

# **City of Bend Employee Handbook**

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Welcome!

We are thrilled to have you join the City of Bend. We take great pride in selecting people, such as you, to join our organization. Your commitment to public service and unique skills will be invaluable as we work together to serve our community.

Public service is a rewarding journey, filled with opportunities to make a meaningful impact. While the work can be challenging, it is also incredibly fulfilling. During your time with us, you will have the chance to grow both personally and professionally, gaining critical skills and experiences that will benefit you throughout your career.

To ensure that we do our part to support you, we have created a positive work environment, a competitive compensation and benefits program, and an open culture that we believe fosters positive work relationships. As you settle into your new role, we encourage you to take an active part in our community and with your colleagues. We believe that every team member plays a crucial role in our success. We ask that you:

- **Engage and Collaborate:** Share your ideas and insights. Collaboration is key to our innovation and growth.
- **Take Initiative:** Don't hesitate to share your ideas and suggest improvements. Your proactive approach is highly valued.
- **Support Your Colleagues:** Offer help and support to your teammates. A strong and supportive team is key to our success.
- **Embrace Our Values:** Uphold our organization's values in your daily work. Accountability, Integrity, and Respect are at the heart of everything we do.

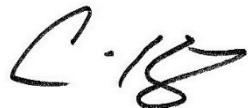
We believe that you can contribute significantly to our success and want you to share in the growth of our collective future. The following pages in The City of Bend Employee Handbook have been prepared as a resource to give you a better understanding of the organization's policies, procedures, and practices to help guide your employment with us.

The policies in this Handbook are intended to aid the City in achieving its goals of serving our community. Our Human Resources Director is responsible for ensuring fairness and equality in the interpretation and application of these policies, while the City Council formally issues the policies specified in the City Charter. We ask that you familiarize yourself with The City of Bend Employee Handbook contents and keep handy as a periodic reference source. You can always find the most recent version on the City's SharePoint site.

We encourage you to ask questions if you need clarity and if there are policies and procedures you don't understand. We welcome your ideas and suggestions for ways to improve our operations and services.

Once again, welcome to the team! We look forward to working with you and seeing the positive difference you will make in our community.

My best,



Eric King, City Manager

# **CHAPTER 1**

# **INTRODUCTION**

## **1.1 | Organizational Philosophy Statement**

The City of Bend seeks to provide a workplace where differences are honored for the value they add to our delivery of public service and establish a workforce that reflects the representation of the community we serve. To create this environment, we hold each other accountable to our City values.

We lead with equity and ensure it is always present. To help break down systemic barriers to inclusion, City employees prioritize equity when creating policies, making decisions, and in our daily work and interactions. City employees understand that inequities based on race, gender, sexual orientation, ability, age, and citizenship status impact decision making and take action to identify, acknowledge, and ensure policies and practices are both inclusive and equitable. We involve individuals and communities most impacted by inequity in the development of policies and practices, both within our workforce and throughout Central Oregon.

Everyone is important. We ensure that the people impacted by our work are considered in how that work is conducted. In our workplace, we make sure that everyone feels welcome and can share their personal experience, ideas, and recommendations. We are respectful in our engagement with each other and the community. This means we honor our individual differences and value the contributions of different points of view, personal backgrounds, and skill sets to our workplace. We keep our work environment free of all forms of discrimination and harassment, intimidation, bullying, retaliation and other harmful behavior.

At the City of Bend, our employees are always learning. Our curiosity inspires us to find ways to improve our service to the community. We collaborate with our colleagues and the communities we serve. We celebrate our accomplishments and learn from mistakes together, so we can grow and evolve and become a fully inclusive workforce and community.

**Purpose Statement:**

Building on our past. Serving the present. Shaping Bend's future.

**Vision:**

The City of Bend will be renowned for its innovation and vibrant quality of life.

**Mission:**

Providing the right public services for the Bend way of life

City of Bend Values:

- **Accountability** - We own our words, actions, successes, and failures.
- **Integrity** - We earn trust with honesty and transparency.
- **Respect** - We embrace the worth and dignity of everyone.

## 1.2 | Form of Government

### City Manager

The City of Bend operates under the Council-Manager form of government as created by the City Charter. The Council adopts policy, and the City Manager is charged with implementing it. The City Manager functions similar to a CEO in carrying out the adopted policy set by the Council.

The City Manager is responsible for personnel administration, including adoption of this Employee Handbook and related [administrative policies](#). The City Manager may delegate responsibility for personnel administration to another City employee. For purposes of daily administration, the City Manager generally delegates responsibility in the following manner:

### Human Resources Director

- Organizational performance development
- Recruitment policies
- Classification and compensation
- Labor and employee relations
- Review and auditing of personnel actions
- Personnel records administration
- EEO compliance
- Leave administration
- Training and professional development
- Benefits and wellness
- Human resources information systems

### Department Heads

- Recruitment, selection, and appointment
- Employee relations and performance management
- Professional development pathways and succession planning
- Department culture
- Employee engagement and retention
- Corrective (disciplinary) action

- Personnel budgeting through the budget process

The City Manager reserves the right to modify the delegation of authority at any time.

#### City Council

The City Council is responsible to the Bend community to provide policy direction and to perform the legislative and quasi-judicial functions for the City. The Council consists of the Mayor and six Councilors, each of whom are elected to four-year terms. Council members are not subject to the City's personnel policies.

The Mayor is a voting member of the Council. The Mayor represents the City at ceremonial functions, presides over Council meetings, consults with the City Manager on Council Agendas, appoints members to City boards and commissions as approved by the Council, and routinely discusses questions and concerns with the City Manager.

## **1.3 | Equal Employment Opportunity**

The City is an equal opportunity employer and does not discriminate against employees or applicants on the basis of their protected class, activity or status as defined by ORS 659A or any other applicable federal or state law. Equal employment opportunity (EEO) extends to all persons in all aspects of the employer-employee relationship, including recruitment, hiring, training, promotion, transfer, discipline, layoff, recall, termination, or any other term or condition of employment. Employment opportunities are based on an individual's ability to perform the essential functions of a position, with or without a reasonable accommodation. The City recognizes that equitable assessment of qualifications includes considerations of lived experiences, transferable skills, and access to opportunity.

The City remains committed to full compliance with state and federal disability rights laws including the ADA and the Oregon Disabilities Act. This includes providing reasonable accommodation engaging with applicants and employees through an interactive process to evaluate and provide reasonable accommodations when available.

In keeping with our philosophy, our advertising and recruiting material will contain the following statement to encourage qualified applicants to apply: The City of Bend is committed to fostering, cultivating, and preserving a culture of diversity

and inclusion. At the City of Bend, we don't just accept differences; we value them. We are proud to be an Equal Opportunity Employer and support the Americans with Disabilities Amendments Act (ADAAA).

Employment decisions will reflect the principles of equity, inclusion, and equal opportunity. Personnel decisions are based on equitable, job-related criteria and inclusive practices that deduce bias and ensure access to opportunity. Selection decisions will rely on qualifications. Other personnel actions or programs including (but not limited to) compensation, benefits, transfers, layoffs, returns from layoff, City-sponsored training, education, tuition assistance, social, and recreational programs will be administered in a nondiscriminatory manner.

#### Reporting Policy Violations

Employees or prospective employees who believe they have been denied equal employment opportunity, may have been the subject of unlawful discrimination, or may have witnessed some violation of this policy should promptly report the facts to their immediate supervisor or Human Resources Director.

Human Resources will ensure that claims are investigated within a reasonable timeframe. Findings will be documented, and appropriate corrective action will be taken, including notification of the City Manager as applicable. Additionally, the City's [ethics reporting system](#) may be used to submit a complaint.

Any supervisor or other employee who, after appropriate investigation, is found to have engaged in unlawful discrimination will be subject to appropriate sanctions, up to and including termination.

Employees and applicants who report incidents of discrimination, harassment, or retaliation will be treated with dignity and respect. Reports will be investigated promptly, and protections against retaliation will be enforced in accordance with federal and state laws. No employee will be discriminated or retaliated against in any way for bringing a question or complaint to the City's attention.

## **1.4 | Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are comprehensive federal civil rights laws that prohibit discrimination against people with disabilities.

A person with a disability is someone who:

- Has a physical or mental impairment that substantially limits one or more major life activities
- Has a history of such impairment
- Is perceived by others as having such an impairment.

The City offers equal employment opportunities for qualified individuals who have a disability and can perform the essential functions of the job. Essential functions are defined as the fundamental, non-marginal duties of the position held or being sought by a disabled individual. A job function is essential if:

- The position exists for the performance of the function;
- There are only a limited number of employees available to perform it; and/or
- The function is so highly specialized that an expert must be specially hired to perform it.

Reasonable accommodations are available to employees and applicants, so long as the accommodation does not cause undue hardship to the organization. The City of Bend will work to make reasonable accommodations for the physical and intellectual limitations that a qualified applicant or employee with a disability discloses to the City.

If a disability is disclosed that may require accommodations, the City will review the employee's ADA Reasonable Accommodation application, and, if applicable, their physician's statement, to reach a determination. The City will engage in an interactive discussion to determine what accommodation may be available to ensure the employee is able to perform the essential functions of their role.

In certain circumstances, the City may request an employee to submit documentation to support specific accommodation requests. All requests for medical examinations or inquiries of job applicants will be limited to determination of the ability of all applicants to perform specific job functions. As accommodations are assigned, the City will schedule follow-up conversations with employees to determine the effectiveness of the accommodation and whether amendments are required. All employee medical records are maintained in a separate, confidential file.

To request reasonable accommodation, employees can initiate the interactive process by requesting an ADA Reasonable Accommodation application from their supervisor, the City's Accessibility and Equity Manager, or the Human Resources

Director. An employee may also download the paperwork from the [City's SharePoint site.](#)

**Reasonable Accommodation Due to Pregnancy**

While pregnancy itself is not a disability under the ADA, some pregnant employees may develop one or more impairments related to their pregnancy that qualify as a disability under the ADA. The City will make every effort to provide reasonable accommodation for an employee or applicant with known limitations related to pregnancy or childbirth. The City's goal is to provide accommodations to support their ability to continue working. Accommodation protections include but are not limited to modification of equipment, frequent or longer breaks, assistance with manual labor and modification of work schedules and job assignments.

# **CHAPTER 2**

# **PROGRAM ADMINISTRATION**

## 2.1 | About this Handbook

This Employee Handbook and related [administrative policies](#) replace all previously adopted handbook revisions. It is intended to help employees understand the employment provisions and expectations of the City. This Handbook applies to all employees working for the City, regardless of representation or affiliation. Members of labor unions should refer to the current labor agreement for additional information regarding the terms and conditions of employment. Though this Handbook applies to all employees, in the event of a conflict between this Handbook and a collective bargaining agreement or an individual employment agreement, the collective bargaining agreement or individual employment agreement will prevail over the provisions in this Handbook. The Handbook does not apply to members of the City Council, appointed members of City advisory bodies, volunteers, or anyone else who is not an employee of the City.

This Handbook contains general information and guidelines. It may not be comprehensive or address all the possible scenarios employees may encounter during their time at the City. The policies outlined in this Handbook are based on the belief that common sense, good judgment, and consideration of the rights of others are paramount to the City's ability to serve the Bend community and each other. Efforts have been made to anticipate many employee questions, but it is understood that this document will not provide every answer. For that reason, employees should bring any specific questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to their supervisor or Human Resources Director.

The City recognizes that employees differ in their skills, goals, perceptions, and values; because of this diversity, some conditions could arise which may not be sufficiently addressed within this Handbook or which may result in conflict. When these situations occur, the City will endeavor to make decisions that are fair and equitable, while ensuring that the best interests of the City are served.

The procedures, practices, policies, and benefits described in this Handbook may be modified or discontinued from time to time. The City recognizes its responsibility to keep employees informed of changes that may affect them, and as changes are made to the Handbook, the City will promptly inform employees. Employees and prospective employees may always review the most current version of the [Handbook](#) and [related administrative policies](#) on the City's website.

Some subjects described in this Handbook, including benefit and retirement plan information, are covered in detail in insurance policies and other documents. Employees should refer to those documents for specific information as this Handbook only briefly

summarizes those benefits. Please note that the terms of the City's insurance policies supersede any information provided in this Handbook.

Employees are encouraged to offer suggestions for improvements to the policies, employment practices, and working conditions outlined in this Handbook. Please read through the Handbook. Employees who have additional questions, or need further detail, should speak with their supervisor or Human Resources Director.

The City Manager has authority for hiring, promotion, discipline, and other aspects of personnel administration. The City of Bend is not bound by any verbal promises.

The City Manager may vary or modify the strict application of this policy in any case where such application would result in practical difficulties or unnecessary hardship for employees or the City, or in any case where it is deemed to be in the best interest of the City. 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 employee safety, hours of work, working out of class, and hiring qualifications and procedures. The City Manager may authorize policies or practices relating to holiday pay, overtime and leave accrual for members of the Police and Fire Departments that differ from the provisions in this Handbook in recognition of department operational needs and work schedules.

The City may change levels of service, methods of operation, and staffing levels; add or remove positions, layoff, transfer, or promote; and establish work schedules and assign work.

This Handbook shall not be deemed to create a vested contractual right for employees, express or implied, or to limit the power of the City to repeal or modify its personnel policies.

The City recognizes that employees have the right to form, join, and participate in the activities of labor organizations of their choosing for the purpose of representation on matters within the scope of collective bargaining in the State of Oregon.

## **2.2 | Employment Relationship**

### At-Will Positions

All new and promotional appointments made at Salary Range M6 and above, as well as any direct report to the City Manager, will be considered "at will". Positions in the Police and Fire Departments are not considered "at will" unless specifically designated. In addition, other positions within the City's organizational structure may also be designated

as "at will" through a written employment agreement. "At will" employees may be terminated at any time, with or without cause and without right of appeal, and with or without notice. Employment for "at will" employees has no defined period of time and may be terminated at any time, regardless of the time and manner of payment of wages and salary. "At will" employees whose positions are eliminated, are deemed terminated from employment. "At will" employees will enter into written employment agreements with the City that contain specific, binding terms, which prevail over any conflicting provisions in this Handbook, particularly related to corrective action. Please be aware that no statements to the contrary, whether written or verbal, made either before or during an individual's employment can change their "at will" status, and no individual supervisor can make a contrary agreement.

In addition, temporary, intermittent, and initial probationary appointments to any position are "at will" as defined in this section, meaning that such employees may be terminated at any time, with or without cause, right of appeal, or notice.

#### All Other Employees

All other City employees not represented by a labor association are subject to the Appeals and Dispute Resolution procedure and covered by the terms contained in Chapter 6 of this Handbook after successful completion of the Initial Probation; see Chapter 3, Appointment Types.

## **2.3 | Confidentiality**

Employees may have access to highly confidential and proprietary information, including information about City business plans and personal information of community members or employees. The unauthorized disclosure of confidential information would have a materially adverse effect on the City's integrity and on relationships with its customers. Employees may not disclose any information pertaining to the organization, customers, or other employees without prior explicit supervisory approval.

Except in the ordinary course of performing assigned job duties, City records and information including without limitation, documents, files, records, computer files or similar materials, may not be removed from City premises without permission from the City Manager. Additionally, the content of City records or information related to City business may not be disclosed to anyone, except where required for an authorized business purpose or in response to a public records request.

For additional assistance concerning public records request, please contact the City Recorder and refer to the City's [Public Records Requests](#) policy.

## 2.4 | FLSA Classification

City employees are classified according to federal and state wage and hour laws into two categories: "exempt" and "non-exempt." Exempt employees are not entitled to overtime compensation; non-exempt employees are eligible to receive overtime compensation. Actual classification is determined by federal regulations and court decisions. The Human Resources Director will make appropriate designations regarding the status of each City position or when a position changes substantially. Employees should contact the Human Resources Director if uncertain of their status. Employees who believe their status has been incorrectly determined should request a review including a written explanation of why they believe the classification is erroneous, to the Human Resources Director.

## 2.5 | Work Hours

Specific workday and workweek schedules for each employee are determined by supervisors and may be modified based on the City's/department's operational needs. The City will attempt to notify employees of any changes in workdays or workweek schedules two weeks in advance of the effective date of change.

The normal workday is eight hours per day, five days per week. The normal workweek is Sunday through Saturday. Some positions may have different hours or designated workweeks. Nonexempt employees should not begin work before their normal starting time nor continue working beyond the normal quitting time without advanced supervisory approval.

### Overtime

Employees may be required to work overtime from time to time. Overtime hours will be paid to non-represented, non-exempt employees based on FLSA overtime rules for all hours worked exceeding forty hours in a regular workweek, or as otherwise required by state and/or federal laws. Paid leave will be considered in computing the forty hours after which overtime is paid, excluding sick leave. Employees may not start any overtime work without supervisor approval. Supervisors are to ensure that no unauthorized overtime hours are worked. Working unauthorized hours during the workweek may be grounds for corrective action.

### Meal and Rest Periods

Meal and rest periods are provided in accordance with federal and state law. Supervisors will review these and set scheduled times. Nonexempt employees may not work through a meal period without prior supervisory approval.

All nonexempt employees are entitled to a 30-60-minute unpaid meal period each day and a 20-minute paid rest period for each four hours worked. Employees must notify their supervisor if they are unable to take their required 20-minute paid rest period.

