicant or employee of the option for having a second split test. The donor must notify the MRO of a desire to exercise this option within 72 hours of being notified of the positive result.

The MRO may communicate a positive result to the City if:

- (1) The applicant or employee has told the MRO or his/her authorized representative that he/she does not wish to discuss the results of the test; or
- (2) The MRO has spoken with the applicant or employee, and has concluded that the positive drug result indicates unauthorized use of a controlled substance and the applicant or employee has refused the option of a second test or the second test was also positive; or
- (3) The applicant or employee has not responded within five (5) days of documented receipt of the request to contact the MRO.

9. Confidentiality - The City will maintain confidentiality when assisting employees who request or avail themselves of services or programs in the treatment of chemical or alcohol dependency.

Laboratory reports or test results will be treated confidentially and kept separate from employee personnel files. The reports or test results will be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request.

N. MISCELLANEOUS

N.1 Use of City Vehicles

City vehicles are to be used for City business, and not for personal use. Passengers in City vehicles should be limited to other City employees and individuals working on behalf of the City unless approved by the Department Head or his/her designee. An employee driving a City vehicle must possess a valid driver's license.

While operating a City vehicle or while driving a personal vehicle on City business, an employee must use the seatbelt/safety restraint device and require any passengers to do the same. Use of a cellular phone while operating a vehicle on City business is strongly discouraged except in the case of an emergency.

N.2 Legal Liability

While conducting official duties, an employee will be legally represented and protected from personal financial liability in the event legal action is taken against the employee. This policy will not apply in case of malfeasance in office, willful or wanton neglect of duty, or if the employee's actions are not within the scope of his/her duties and responsibilities.

N.3 Outside Employment

Employees must notify their Department Head prior to engaging in outside employment. Outside employment must:

- be compatible with the employee's City duties
- in no way detract from the efficiency of the employee in City duties
- present no conflict of interest with City affairs
- not take preference over extra duty required by City employment.

Department Heads may waive the notification requirement for classes of part-time or temporary employees.

N.4 Political Activities

City employees are entitled to exercise their rights to hold membership in or support a political party, to participate in a political campaign, to vote, and to express their opinions on political subjects or candidates on their own time.

State of Oregon law prohibits any City employee or official from soliciting any money, influence, service or other thing of value or otherwise promoting any political committee or promoting or opposing the nomination or election of a candidate, the adoption of a measure or the recall of a public office holder while on the job during working hours.

City employees shall not hold a City of Newport political office during their employment.

N.5 Personnel Appearance and Conduct

Employees will present themselves for work in a manner which allows them to perform their duties in an effective and efficient manner. All employees will maintain a neat and clean appearance and will dress appropriately for their particular job. When uniforms or work clothes are required by a department, or issued for employee use, the employee will wear the uniform or work clothes as prescribed.

Public relations are an integral part of each employee's job. Employees represent the City to those with whom they come in contact or by whom they are observed. All employees should remain cognizant of this responsibility in carrying out their duties in a professional and efficient manner.

N.6 Duty to Report

All City employees are required to report in writing all convictions of criminal offenses and injunctions or restraining orders filed against them to their supervisor and the Human Resources Coordinator immediately, whether occurring while the employee is on official duty or not. City employees are also required to report any arrests or indictments for criminal offenses within one week of the arrest or indictment. A criminal offense is any offense classified as a misdemeanor or felony, but does not include violations, infractions, parking tickets or other offenses less than a misdemeanor. An offense committed outside of Oregon shall be considered a criminal offense if the same conduct would constitute a misdemeanor or felony in Oregon.

All violations, infractions, parking tickets or other offenses less than a misdemeanor occurring while an employee is on official duty must be reported in writing to their supervisor and the Human Resources Coordinator immediately along with a copy of the citation issued. In the event the violation, infraction, parking ticket, or other offense occurs while the employee is away from the city but on official duty (such as when attending training, conferences or classes held in another jurisdiction on behalf of the city), the employee shall call the supervisor as soon as practicable and shall report in writing as noted above as soon as the employee returns to the city.

