



Employee Handbook

Effective March 2024

Welcome to the City of Dallas! We're glad to have you on our team. We believe that our employees are our most valuable assets. In fact, we attribute our success as an organization in significant part to our ability to recruit, hire, and maintain a motivated and productive workforce. We hope that during your employment with the City of Dallas, you will become a productive and successful member of the City of Dallas's team.

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between the City of Dallas and its employees, other than those found in applicable collective bargaining agreements. The policies stated in this handbook are subject to change at any time at the sole discretion of the City of Dallas with or without prior notice. This handbook supersedes any prior handbooks or written policies of the City of Dallas that are inconsistent with its provisions. It does not, however, substitute for collective bargaining agreement provisions. To the extent that a provision in a valid collective bargaining agreement contradicts or is inconsistent with what is in this employee handbook, the collective bargaining agreement provision controls.

This handbook does not create a contract of employment between the City of Dallas and its employees. With the exception of employees who are subject to a collective bargaining agreement, all employment at the City of Dallas is "at will." That means that either you or the City of Dallas may terminate this relationship at any time, for any reason, with or without cause or notice (unless you are subject to a collective bargaining agreement or written contract of employment). No supervisor, manager, or representative of the City of Dallas other than the City Manager has the authority to enter into any agreement with you regarding the terms of your employment that changes our at-will relationship or deviates from the provisions in this handbook, unless the change or deviation is put in writing and signed by the City of Dallas (or that is included in a collective bargaining agreement).

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Latta".

Brian Latta
City Manager

Note on Labor Contracts

Currently, the City has three unions that each operate under a collective bargaining agreement (CBA). These CBAs cover negotiated conditions of employment, including rates of pay, wages, and hours of work. To the extent that there is any conflict between any of the provisions of these policies and any provision of the CBA, the labor contract provision alone will control.

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I. Equal Employment Opportunity (EEO) Policies

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

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

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

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

For purposes of this and all other City policies, "race" is defined to include physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hair styles). Further, "protective hairstyles" is defined as "hairstyle, hair color or manner of wearing hair, including braids (regardless of whether the braids are created with extensions or styled with adornments, locs and twists)."

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

B. **Statement Regarding Pay Equity**

The City 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 or federal law) in the payment of wages or other compensation for work of comparable character. Employees who believe they are receiving wages or other compensation at a rate less than that at which the City pays wages or other compensation to other employees for work of comparable character are encouraged to discuss the issue with the Assistant City Manager.

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

C. **No-Harassment Policy**

The City prohibits harassment and sexual assault in the workplace, or harassment and sexual assault outside of the workplace that violates its employees, volunteers and interns' right to work

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

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

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

Sexual Harassment

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

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

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

This is not a complete list.

Other Forms of Prohibited Harassment

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

City policy also prohibits harassment such as verbal, written or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual's protected class or protected activity, and can include:

1. Jokes, pictures (including drawings), epithets, or slurs;
2. Negative stereotyping;
3. Displaying racist symbols anywhere on City property;
4. "Teasing" or mimicking the characteristics of someone with a physical or mental disability;
5. Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't have them;
6. Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
7. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.
8. Negative comments or teasing a person about their natural hair, hair texture, hair type or hairstyle (see definition of "race" on page 1). Employees may not touch another employee's hair without permission to do so, even if the touch is extended out of curiosity or as a compliment.

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

Complaint Procedure

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

Investigation and Confidentiality

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

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

Protection Against Retaliation

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

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

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

Other Resources Available to Employees

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

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

Other Employee Rights

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

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

D. No-Bullying Policy

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

1. Verbal Bullying: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
2. Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
3. Gesture Bullying: Non-verbal threatening gestures, glances that can convey threatening messages.
4. Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and

websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on websites for co-workers, managers or supervisors or elected officials.

This is not a complete list.

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

E. **Disability Accommodation Policy**

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

Accommodations

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

Requesting an Accommodation

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

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

F. **Pregnancy Accommodation Policy**

The City is committed to fully complying with the Pregnant Workers Fairness Act (PWFA), the Oregon Pregnancy Disability Act and anti-discrimination laws. Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact the Assistant City Manager to discuss their options for continuing to work and, if necessary, leave of absence options. The City will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on the City's operations.

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

Requesting a Pregnancy-Related Accommodation

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

No Discrimination, No Retaliation

The City prohibits retaliation or discrimination against any employee who, under this policy:

1. asked for information about or requested accommodations;
2. used accommodations provided by the City; or
3. needed an accommodation.

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

Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law, the Oregon Family Leave Act, and the Family Medical Leave Act. See policies in this handbook or speak with the Assistant City Manager.