#### Wellness Lunch

Employees may, with prior supervisory approval, reduce their 20-minute paid rest periods by 10 minutes each (for a total of 20 minutes) and aggregate the 20 paid minutes to their unpaid meal period for the purpose of wellness activities such as attending physical fitness classes, indoor or outdoor exercise, or other wellness-related activities. Under no circumstances shall the transfer of these minutes result in more City-paid time off work than would have otherwise been authorized. By electing this option, employees must also take their two remaining 10-minute rest periods.

#### City-Sponsored Social and Recreational Activities

Participation in all off-duty social or recreational activities is entirely voluntary. Participation or nonparticipation will not have any effect on an employee's wages, hours, working conditions, or present/future employment opportunities.

#### Emergency Closing

The City will make every effort to maintain normal departmental work hours during inclement weather, a local or national crisis, natural disaster, or other emergencies. City employees, particularly those with emergency responsibilities, are expected to make every effort to come to work to serve the public. Department Heads are responsible for determining which positions are considered "emergency" and "non-emergency" during these events.

The City reserves the right to determine whether an event qualifies as an emergency. The City Manager is responsible for determining when to close specific City operations, or to allow employees to leave work early, due to inclement weather, a local or national crisis, natural disaster, or other emergencies. The City Manager will communicate operational closures for non-emergency staff.

It is the responsibility of Department Heads to notify all personnel under their supervision of any operational or other work closure. Department Heads may reassign employees during times of hazardous environmental conditions that interfere with normal operations. Department Heads shall provide notice to the City Manager of weather or hazard related reassignments.

Employees who are working when departmental operations are suspended, will normally receive regular pay for the remainder of their scheduled shift, subject to approval by the City Manager. Employees on an approved leave of absence (e.g., vacation, floating holiday,

compensatory time, sick leave, and unpaid leave of absence) will not receive regular pay for hours deemed paid to employees who are at work when operations are suspended.

In the event of inclement weather, a local or national crisis, natural disaster, or other emergency without City closure, the following rules apply:

- **Reporting to Work:** Employees are encouraged to use their best judgment in determining environmental conditions related to their commute. Non-emergency personnel who decide that conditions are a threat should contact their supervisor and notify them that they will be absent. In this event, the employee may work remotely or charge time not worked to vacation leave, compensatory time off, or floating holiday. Exempt employees may work from home if they wish to do so and shall take time off if required by the policies relating to time off for exempt employees.
- **Early Departure and Late Arrival:** After receiving supervisory approval, employees may charge any time not worked to vacation leave, compensatory time off, or floating holiday, at their discretion.
- **Unpaid leave** is only available upon exhaustion of the above accrued leave balances (vacation, compensatory time off, or floating holiday). Sick leave may not be used for this purpose.
- **Persons with Disabilities:** Employees who have a disability pursuant to the Americans with Disabilities Act may require reasonable accommodations to help such employees get to work during periods of inclement weather or in the event of a natural disaster. Employees who need this type of assistance should contact Human Resources or the Accessibility and Equity Manager to identify an appropriate manner in which the City can assist in reporting to work safely.

## **2.6 | Remote Work**

A hybrid work environment, where employees and teams structure their time and work location around the type of work they are doing, can balance productivity and flexibility with in-person collaboration, collective problem-solving, cross training, and the organizational and community connections critical to serving our community effectively. The City believes employees do some of their best work through in-person collaboration, and there are benefits to the focused work time and flexibility that can come with working remotely. Remote work can also benefit the City's Climate Action goals by reducing vehicle trips.

Subject to operational need, City priorities, and department approval, the City's [Remote Work policy](#) allows employees to work up to two days per week remotely. Certain limitations including specific schedules, combining remote work with alternative workweeks, and employee or position eligibility apply.

## 2.7 | Performance Assessments

The City of Bend aims for continuous improvement through monitoring the City's effectiveness of operations. Performance assessments are required at least annually regardless of an employee's eligibility for an increase in pay. New employees will be evaluated at least once during their initial probationary period, as outlined in Chapter 4.

The objectives of performance assessments and formal appraisal process are to:

- Ensure employees know how they are performing against established performance standards
- Communicate how an employee's individual performance is contributing to overall organization success
- Determine how well the City is performing in assisting with employees' work performance and organizational objectives
- Encourage communication and two-way feedback
- Provide a consistent, objective, and fair method of making compensation decisions
- Provide a tool for career planning
- Provide a permanent record of employees' performance and contributions
- Ensure required certifications are achieved and maintained

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

- Reasonable employee training
- Ongoing professional development
- Assigning, directing, monitoring and reviewing employee work
- Scheduling regular check-in meetings
- Assisting employees in correcting deficiencies
- Objectively evaluating employee performance during the evaluation period

The City's performance appraisal program is intended to be participatory by involving employee and supervisor input, thereby helping employees contribute to the growth and improvement of their careers and the City. Employees are encouraged to:

- Inquire about their performance from time to time
- Accept additional responsibilities and show initiative
- Review opportunities for advancement within the organization
- Ask for assistance in developing a goal-oriented path for advancement within the department or City
- Learn about training available to improve skills and/or qualify for promotions or lateral transfers

Performance evaluations serve as one factor in decisions related to employment such as training, pay increases, job assignments, employee development, promotions, and retention. Written evaluations identify specific performance levels as compared to established standards, acknowledge the above-standard performance, and prescribe the means and methods to correct performance deficiencies.

## **2.8 | Employment Recordkeeping**

It is the City's policy to establish and maintain accurate and complete employment records for all City employees, in compliance with state and federal laws.

### Ownership and Maintenance

Employee records are City property; the City will determine the content of the employment record. At a minimum, employment records will contain legally mandated documents pertinent to pay, benefits, working conditions, performance, training, and other terms and conditions of employment. Official employment records for City employees are centrally managed by Human Resources.

Employees must use the Munis Employee Self Service portal to report changes in name, marital status, address, telephone number, dependents, or emergency contact to Human Resources.

### Confidentiality and Access

The City recognizes employees' right to privacy and adopts these basic principles:

1. The collection of employee information is limited to information the City needs for business and legal purposes.
2. The confidentiality of all personal information in the City's records is protected, except when disclosure is required by law.
3. Internal access to employee records is limited to those employees having an authorized, business-related need. The City may authorize access to third parties, including government agencies, as a result of a court order, subpoena, or District Attorney decision on appeal of a denial of a public records request.
4. Employees are permitted to see the personal information maintained in their personnel file and may correct inaccurate information or submit written comments in disagreement with any material.
5. All employees involved in record keeping are required to follow these confidentiality rules. Violations may result in corrective action up to and including termination.

The City recognizes the confidentiality of personal information in personnel file, as protected under Oregon Law. However, absolute confidentiality cannot be guaranteed.

Contents of an employee's record may be reviewed by the employee, immediate supervisor, Department Head, and the employee's designated representative (with written authorization).

Authorized individuals should contact Human Resources in advance to arrange a review appointment. Employees have the right to review and receive copies of the records maintained in accordance with ORS 652.750. The City may be required to disclose portions of personnel files in response to public records requests.

The City's recruiting supervisors are allowed to review employee records in conjunction with internal reference checking. Again, contact the Human Resources Director to schedule an appointment for the review.

Separated employees may request a copy of their own records for up to one year from the date of separation. The City may charge a reasonable fee to defray reproduction costs.

#### Medical and Sensitive Records

Medical records, workers' compensation claims, drug testing results, and other sensitive information are maintained in separate confidential files, in accordance with the American with Disabilities Act (ADA) and other applicable laws.

#### Department Files

To the extent required for day-to-day management, supervisors may maintain confidential department files containing employee training, performance plans, and notes on counseling sessions, etc. This file is considered confidential and stored securely. The Department file will not contain sensitive records.

Performance management data, such as notes illustrating performance accomplishments or shortfalls, customer complaints or commendations, notations of verbal counseling sessions, etc., should be incorporated in the performance evaluation for the period to which it is applicable. Generally, discipline documents such as interview notes or other associated and relevant material will be sent to the Human Resources Department upon disposition of the issue for review, retention, or destruction as appropriate.

#### Disciplinary Documentation

No disciplinary material may be placed in an employee's personnel file unless they have been given an opportunity to read it and have been advised it will be placed on file. Employees will be asked to sign and date the file copy to acknowledge receipt of the material. A signature does not indicate concurrence with the information presented, merely that the employee had an opportunity to review. Employees may submit written comments regarding the information believed to be derogatory, incorrect, or a

misrepresentation of facts; for inclusion in the file and retained until the referenced document is destroyed.

#### Records Retention

Employee file contents are minimally retained as provided for by laws governing retention of City government records. For detailed information on how employment records are maintained, stored, and disposed of, please refer to the Human Resources Records Retention Policy, available through the Human Resources Department or the City's internal policy portal.

Public access to employee records is managed in accordance with state and federal laws regarding the release of public information. All requests for employee data should be directed to the Human Resources Department. Normally, Human Resources will confirm employment, dates worked, and eligibility for rehire by telephone, which frequently meets the needs of other employers or lending institutions. All other requests for data must be submitted in writing with an accompanying employee release. While the City recognizes the confidentiality interests of employees, state law requires us to balance the public interest in disclosure with the privacy interests and may conclude that disclosure is required or may be ordered to disclose information from personnel files. Subpoenas are honored consistently with the law as confirmed by the City's legal counsel.

It is the City's policy to release only a current/former employee's position title, dates of employment, and salary range to outside agencies when conducting reference checks. Employees who would like the City to release additional information should contact Human Resources and complete a Reference Release form (see Appendix A). The City will maintain this form in the personnel file. A signed form authorizes the City to depart from its general policy and provide additional information. Employees should seek approval from their supervisor prior to responding to any reference request.

## **2.9 | Expense and Travel Reimbursement**

The City will pay all actual and reasonable business-related expenses employees incur in the performance of their job responsibilities in accordance with the City's Business Expense and Employee Travel policies. Business or travel expenses incurred while conducting official City business must have a public purpose and serve the public interest. All expenses must be pre-approved by the Department Head before payment will be made.

To obtain reimbursement, employees must submit an employee expense reimbursement, approved by their supervisor and supported by evidence as outlined in the policies referenced above.

## 2.10 | Public Records Management

A "Public Record" is any writing that contains information relating to the conduct of the public's business that is prepared, owned, used or retained by a public body, regardless of medium. The City is required to manage its records in accordance with state laws (ORS 192) and City policy. Each department is responsible for managing their records, which includes the retention, storage, and destruction of those records. This policy pertains to all public records residing on servers, hard drives, email systems, digital media, and paper filing systems. It applies to all City officials, regular and temporary employees (including interns and seasonal staff), volunteers (including advisory body members), contractors, and consultants.

More information on public records can be found on [Bend Hub – City Recorder's Office](#) or in the City's [Use, Retention and Ownership of Public Records](#) policy.

# **CHAPTER 3**

# **RECRUITMENT & SELECTION**

## **3.1 | Recruitment and Selection**

The City is committed to filling employment vacancies with the most highly qualified applicants, whether recruiting internally or externally. Job applicants will be considered on an equal basis for all positions without regard to race, color, religion, sex, pregnancy, national origin, ancestry, citizenship, age, marital status, physical or mental disability, veteran's status, medical condition, sexual orientation, gender identity, genetics, or membership in any other protected class. The City complies with state and federal preferences for veterans. External recruiting may be initiated concurrently with the internal posting process.

### Recruitment of Relatives/Partners

Former employees and relatives of current employees will be considered for employment in the same manner as any other applicant. Employees may not participate in hiring or other decisions relating to the employment of a relative, partner or household member.

### Recruitment and Selection Process

The Human Resources Director is responsible for the oversight and implementation of the City's recruitment and selection processes.

The hiring department will develop a recruitment plan and ensure a fair, valid, and competitive method of selection is utilized and documented in accordance with Human Resources policy. When recruitment is limited to internal candidates only, temporary and/or intermittent employees are eligible to apply.

Application, testing, and background documents are deemed confidential and will not be open to inspection by the applicant, other applicants, or the public except as otherwise required by law or legal process.

Job offers may be contingent on a review of the applicant's driving record (pursuant to Chapter 5), a criminal background check, reference checks, and any other specific requirements of the position, including a pre-employment drug screen for certain positions.

Qualified candidates may be placed on an eligibility list for consideration for other roles within the City in the same job classification. Hiring managers may access the eligibility list to fill vacancies, so long as the position offers the same or fewer benefits than the original job posting. Eligibility lists are valid for up to six months, or until the eligibility list has been deemed stale.

### Temporary/Intermittent Appointments

Departments Heads may hire temporary and/or intermittent employees for positions which are seasonal, project oriented, designed to cover work for an absent employee, manage a temporary shift in workload, or for other business reasons. Temporary and/or intermittent employees will typically be utilized only when the need for the position is originally estimated to be twelve months or less. Temporary and/or intermittent positions exceeding 12 months require the approval of the City Manager. Department Heads should consult with Human Resources prior to recruiting for temporary and/or intermittent positions.

## **3.2 | Probationary Period**

Probationary periods for new employees represented by labor associations are outlined in the applicable [collective bargaining agreement](#).

New employees not represented by a labor union (see Chapter 2.1) are hired on an initial probationary period of one year, unless hired as an "at will" employee. The initial probationary period is an extension of the employee selection process. During this period, employees are in training and under observation and evaluation by their supervisor. Evaluation of the employee's adjustment to work tasks, conduct and other work rules, attendance, and job responsibilities will be conducted during the initial probationary period. Employees who successfully complete the initial probationary period, are moved to regular status. If expectations, skills, or conduct are not satisfactory, it is unlikely that employment will be continued.

### Initial Probation

All new employees, excluding "at will" employees listed in Chapter 2.2, shall serve an initial probationary period of 12 months. Employment during this initial probation period is considered "at will". Represented employees should refer to their collective bargaining agreement for more information.

### Transitional Probation

Employees who have completed their initial probationary appointment and are subsequently promoted or who request a lateral transfer or reassignment will serve an additional transitional probationary period of 12 months in their new position.

Regular status is achieved at the conclusion of initial or transitional probationary period unless the Human Resources Director received written notification from the Department Head prior to the conclusion of the probationary period that the probationary period will

be extended, or in the case of an initial probationary period, that the employee has not been successful in competing the probationary period.

If an employee is not successful in completing their transitional probationary appointment, they may, at the City's discretion, be transferred or reassigned to another vacant position. The Human Resources Director is responsible for determining if an employee is qualified for the transfer or reassignment. The employee will serve an additional transitional probationary period of six months following transfer or reassignment.

When an employee's position has been re-designated to a higher-level classification, and assigned to the position without a competitive recruitment process, the employee will not be required to serve a transitional probationary period.

If an employee is promoted or requests and granted a transfer or reassignment while serving their initial probationary period, the remainder of the initial probationary period will run concurrently with the new transitional probationary period.

### **3.3 | Appointment Types**

The City utilizes a variety of appointment types which determine the length of employment, hours assigned, and benefits available to assigned employees.

#### Limited Term

A full- or part-time appointment in which the term of employment is limited to an established duration, at least one year and not exceeding three years. Limited Term employees are eligible for benefits and union representation the same as regular employees, based on job classification and budgeted hours.

#### Regular

A budgeted full- or part-time position, generally expected to be ongoing based on operational need. Regular employees are eligible for benefits and union representation based on job classification and budgeted hours.

#### Retiree Rehire

A full- or part-time assignment in which a prior City of Bend employee who is currently receiving PERS or other retirement benefits fills a regular, budgeted FTE based on business need. Retiree rehires may only fill budgeted FTE for up to six months unless explicitly authorized by the City Manager.

Temporary

A full- or part-time assignment generally expected to last less than one year. Employees in temporary assignments are not eligible for benefits (unless required under the ACA, see Chapter 7 – Benefits), union representation, or ongoing employment and considered “at will” as described in Section 2.2.

Intermittent

A part-time assignment in which work is assigned on an as needed or irregular basis; assignments must average less than 30 hours per workweek. Employees in intermittent assignments are not eligible for benefits (unless required under the ACA, see Chapter 7 – Benefits), union representation, or ongoing employment and considered “at will” as described in Section 2.2. Qualified employees serving in intermittent roles may be eligible for PERS benefits depending on number of hours worked each year.

# **CHAPTER 4**

# **CLASSIFICATION & COMPENSATION**

## 4.1 | Salary and Pay Administration

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

The Human Resources Director will provide consistency and guidance in the management of salary administration, including:

- The approval of initial salaries.
- Performance-based salary adjustments.
- Increases at time of promotion.
- The provision of pay options in the event of a transfer, demotion, reassignment or leave of absence.

All salaries will be set within the adopted salary range. Payment of salaries for nonexempt employees (covered under the overtime provisions of the Fair Labor Standards Act or state law) will be for hours worked except where these policies and applicable laws permit otherwise. Hours worked includes holidays and any paid leave time, excluding sick leave.

### Statement Regarding Pay Equity

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

### Salaries for New Employees

Initial rate of pay is determined by a variety of factors including internal pay equity, labor availability, and job market trends. New employees may be started at any point within the salary range based on previous experience or qualifications. However, employees' beginning salary may not exceed the salary range for their position. Employees' salary will be assigned to a step within their position's assigned salary grade unless otherwise allowed by employment type, collective bargaining agreement, or authorized by the City Manager.