N.7 Background Checks for Current Employees

For current employees not previously subject to a requirement for a background check and in order to ensure the continuing safety of our workforce and citizens and the financial integrity of the City, at the discretion of the department head and with the approval of the City Manager, background checks may be conducted for certain job classifications that work with vulnerable persons (children, elderly and the disabled), job classifications that have direct and unauthenticated access to the City's network resources and certain positions responsible for financial resources. A record check for such employees will be conducted only once on employees who were hired before this policy was implemented. The Human Resources Coordinator will coordinate all criminal and civil court record checks and investigations, except for police positions.

O. TRAINING, EDUCATION, TRAVEL AND EXPENSE

O.1 Purpose

The City recognizes the value of allowing employees to participate in conferences, seminars, training, college courses, and meetings that will enhance the employee's ability to provide a high level of public service. City officials and employees should exercise good judgment, regard for economy, and recognition of proper use of public monies when selecting training, meetings, courses, conferences, etc. in connection with City business.

Also, this policy establishes guidelines regarding travel for the conduct of official City business and for the payment of, or reimbursement of, expenses incurred while performing such travel. All employees are expected to follow the guidelines outlined in this policy.

O.2 Scope

This policy is applicable to all City employees. Departments may apply additional requirements so long as they are equal to or more restrictive than these standards. This policy works in conjunction with all collective bargaining contracts.

O.3 Policy Statement

Training, education, and travel expenses must have a public purpose and serve the public interest. All training, education, and travel expenses must be reasonable and necessary to conducting City business. Persons traveling on City business are expected to be prudent and only incur costs they normally would incur if traveling on their own expense. Travel expenses solely for the benefit of an individual are not allowable. The City will not pay travel costs for persons not employed by the City unless the person 1) incurs the cost as a member of the City Council or a committee, or 2) has traveled at the specific request of the City, or 3) is serving as a volunteer to a City program, or 4) is providing services under a contract requiring such payment, or 5) is approved by the City Manager.

O.4 Training and Education

The term “training” as used in this policy is intended to include conferences, seminars, workshops, on-line courses, short courses at an educational facility, or other professional development programs of a similar nature. The term “college courses” is used to describe coursework taken through or on-line from an accredited college, university, and/or business or technical school that are the equivalent of at least a quarter course.

The Training and Education policy is intended to apply only to programs that:

- Enhance the employee’s job performance
- Serve as a beneficial retention tool in keeping high quality employees
- Are required for certification or licensing
- Are appropriate for career development plans

Applicable collective bargaining agreements must be consulted for language specific to training and/or educational reimbursement policies.

O.5 Training

The City will pay for all registration fees for mandatory training programs. Travel time will be handled according to applicable collective bargaining agreements and/or City policy, state or federal law, as appropriate. Mandatory training includes both training required by the City and training required to maintain a license, certification or professional qualification if the license, certification, or professional qualification is a requirement or alternate requirement for the employee’s position.

Department heads or the City Manager may authorize payment or partial payment of expenses for voluntary training as they deem appropriate providing the training is beneficial to the department and/or City operations. All arrangements for training will be made in the most cost and time efficient manner as possible. Only expenses for the employee will be paid for. All books and materials paid for by the City of Newport will become the property of the City.

O.6 Education (College Courses)

The City does not intend to pay employees to obtain college degrees. The City may reimburse for individual college courses only. The course must be related to the current job that the employee holds a personal training plan or a career development plan approved by the department head. Mandatory college courses that are job related shall have tuition, books and hours attended reimbursed by the City. College courses that are not mandatory, but are job related, will have

only tuition, books, and related materials (to be retained by the City) reimbursed by the City. Non-mandatory college courses that are not job related shall have none of the above reimbursed for by the City. In those instances where the City reimburses for some or all of the expenses, employees must document satisfactory completion of the course. To be eligible for reimbursement, employees must receive a grade of "C" or better, or "Passing" for the course and provide written evidence of that to their supervisor.

No reimbursement will be provided unless the employee's supervisor has approved the reimbursement prior to the employee's enrollment in the course. A request for reimbursement for a college course may be denied if the course is insufficiently related to the employee's job, if the employee already has the skills or knowledge that the course would provide, or if reimbursement costs have not been budgeted or are otherwise unavailable.

Tuition reimbursement for college coursework is not to exceed the tuition level established by the State of Oregon Higher Education Department for State colleges/universities.

Prior to an employee participating in a college course that may include reimbursement by the City; the employee will be required to sign a written authorization to have any costs reimbursed by the City deducted from their paycheck, should they fail to comply with the reimbursement guidelines.

The following reimbursement guidelines shall be enforced when an employee separates from the City service for any reason.

- * Within one year of the completion date of the class, 100% of the amount of reimbursement will be deducted from the employee's final paycheck.
- * Between one and two years after the completion date of the class, 50% of the amount of the reimbursement will be deducted from the employee's final paycheck.
- * After two (2) years from the completion date, no amount will be deducted.

If the reimbursement amount owed is more than the final paycheck, the employee must pay off the remaining amount.

O.7 Travel and Expense

The City will only pay or reimburse travel, meal and other expenses that are work-related and are deemed non-taxable by the IRS, unless otherwise specified by union or employment contract. The paid and reimbursement amounts will be determined by IRS guidelines when applicable.

Employees may not accrue frequent flyer miles for travel paid for by the City for personal use. If employees do accrue personal frequent flyer miles while traveling for City business, the miles must be retained and applied to City travel in the future.

The City retains the right to determine the mode of transportation most appropriate to the type of travel involved. Travel time will be handled according to applicable collective bargaining agreements and/or City policy, state, federal law, as appropriate.

Any expenses for family members or other non-City employees who accompany the employee on a trip are not reimbursable.

P ELECTRONIC COMMUNICATION

It is the City's goal to enhance both external and internal communication through the use of various electronic communication tools. All electronic communication tools purchased by the City are the property of the City of Newport. Employees should have no expectation of privacy in connection with the transmission, receipt, or storage of information in these electronic communication devices. Any personally owned electronic communication devices an employee uses for City business are also governed by this policy. The City follows the standards and practices set by the Oregon Government Standards and Practices Commission.

P.1 Telephones/Voice Mail

The ability to make outgoing and receive incoming telephone calls is an essential element of the City of Newport's ability to provide service to the public. The City's telephones and voice mail system are intended to be used only for official business.

The City believes, however, there are occasions when employees may use the City's telephones or personal cellular phones for personal purposes without such usage being at odds with the law. It is normal practice by both public and private employers to permit employees to use business telephones to talk to family members, make medical appointments, schedule service technicians, confer with children's schools, and take care of any of a variety of other matters which can only be accomplished during "regular" work hours. The City believes it is less disruptive to permit employees to make such personal calls at their workstation than to require an employee to take a break or leave from work to take care of personal matters.

Personal telephone calls made during working hours should, of course, be brief and infrequent. If longer calls are needed, they must be made during breaks. Personal long distance calls, even if the employee reimburses the City for the cost, may not be made on City telephones unless they are made by using the employee's personal calling card or by placing a collect call. Long distance phone calls may also be made from a pay phone or personal cellular phone.

P.2 Cellular Telephones

Use of any cellular phone at any time should be done in a safe, common sense manner. Use of a cellular phone while operating a vehicle on City business is strongly discouraged except in the case of an emergency.

The City provides cellular phones to certain employees specifically to facilitate the carrying out of official business and also pays certain employees an

allowance for cellular phones. The three components of this section include: (a) use of City cellular phones, (b) allowance for personal cell phone use on city business, and (c) use of personal cellular phones.

(a) Use of City Cellular Phones. Employees with a business need for a cellular phone may be assigned a City-issued phone. Use of City-issued phones is restricted to City business. Personal calls (outgoing or incoming) will only be allowed infrequently for limited duration in emergencies when these calls cannot be made from a land line within a reasonable period of time. City-issued cell phones will be City property and will be on a cellular telephone plan provided by the City.