### Salaries for Promotional Appointments

If an employee is promoted to a position with a higher salary range, their pay will be within the new range with exact placement determined based on the same factors considered for new employees.

After a promotion, employees may be eligible for adjustments subject to the annual performance management cycle as authorized by the City Manager. Promotional pay increases for employees represented by a labor association will apply in accordance with the applicable [collective bargaining agreement](#).

### Transfers

If an employee is transferred to a position with the same salary range, there will be no adjustment of salary because of the transfer.

### Overtime & Compensatory Time

FLSA non-exempt, non-represented employees will be paid for time worked in excess of 40 hours in their designated workweek. Time worked will include any paid leave taken during the week in which the overtime is being calculated, excluding sick leave.

Employees who are not exempt under the provisions of the Fair Labor Standards Act are eligible to receive overtime pay and/or compensatory time. Overtime will be paid at the rate of one and one-half times their regular rate of pay, based on FLSA overtime rules. Time worked as overtime will not be considered when determining their eligibility for benefits, retirement, or completion of either an initial or promotional probationary period.

Non-represented employees who are eligible for overtime pay may, with the mutual consent of their supervisor, accrue compensatory time in lieu of overtime. Compensatory time will be earned at one and one-half times the number of hours worked and may be accrued up to a maximum of 80 hours. Compensatory time off will be considered the same as time worked when determining eligibility for benefits, retirement, or completion of either an initial or promotional probationary period.

Temporary, intermittent, and retiree rehire employees are eligible for overtime pay under the same conditions as regular employees; however, they may not earn compensatory time.

### Salary Increases

Employees are eligible for pay increases based on City finances, performance, contributions, and success. All salary adjustments will be based on performance as documented in performance assessments. Employees are eligible for consideration of an annual salary adjustment during the normal review period. When employees have performed at or above the satisfactory level, as determined by their supervisor, they may be granted a salary increase. Salary increases will be commensurate with performance ratings. However, in no case may an increase cause an employee's salary to exceed the top of the salary range for their position.

### Higher Classification Work

Temporary Higher Classification Work - An employee who remains responsible for their current job responsibilities while temporarily assuming the major duties of a higher classification for longer than one regularly scheduled workday may receive temporary compensation above their current salary. The following provisions exist:

- a. The employee remains at their current classification and pay rate and receives additional compensation as a recurring out-of-class payment (up to 5% above their current salary).
- b. Temporary Higher Classification Work anticipated to last longer than thirty calendar days must be approved by the City Manager or assigned designee. The Human Resources Director will facilitate the process for having Temporary Higher Classification work reviewed by the City Manager or assigned designee.
- c. The premium for Temporary Higher Classification Work does not apply in situations where an employee is performing higher level duties for the purpose of professional development. Any agreement to perform higher level duties for the purpose of professional development should be documented in writing between the employee and Department Head.

Interim Assignments - An employee, who is temporarily appointed 100% to a higher-level classification and outside of their regular duties for a period longer than thirty calendar days, may receive additional temporary compensation in addition to their current salary.

- a. The employee will remain at their current classification and pay rate and receive additional compensation as a recurring out-of-class payment (equal to the minimum of the higher-grade level or up to 10% above their current salary).

- b. All Interim Assignments must be submitted to the City Manager or assigned designee for approval. The Human Resources Director will facilitate the process for having Interim Assignments reviewed by the City Manager or assigned designee.
- c. The premium for Interim Assignments does not apply in situations where the employee is performing higher level duties for the purpose of professional development. Any agreement to perform higher level duties for the purpose of professional Development should be documented in writing between the employee and Department Head.
- d. Interim Assignments for less than 30 days will be treated as Temporary Higher Classification Work.

#### Paydays

Employees are paid according to the City's payroll cycle on the 15th and last business day of each month. The payroll cycle may be modified at the City's discretion; pay periods run from the 10th to the 24th and 25th to the 9th of each month.

#### Payroll Deductions

Certain mandatory and elective deductions are made from employee pay and noted on the pay advice. Only deductions authorized by law and those which employees have authorized in writing are made.

#### Paychecks

Employees' paychecks will be directly deposited unless elected otherwise.

#### Method of Payment

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

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

Employees must, under federal and state law, furnish the City with an Employee Withholding Certificate (W-4) and Oregon Withholding Statement and Exemption Certificate (OR W-4) on the date of hire. New W-4 forms must be submitted any time a change is requested.

#### Time Records for Nonexempt Employees

The City calculates pay using an electronic timekeeping system which non-exempt employees must use to record time worked.

Employees are responsible for complete and accurate timesheets. All corrections must be made, reviewed, and approved by the employees' time approver. Submission of a timesheet verifies that the times and dates are true and accurate to the best of the employee's knowledge. Willfully falsifying a timesheet is grounds for corrective action, up to and including termination.

In recording hours worked under the FLSA, infrequent and insignificant periods of time beyond the scheduled working hours, which cannot as a practical matter be precisely recorded for payroll purposes, may be disregarded.

#### Time Records for Exempt Employees

Exempt employees must only report absences from work greater than half of their scheduled day on their electronic timesheets. There will be no deduction to employee pay unless they fail to work a minimum of half of their regularly scheduled workday. Though exempt employees are not paid by the hour, it is generally expected that the duties of their position will require a minimum of 40 hours per week to achieve optimal performance.

#### Improper Deductions for Pay for Exempt Employees

The City will reimburse any exempt employee whose pay is reduced in violation of this policy. If an employee feels their pay has been improperly reduced, they should notify the Human Resources Director.

#### Final Paycheck

While the City requests that employees provide at least two weeks advance notice prior to departure when resigning from the City, employees who provide at least 48 hours' notice (excluding holidays and weekends) will receive their final paycheck on the last day worked. If less notice is given, the final paycheck will be provided within five business days or on the next regularly scheduled payday, whichever occurs first. Final paychecks will include all wages earned through the last workday plus payment for any accrued and vested benefits that are due and payable at separation.

## **4.2 | Classification and Compensation Plan**

The City Manager is responsible for the creation and maintenance of a classification plan. The classification plan will consist of a comprehensive listing and definition of all classifications and salary ranges in City service. The purpose of the classification plan is to:

- Establish qualification standards for employment eligibility.

- Establish criteria for evaluation of characteristics within job classifications to ensure internal equity alignment.
- Assess parity in compensation for similar positions.
- Develop standards of work performance.
- Establish job classification specifications, job families, and compensation structures.
- Provide a framework for analysis of organizational relationships or position designations (see Section 4.2).
- Assist in the budget development process.
- Provide flexibility in the assignment of personnel.

The Human Resources Director administers a review of all City classifications and assigned compensation levels on a regular schedule and submits findings to the City Manager for review. Compensation levels are typically reviewed every three years. For purposes of this policy, compensation includes both salary and benefits. Compensation levels are based on all relevant information including, but not limited to internal equity, compensation provided by other employers for comparable work, the City's financial condition, and recruitment and/or turnover information.

It is the Human Resource Director's responsibility to determine the comparable relevant labor market when conducting a review of compensation. The Human Resources Director will analyze classifications in terms of duties and responsibilities, knowledge, skills and abilities, minimum qualifications, changes in labor market forces and competition, geographic location, and other relevant factors.

In exceptional circumstances (e.g. rapid change in competition or labor market forces), the City Manager may initiate a review of compensation earlier than the three-year schedule to meet immediate organizational needs.

## 4.3 | Position Designation

### Position Designation

Every position in the City will be allocated to a classification and salary range. Each position has a position description containing the specific duties and responsibilities of the position. Position descriptions include: the title of the position, a narrative on the duties required, the level and scope of responsibility, the minimum qualifications, and the knowledge, skills, and abilities required to successfully carry out the job responsibilities. Position descriptions are intended to

be explanatory and not prescriptive; –employees may be asked to perform tasks not specifically included in the position description, and in some cases, employees may not be asked to perform some of the tasks listed in the position description. Department Heads are responsible for the content of the descriptions and retain the ability to modify specific and/or daily tasks as required, including assigning employees higher-level duties for limited periods of time.

Except under exceptional circumstances as determined by the City Manager, no new regular position will be filled until a position designation has been determined by the Human Resources Director. The Human Resources Director will maintain the official record of all active position descriptions and will ensure employees are notified of their position designation.

Department Heads are responsible for ensuring that the number of current employees does not exceed the number of budgeted positions.

#### Position Re-Designation

If an employee believes their duties and responsibilities have changed significantly since their position was designated, they may request a review of their position designation by submitting a written request to their Department Head. The Department Head will forward the request to the Human Resources Director, who will conduct an analysis of the duties and responsibilities of the position and determine the appropriate designation.

If an employee's position is re-designated to a classification with a higher salary range, their Department Head will have the option of promoting the employee or conducting a recruitment process. Promotion is dependent on the Human Resources Director's determination that the employee meets the requirements defined in the new or revised position description.

Rates of pay following re-designation will be in accordance with the City's pay practices including but not limited to all relevant information including, but not limited to internal equity, compensation provided by other employers for comparable work, the City's financial condition, and recruitment and/or turnover problems.

The Human Resource Director may approve promotion of incumbents without a recruitment process, if the Department Head demonstrates that the duties and responsibilities of the position evolved over a significant period of time, typically greater than 18 months. If the Department Head conducts a recruitment for the re-designated position and the incumbent is not selected, and there are no other

positions available, the employee may request a voluntary transfer into another vacant position for which they are qualified or accept a no-fault termination. If a re-designation of a position is the result of a large-scale classification study, the incumbent may retain the position and any applicable compensation pursuant to policy as described in this Handbook.

Nothing in this section affects any rights under collective bargaining agreements.

# **CHAPTER 5**

# **STANDARDS OF CONDUCT**

## **5.1 | Respectful Workplace Conduct**

The City is committed to cultivating a respectful, inclusive, and high-performing workplace by clearly defining and upholding standards for conduct, performance, and attendance. While it is not possible to create an exhaustive list of expected and prohibited conduct, courtesy, respect, and common sense should always prevail.

The City expects all employees to conduct themselves in the public interest, as opposed to individual interest, regarding conduct, performance, and attendance standards.

Broad examples of appropriate and respectful workplace behavior include, but are not limited to:

1. Treating others with respect.
2. Working effectively with others and functioning as part of a team.
3. Being flexible to accept changes in a positive manner.
4. Communicating effectively in a constructive, respectful manner.
5. Presenting a cooperative and professional image.

For additional details on workplace conduct expectations and examples of prohibited behavior, please review the Respectful Workplace Conduct policy.

## **5.2 | Customer Service Standards**

The City is committed to providing outstanding customer service for the community, visitors, and colleagues, and believes this improves the quality of the experience for the customer and the work environment for employees.

All employees shall provide customers with responsive, consistent, and effective services. The City will deliver quality public service with respect for the needs of the Bend community, visitors, co-workers, and community partners. To achieve the provisions of quality service, employees shall:

- Provide services to the community in a fair and equitable manner with an emphasis on problem solving and a teamwork-based approach to resolving issues.
- Deliver services and programs in a sustainable manner that balances the needs of the community now with the needs of future generations.
- Promote excellence in the organization.
- Identify efficient and innovative approaches to service delivery and customer service.

- Carefully consider the knowledge and perspectives of customers and respond to their ideas and concerns in a respectful and collaborative manner.

## 5.3 | Ethics

The City believes in treating people with respect and adhering to ethical and fair practices. The City expects employees to avoid situations that might cause their personal interests to conflict with the interests of the City or to compromise the City's reputation or integrity. Employees who conduct themselves inappropriately or who create a detrimental impact on the City may be subject to corrective action up to and including termination.

### Conflict of Interest

Employees may not solicit, obtain, accept, or retain any personal benefit from any supplier, vendor, customer/client, or individual or organization conducting or seeking business with the City. This means employees may not maintain an outside business or financial interest or engage in any outside business or financial activity that conflicts with the interests of the City or interferes with the ability to fully perform their job responsibilities. For example, if an employee has a financial interest in a company that is or may become a vendor of goods or services to the City, they may not in any way participate in any purchasing decision related to those goods or services or in any evaluation of the goods or services.

Employees may not process or approve any financial transactions or other City business relating to accounts or projects for themselves family members, or matters in which they have a personal financial interest. This includes, but is not limited to, transactions such as opening accounts, processing charges or payments, refunding, reversing or waiving fees, transferring, non-monetary changes, permit/plan review, any other approval or recommendation, or any similar activity.

### Outside Employment/Business Activity

Generally, employees may obtain employment with an employer other than the City of Bend or engage in business activities to produce income so long as the activity is lawful and not otherwise prohibited by these rules. Employees must consult their supervisor to assure that their outside employment or business activity does not conflict with these rules.

Employees may not engage in outside employment or business activity that conflicts with the City's interests or, in the judgment of the City, interferes with the employee's ability to perform their work at the City or risks creating confusion or reputational harm to the City or its operations. Employees are prohibited from, directly or indirectly, soliciting or

accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official position.

Employees must report outside employment or business activities to their supervisor and Human Resources by submitting a Disclosure of Outside Employment, Business Activities, Conflict, or Financial Interest Form for review and approval before the outside employment or business activity begins. Thereafter, an employee must provide an updated form if any changes in outside employment or business interest occur. Employees who accept or begin outside employment or business ownership in violation of this policy may be subject to discipline, up to and including termination.

#### Endorsements

Employees may not endorse any individual or organization in their capacity as a City employee. If a supplier, vendor, customer/client, individual, or organization wishes to list the City or one of its employees as a reference, it must be done with the understanding that when asked to provide a reference, an honest opinion will be provided.

#### Misrepresentation

Employees should consider how they represent the City in their transactions and interactions. Employees should not misrepresent the City's policies, practices, or procedures, and employees may not misrepresent their status and/or authority to enter into agreements. Employees are prohibited from using the City's name, likeness, facilities, assets, or other resources, or the authority of their position with the City, for personal gain or private interests.

#### Gifts/Gratuities

Occasionally City employees are offered personal gifts, discounts, conference discounts, or gratuities in connection with their City employment. While such offers may be made in good faith, it is important that everyone representing the City avoid any appearance of impropriety or conflict of interest. Employees are expected to exercise good judgment and politely refuse such personal gifts, discounts, or gratuities offered in connection with their employment with the City. Exceptions would be acceptance of gifts of insignificant value of less than \$50, such as pens, pencils, calendars, etc. offered on infrequent occasions in the ordinary course of business.

Gifts, gratuities, loans, fees, or any other items of significant value may not be solicited by City of Bend employees, agents, or volunteers or accepted either directly or indirectly if the acceptance could be considered to influence directly or indirectly the actions of the employee or any other person in any matter of City business. Significant value is any gift with a market value of \$50 or more. Under no circumstances may gifts exceed \$50 per calendar year from any one source.

Small gifts that may be shared by a group (such as a box of donuts) may be accepted on behalf of the City so long as the gifts may be shared by all. Employees may not accept any alcoholic beverage from a supplier, contractor or other person or entity that does or may do business with the City.

#### Travel Awards, City-Sponsored Gifts, and Food & Beverage

City employees may encounter various situations and rewards that are considered part of their official compensation package. Travel rewards and compensation for being displaced while traveling for work, City-sponsored gifts and gift baskets, frequent flier miles, food and beverage provided by the City related to City meetings and/or an employee's work, and related items accrued or earned by officials and employees on official City business, are part of the salary and benefits to which employees are entitled. However, employees should make decisions regarding travel arrangements and expenses in the best interest of the City and with responsible stewardship of public resources as the priority, rather than to maximize accrual of this benefit. Abuse of this benefit, including influencing travel arrangements to maximize accrual of awards to the detriment of the City or public is prohibited and is cause for discipline. Employees are responsible for ensuring that this compensation is reported as income for tax purposes to the extent required by law.

Examples of travel awards are coupons, discounts, credit card rebates, frequent flyer miles, and tickets and vouchers for being bumped from an airline flight. Employees should be aware of provisions of the Oregon public employee ethics statutes, including the provisions of ORS Chapter 244. The law prohibits a public employee from using or attempting to use their official position to receive a financial gain or avoid a financial detriment that would not be available but for the person's employment by a public agency.

#### Off-Duty Conduct

Off-duty activities are generally personal to the employee. However, certain types of off-duty activities may be of concern because of the potential negative impact on the City's reputation or because they involve relations with other employees. For that reason, if an employee engages in or is associated with illegal or any other conduct that adversely affects the City (including the City's public image or employee relations) or the employee's own ability or credibility to carry out their employment responsibilities, they may be subject to corrective action up to and including termination.

#### Solicitation and Bulletin Boards

To ensure that employees are not disturbed, interrupted, or disrupted while at work, the following no solicitation policy applies:

- Individuals who are not employed by the City may not solicit its employees or distribute literature to employees within City work areas at any time.

- If an employee wishes to solicit or distribute literature to other employees by or on behalf of any individual, organization, club, or society, they may do so only during times when they are on a break or lunch period. Employees may solicit or distribute literature only to those employees who are also on their break or lunch period. The distribution of literature or materials should generally happen in established break areas or lunchrooms.
- Employees may not solicit, expect, or accept contributions from vendors, clients or anyone doing business with the City.
- Employees may not sell merchandise or collect funds of any kind during their work hours without prior approval from their Department Head.

City bulletin boards, including digital or electronic displays, are intended to keep employees up to date on work-related notices and events, and are used to post information required by law. For employees covered by a collective bargaining agreement, there may also be union bulletin boards in their work facility. Employees should refer to their collective bargaining agreement for additional details. City bulletin boards are to be used only for posting or distributing notices or announcements of a business nature that are equally applicable and of interest to employees or are directly concerned with City business. The City may have bulletin boards open to employee postings in lunchrooms/break areas.

#### Political Activities

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

Political activity is prohibited while on the job. This includes soliciting money, influence, service, signatures, or other things of value or otherwise aid or promote any of the following during working hours:

- Political committees
- Nomination or election of any person to public office
- Passage or defeat of any ballot measure

Employees are not permitted to serve on the City Council or other City advisory body.

## 5.4 | Workplace Relationships

To avoid favoritism or the appearance of favoritism, employees may not supervise or participate in the recruitment and selection process when involved with any applicants or employees in a romantic or familial relationship.

If a situation occurs, creating a direct or indirect supervisory relationship between employees with a romantic or familial relationship, the employees involved should inform their supervisors to discuss potential reassignment. Additional details are available in the City's Workplace Relationships policy.

## 5.5 | Communications and Information Systems

The City's [IT Acceptable Use policy](#) defines how employees and authorized users may use City-provided technology systems. It emphasizes responsible use, data security, and compliance with legal and organizational standards. All data created on City Systems is City property and may be subject to public records disclosure. Users must complete cybersecurity training, protect sensitive data through encryption, and report suspicious activity or device loss immediately.

Examples of unacceptable activities include:

- Unauthorized software installation
- Excessive personal use
- Introducing malware
- Sharing passwords
- Accessing prohibited content

Email, social media, and communication tools must not be used for harassment, impersonation, political campaigning, or sharing confidential information. Social media use must be professional and not misrepresent the City or violate its policies. The City reserves the right to monitor and audit all system use to ensure compliance.

## 5.6 | Harassment and Anti-discrimination

The City is committed to creating an atmosphere free of discrimination, harassment, and sexual assault in compliance with related state and federal laws.

All employees have the right to work in an environment where everyone's dignity is respected. For that reason, it is expected that all employees conduct themselves in

compliance with this policy. Any harassment of employees by fellow employees is not permitted, regardless of their working relationship or supervisory status. The City prohibits harassment and sexual assault that violates its employees', volunteers', and customers' right to work in a harassment-free workplace.

The City does not tolerate conduct by any employee that harasses, disrupts, or interferes with another's work performance or creates an intimidating, offensive, or hostile environment. The City desires to maintain a working environment free from all forms of harassment, whether based upon race, color, religion, ancestry, national origin, age, marital or family status, veteran status, sexual orientation, physical or mental disabilities, on-the-job injuries, gender identity, sex, pregnancy, or any other legally protected characteristic or status recognized by state, federal, or local law.

Employees who have experienced sexual assault, any harassment, or discrimination in the workplace, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should bring the matter to the attention of Human Resources, a supervisor, or any member of management as soon as possible.

Detailed information about harassment, sexual assault, and related complaints can be accessed in the City's Harassment and Anti-discrimination policy.

## **5.7 | Alcohol/Drug Use, Abuse, and Testing**

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

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

The conduct prohibited by this rule includes possession, transfer, use, or being under the influence of any alcohol or drugs while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations or safety of City employees or others. This includes consumption of any intoxicating substance within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic or drugs or a related "hangover"

adversely affects an employee's physical or mental faculties while at work to any perceptible degree, (see definition of "reasonable cause testing" below), and if the employee tests "positive" for alcohol by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.

Exceptions to this rule include law enforcement employees who may possess or transfer alcohol during the performance of their law enforcement duties, e.g., collecting evidence and with written authorization from the City Manager, who may approve open containers and alcohol consumption by off-duty employees in connection with after-work social events.

If an employee is called to work in an emergency, they must notify their supervisor of alcohol consumption during off duty hours that could result in substance presence in their system when called to work. If approved by the supervisor to work, the employee's assignment may be off the front-line and administrative in nature as to free other employees for the safety-sensitive assignments. A Public Safety employee authorized to work will not be deemed to have violated this policy.

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

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

### Testing

The City reserves the right to:

- Subject applicants who are given a conditional offer of employment in a safety-sensitive position to a drug and alcohol test;
- Test employees reasonably suspected of using drugs or alcohol in violation of this policy;

- Discipline employees who test positive or otherwise violate this policy, up to and including termination; and
- Test employees when they: (1) cause or contribute to accidents that seriously damage a City vehicle, machinery, equipment or property; (2) result in an injury to themselves or another employee requiring offsite medical attention; or (3) when the City reasonably suspects that the accident or injury may have been caused by drug or alcohol use.

City employees holding a Commercial Driver's Licenses (CDL), as required for their work activity, are subject to random drug and alcohol testing as mandated by the U.S. Department of Transportation (USDOT). The City will arrange and pay for the cost of testing. Sample collection shall be performed in a manner that guarantees employee privacy to the maximum extent consistent with ensuring that the sample is not contaminated, adulterated, or incorrectly identified. A USDOT drug test conducted under this policy shall be considered to have yielded a positive result if the test establishes the presence of the drug at levels equal to or greater than the cutoff level prescribed by applicable legislation. Testing not subject to USDOT provisions shall be managed in accordance with cut off levels established by the U.S. Department of Health and Human Services for on-site testing. Random tests will normally be scheduled during, or immediately before or after, a regular work period. For current employees, testing required by the City is considered to be work time.

When tests are required because of reasonable suspicion, a supervisor shall accompany the employee to the test site. If necessary, a family member will be contacted to escort the employee home or another employee will do the same to ensure safe transportation. For current employees, testing required by the City is considered to be work time.

Upon request, employees have the right to obtain their written test results and the City will comply within five days after receipt of the written request, so long as the written request is made within the records retention period. Employees have the opportunity to explain a positive result in a confidential setting before adverse employment action is taken.

A communication received by the City relevant to drug test or alcohol impairment test results and received through our testing program is a confidential and privileged communication and may not be disclosed except:

- To the tested employee, prospective employee or another person designated in writing by the employee or prospective employee;
- To individuals designated by the City to receive and evaluate test results or hear the explanation of the employee or prospective employee; or

- As ordered by a court or governmental agency.

The City has a more detailed policy regarding drug and alcohol testing posted on the City of Bend SharePoint site and available from the Human Resources Department.

## **5.8 | Tobacco-free Campus**

The City is dedicated to providing a healthy, comfortable, and productive work environment for all employees. "Tobacco" includes all products of the tobacco plant and all cigars, cigarettes, vaporizers, pipes of any type that produce smoke or fumes to be inhaled by the user, and smokeless tobacco (commonly referred to as 'spit' or 'chew'). This applies regardless of content or the source of the smoke or fumes.

### General Statement

In 1993, the Environmental Protection Agency (EPA) classified environmental tobacco smoke as a Group A carcinogen, that is, a substance known to cause cancer in humans. The EPA recognizes no safe level of exposure for Group A carcinogens. Considering these findings, all City of Bend campuses are tobacco-free, effective on March 1, 2007.

### Prohibited Conduct

While on City time, tobacco use is prohibited in all indoor and outdoor areas, including, but not limited to designated City worksites, patios, entryways, and parking areas; there are no exceptions. This policy does not prohibit tobacco use while an employee is on a break and not on City property or designated worksite.

All City-owned vehicles are designated tobacco-free, including rental cars used for City business.

### Employee Responsibility

Employees are responsible for ensuring that they and their visitors comply with all provisions of this policy.

### Disciplinary Action

Violations of this policy will result in progressive disciplinary action.

### Management and Supervisor Responsibility

Management and supervisory staff of the City will be responsible for ongoing compliance of the City of Bend Employee Tobacco Use Policy.

### Smoking Cessation

Smoking cessation resources are available through the City's Employee Assistance Program (EAP) and health insurance provider. Contact the Human Resources Department for additional information.

## **5.9 | Vehicle Usage and Safety**

The purpose of this policy is to provide guidance to employees regarding vehicles used to perform City business; to maximize the safety of drivers, passengers, and the public when vehicles are driven for City business; to ensure lawful, appropriate use of City-owned vehicles; and to comply with applicable tax regulations. City vehicles are to be used only in the performance of official City business and may be equipped with on-board monitoring systems that track maintenance needs and driving practices such as location, speed, and braking. Use of City vehicles for personal purposes is prohibited except as authorized in this policy.

### General Information

This policy applies to all City of Bend elected officials, employees, individuals working at the City of Bend through an employment agency and other individuals authorized to use City vehicles, referred to as "City employees" or "employees".

### Use of Vehicles by City Employees in the Performance of City Business

The provisions of this section apply to employees who operate City-owned or personal vehicles in the performance of official City business.

- Employees must have a valid driver's license for the class of vehicle(s) they operate.
- Employees using a private vehicle to conduct City business must also possess auto liability insurance which will be primary in the event of an accident. Damage to an employee's vehicle (including the auto collision/comprehensive policy deductible) and injury to their passengers and/or third parties are the employee's responsibility. Employees who use their own vehicles for authorized City business use should make necessary arrangements with their insurance carriers.
- Employees are responsible for knowing and following all applicable motor vehicle laws, including the latest amendments applicable to the class of vehicle operated.
- Firearms are not permitted in City vehicles, except as authorized for public safety personnel conducting official business.

- Employees are responsible for paying fines for parking and traffic violations if the fines are incurred during the operation of a vehicle on City business. The City does not reimburse employees for fines unless extenuating circumstances exist such as unknowingly driving a City-owned vehicle with defective equipment.
- Employees who drive vehicles performing City business must notify their supervisor within 24 hours or as soon as practicable about any of the following:
  - City vehicle damage
  - Accident involving a City vehicle or personal vehicle used while engaged in City business
  - Citations, arrests, convictions, or no contest pleas while operating City vehicles or personal vehicles engaged in City business, including DUII
  - No insurance or loss of insurance
  - Driver's license suspension or revocation

Notice is required whether driving a City vehicle or a personal vehicle. The supervisor must forward the notice to the City's Risk Manager and Human Resources within 24 hours.

In general, only City employees may be passengers in City vehicles. However, non-City employees may be passengers in City vehicles if the vehicle is operated by a City employee and the transportation of non-City employee directly relates to City business and falls within the employee's job responsibilities. If a family member or friend is traveling with an employee on City business, the employee must use their personal vehicle. The Human Resources Director Officer may authorize written exceptions to this general provision of the policy.

#### Vehicle Operating Requirements

No individual applying for a City job that involves operating a vehicle to perform City business shall be offered employment if the applicant does not meet the criteria listed in this section. The driver's license requirements in this policy are a condition of continued employment with the City for positions that require driving. Employees must not operate any vehicle (City-owned or otherwise) to perform City business unless they meet the following requirements:

- Employees must have a valid Oregon driver's license. Any person who accept employment with the City and who possesses a non-Oregon driver's license is required to obtain an Oregon driver's license within 30 days of employment.
- Employees must drive in a safe and responsible manner and maintain a good driving record. The City may verify the validity of an employee's driver's license and/or driving record at the time of hire and at any point during their employment.

Once employed with the City, the City will receive automated reports from Oregon Driver and Motor Vehicle Services (DMV) that notify the City when there are transactions on an employee's driving record such as violations, convictions, and suspensions.

- The City will review records, including accidents, moving violations, etc., to determine if an employee's driving record is unacceptable. Employees who have a record or pattern of unsafe or irresponsible driving will be disqualified from driving City vehicles and may be disqualified from driving while on City business.
- Employees must be at least 18 years old to drive for City business, in a City-owned vehicle or otherwise.
- Employees who have been any combination of three or more minor violations or accidents within the most recent three-year period, shall not operate a City vehicle until their driving record has been reviewed by the Human Resources Department and their supervisor, and the determination is made to continue to allow the employee to operate a city vehicle.

Examples of minor violations include:

- Speeding
- Failure to yield
- Improper lane change
- Suspension of driver's license
- Running a red light or stop sign

Any major violation (traffic crime) reported shall be reviewed by the Human Resources Department and the employee's supervisor before the City employee is authorized to drive a City vehicle.

Examples of major violations include:

- Driving Under the Influence of Intoxicants (DUII)
- Failure to Perform the Duties of a Driver
- Reckless Driving
- Attempting to Elude a Police Officer
- Commission of a vehicular felony, including vehicular manslaughter

### Use of City-Owned Vehicles

The following conditions apply to employees who operate City-owned vehicles (not including take-home vehicles):

- City-owned vehicles are to be used only to conduct City business except as expressly provided in this policy. Travel to meetings and working meals, whether at City facilities or off-site, are considered City business activities. Personal use of City-owned vehicles is prohibited except for the minimal uses expressly authorized by this policy.
- In the unlikely event that there are no feasible alternatives to personal use of a City-owned vehicle, employees shall notify their Department Head prior to use or as soon as practical afterwards.
- The general rule is that employees operating a City vehicle, spending the majority of their workday away from a City facility should take meal and rest breaks in the area where they are working. Specific departments may further define the limitations of this policy. Employees may stop for meal breaks on the route of their City business travel, which may include a slight deviation from the most direct route.
- Employees must report any needed maintenance and leave the vehicle clean, adequately fueled, and ready for use by the next city employee.
- All City vehicles shall be tobacco free. Tobacco use is not permitted in any of City vehicles.
- Employees authorized to operate City vehicles must follow all traffic codes and regulations including, but not limited to, use of seatbelts, not driving under the influence, mobile communications, etc.

#### Mobile Device Use While Driving

The use of a mobile device while driving may present a hazard to the driver, other employees and the general public. Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law also prohibits the use of handheld cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of City vehicles and the operation of private vehicles while an employee is on work time. It applies equally to the usage of employee-owned cell phones and phones provided or subsidized by the City.

Employees are prohibited from using handheld cell phones for any purpose while driving on City-authorized or City-related business. This policy also prohibits employees from using a cell phone or other mobile device to send or receive text or "instant" messages while driving on City business (other than those employees engaged in law enforcement work). Should an employee need to make a business call while driving, the employee must

locate a lawfully designated area to park and make the call, unless the employee uses a hands-free cell phone or cellular device for the call. In either situation, such calls should be kept short and should the circumstances warrant (for example, heavy traffic, bad weather), the employee should locate a lawfully designated area to park to continue or make the call, even if the employee is using a hands-free device. Violation of this policy will subject the employee to discipline, up to and including termination.

#### City-Owned Take Home Vehicles

The City Manager or designee may approve take home vehicle use for an employee at the request of the Department Head. Any person approved for a take home vehicle must agree to comply with all requirements in this policy and abide by department-specific take home vehicle criteria.

Take home City-owned vehicles shall be used in accordance with the following guidelines: City-owned or leased vehicles used for personal business, beyond a "de minimis" personal use, must have written authorization to do so. Employees must track personal use and report to the Finance Department monthly for inclusion in their W-2 wage computation.

Personal use of a City-owned vehicle (including commuting to and from home) can be included in an employee's gross income subject to taxation. Exclusions include de minimis personal usage of a City vehicle and use of a Qualified Non-Personal Use Vehicle, both of which are defined under the "definitions" heading later in this section.

City-owned vehicles are not allowed to be driven to an employee's home unless the vehicle has been approved for take home use and at least one of the following apply:

- The vehicle is a Qualified Non-personal Use Vehicle
- The employee is subject to and experience frequent call outs for emergency response duties, outside normal working hours
- The employee is employed in a capacity that requires frequent evening meetings or engagements pertaining to City business

Exempt vehicles not subject to record keeping or taxation include Police, Fire and public safety officer vehicles, unmarked law enforcement vehicles, and qualified specialized utility repair trucks/vans/pickup trucks.

Details of the taxability of take-home vehicle use and record keeping requirements are available in the Finance Department. For employees who use a City-owned vehicle for

personal purposes (including commuting that does not qualify for exclusion), the City will determine the value of the use and add the value to wages reported on their W-2 Form.

All departments with City-owned vehicles will produce and submit a current department vehicle inventory that includes the name of the assigned driver, take-home status, and the type of vehicle being driven to the City Manager or designee. Pooled or shared vehicles will be listed as "pool" for assigned driver. Departments are responsible for keeping inventory current and submitting changes in a timely manner. A current inventory shall be submitted annually. Administration Departments may adopt procedures consistent with this policy. All such implementing policies and procedures shall be provided to the City's Risk Manager.

The Finance Department is responsible for providing guidance for compliance with IRS taxability regulations such as forms and instructions for recordkeeping for use of City-owned vehicles.

Department Heads, division managers, and supervisors shall be responsible for enforcement of this policy.

Employees are subject to corrective or disciplinary action up to and including termination for violations of this policy. Corrective action may include removal from driving responsibilities, which may result in a change in classification and pay and/or removal of from position with the City.

Requests to deviate from this policy must be submitted in writing, reviewed, and endorsed by the Department Head then forwarded for approval by the City Manager or designee. Exceptions may only be granted by the City Manager.

### Bicycles

In Oregon, a bicycle is a vehicle by law. When riding a bicycle to travel for City business, employees have the same rights and duties as other road users and are responsible for knowing and following the law. The Oregon Bicyclist Manual published by the Oregon Department of Transportation condenses and paraphrases the Oregon Revised Statutes.