(b) Cellular phone allowance – The City recognizes that, due to the nature of some positions, it may be more cost-effective and give more flexibility to provide some employees a cellular phone allowance in lieu of providing the employee with a City-owned cellular phone. Under this plan, at the City’s discretion, employees may be designated to receive a monthly allowance to obtain a personal cellular phone to be used for City-related and personal business of the employee. The monthly allowance will be established by the City Manager and may vary depending on the anticipated amount of City-related use. Since this method of payment is not expense-substantiated, the allowance is considered a taxable fringe benefit and will be included in the employee’s paycheck. Under this plan, the employee is allowed unrestricted business and personal use of his or her cellular telephone. Each employee who receives a cellular telephone allowance is responsible for obtaining their own phone and usage plan.

(c) Use of Personal Cellular Phones. Personal cellular phones used during working hours are subject to the same standards as use of City owned telephones. The City may impose more stringent restrictions on cellular phone use at a departmental, office, job classification, or other level, and may also place additional restrictions on individuals if cellular phone use by an individual employee is determined to be excessive.

P.3 Computers/Internet/E-mail

This policy applies to all City of Newport employees and their use of City computers, the electronic mail (e-mail) system and the Internet. This policy does not apply to use of the public use computers in the library, which are governed by library policies.

It is the City’s goal to enhance both external and internal communication through the use of various electronic communication tools. All electronic communication tools purchased by the City are the property of the City of Newport. Any personally owned electronic communication devices an employee uses for City business are also governed by this policy. Employees should have no

expectation of privacy in connection with the transmission, receipt, or storage of information in these electronic devices. Any individuals using this system are subject to monitoring and all individuals using the system without authority or in excess of their authority are subject to having all their activities on this system monitored, recorded and examined by an authorized person, including law enforcement, as system personnel deem appropriate. Any material so recorded may be disclosed as appropriate.

The City of Newport's computer system is for authorized users only. The City believes the limited use of computers for personal purposes is acceptable. For example, an allowable use would be the preparation of application materials for a different position within the City, term papers for a City-sponsored class, and preparation of materials, research or communication related to City-sanctioned volunteer activities (including but not limited to volunteer firefighters, police reserves, and park and recreation center/activity volunteers). Another example is use of the computer to communicate with family members and friends under the same circumstances that the employee may use the City phone system. The personal use of City computers is permitted:

- * during an employee's lunch period or during any break period,
- * one hour before their normal work schedule begins,
- * one hour after their normal work schedule ends, and
- * the time between the end of the employee's "work shift" and the beginning of an evening meeting that the City requires the employee to attend.

Employees who do not have fixed work periods, such as department heads, may use City computers for personal use at any time, so long as it does not interfere with their work.

No personal use of City computers is allowed on an employee's day off unless the use is related to City work, an educational purpose or City-related volunteer activity that is consistent with the City's policies and has been approved by the employee's department director. The City does have computers available for public use in its library, so allowing personal use of City computers is a service available to the general public.

Personal use of the computer system may not interfere with the employee's work, another employee's work or have an undue impact on the network. Playing games on the City's computers is not allowed. Sending large attachments (greater than two megabytes) unrelated to work to multiple people, distributing hoaxes, and spamming are examples of e-mail usage that could affect employee time or system capacity.

The City has equipped its computers with access to the Internet in order to have access to information and to provide information to the public. No access to the

Internet shall be allowed at any time to access inappropriate sites or to transmit or receive inappropriate information. Pornography, hate groups, and off shore gambling are examples of inappropriate sites and accessing these sites at any time is a misuse of City property. No personal use of a City computer to access the internet may be made during working hours, but using a City computer to access the Internet during breaks is allowed to check personal e-mails and check news, weather and obtain or exchange information. City computers shall not be used at any time to conduct business activities for personal profit.

The City recognizes that occasionally, while in pursuit of valid City business, an employee may incorrectly type a website address or inadvertently follow an Internet link that leads to an inappropriate web page. If this occurs, it is not necessary for the employee to respond to the owner of the page, but the employee must document the occurrence. The occurrence should normally be reported to the employee's supervisor. Copies of e-mail and accessed web pages remain in the system for a period of time and the City may retrieve e-mail and web site histories. It is for the employee's own protection that any anomalies are documented.