For accidents and other employee requirements, see the vehicle usage policies in this section 5.9 above, which also should be followed for bicycle operations or accidents.

### Definitions

- Daily Use Record: Vehicle use records are required for all vehicle use that is considered a taxable benefit by IRS regulations. Daily use records (commute trips) are required for "qualified" vehicle use.

- *"De minimis"* Personal Use - As defined by IRS code. An essential element of a *de minimis* benefit is that it is occasional or unusual in frequency. It also must not be a form of disguised compensation.

*De minimis* fringe benefits include property or services, provided by the City or city- appointed contractors for employees, with a value so small that accounting for it is unreasonable or administratively impractical. The value of the benefit is determined by the frequency it is provided to employees, or, if not administratively practical, by the frequency provided by that employer to the workforce as a whole.

Examples of *de minimis* use of an employer-provided vehicle that can be excludable include a small personal detour while on business, such as driving to lunch while out of the office on business, or infrequent (not more than one day per month) commuting in employer vehicle. This does not mean that an employee can receive excludable reimbursements for commuting 12 days a year. The rule is available to cover infrequent, occasional situations.

- Mileage Log: Vehicle use records are required for all vehicle use that is considered a taxable benefit by IRS regulations. Mileage logs are required for non-qualified vehicle use. Mileage logs may be manually maintained and must include the employee's name and signature, work mileage, and actual personal use mileage or may consist of GPS generated reports that supply real time vehicle trip tracking and detailed daily reports containing the needed information.
- Qualified Non-Personal Use Vehicle: Clearly marked Police, Fire, and public safety officer vehicles, unmarked law enforcement vehicles, and qualified specialized utility repair trucks/vans/pickup trucks. Monthly vehicle driver logs are not required for Qualified Non- Personal Use Vehicles.
- Taxable Benefit Vehicles: Other vehicles approved for take home vehicle status by the City Manager. The only personal use permitted for this category vehicle, unless specifically provided otherwise in writing, is a direct route between the employee's place of residence and daily work locations. The value of the transportation benefit of such vehicle is subject to federal and state income, FICA, and Medicare tax on the value of the benefit. This value must be considered as compensation for tax purposes, as required by federal tax laws. Depending on the category of vehicle use, either daily use records or mileage logs must be maintained for all Taxable Benefit Vehicles.

## 5.10 | Workplace Violence

The City understands the importance of a safe and secure environment for our employees and recognizes the need to create a violence-free workplace for employees and the public. This policy is intended to prevent workplace violence from occurring and describes prohibited conduct, warning signs identified with potentially violent behavior, procedures for reporting violations of this policy, and other pertinent information that is necessary to help deter violence in the workplace.

Threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person's life, health, well-being, family, or property will be handled in a zero-tolerance manner by the City. All violent and aggressive behavior is considered inappropriate in the workplace, on both the part of employees and customers, and will not be tolerated. Violence is strictly and specifically prohibited. Emergency Responder field activity is not subject to this section and is handled through the internal affairs process. No existing policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing.

This policy applies to all City employees.

### Workplace Violence

For the purpose of this policy, "workplace violence" is defined as any act of physical aggression by an individual or by a group that occurs in the workplace or arises out of work activities, any attempts at physical aggression, or verbal or physical threats of immediate harmful physical contact.

### Warning Signs of Potentially Violent Individuals

There is no exact method to predict when a person will become violent. However, there can be clues based on an individual's behavior change. One or more of the following warning signs may be displayed before a person becomes aggressive or violent, but does not necessarily indicate that an individual will become violent. A display of these signs should trigger concern. The signs include, but are not limited to, the following:

- Not respecting boundaries that have been set
- Drastic changes in behavior and/or appearance
- Irrational beliefs and ideas
- Displays of unwarranted anger
- Verbal, nonverbal or written threats or intimidation
- New or increased source of stress at home or work

- Fascination with weaponry and/or acts of violence
- Inability to take criticism
- Feelings of being victimized
- Expressions of a plan to hurt oneself or others
- Intoxication from alcohol or other substances
- Externalization of blame
- Unreciprocated romantic obsession
- Expressions of hopelessness or heightened anxiety
- Taking up much of supervisor's time with behavior or performance problems
- Violence towards inanimate objects
- Productivity and/or attendance problems
- Reaction of fear among co-workers or clients
- Stealing or sabotaging projects or equipment
- Drastic change in belief systems
- Lack of concern for the safety of others

### Weapons in the Workplace

Bringing a deadly weapon to City facilities or carrying a deadly weapon while at work is strictly prohibited. This prohibition does not apply to persons authorized to carry weapons as part of their job responsibility, such as public safety officers. For the purpose of this policy, "deadly weapon" means a device, instrument, or object that is specifically designed for causing death or serious physical injury and does not include tools primarily used for construction, demolition or similar work. The prohibition applies even for employees who have a concealed weapon permit. Under no circumstances shall an individual who has not already been exempt from the prohibition have a weapon stored in a City-owned vehicle or facility. The prohibition does not apply to personal defense devices, such as personal attack alarms, nor to chemical defense sprays, such as Mace.

### Reporting

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with the City, or that threaten the safety, security, or financial interests of the City. Employees are also strongly encouraged to report threats or acts of violence by non-employees, such as vendors or community members, against any employee, volunteer, or elected official. Employees should make such reports directly to their supervisor or the Human Resources Director to escalate if needed. Under some circumstances, the Police Department may be informed of the contents of a report for the safety and well-being of employees.

### Confidentiality

While the City cannot promise complete confidentiality due to the potential need to investigate, information about any complaint will be treated as confidentially as possible

and will be handled consistently with proper investigation and responsive action. Generally, this means that confidential information will be shared on a need-to-know basis.

#### Police Intervention

The role of police officers is to enforce the law, and the Police Department will be asked to intercede in situations where criminal wrongdoing is evident or suspected. The City may also involve the Police Department in the event of safety threats.

#### Restraining Order

If an employee applies for or obtains a protective or restraining order which lists their place of work or makes a reference to a person not being within a certain yardage of the employee, they are encouraged to inform their supervisor so they can assist in eliminating any chance of this person causing the employee or any fellow employees harm in the workplace.

#### Domestic Violence Protections and Accommodations

Oregon laws protect employees' right to work free from harassment and require employers provide support if an employee is a victim of domestic violence. Resources to support City employees are available on SharePoint and the Human Resources Department. Employees who are a victim of domestic violence, harassment, sexual assault, or stalking, or are a parent or guardian of a minor child or dependent who is a victim, may be entitled workplace accommodations including protected leave from work to obtain services or treatment, refer to section 9.14 of this handbook for more information.

#### Searches

The City reserves the right to search any property owned by the City. Therefore, employees should have no expectation of privacy concerning City property, e.g., desks, lockers, assigned vehicles. This policy is for the welfare and well-being of employees and to prevent any unauthorized persons from bringing a deadly weapon into the workplace.

#### Results and Repercussions

The City will take corrective action in response to workplace violence on a case-by-case basis. In determining the appropriate corrective action, the City will consider all of the information available at the time, including the nature of the complaint and the context in which events occurred. These situations are dynamic and can potentially escalate over time so behaviors should continue to be monitored for individuals to are showing warning signs. If evidence exists to support the allegations, corrective action, up to and including termination, will be taken against the offender. No one who lodges a good faith complaint, or who participates in an investigation, will be retaliated against or otherwise

treated adversely relating to the reporting of the situation or participation in an investigation.

## **5.11 | Employee Health and Safety**

The City is committed to ensuring a safe and healthful workplace for all employees and acknowledges the responsibility to maintain safe working conditions. The City's goal is to foster a culture where safety is prioritized and ingrained in daily operations.

Everyone is responsible to:

- Work safely: Use the highest standard of care and good judgment while performing job responsibilities.
- Follow safety rules and procedures: Adhere to safety rules and regulations, including the use of protective clothing and equipment.
- Attend training: Participate in job-related safety training sessions.
- Report hazards: Be observant of surroundings and promptly report unsafe conditions to a supervisor or safety committee member.
- Use personal protective equipment (PPE); wear appropriate PPE as required for work tasks.
- Stop unsafe work: If unsafe conditions exist, stop work immediately and take corrective actions.
- Report incidents: Report injuries and damage incidents to a supervisor as soon as possible.

To promote a safe and accident-free environment, the City has established safety committees within departments. These committees play a crucial role in bringing employees and management together in a non-adversarial, cooperative effort to promote safety and health. Safety committees meet monthly to review workplace hazards and make recommendations for change.

Employees are encouraged to actively participate in these committees and report hazards and safety issues to their respective committee members. By collaborating on safety initiatives and continuously improving our safety practices, we aim to create a workplace where every employee can perform their duties safely and return home without harm.

## **5.12 | Identification (ID) Cards**

The City issues ID cards to all employees which function as keys to City facilities and may provide access to some, but not all, City buildings.

City employees must display their City-issued ID card on their person in a location where it can be readily observed by others while on City property or performing official duties.

Departing employees must surrender their ID cards during the off-boarding process.

Additional information about employee ID cards is available in the City's Physical Access Controls policy.

## **5.13 | Personally Identifiable Information**

The City is committed to safeguarding personally identifiable information (PII) of customers and other employees. Employees must protect all PII in their care and report any breach of security. The City's Personally Identifiable Information policy provides guidance on how to protect and maintain files and devices that contain personal information.

## **5.14 | Corrective Action**

The City has high conduct, attendance, and performance expectations and strongly believes that everyone benefits when all employees work together in a positive manner that mutually reflects the best interests of co-workers and the City. It is the City's philosophy to take corrective action when necessary related to conduct, attendance, or performance deficiency and/or address violations of policies and work rules. The purpose of corrective action is to both correct the situation and avoid repetition.

The provisions for corrective action are intended to be broadly construed, providing the City flexibility to discipline or terminate employees whenever necessary in the City's sole discretion. Employees represented by a labor association may be afforded different rights related to correct action according to their collective bargaining agreement.

Employees will be informed if corrective action is necessary as soon as possible after any conduct, attendance, or performance problem has been identified. The employee's supervisor will discuss the situation, explain the policy and the necessity of corrective action to avoid other corrective actions, and ensure that the action is carried out in a manner that does not cause unnecessary embarrassment. One or more corrective action measures may be taken in connection with a particular conduct, attendance, or performance problem, depending on the circumstances and severity of the situation.

Corrective actions taken during a probationary period, whether initial or transitional, will not impact the right of the City to discontinue employment in the probationary position. Corrective actions may be taken at the discretion of management and include any of the following:

- Verbal counseling/verbal reprimand
- Written reprimand
- Suspension without pay (for exempt employees, must be in full-day increments)
- Limitations on conduct (last chance agreements)
- Demotion
- Reduction in pay
- Termination of employment

Each action will be documented in the employee's personnel file. The corrective action process may not always commence with verbal counseling or include every step listed above. The corrective actions listed above are not a cohesive process in which one step always follows another. Some acts warrant more severe action because of the severity or intent of the action. Department Heads, in consultation with Human Resources, have discretion to immediately suspend or terminate an employee when necessary, without following these measures.

Each situation will be evaluated given the nature and seriousness of the offense, the employee's work history, intent, and the environment in which the offense took place. The purpose of this process is to inform the employee of behavior requiring correction and to provide an opportunity to correct the situation. However, this corrective action policy does not guarantee any right to specific treatment or progressive discipline.

Prior to initiating any of the above actions or any other action impacting pay for a regular employee or an employee serving a transitional probationary period, the supervisor will:

- Provide written notification of pending allegations;
- Provide a meaningful opportunity for verbal or written response; and
- Consider all relevant information prior to taking action.

Employees suspended without pay will not accrue leave during any periods when in unpaid status.

When a Department Head determines it necessary to end the employment relationship between the City and a regular employee, the Department Head will review the facts with the Human Resources Director. Regular employees will receive written notification of the cause for separation.

Employees may request letters of reprimand more than two years old and letters imposing corrective action more severe than a letter of reprimand more than five years old, be removed from their personnel file. If there is more than one letter imposing corrective action more severe than a letter of reprimand, none of the letters may be removed until the most recent letter is more than five years old. The City Manager retains sole direction and final authority over whether a record is removed from an employee's file.

Nothing in this chapter limits the City's ability to terminate at-will employees or to take other action or follow different processes consistent with individual employment agreements. The City may terminate at-will employees without cause and without providing a hearing or appeal. The City may grant a hearing or provide another review process for a without-cause termination, but there is no obligation to do so.

## **5.15 | Appeals and Dispute Resolution**

The City strives to create and sustain an environment where all employees feel respected and safe from reprisal in bringing forth issues relating to their employment. To that end, the City will endeavor to resolve employee concerns informally, at the lowest possible level, and in a manner that is fair and considerate of all those involved. When issues covered by this policy cannot be resolved informally through discussions with the employee's supervisor, the employee may initiate an appeal. Any retaliation towards an employee for initiating an appeal is expressly prohibited and may be grounds for termination.

The following types of appeals are covered under this policy:

- Position designation (classification);
- Denial of reassignment or layoff during a reduction in force;
- Corrective action (excluding verbal & written reprimands);
- A perceived violation of City policy;
- A perceived improper administration of a City policy;
- Other work-related disagreements (excluding performance evaluations).

The deadline for initiating an appeal for any of the above issues is seven calendar days from the date the employee first had knowledge of the issue, or when first informed of the intended corrective action. In cases of termination, the deadline for initiating an appeal is no more than seven calendar days after the notice of intended termination. Only a non-represented employee who has completed their initial probationary period is eligible to appeal corrective actions. At will employees are not eligible to appeal corrective actions. Represented employees may not use this process to address any subject that is covered under the terms of their collective bargaining agreement but shall use the grievance or

equivalent procedure described in the collective bargaining agreement. All management personnel are responsible to ensure that the appeal process is administered in a fair and consistent manner.

### Appeal Steps

- Step 1 – Immediate Supervisor: The appeal will be filed with the employee's supervisor. The supervisor, or other supervisor appointed by the Department Head, will respond to the employee in writing within seven days of receipt.
- Step 2 – Department Head: Appeals unresolved at Step 1 may be submitted to the Department Head within seven days of receipt of the response at Step 1. The Department Head will respond to the employee in writing within 14 days of receipt.
- Step 3 – City Manager: Appeals unresolved at Step 2 may be submitted to the City Manager within seven days of receipt of the response at Step 2. The City Manager will respond to the employee in writing within 14 days of receipt. The City Manager may support the Department Head's decision, reverse the decision, or modify it. The City Manager's decision is final and binding.

Issues relating to behavior that is perceived as unlawful harassment or the reporting of improper governmental action may be addressed through separate protocols, as the situation warrants.

# **CHAPTER 6**

# **SEPARATION FROM EMPLOYMENT**

## 6.1 | Separation From Employment

### Resignation

The City appreciates notification of employees' intent to resign at least two weeks prior to departure date, and at least thirty days prior to their intended departure for supervisors. Resignation notice should be provided in writing to the direct supervisor.

Exiting employees are encouraged to complete an Employment Reference Release Form authorizing the City to provide reference information to future employers.

### Exit Interview

Exit interviews are scheduled for employees who leave the organization. This gives employees an opportunity to address any unresolved issues before leaving the City. Exit interviews also allow the City to solicit honest opinions and hear any suggestions outgoing employees have for improvement. The City encourages participation in exit interviews and values the opinions and suggestions received in the process.

### Return of Organization Property

Upon separation from employment, either voluntarily or otherwise, employees must return all City-owned property in their possession by their last day of employment. City property includes purchasing cards, City vehicles, keys, ID cards, mobile communication devices, laptop computers, equipment provided for remote work, tools, uniforms, and any other items that belong to the City.

### Re-hire

Employees who resign from the organization in good standing may be eligible for re-employment consideration. Applications received from former employees will be considered and processed using the same procedures and standards that govern all other applicants. All rehires shall be considered new employees, and the City will follow the hiring and new employee practices outlined in Chapter 3 of this Handbook.

## 6.2 | Layoff and Hours Reduction

The City endeavors to avoid circumstances that require a reduction in hours or staff, but also recognizes that situations may arise where the City may need to reduce staffing levels. Depending upon the circumstances, the City may respond in a variety of ways, including voluntary or mandatory reduction in hours or days of work, reducing expenses by other means, or by a reduction of the workforce. Factors considered when selecting employees for any reduced hours or staffing include, but are not limited to:

- Department, location, or job
- Job knowledge, skill and ability to do the required work
- Performance, attendance, safety, and disciplinary history and records
- Possession of licenses, registrations and/or certifications required by the job
- Creativity and teamwork skills
- Demonstrated exceptional service to the organization, co-workers and customers
- Efficiency of City operations
- Services the City is required to provide.

Evaluation of these factors is at the City's discretion. When the City concludes that all the factors are substantially equal, it will reduce the hours of or lay off the employee with the least length of service. The conditions of the layoff, such as the effect of the layoff on benefits, the possibility of reemployment, layoff procedures, and any outplacement services will be provided in writing to the impacted employee.

Affected employees will generally be given two weeks' notice of layoff, during which time the employee shall be allowed reasonable time off with pay to pursue other employment.

#### Recall

The City will prioritize laid off employees for rehire within one year following the layoff, if a suitable position becomes available at the same or lower pay grade as the previously held position. If the former employee declines reemployment or fails to respond, they will be deemed to have waived any reemployment privileges.

# **CHAPTER 7**

# **EMPLOYEE BENEFITS**

## 7.1 | Benefits Overview

In recognition of the impact employment benefits have on the economic and personal welfare of employees, the City strives to provide the best, most equitable, and cost-effective benefits for employees. Refer to the current plan year's Employee Benefits Guide for up-to-date rates, contact information, and additional plan details. For questions about any of the following benefits, please contact [Benefits@bendoregon.gov](mailto:Benefits@bendoregon.gov).

The City shall comply with provisions of the Affordable Care Act (ACA).

Policies, provisions, and procedures that govern our benefit program apply to the following unless otherwise provided in a particular benefit plan:

Appointment	Medical	Dental	Telemed	Employee Assistance Program	City Paid Life & Disability	Voluntary Life & AD&A	Deferred Compensation
Regular	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Retiree Rehire	Yes	Yes	Yes	Yes	Yes	Yes	No Match
Limited Term	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Temporary	ACA*	No	ACA*	Yes	No	No	No
Intermittent	ACA*	No	ACA*	Yes	No	No	No
Volunteer	No	No	No	No	No	No	No

\*ACA: As mandated by the Affordable Care Act (ACA)

### Benefit Pro-ration and Employee Cost Share

Regular full-time employees currently pay 10% of the total monthly premium. Benefit-eligible part-time employee premiums are pro-rated according to their budgeted hours.

Employment Status	Weekly Hours	Employee Cost Share	The City Cost Share
Full Time	40 Hours	10%	90%
Part Time 1	30-39 Hours	25%	75%
Part Time 2	20-29 Hours	50%	50%

### Benefit Design and Modification

The City reserves the right to design plan provisions and to add, eliminate, or in other ways modify any discretionary benefits described in this Handbook or elsewhere in plan documents, where and when it is deemed in the City's best interest to do so. These benefits are subject to change depending on Council decisions and available resources.

Discretionary employment benefits are benefits not mandated by state or federal law. Discretionary benefits are subject to change as the City negotiates agreements with benefit providers. Decisions to provide and continue providing these benefits are based on considerations including cost, composition of the City's workforce, operational efficiency, and desirability of benefit provisions. Where costs of discretionary insurance benefit plans exceed the City's interest, ability, or willingness to pay the full premium rate to maintain the current benefit level, employees may be required to share in the cost to continue the insurance plan coverage.

#### Benefit Plan Documents

Employees will be provided with summary plan descriptions upon eligibility, enrollment events, and when benefit programs change. The benefit programs are explicitly defined in legal documents, including insurance contracts, official plan texts, and trust agreements. In the event of a conflict between these documents and this Handbook, the plan documents will govern. These official documents are readily available on the Human Resources internal website.

## **7.2 | Health and Dental Insurance**

The City currently provides health, vision, prescription, and dental insurance coverage for eligible employees (as mandated by the Affordable Care Act (ACA)) and their eligible dependents. Employees will be provided with information about the plan once eligible to participate and should review the Employee Benefits Guide and/or summary plan description for answers to questions regarding coverage, eligibility, and cost.

#### Eligibility

All regular and limited term employees are eligible to participate in the City's benefit program. Employees may enroll eligible dependents in the same plans they elect for themselves. Eligible dependents include legal spouse or domestic partner and children. Children include biological, step, foster, and adopted children up to age 26 and may include disabled adult children. Employees eligible for ACA Medical-Only Benefits qualify for coverage based on hours worked. New-hire benefits are effective the first day of the month following the date of hire (effective on date of hire if hired on the first of the month) following the completion of enrollment.

#### Plan Enrollment

Upon eligibility, employees may complete enrollment in the City's Employee Self Service Portal.

Annually, an open enrollment period will be available for employees to make changes to benefit elections and dependent coverage.

Employees who choose not to enroll in the insurance plan are not entitled to any other form of compensation in lieu of coverage.

#### Termination of Coverage

In the event of a loss of eligibility to participate, health plan coverage may be extended for a period of time through the Consolidated Omnibus Budget Reconciliation Act (COBRA); however, continuation does not occur automatically. Eligibility can be lost due to a prolonged absence from work or upon the occurrence of certain qualifying events, that would otherwise cause group health coverage to terminate.

Employees must notify Human Resources through the City's Employee Self Service Portal within 30 days of a qualifying life event or the covered dependent will permanently lose the right to continuation coverage.

Notice will be provided by a third-party administrator.

## **7.3 | City-Paid Life Insurance**

The City provides basic group term life and accidental death and dismemberment (AD&D) insurance coverage for regular and limited term\* status employees who qualify. Employees will be provided with information about plan eligibility at time of hire. The City pays for the full premium and offers pro-rated coverage to qualifying part-time employees.

Employees may elect additional voluntary coverage at the employee's expense.

## **7.4 | Long-Term Disability**

The City provides a group long-term disability plan. The plan provides compensation when unable to work due to injury or illness lasting 90 days or more. The insurance provides payment of two-thirds of an employee's base salary at the time of disability. The City currently pays the full premium. Individuals receiving long-term disability benefits will continue to receive them as long as they remain disabled, even if they cease to be an employee. An individual who is terminated because they are unable to work during a long-term disability will be eligible for rehire if they regain ability to work and a position for which they are qualified becomes available pursuant to the City's hiring policies.

## **7.5 | Voluntary Life and AD&D Insurance**

The City offers additional voluntary supplemental insurance plans for benefit eligible employees and dependents at the employee's expense:

- Voluntary supplemental life insurance
- Voluntary supplemental accidental death & dismemberment (AD&D) insurance

## **7.6 | Voluntary Supplemental Coverage**

The City partners with a Third-Party Administrator to offer additional voluntary, supplemental benefits including, but not limited to, short-term disability, critical illness, cancer, or specified disease coverage, and hospital indemnity insurance.

This supplemental insurance coverage is offered to regular employees and are available to be paid through a pre- or post-tax payroll deduction (based on coverage elected).

## **7.7 | Voluntary Flexible Spending Accounts**

The City provides Section 125 plans, including

- Health Related Flexible Spending Account (HRE FSA) as authorized by IRS code.
- Dependent Care Expense Flexible Spending Account (DCE FSA) available for the reimbursement of care costs for eligible dependent(s) as authorized by IRS code.

These plans allow employees to have group medical or dental costs deducted from their paycheck on a pre-tax basis, reducing payroll taxes for both employees and the City. More information on this can be found in the Benefits Guide.

## **7.8 | Retirement Plan**

Employees are eligible for participation in the PERS retirement system according to applicable Oregon statutes and regulations. In addition to the employer contribution, the City pays the required employee contribution to PERS on employees' behalf.

## **7.9 | Deferred Compensation**

The City facilitates voluntary deferred compensation plans (457b) through multiple vendors. Contributions may be made pre-tax and/or post-tax through payroll deductions. Employees are responsible for any fees associated with their deferred compensation account.

## **7.10 | Other Post Employment Benefits (OPEB)**

Retiring employees may continue participation in the City's health and dental plan post-employment. Rules and benefits vary depending on the employee's hire date and collective bargaining agreement or, for non-represented employees, the City's Other Post Employment Benefits policy.

## **7.11 | Wellness**

Employees' well-being contributes to a higher level of morale and performance. The City's Wellness Program is aimed at improving employee wellness through promoting positive lifestyles. The City Wellness Program is focused on five pillars of wellness: Emotional, Physical, Financial, Occupational and Community.

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

The City makes an Employee Assistance Program (EAP) available to all employees and eligible dependents. The EAP is a confidential benefit to assist in the identification and resolution of concerns or problems (personal or job related), which may adversely affect an employee's wellbeing. These concerns may include, but are not limited to, mental health, relationship status, family, financial, legal, substance abuse, stress, and other personal matters. For more information, or to access the EAP please refer to the Benefits Guide.

A referral to the EAP may either be voluntary (in which an employee elects to participate in the program), or it may be a supervisory referral (in which a supervisor uses agency guidelines to refer an employee into the program.) Appropriate measures are taken to ensure confidentiality of records for all employees admitted to the program, according to established City policy and state and federal regulations.

# **CHAPTER 8**

## **TYPES OF LEAVE**

## 8.1 | Leave Overview

The City provides a generous leave program including time away from work for a variety of personal uses, community service and civic duty, and sick/parental leave for employees and their families. The City also provides various leaves and job protection as required by state and federal laws.

The following sections outline the various paid and unpaid leaves available to employees. For paid holidays and leaves that accumulate through regular earned accruals, the leave benefit is prorated for part-time employees based on their budgeted hours.

Employment Status	Weekly Hours	Prorated Leave
Full Time	40 Hours	100%
Part Time 1	30-39 Hours	75%
Part Time 2	20-29 Hours	50%

The type of leave used determines employee eligibility, pay, request procedures, impact on benefits, and reinstatement rights.

## 8.2 | Paid Vacation

The City provides a generous leave program including time away from work for personal use, rest, and recreation. Vacation accrual rates and limits vary depending on length of service and representation status. Specific leave accrual rates and limits can be found in each [collective bargaining agreement](#), the Paid Vacation policy for non-represented employees, or individual employment agreements.

Employees wishing to use paid vacation time must request leave in advance, in accordance with their department's policy and procedures.

Employees may receive pay in lieu of using vacation, subject to the terms of their [collective bargaining agreement](#) or related policies.

## 8.3 | Supplemental Leave

To recognize individual efforts, performance, and achievements, and to compensate for times when employees spend more hours at work than normal due to special projects or increased workloads, the City has established a supplemental leave program for FLSA-

exempt employees. Eligible employees may be awarded up to 80 hours of paid leave per calendar year. The granting and use of supplemental leave and the amount of leave awarded is at the discretion of the employee's Department Head and is subject to review by the City Manager.

Supplemental leave cannot be cashed out, donated, or carried over from fiscal year to fiscal year. The award of supplemental leave does not guarantee time off. Employees' use of supplemental leave must follow department leave procedures.

Supplemental leave is used in increments of at least quarter-hours. An eligible employee who is authorized to work less than full-time shall be eligible to receive a pro-rated award of supplemental leave.

Exceptions to this policy can only be made with the written approval of the City Manager.

## **8.4 | Paid Community Service Hours**

Regular and limited term status employees, excluding those in public safety departments, may take up to eight hours of paid leave each calendar year to be used during regularly scheduled work hours to engage in volunteer service work with eligible charitable organizations. Additional details of this program are available in the City's [Paid Community Service Hours policy](#).

## **8.5 | Sick Leave**

### Accrual

Regular, full-time employees accrue sick leave at a rate of 8 hours per month. Regular part-time employees accrue a prorated amount as outlined in Section 7.1. Other employees accrue sick leave in accordance with Oregon's paid sick leave law.

Full-time employees accrue sick leave at the beginning of each pay cycle; part-time employees accrue sick leave at the end of the pay cycle. Leave is available for use after it is credited to the employee's leave bank.

Sick leave does not accrue during unpaid status. Sick leave accruals may not exceed 2,000 hours.

### Sick Leave Use

Employees may use accrued sick leave to cover absences when they or a member of their immediate family is ill, requires medical or dental care, to donate blood, for Oregon

parental leave, or any other reason covered by Paid Leave Oregon. Family member is defined by OAR 839-007-0000.

FLSA non-exempt employees must use sick leave for absences due to illness and medical or dental care.

Sick leave must be used in no less than quarter-hour increments. FLSA-exempt employees need not utilize leave for absences of less than half of one workday. If an employee has no sick time remaining, they may use vacation time or other appropriate leave.

In the case of a work-related accident or injury, employees may use sick time to offset any days not paid through workers' compensation insurance, or to offset the reduction in regular pay until accumulated sick time is used. However, at no time can the combination of these payments exceed normal earnings, nor can employees use more sick time than they have accumulated.

It is in an employee's best interest not to be at work when disabled due to illness or injury. It is the supervisor's responsibility to send employees home when incapacitated or pose a threat to others' health and/or safety, and employees are expected to cooperate with the supervisor's decision.

In the event of an extended leave for illness or injury, employees must use accumulated sick leave in conjunction with income protection plans or other sources of disability income to achieve full pay for as long as possible.

Employees must notify their supervisor at the beginning of each workday during illness or injury in accordance with the department's absence reporting procedure. The daily absence reporting requirement may be waived during an approved FMLA, OFLA, or PLO leave, a serious accidental injury, hospitalization, or when it is known in advance that the employee will be absent for a certain period of time.

The City may request a medical release statement before the employee returns to work in certain situations.

#### Sick Leave at Separation

Unused sick leave is not paid at separation but may be converted to retirement benefits, if eligible under PERS regulations. Additional information about sick leave conversion at the time of retirement is available from Human Resources.

Employees who resign and are rehired within 180 days, will have unused sick leave which was not reported to PERS and subsequently included in the PERS retirement calculation reinstated to their leave banks at time of rehire.

### Donated Leave Program

The City has implemented a leave donation program to assist regular employees who have, as a result of extended or catastrophic illness and/or injury, exhausted all accumulated leave (sick, vacation, personal, and compensatory time), all benefits under Paid Leave Oregon, and are not receiving workers' compensation, retirement, or long-term disability benefits.

Employees may voluntarily donate vacation leave or compensatory time in increments of one hour or more to an eligible employee's sick leave account, based on the conversion of the donor's salary rate to sick leave hours at the recipient's salary rate.

Donors are prohibited from recovering any unused hours from the recipient's sick leave account once a donation has been credited. Donations must be documented and include the donor's signature and verification of the recipient's need to receive donations.

Employees are eligible to receive donated leave for no longer than 90 calendar days, non-retroactive. The Human Resources Director is responsible for establishing and administering the donated leave program and making final determinations regarding an employee's need. Request for donated leave must be made to the Human Resources Director.

Employees may not use donated vacation leave or compensatory time to offset disability payments.

## **8.6 | Paid Holidays**

The City observes the following holidays each year. The City is officially closed on these days, unless otherwise determined by the Department:

- New Year's Day
- Martin Luther King Jr. Day
- Presidents' Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veteran's Day<sup>1</sup>
- Thanksgiving Day

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<sup>1</sup> If an employee who is a Veteran as defined in ORS 408.225 is unable to take Veteran's Day off due to the City's operational needs, the employee, with the City's approval, may take a single paid day off within the year after the Veteran's Day on which the employee worked.

- Day after Thanksgiving
- Christmas Day
- One Floating Holiday
- Four hours of "Eve" leave to be used on either Christmas or New Year's Eve

If a holiday falls on a Sunday, it will be observed on the following Monday. When a holiday falls on a Saturday, it will be observed on the previous Friday.

Regular full-time and part-time employees who work 20 hours or more per week are eligible for holiday pay on a prorated basis. Full-time employees receive eight hours of holiday pay as paid time, regardless of the number of hours scheduled to work on the holiday. Part-time, regular employees will receive a pro-rated amount of paid time based on their budgeted hours as outlined in Section 7.1.

FSLA non-exempt employees regularly scheduled to work more than eight hours in a day will make up hours above eight during the same work week or use comp time or vacation for hours not worked. Employees not scheduled to work on the holiday should take another day off in the same work week. Holidays are not to be banked for future use.

To be eligible for holiday pay, the employee must be in paid status the regularly scheduled workday immediately before and immediately after the holiday.

[Collective bargaining agreements](#) may have specific language related to holiday pay, eligibility, and use.

## **8.7 | Bereavement & Funeral Leave**

### Bereavement Leave

Under Oregon Family Leave Act (OFLA) eligible employees may use leave to deal with the death of a family member by attending the funeral, making arrangements or grieving. Leave must be taken within 60 days of the date in which the employee receives notice of the death of a family member. An eligible employee may take up to two weeks of leave upon the death of each family member but may not exceed a total of four weeks within any one-year period.

The City will pay regular and limited term status employees five regularly scheduled working days or the equivalent of one work week away from work for bereavement leave for a family member, as defined by OFLA. Regular and limited term status part-time employees will receive a pro-rated amount of paid time based on their regularly

scheduled work time. If an employee needs more than five paid days for any bereavement purpose, they must use sick, vacation, compensatory time, or another accrual.

The Human Resources Director may approve coverage for the death of other family members on a case-by-case basis upon written request from the employee.

#### Funeral Leave

Employees are entitled to City paid leave of four hours to attend a funeral at which they will serve in an official capacity, such as a pallbearer, eulogy-giver, etc. This leave is not to be used in conjunction with bereavement leave.

## **8.8 | Civic Duty Leave**

#### Jury or Witness Duty

Regular employees subpoenaed to serve as a witness or on jury duty may obtain a paid leave of absence. If the employee's absence would create an undue hardship to the employee or the City, the City may request, with the employee's full agreement, that the employee be excused from jury duty. Temporary employees are not eligible for paid civic duty leave.

#### Length of Leave

Jury or witness duty leave is available for the period of time covered by the initial subpoena or court order and any involuntary extensions.

#### Request Procedure

Employees must notify their Department Head as soon as practicable so that arrangements can be made to cover the position. Employees are expected to provide the City with a copy of the subpoena or notice within five days after it is received.

#### Pay While on Leave

Employees will be paid their regular rate of pay but shall remit any compensation received, less expenses, as a witness or juror to the City.

#### Status of Benefits

Benefits are not affected by jury or witness duty leaves.