P.4 Information Technology Access Policy

Information technology includes but is not limited to all individual computers, computing and electronic communications devices and services, telecommunication devices, e-mail, networks, telephones (including cellular), voice mail, fax transmissions, video, multimedia, applications and instructional materials.

Access rights to information/data stored on city-owned equipment will be given on an as-needed basis. Only those rights needed to accomplish tasks related to their job function will be granted. Authorized users of the City's computer network include City employees and other individuals who are contracted to help support the city systems. Information/data and systems may only be used by authorized individuals to accomplish tasks related to their jobs. Any other use is strictly prohibited. City employees may access the City computer system at work or from other locations.

Data of a confidential nature must be protected and must not be disclosed without authorization. Unauthorized access, manipulation, disclosure, or secondary release of such data/information constitutes a security breach. Failure on the part of an employee to take reasonable care to prevent such access may be grounds for disciplinary action up to and including termination of employment.

City of Newport Information Technology staff is granted access to information technology resources in order to facilitate their job activities. However, by using these resources, staff agrees to abide by all relevant City of Newport policies and

procedures, as well as all current federal, state, and local laws. These include but are not limited to personnel policies and procedures related to harassment, plagiarism, commercial use, security, unethical conduct, and laws prohibiting theft, copyright and licensing infringement, unlawful intrusions, and data privacy laws.

The City of Newport recognizes the importance of preserving the privacy of users and data stored in information technology systems. Staff and 3rd party contractors must honor this principle by neither seeking to obtain unauthorized access to information technology systems, nor permitting or assisting any others in doing the same. Furthermore, staff and 3rd party contractors must not make or attempt to make any deliberate, unauthorized changes to data on an Information Technology system. Staff must not intercept or attempt to intercept or access data communications not intended for that staff member, for example, by “promiscuous” network monitoring, running network sniffers, or otherwise tapping phone or network lines.

There may be occasions when users’ information/data will need to be accessed without the users’ permission. When these occasions arise the Information Technology staff member must obtain written permission from the Department Director or City Manager prior accessing the information/data. For example, accessing a user’s email or data while they are absent and cannot be contacted.

Staff must not conceal their identity when using Information Technology systems, except when the option of anonymous access is explicitly authorized. Staff is also prohibited from masquerading as or impersonating others or otherwise using a false identity. Without specific authorization, Staff may not remove or modify any City of Newport owned or administered equipment or data from Information Technology systems. Staff members shall not change passwords without advising Information Technology staff.

Information technology equipment and data includes but is not limited to all individual computers, computing and telecommunication devices, telephones, all city records, and instructional materials. Employees are required to obtain permission from their supervisor prior to taking computer equipment off site. Department Directors are responsible for knowing who within their respective departments has possession of and the location of all information technology equipment taken off site.

If the equipment has been kept off site for more than one month, and the equipment has been used on the internet and/or files loaded or any external devices attached to the computer equipment, it shall not be reconnected to the city’s network without first being examined by Information Technology staff.

Employees are responsible for taking reasonable precautions against theft or damage to the computer equipment. Data of a confidential nature must be

protected and must not be disclosed without authorization. Unauthorized access, manipulation, disclosure, or secondary release of such data/information constitutes a security breach. Failure on the part of an employee to take reasonable care to prevent such access may be grounds for disciplinary action up to and including termination of employment.

Software installations are to be performed by Information Technology staff only or by others as approved by the Information Technology staff. If configuration or settings of any software or hardware are established by IT staff or by departmental decision, those settings shall not be changed without approval of IT staff or the department head. Only software owned by the city, licensed for use by the City or not requiring licensing and approved by the Information Technology Division shall be installed on city computers. Individual employees may download and install software updates reasonably required for work use as authorized by the Information Technology staff, who shall prepare a list of authorized downloads and updates. Installation of personal software on any city-owned equipment is expressly prohibited.