## **8.9 | Oregon Family Leave Act (OFLA) & Family and Medical Leave Act (FMLA)**

The City provides eligible employees protected leave under federal and state leave laws to help employees balance the demands of work and family.

These leaves cover an employee's absence from work due to parental leave, pregnancy disability, serious health condition, sick child, military family, and occupational related illness or injury, except to the extent provisions in applicable collective bargaining agreements or state or federal laws provide otherwise.

The City follows provisions of the federal Family and Medical Leave Act (FMLA), the Oregon Family Leave Act (OFLA), and the Oregon Military Family Leave Act (OMFLA). To the extent that provisions vary, this policy adopts the regulation most beneficial to the employee.

### Eligibility

To qualify for a protected leave, eligibility will be reviewed under each leave law individually to ensure employee rights are protected. The City administers OFLA and FMLA leaves. Paid Leave Oregon (PLO) is administered by the Oregon Employment Department. Employees must apply for PLO directly with the state (see Section 9.9 for more information).

To qualify for protected leave, employees must meet the following criteria (including those engaged for limited term):

- Family Medical Leave Act (FMLA): Employees must have been employed by the City for at least twelve (12) months and worked at least 1,250 hours during the 12-month period immediately preceding the leave.
- Oregon Family Leave Act (OFLA): Employees must have been employed by the City for at least 180 calendar days immediately preceding the leave and have worked for an average of at least 25 hours per week during the 180 days immediately preceding the leave.
- Oregon Military Family Leave Act (OMFLA): Employees must have worked an average of 20 hours per week for the City preceding the date they take OMFLA leave.

In determining the 12 calendar months and 180 calendar days, the number of days an employee has been on the payroll are counted, including all paid and unpaid time. The

1,250 hours, 25 hours per week, and 20 hours per week minimums are actual hours worked.

### Purpose of Leave

FMLA qualifying events:

Twelve work weeks of leave in a 12-month period for:

- Birth of a child and to care for the newborn child within one year of birth
- Placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement
- To care for the employee's spouse, child, or parent who has a serious health condition
- A serious health condition that makes the employee unable to perform their essential job functions
- Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on "covered active duty," or

Twenty-six work weeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, child, parent, or next of kin (military caregiver leave).

OFLA qualifying events:

- **Pregnancy disability leave** — before or after the birth of a child or for prenatal care. OFLA provides up to 12 weeks of pregnancy disability leave in addition to 12 workweeks of leave in the same year for any other qualifying OFLA purpose.
- **Sick child leave** — to care for a child who is suffering from an illness, injury or condition that requires home care or who requires home care due to the closure of the child's school or childcare provider as a results of a public health emergency.
- **Military family leave** — up to 14 days when a spouse or domestic partner is a service member who has been called to active duty or is on leave from active duty.
- **Bereavement leave** — up to 2 weeks of leave after the death of a family member with a maximum of four weeks in a given leave year (see Section 9.6 for more information).

### Oregon Military Family Leave Act (OMFLA)

Provides up to 14 days of protected leave per deployment to an employee who is the spouse or domestic partner of a service member (of the US Armed Forces, the National Guard or US military reserve forces) who has been notified of an impending call or order to active duty or who has been deployed. OMFLA leave counts against an employee's OFLA entitlement, but it remains available even if all OFLA leave has been exhausted. (Note that OMFLA eligibility requires employees work an average of just 20 hours per

week rather than 25 with no minimum length of employment so an employee who is not eligible for OFLA leave may still be eligible for OMFLA leave. If an employee using OMFLA leave is also FMLA-eligible, the OMFLA leave will run concurrently with FMLA's "qualifying exigency" leave entitlement.

An employee who intends to take OMFLA leave, must notify the City within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment. OMFLA leave runs concurrently with the 12-week leave entitlement under OFLA when the employee is eligible under both laws.

#### Definition of a Serious Health Condition

Under FMLA, a serious health condition is an illness, injury, impairment, or medical condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents an employee from performing the functions of their job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

#### Length of Leave

Employees take leave in a defined 12-month period or a "leave year". The City uses a 12-month measured forward leave year. For FMLA and OFLA, the leave year is measured forward 52 consecutive weeks beginning on the Sunday immediately preceding the first day of leave for any qualifying event.

FMLA parental leave must be taken in one contiguous block within the 12 months immediately following the birth or placement of a child, unless otherwise agreed to by the City. Leave due to the serious health condition of an employee, their family member or child, or a relative or dependent covered under the Oregon Military Family Leave Act or Qualifying Exigency Leave may be granted on an intermittent or reduced hour basis. If appropriate, the employee's request for intermittent leave will be considered as business requirements allow.

While on a FMLA Leave; exempt employees' salaries will be reduced proportionately by hours not worked.

With the employee's concurrence, the City may temporarily transfer them (while they are on approved intermittent leave) to another position that can more easily accommodate

recurring absence. In the case of a transfer, employees will not suffer loss of pay or benefits and only that leave attributable to reduced hours will be counted against their leave entitlement. Employees will be returned to the regular position unless leave taken plus the period of time worked in the alternate assignment exceeds leave allowable by law, in which case the City reserves the right to replace the employee's position.

Whenever possible, absences for planned medical treatment or other appointments should be scheduled to minimize disruption in the workplace.

If an employee gives unequivocal notice of intent not to return to work from a protected leave, they are entitled to complete the approved leave, providing that the original need for leave still exists. The employee remains entitled to all rights and protections of law and policy, including, but not limited to, the use of accrued leave and health benefits. However, under this circumstance, the City is relieved from job restoration obligations.

#### Counting Leave

Leave is counted as a 12-week block of time. If leave is used on an intermittent basis the number of leave hours available will be based on the number of hours the employee works during a 12-week period. If an employee works five (5) eight-hour (8) workdays or 40 hours in work week, employee would be entitled to 480 hours of intermittent leave to be used in the leave year.

#### Pay

Employees will not receive regular compensation while on leave. When employees are absent from work due to a serious health condition for themselves or a qualifying family member, they should access benefits through Paid Leave Oregon or must use their available accrued sick, holiday, or vacation leaves. If eligible, employees must also access workers' compensation and/or long-term disability benefits, in that order before going into authorized unpaid time.

Employees who are absent from work for pregnancy disability or parental leave may use accrued time such as vacation, holiday and sick leave in any order and they will be permitted to use authorized unpaid time.

Employees may choose to use accrued compensatory-time in lieu of accrued leave until it is exhausted.

While on an FMLA leave, under specific conditions, an employee exempt from overtime under the Fair Labor Standards Act on reduced hours leave may have their pay reduced for less than full- time absences without jeopardizing their exempt status.

### Benefits While on Leave

Employees on OFLA and/or FMLA leave will continue to receive group employee benefits if they make the required premium payments while on leave. In the case of premium payment default, the City will advance employees' cost share and recover the advance upon their return to work at the rate of 10% of their gross pay each pay period. If an employee is also on an approved PLO leave, benefit costs will be processed as defined in the PLO section of this handbook (Section 9.9).

Under FMLA, taking leave cannot result in the loss of any employment benefit those employees accrued prior to the start of their leave. Employees should check with Human Resources to resolve any questions regarding the continuation of health care benefits.

The City will terminate maintenance of an employee's benefits coverage effective when employment would have terminated if the employee had not taken leave, or if/when:

- The employee fails to return from leave.
- The employee's leave entitlement applicable leaves expire.
- The group health plan terminates.

Unpaid premiums are considered a debt that an employee owes to the City. The City will endeavor to collect the debt through whatever means practicable. The City may recover its share of the premium through deductions from any amount owed to the employee, such as unpaid wages, vacation pay, etc. Any deductions will be made in compliance with state and federal law.

### Other Benefits While on Leave

While on leave, employees will be eligible for paid holidays if in paid status the day before and the day after the holiday. Holiday hours will be counted toward the employee's leave entitlement unless leave is taken on an intermittent or reduced hours basis.

Any period of approved leave will be treated as continued service for retirement and savings plans vesting and participation purposes, so long as the employee remains in paid status with the City.

When employees are reinstated after leave, they will be without loss of any employee benefit or right earned or accrued at the beginning of the leave. Some benefits may be reduced by the amount used during the leave, e.g. vacation hours, holiday hours, sick hours, etc.

### Outside Employment

An employee on any type of leave discussed in this section is prohibited from taking outside employment without prior written approval.

### Leave Notice

To avoid business disruption, employees must notify the City in writing of the request for leave at least thirty (30) days prior to the beginning of a foreseeable need. Employees are required to complete a leave application form for all leaves. Employees must provide medical certification for leaves involving a serious health condition.

When the need for leave is not foreseeable, or its approximate timing uncertain (e.g., adoption placement, medical emergency), notice is required as soon as is practical given the circumstances. In this situation, employees (or their representative if they are incapacitated), must notify their immediate supervisor as promptly as available means of communication permit. If an emergency occurs while at work, employees must notify their immediate supervisor before leaving the workplace.

The City may also require written notice within three (3) days of the employee's return to work.

Employees seeking Oregon Military Family leave must provide notice of the intent to take leave within five (5) business days of receiving official notice of an impending call or order to active duty, or for a leave from deployment, or as soon as practicable when official notice is provided less than five days from commencement of leave.

### Leave Application

Employees must apply with the City for all leaves and provide the required documentation.

### Certification Requirements

Employees' requests for leave due to their or a qualifying family member's serious health condition requires written medical certification from a health care provider as soon as possible, but no later than fifteen (15) calendar days following a request for certification by the City. Certification of a serious health condition shall include the date when the condition began, its expected duration and a brief statement of treatment. For medical leave of an employee's own medical condition, the certification must also include a statement that they are unable to perform work of any kind or a statement that they are unable to perform the essential functions of the position. For a family member who is seriously ill, the certification must include a statement that the patient/family member requires assistance, and that the employee's presence would be beneficial or desirable.

For Sick Child Leave, certification will only be required after an employee has taken more than three (3) days of Sick Child Leave during any one-year period. Any certification required will be paid for by the City. The opinion of a second health care provider will not be required for certification of Sick Child Leave.

Employees requesting Qualifying Exigency Leave are required to complete a Certification of Qualifying Exigency for Military Leave including written documentation confirming the military member's call to active duty. A copy of the military member's active-duty orders is required as part of the employee's request for leave.

If an employee fails to provide notice within two days after the need for leave becomes apparent, their absence may be deemed unexcused, and they may be subject to corrective action consistent with policy and/or their collective bargaining agreement.

The City may require a second medical opinion by a health care provider designated by the City, at the City's expense. If the second opinion conflicts with the first, the employee must work with the City to designate a health care provider for a third opinion which will be final and binding. The City will pay associated provider expenses, as well as reasonable "out-of-pocket" travel expenses.

If requested by the City, re-certification of a medical condition must be provided every thirty (30) days for condition duration, unless waived by the City. Earlier confirmation may be required if:

- Significant changes impact the then current disability certification, e.g., complications, severity of condition necessitates more frequent absences; or,
- The City receives information that casts doubt on the stated reason for the absence.

When absent from work due to illness, injury, or other disability, employees must refrain from engaging in activities that may impede a timely return to regular job duties without prior approval of the City and the attending practitioner.

#### Employer Notice

Once the City becomes aware of the need for leave, OFLA allows the City to request information to determine if it is qualifying leave (except for parental leave) and requires a notice of eligibility and qualification within 5 days of receipt of that information.

FMLA requires the City to notify employees in writing of their eligibility to take family leave within 5 business days of a request for leave or learning that leave may be for a qualifying purpose. FMLA also requires a notice of rights and responsibilities to be sent along with the notice of eligibility. When the City has enough information to determine whether the leave will qualify under FMLA, the City must notify the employee in writing within 5 business days that it is designating the leave as FMLA leave.

### Return to Work

Employees are expected to return to work as soon as medically able, as determined by a health care provider or, in the case of parental leave, as approved in advance of the leave start date.

Generally, employees have two business days to inform their supervisor of the discovery that more or less time will be needed than originally agreed. Failure to provide such notice, especially for leave extension, may result in extension denial or corrective action up to and including termination of employment.

Return to work certification is required before an employee may return to work, as outlined below. Return to work certification must be based on the health care provider's review of the employee's essential job duties, as outlined in the employee's job description. Information on the release should be limited to the condition that caused the leave.

Reinstatement will be delayed until a health care provider certifies that the employee is able to return to the former or equivalent job. Return to modified duty may be accommodated but is not to exceed six-months unless approved in advance by the City Manager. Employment may be terminated if the employee fails to provide this certification or a new medical certification for a serious health condition. The City reserves the right to proceed with termination in the event all protected leave is exhausted, unless precluded by a collective bargaining agreement.

Generally, upon returning from leave, employees will be reinstated to their former or equivalent job unless they would not otherwise have been employed at the time reinstatement is requested. If, for business reasons, the employee's former job and equivalent jobs have been discontinued during the period, they will be reinstated to an available and suitable position, if one exists. If one does not exist, the employee will be separated in accordance with policy and any other requirements under ADA law or collective bargaining agreement.

Employees may be required to periodically provide notice regarding their intent to return to work upon the conclusion of their approved leave. Employees' unequivocal decision to voluntarily separate releases the City from its reinstatement obligation.

Other details regarding this policy are available from the Human Resources Director.

### FMLA Specific Provisions

Under FMLA it is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA, or discharge or discriminate against any person for

opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

#### Enforcement

Employees may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the City. FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

## **8.10 | Paid Leave Oregon & Paid Parental Leave**

Paid Leave Oregon (PLO) is a state-run program that allows eligible employees to take up to 12-weeks of paid time off per benefit year, for the following reasons:

- Family leave – for an employee to care for a family member with a serious illness or injury, or to bond with a new child after birth, adoption, or foster care placement.
- Medical leave – for an employee experiencing their own serious health condition or disability due to pregnancy.
- Safe leave – for an employee or eligible child dependent experiencing issues related to sexual assault, domestic violence, harassment, or stalking and victims of bias crimes.

The PLO program also allows employees to take an additional two (2) weeks of paid leave for pregnancy disability, childbirth, or related medical conditions.

#### Poster

A poster with Paid Leave Oregon information, including information about how to apply for benefits is available on the BendHub [digital bulletin board](#).

#### Contributions

Effective January 1, 2023, the City began contributions to Paid Leave Oregon. Employees pay the employee contribution of Paid Leave Oregon (PLO) and the City pays the employer contribution as designated by the state.

#### Notification Requirements

Although the plan is administered by Paid Leave Oregon, the City requires employees to provide notice when they have applied for PLO leave.

**Foreseeable Leave:** If the need for PLO leave is foreseeable or planned, the employee is required to provide the City at least thirty (30) days' written notice

before paid leave is to begin. Examples of foreseeable leave include, but are not limited to, an expected birth, planned adoption or foster placement of a child, or a scheduled medical treatment for a serious health condition of the eligible employee or a family member of the eligible employee.

**Unforeseeable Leave:** If the need for PLO leave is unforeseeable or unplanned, an employee is required to provide verbal notice to the City within twenty-four (24) hours of the start of the leave, and the employee must also provide written notice within three (3) days after the start of the leave. Leave circumstances which are not foreseeable include, but are not limited to, an unexpected serious health condition of the eligible employee or a family member or the eligible employee, a premature birth, an unexpected adoption, an unexpected foster placement by or with the eligible employee, or for safe leave.

Written notice must include the employee's first and last name, type of leave, explanation of the need for leave, and anticipated timing and duration of leave. Timing and duration of leave should include the employee's plan for taking leave on an intermittent basis or in one block of time.

If the employee's dates of scheduled leave change, are extended by PLO, or if the reason for leave becomes known, and/or if circumstances change during the leave and the leave period differs from the original request, the employee must notify the City within three (3) business days, or as soon as possible.

Under Oregon law, an employee who fails to follow these notification requirements may receive reduced PLO benefits; specifically, the first weekly benefit amount will be reduced by twenty-five (25) percent.

#### Concurrent use of Leave

If an employee applies for PLO and their leave is also eligible for protection under any other leave laws (including FMLA), those leaves will run concurrently with PLO leave.

Employees must provide sufficient information for the City to determine if the leave qualifies for FMLA and/or OFLA protection. Employees who have requested or have been approved for PLO leave are required to complete a Leave Request Form and return it to Human Resources.

#### Use of Accrued Leave to Supplement Paid Leave Oregon Benefit

Paid Leave Oregon benefits will not provide all employees with 100% of their gross regular wages, so employees receiving PLO benefits, may choose to supplement their PLO benefits with other accrued paid leave in the following order: sick, holiday, vacation, floating sick, compensatory time, followed by any other City paid time off.

When an employee is on a Pregnancy Disability or Parental Leave they may choose the order to use their paid leave.

When PLO Benefits and supplemental employer compensation are combined, the amount paid cannot exceed the employee's regular gross bi-monthly wage. The only exception to this is during the period in which an employee is on an approved OFLA/FMLA leave and has applied for PLO but has not received their Approval Notice Letter from PLO. While the employee's PLO application is pending the employee may use their accruals while on another protected leave. Once the employee receives their PLO Potential Benefit Amount Letter from the State they must provide the letter to the City. The City has the right to withhold accruals until all required documentation is provided.

#### Benefits While on Leave

If an employee is on PLO, the City will continue the employee's medical, dental, life, disability, and all eligible voluntary coverage, on the same terms as if the employee had continued to work. An employee wishing to maintain coverage when on a state approved PLO leave, is responsible for paying their share of premiums, the same as when premiums were paid by the employee, prior to the PLO leave.

If the employee does not use accruals to cover the cost of their elected health benefits the employee must continue to make their regular benefit contributions on a monthly basis for the employee portion of their health benefits while on leave.

Unless the employee has arranged a different repayment schedule with payroll, if agreed upon payments are not made, insurance may be discontinued. Unpaid premiums are considered a debt that an employee owes to the City. The City will endeavor to collect the debt through whatever means practicable. The City may recover its share of the premium through deductions from any amount owed to the employee, such as unpaid wages, vacation pay, etc. Any deductions will be made in compliance with state and federal law.

#### Return to Work Form

If an employee takes more than three (3) consecutive scheduled workdays for their own serious health condition, and the leave is used concurrently with FMLA, the employee must furnish, prior to returning to work, medical certification from their health care provider stating that the employee is able to resume work. The City uses the Return to Work Form for this process.

#### Job Protection (ORS 657.060)

Employees who have worked for the City for more than ninety (90) consecutive calendar days prior to taking PLO leave will be reinstated to their former position, if the position still exists. If the position has been eliminated, the employee will be reassigned to an

available equivalent position for which the employee is qualified with equivalent employment benefits, pay and other terms and conditions of employment. Job protection does not apply to temporary positions with a stated end date.

Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

Employees are expected to promptly return to work when the circumstances requiring PLO leave have been resolved. If an employee does not return to work at the end of a PLO leave, reinstatement may not be available unless the law requires otherwise.

Employees who work for other employers while taking PLO leave, or who use PLO leave for reasons other than the reason for which leave had been granted, may be subject to discipline up to and including termination.

#### Complaint Procedure

The City prohibits discrimination and harassment against employees who take protected paid leave. Conduct that violates the City's no-harassment and no-discrimination policies, will not be tolerated, and may subject an employee to discipline, up to and including termination.

Employees who have experienced discrimination or harassment, or have witnessed such behavior, should bring the matter to the attention of a supervisor or member of management as soon as possible.

#### Leave Year

The City uses a looking forward method for determining the PLO leave year. This method involves calculating the leave year using the 12-month period that begins on the Sunday preceding the date which an employee starts their protected leave.

#### Paid Parental Leave (PPL)

The Paid Parental Leave (PPL) Program is a City benefit that provides each eligible employee with up to six weeks (or a proportional equivalent number of hours for non-40 hour/week employees) of paid leave for the purpose of pregnancy disability, care, and bonding with a child through birth, adoption or foster care. An employee's PPL bank may be reccredited after a minimum of one year has lapsed. If eligible, employees must be receiving Paid Leave Oregon (PLO) benefits to draw from the City's sponsored PPL accrual bank.

PPL may be used as a consecutive block of time, in multiple blocks of time, or as part of a reduced work schedule upon Department agreement.

PPL accrual will be applied until the benefit is exhausted, then accrued leaves will be applied prior to leave without pay.

Qualifying Events:

- Pregnancy disability
- Birth of a child
- Bonding with a child
  - In the first year after birth
  - Through adoption
  - When they're placed in the home through foster care

Qualifying Employees:

- Must be a regular or benefits-eligible limited term employee.
- Must complete the PPL Request Form and complete required paperwork in advance of leave.
- If eligible, must be receiving Paid Leave Oregon (PLO) benefits.

## **8.11 | Workers' Compensation Leave**

The City is committed to providing a safe and healthful workplace for all City employees in compliance with state and federal safety laws. The City is also committed to having a proactive and effective safety program with support of both management and employees. In the event of an on-the-job injury, the City will insure employees for injuries received while at work as provided under Oregon Workers' Compensation law. The day of injury will be considered a normal workday and will be paid by the City.

All job-related injuries or illnesses are to be reported to the employee's supervisor immediately, regardless of severity and whether medical treatment is sought. If the employee's immediate supervisor is not available, they should report the incident to the next level supervisor or the Management Analyst assigned to safety. After each incident, an Incident Analysis form is to be completed.

If an incident requires medical attention and the employee chooses to engage in the workers' compensation process, an 801 Report of Job Injury or Illness form must be completed and submitted to the supervisor who will submit to the Management Analyst assigned to safety. After receiving medical care, employees must provide a report of injury status prepared by the medical provider within twenty-four (24) hours of medical treatment to the supervisor, who will provide a copy to the Management Analyst assigned to safety. Failure to report an injury or illness may preclude or delay the payment of any benefits to the employee and could subject the City to fines and penalties.

If an employee files a workers' compensation claim, they must cooperate with the workers' compensation insurance claim adjuster assigned to their case and respond to their inquiries promptly. If an employee has an accepted workers' compensation claim with time loss, the City will pay any difference between workers' compensation payment and normal net pay for up to 90 days while the employee is unable to return to work. If an employee is offered modified work and refuses, they will not be eligible for time loss wages.

For more information regarding workers' compensation, on-the-job-injury and/or accident reporting, please refer to standard operating procedures and policy if available.

## **8.12 | Personal Leave**

Regular full-time and part-time employees may be granted a personal leave of absence without pay under certain circumstances. A personal leave of absence is an approved period of time away from work for personal reasons not otherwise qualified as a protected medical leave. Granted at the discretion of the City Manager, a personal leave of absence protects the length of service and benefit rights for an employee whose service might otherwise be terminated.

### Eligibility

Employees become eligible for a personal leave of absence after six months of service. Employees who desire to take a personal leave of absence, must first gain approval of their Department Head.

### Length of Leave

Unless restricted by a [collective bargaining agreement](#), personal leave may be requested for any length of time. A personal leave of absence starts on the first regular workday following the last day worked.

### Request Procedure

Employees should submit a written request to their Department Head at least five working days in advance of any time not worked which exceeds 10 days, except in cases of emergency. All leave requests must include an expected date of return. If the employee does not return within three days of that date, and no extension has been requested, they will be assumed to have voluntarily resigned.

### Pay While on Leave

Personal leaves of absence are without pay.

### Status of Benefits

Employees granted a personal leave of absence are not eligible for City insurance coverage contributions. Employees may continue insurance coverage by paying the full premium by the first of each month if continuance of insurance coverage is desired. Benefits do not accrue during a leave of absence but are retained at the same level.

## **8.13 | Administrative Leave**

The City Manager may authorize administrative leave with pay while disciplinary investigations are pending. Administrative leave will normally not exceed 30 consecutive calendar days.

## **8.14 | Uniformed Services Leave and Re-Employment**

Regular employees who require a leave of absence for service in the uniformed services are provided leave and will be re-employed at the end of the leave. Policies governing this leave are designed according to the Uniformed Services Leave and Re-employment Act and applicable state regulations. The policy covers all employees who enter active military duty voluntarily and extends to Reservists or National Guard members who are called to limited active duty or extended training duty, including regularly scheduled active duty for training.

### Eligibility

All employees except those hired on a temporary basis are eligible for the leave.

### Length of Leave

The length of the military leave is determined by the uniformed services organization calling the employee to duty.

### Request Procedure

The employee must provide written notice of their obligation or intention to perform service in the uniformed services unless notice is precluded by military necessity or is otherwise unreasonable or impossible. Failure to do so may result in loss of re-employment rights.

### Pay While on Leave

Employees who are members of the Oregon National Guard or any reserve component of the armed forces of the United States are entitled to a paid leave of absence from duties for a period not to exceed 21 work days in any federal fiscal year (October 1 through

September 30) for Active Duty Training (ADT) or Inactive Duty Training (IDT), provided they are employed at least six months prior to the leave.

Military leaves are without pay unless the employee elects to utilize vacation, compensatory time, or other benefits earned before commencement of the leave and are otherwise eligible to use such benefits. Employees must request and obtain approval to use paid leave accrual during military leaves of absence.

#### Status of Benefits

Reservists, National Guard members and veterans returning from military service in the Armed Forces have and retain rights with respect to seniority, vacation, compensation, and length of service pay increases. Employees may maintain health care insurance benefits for up to 18 months while on leave by paying the insurance premium through COBRA for any leave extending beyond 30 days.

The City will continue to credit employee retirement accounts on the employee's behalf during periods of active duty if currently an active member in the retirement plan.

#### Reinstatement

Employees returning from a Uniformed Service Leave must report to work or request re-employment within prescribed time limits, based on the length of the leave as outlined below:

- 1 to 30 days: Employees are expected to request reemployment on the first regularly scheduled workday following completion of training and will be reinstated to the same position held at the time the service leave began.
- 31 to 180 days: Employees returning from initial active duty for training must request reemployment within 14 days after release from service. Employees will be returned to the same position held at the time the service leave began or other mutually agreed position.
- 181 days or longer: Employees returning from active duty in the armed services must request reemployment within 90 days after completion of service. Employees will be reinstated to an equivalent position. Time limits for return to work are extended for up to two years for disabled veterans.

Failure to return to work within the required time period indicates the employee forfeited their right to re-employment.

## 8.15 | Domestic Violence Leave

If an employee is a victim of domestic violence, harassment, sexual assault, or stalking, or is a parent or guardian of a minor child or dependent who is a victim, they may be entitled to take protected leave from work to obtain services or treatment.

### Eligibility

Under OFLA, employees are eligible to take unpaid domestic violence leave if they have worked an average of 25 or more hours per week for at least 180 days immediately prior to the period of leave.

Under PLO, employees are eligible to take paid Safe Leave for survivors of sexual assault, domestic violence, harassment and stalking if they work for an employer in Oregon, and they earned at least \$1,000 the year before they apply for benefits.

### Types of Service/Treatment

Employees may take leave to seek legal or law enforcement assistance, secure medical treatment, obtain counseling, relocate or take other reasonable steps to ensure the health and well-being of themselves, their child, or legal dependent. If an employee is the victim of domestic violence, harassment sexual assault, or stalking, they may request a reasonable safety accommodation in the workplace. A "reasonable safety accommodation" could include a transfer, reassignment, modified work schedule, unpaid leave, changed work telephone number, changed workstation, installed lock, or any other adjustment to the job structure, workplace facility, or work requirement in response to actual or threatened domestic violence, sexual assault or stalking. The reasonableness of the safety accommodation will depend on the circumstances.

### Length of Leave

Under Paid Leave Oregon (PLO) employees may qualify for up to 12 weeks of paid safe leave in a benefit year. While on leave, PLO pays employees a percentage of their wages. Benefit amounts depend on what an employee earned in the prior year. To the extent the employee's need for leave under this policy is also covered by OFLA, the City may run the two types of leave concurrently.

If an employee does not choose to apply to PLO, Domestic Violence leave is unpaid; however eligible employees who take this type of leave are required to use any available paid leave accruals.

### Request Procedure

Upon accessing this leave provision, employees must request time off from Human Resources as far in advance as possible to aid in scheduling with their department. Any information an employee shares is confidential unless otherwise required by law.

For PLO, employees must apply directly through the state.

## **8.16 | Lactation Leave**

The City promotes and supports expressing breast milk on its premises and will support employees' continuation of expressing breast milk upon return to work. Employees may use unpaid time to express milk until their babies are 18 months old. If the employee is entitled to paid rest periods, the breaks for expressing breast milk will be treated as a paid rest period up to the amount of time of the paid rest period. If the employee uses unpaid rest period time to express breast milk, the employee may request to work before or after the normal shift to make up the amount of time used during the unpaid rest periods.

Oregon law provides protections for pregnant workers and those who have health conditions related to pregnancy and childbirth, including expressing milk (see Section 1.3 for information).

## **8.17 | Religious Observance Leave and Accommodation**

The City respects the religious beliefs and practices of all employees. Employees may request reasonable accommodation for their religious observances that does not create an undue hardship on the City's business. Employees may use vacation or unpaid time for religious holy days or to participate in religious observances or practices; if accrued leave is not available, the employee may request unpaid leave.

## **8.18 | Crime Victim Leave**

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or their immediate family member has suffered financial, social, psychological, or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault. An immediate family member for purposes of this policy includes a spouse, registered domestic partner, parent, sibling, child, stepchild, or grandparent.

Employees who are eligible for crime victim leave must use any accrued but unused vacation/compensatory leave during the leave period. Employees must also provide advance notice of their intention to take leave and must submit a request in writing indicating the amount of time needed, when the time will be needed, and the reason for the leave. The City may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that an employee receives from a law enforcement agency or District Attorney's office or other similarly reliable sources. All records regarding leave under this policy or notices received from an employee are subject to the laws relating to confidentiality.

# **CHAPTER 9**

# **OTHER BENEFITS**

## **9.1 | Employee Resource Groups**

The City is committed to supporting workforce equity and inclusion through employee resource groups (ERGs). These voluntary, employee-led groups aim to foster a diverse, connected, informed, and inclusive workplace by bringing employees who share common identities, interests, or life experiences together. More information about available ERGs and the process to propose new ERGs can be found in the City's [Employee Resource Group policy](#) and [Bend Hub – ERG](#).

## **9.2 | Education and Training**

The City supports and advocates continued education, training, and professional development for every employee to enhance their job performance and assist in potential career advancement within the City. A variety of training classes are offered periodically to employees at no cost through various sources such as the City's EAP program, partnership with other public agencies, and centers for higher education. The City pays for employees to attend job-related training, seminars, and conferences with Department Head approval.

Additionally, employees may request reimbursement for up to 50% of the costs of college-level course work relevant to their role in the City, not to exceed \$5,250 per fiscal year. Such requests must be made in writing and approved by the Department Head prior to enrollment. Employees receiving reimbursement who do not remain employed by the City for 18 months following reimbursement may be responsible for prorated repayment of the reimbursement.

## **9.3 | Commute Options Incentives**

The City offers incentives encouraging travel to and from work for employees who travel in ways other than alone in a vehicle. Regular or limited term status City employees earn incentives for every set of 20 trips taken with an eligible travel method within one calendar year. One day of travel to and from work constitutes a trip and only one trip is earned per day regardless of the number of trips to and from work. Employees log and submit their trips using the designated tracking software, [Get There Connect](#). Employees choose their incentive of either a pre-tax financial or a vacation hour incentive on their paycheck for each set of 20 trips.

### Eligible Travel Methods

Eligible ways to travel include walking, car/vanpooling, or using a wheel-assisted mobility device, bicycle, skateboard, scooter or other authorized modes of commuting that prevent a trip in a single-occupancy vehicle.

### Incentives

For every set of 20 trips within a calendar year using an eligible travel method employees may elect to receive either:

- a) a pre-tax financial incentive of \$60, or
- b) \$60 worth of paid vacation time. The number of vacation hours is calculated by dividing the amount of the financial incentive by the employee's hourly rate at the time of conversion. This option is not available to employees who have reached their maximum vacation accrual.

### Accumulation of Incentives

Payment or vacation hour credit is typically awarded with the last pay period of the month following when the employee submits their log of 20 trips using the designated tracking software. There will be no award of incentive for accumulations of less than 20 trips.

### Supervisor Approval of Financial or Vacation Incentive

Supervisors reserve the right to make the final determination on whether the incentive is taken as money or as vacation time.

### Emergency Ride Home

In the unusual case of an emergency – an unanticipated incident or accident – for any employee eligible for the Commute Incentive Program who did not bring their personal vehicle to work, the City will provide a City vehicle or a ride to the emergency or home to get a personal vehicle allowing the employee to respond to the emergency. The employee must get ride approval from their supervisor prior to taking the ride.

### Reserved Carpool Parking

There are three reserved carpool parking spaces in the City Hall parking lot. These spaces are reserved for City employee-registered carpools Monday through Friday from 7:30 am to 5:30 pm. A City employee carpool is defined as two or more City employees riding in the same vehicle to and/or from work.

### Carpool Registration

Any City employee carpool that would like to use the City Hall reserved parking spaces must contact City Parking Services for current permitting requirements and, if required, display the permit in the vehicle's front window of when parked in the reserved parking space.

# **CHAPTER 10**

# **ACKNOWLEDGEMENT**

## **Handbook Receipt Acknowledgment Form**

I acknowledge that:

1. I have received an electronic copy of the Employee Handbook. I understand that the Handbook contains important information about the City's policies, work rules and my benefits. I also understand that the Handbook outlines my responsibilities as a City employee. I also understand that I have the responsibility to read and understand the information in the Handbook, and to ask my supervisor for clarification of any information I do not understand.
2. I understand that this Handbook is not a contract of employment or a guarantee of specific treatment in specific situations. Except for any supplemental safety policies and rules that apply to employees in certain jobs or work areas, or otherwise stated in a written employment contract, I understand that this Handbook, February 1, 2026, supersedes all prior Handbooks, policies and understandings on the subjects contained in it.
3. I understand that unless stated in a collective bargaining agreement or individual employment agreement, the City has the right to modify, substitute or eliminate, interpret and apply, in its sole judgment, the policies, rules and benefits described in this Handbook, subject to any applicable collective bargaining agreement or obligations. I understand that should the content be changed in any way, the City may require an additional signed acknowledgment from me to indicate that I am aware of the changes.
4. I am aware that I may be given confidential information during the course of my employment, such as customer lists or other information. I understand that this information is critical to the success of the City and I agree not to disseminate or use it outside of the workplace. In the event of my termination, either voluntary or involuntary, I agree not to use this information or communicate it to any other individual, organization or entity.

I also acknowledge that I understand the items listed in this acknowledgement form.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_