Computer equipment may not be used to download, copy, or store any copyrighted software, publications, music, video, or other content without permission from the copyright holder.

Any theft or damage to computer equipment is to be reported immediately to the Information Technology Division and to the employee's supervisor.

P.5 E-mail

E-mail is a communication tool provided to City employees to assist them in the performance of their job duties. Personal use of the City's e-mail system is allowed only to the extent that personal use of the phone system is allowed. An employee may also send and receive e-mails through the employee's personal e-mail account on the same basis that an employee may send or receive personal phone calls.

The City's e-mail system may not be used:

- * to send e-mail anonymously or under someone else's name unless authorized by the person whose name is used;
- * for personal business activities
- * to support charitable, religious, or political activities or causes; and
- * to support other activities that are not related to the direct conduct of City business.

Users understand the City may monitor material created, stored, sent, or received on its computer network.

P.6 Employee Responsibility

If an employee receives an inappropriate e-mail that is not part of a mass e-mail (spam), the employ shall document that the e-mail was unsolicited or unanticipated.

If an employee receives a personal e-mail other than the type of e-mail permitted by the City's policy, he or she shall respond to the sender with a message asking the sender not to send such e-mail to a City e-mail address.

No person other than a member of the IT department shall download or install software on a computer without permission of the IT department.

P.7 System Security

All employees have a responsibility to take reasonable precautions to protect the City's computer system. Reasonable precautions include, but are not limited to, updating anti-virus software when requested by the IT department, not allowing unauthorized access to the computer system, and safeguarding the employee's password.

If an employee becomes aware of a virus or the threat of a virus, the employee should immediately contact IT with the information. IT will evaluate the risk and, if warranted, notify all employees of the precautions that need to be taken.

P.8 Public Record

Under Oregon's public records law, electronic mail messages sent to or from the City e-mail system are public records. The only privacy an employee can expect is that afforded through disclosure exemptions. The privacy afforded government employees using government e-mail systems are minimal and an employee should have no expectation of privacy.

P.9 Retention and Disposition

E-mails are subject to the same retention and disposition policy as other correspondence. Some e-mails may need to be printed and the hard-copy retained.

Q. CODE OF ETHICS

City employees have a special responsibility to act on behalf of the public good and to ensure that the public's trust in government is respected. Public service requires a continual effort on behalf of employees to guard against conduct that is not only illegal but also conduct that could appear inappropriate or a conflict of interest to a reasonable observer even if the conduct is not against the law. Just because an action is legal doesn't necessarily mean it is right or good. Conduct which is or could appear dishonest, inappropriate, appear to enrich the employee, their families or their businesses, or to be a conflict of interest to an observer will undermine the public trust and is prohibited. Each employee is expected to report any actual or potential conflict of interest to their supervisor. An example of conduct which is prohibited includes but is not limited to:

- No employee may use the employee's employment in any way to obtain financial gain for the employee's household or family or any business with which the employee or member of the employee's household or family are associated;
- No employee may use information received because of city employment for private gain if that information is confidential or normally not available to the general public or has not otherwise been dispersed by the city;
- No employee may solicit private business from other employees for personal gain while on duty, while wearing a uniform or insignia that identifies them as city employees, while in a city vehicle, or while on city premises.
- Employees may not solicit or receive a promise of future employment with the understanding that the promise will influence the employee's official action;
- Employees may not take any action on behalf of the city, the effect of which would be to the employee's private financial gain or loss, without first notifying the employee's department director in writing of the potential conflict of interest;
- City employees shall not serve on City policy boards or committees except as specifically provided by ordinance or as required to perform as part of their official City duties.
- City employees may not use City time to participate in matters of personal interest.
- When giving testimony unrelated to their assigned City responsibilities, City employees will identify themselves as private citizens and not use information or facts that have come to them by virtue of their employment and are not subject to disclosure to the public.

The code of ethics is intended to convey the general expectations of what is considered to be appropriate conduct for a City employee. If a situation occurs where it is difficult to determine the proper course of action, the matter should be

discussed openly with the immediate supervisor, and if necessary, with the department director for advice and consultation.

All City of Newport employees are considered public officials and are subject to the State of Oregon's ethics laws. The City will comply with these and all applicable laws and regulations and expects its directors, managers, supervisors, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, City employees are encouraged to not accept personal gifts from persons other than family and close friends.. State law does provide certain guidelines for the receipt of gifts as a public employee and the City of Newport requires its employees to comply with those standards. The state requirements change from time to time, and employees shall always comply with state law. In addition, the City takes the following positions on gifts, regardless of the current status of state law:

- Gifts exchanged between co-workers for occasions such as birthdays, anniversaries, holidays, graduation and retirement, are not prohibited. Excessive gifts among employees, especially between employees who have a supervisory or subordinate position to each other are discouraged.
- Employees shall not accept any special favors, gifts, or gratuities that are given to them because of their employment with the City by someone with an administrative or legislative interest in City matters. However, employees may accept "gifts" that are not tangible permanent goods if the gifts have minimal value, such as meals or rides within the city and immediate area, subject to the state restrictions on gifts that place a maximum value of \$50 on gifts per year from a single source. In this regard, the appearance of impropriety can be as damaging as actual impropriety and is equally to be avoided.
- Employees may accept gifts from persons without any interest in city matters.

Gifts of consumable goods provided to the city administration as a whole or to departments may be accepted, provided that the gifts will be shared all employees in a nonbiased or nondiscriminatory manner, or made available for public consumption.

Unsolicited gifts that cannot be accepted must be returned to the owner or given to a charitable agency or an area nonprofit public service agency.

Any person who observes unlawful or improper action(s) by a City, employee is expected to report them. The matter should be reported to the employee's

immediate supervisor. If the supervisor appears to be involved in the improper action, the report can be made to the department head, City Manager, or Human Resources Coordinator.

R. JOB SHARING

A budgeted position may be shared by two (2) individuals if, in the City's judgment, the position lends itself to a job share arrangement without decreasing the efficiency of City services or increasing the net cost of the position to the City. The criteria for determining if a position lends itself to a job share arrangement include, but are not limited to those outlined below:

- whether the arrangement hampers or assists departmental or City operations;
- whether the job functions can easily be broken into parts or have a variety of unique duties or specific parts;
- whether the normal work schedule allows the job to be shared on an equal basis during the pay period;
- whether qualified individuals can be found to fill both parts of the position;
- whether the amount of training required before a person can fully perform the job functions is cost effective;
- whether arrangements can be made to accomplish the work assigned to the position in the absence of one or both employees filling the position;

Job sharing arrangements are typically on a half day or half week basis. Filling of a job share position shall be in accordance with established recruiting and selection procedures.

The following guidelines shall apply:

1. Job sharing will only be granted when it is consistent with City needs and where the department has demonstrated that the functions of the shared position can effectively be performed by two (2) persons;
2. The position to be shared must be an adopted and budgeted full time position;
3. All job sharing requests must be submitted under the signature of the department director ;
4. Each job sharer is required to work a total of twenty (20) hours per week in order to qualify for City benefits. Benefits, including sick leave, vacation, holiday pay, and health insurance will be pro-rated in the same manner as for other regular part time employees;
5. The two (2) employees filling a job share position must be of the same classification as the position being shared. The employees may be hired at different steps or placement within the pay range;
6. The days and hours worked and the duties assigned to each employee shall be the responsibility of the immediate supervisor with the approval of the department director;
7. The City reserves the right to discontinue a job share position for any reason at any time.

Job share arrangements may be initiated by the supervisor or department director when the position to be shared is vacant, or requested by a regular full time employee filling a full time position who wishes to enter into a job sharing arrangement. This option is not available to temporary or probationary employees. If requested by the employee, the request must be made in writing to the supervisor who must then obtain the approval of the department director. If an employee in a job share position requests to work full time and the position is not filled by two employees when the request is made, the position may be reallocated as full time and the employee may be granted the full time position. In no case will the second employee filling a job share position be laid off or terminated solely in order to accommodate the other employee's request to convert the position to full time.