G. Reporting Improper or Unlawful Conduct — No Retaliation

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

1. A violation of any federal, Oregon, or local law, rules or regulations by the City;
2. A violation of law, regulation, or standard pertaining to safety and health in the place of employment;
3. Mismanagement, gross waste of funds, abuse of authority;
4. A substantial and specific danger to public health and safety resulting from actions of the City or one of its employees; or
5. The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

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

Employee Reporting Options

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

The City will not disclose the identity of any employee who reports any of the information described in this policy during an investigation without the written consent of the employee. Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

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

Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City’s violation of law will have an “affirmative defense” to any civil or criminal charges related to the disclosure. For this defense to apply, the employee’s disclosure must relate to the conduct of his/her coworker or supervisor acting within the course and scope of his/her employment. The disclosure must have been made to:

1. a state or federal regulatory agency;

2. a law enforcement agency;
3. a manager with the City; or
4. an Oregon-licensed attorney who represents the employee making the report/disclosure.

The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

Policy Against Retaliation

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

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

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

II. Terms & Conditions of Employment

A. Probationary Period of Employment

All new employees, including current employees who are promoted or transferred within the City, are hired into a probationary training period that generally lasts no less than six months (and may be longer if so defined by a collective bargaining agreement). The probationary period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your manager. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the probationary period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City meets your expectations of an employer.

At or before the end of the probationary period, a decision about your employment status will be made. The City will decide whether to:

1. Extend your probationary period;
2. Move you to regular, full-time or regular, part-time status; or
3. Terminate your employment.

Employees are not guaranteed any length of employment upon hire or transfer/promotion; both you and the City may terminate the employment relationship during the probationary period for any lawful reason. Further, completion of the probationary period or continuation of employment after the probationary period does not entitle you to remain employed by the City for any definite period of time. Both you and the City are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law.

New employees while in the probationary period are not entitled to the grievance procedure set forth in this Handbook. All regular employees who are promoted will serve a probationary period, during which the promoted employee may be demoted to the employee's previous position without cause, and for any reason not prohibited by law, and without the right to appeal. However, the employee may not be terminated from employment from the position to which s/he has been promoted during the probationary period without the rights granted regular employees.

B. Employee Classification

The City classifies employees as follows:

Regular Full-time Employee

Employment in an established position requiring 30 hours or more of work per week. Generally, full-time employees are eligible to participate in the city's benefit program.

Regular Part-time Employee

Employment requiring less than 30 hours of work per week. Normally, a part-time schedule such as portions of days or weeks, will be established. Occasional workweeks of over 30 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees are not eligible for benefits except those mandated by applicable law.

Probationary Employee

An employee who is hired for a regular position, exempt or nonexempt, and who has not completed the probationary period of six months (or longer if defined by a collective bargaining agreement or extended per the probationary period policy) and received proper certification required for the position.

Temporary Employee

Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employment can be either full-time or part-time. Temporary employees are not eligible for benefits other than those mandated by applicable law.

Flexible Schedule Employee

Employment in a position with a work schedule that is flexible and irregular, and averages less than 30 hours of work per week, determined on a calendar year basis. Flexible schedule employees are not, for the purpose of this manual, deemed regular employees and shall not receive paid vacation, casual leave or other paid leaves under the policies set forth in this handbook except where required by law; nor shall they be eligible for insurance coverage, except as otherwise required by law.

Additionally, all employees are defined by federal and Oregon law as either “exempt” or “nonexempt,” which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all City of Dallas rules and procedures.

C. **The Workweek**

The City has established regular working hours to promote a productive work environment that will be serve our citizens. The general office hours at City Hall are Monday through Friday, 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m.

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

Unless otherwise approved by the City Manager, the workweek begins at 12:01 AM Monday and ends at midnight on Sunday.

D. **Meal Periods and Rest Breaks**

Non-exempt employees are required to take a paid, uninterrupted 15-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

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

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

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

<u>Length of Work Period</u>	<u>Rest Breaks</u>	<u>Meal Periods</u>
2 hours or less	0	0
2 hours & 1 min – 5 hours & 59 min	1	0
6 hours	1	1
6 hours & 1 min – 10 hours	2	1
10 hours & 1 min – 13 hours & 59 min	3	1

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

The City is committed to complying with the Oregon Rest Periods for Expression of Breast Milk and the federal Providing Urgent Maternal Protections for Nursing Mother (PUMP) Act. The City will provide reasonable break time to accommodate an employee who needs to express milk for their child eighteen who is (18) months of age or younger. The employee is entitled to take a reasonable period each time the employee has a need to express milk.

Rest breaks needed to express milk for children one (1) year or younger will be considered paid time if the employee is also working. The City will treat the rest breaks used by the employee for expressing milk for children over one (1) year of age to eighteen (18) months as paid rest breaks up to the amount of time the City is required to provide as paid rest breaks and/or meal periods under applicable personnel rules or collective bargaining agreements. Additional time needed during an employee’s scheduled working hours beyond the paid rest breaks and/or meal periods for children one (1) year to eighteen (18) months will be unpaid.

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

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

Notice

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

Storage

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

No Discrimination, No Retaliation

The City prohibits discrimination and harassment against any employee who, under this policy, asked for information about or requested or used break time to express milk. 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. See the No-Harassment Policy on page 6 of this Handbook.

Employees who have experienced discrimination or harassment or believe the City is not compliant with federal or Oregon law regarding rest breaks to express milk, should discuss it with the City Manager or Assistant City Manager as soon as possible.

F. Overtime

Time-and-a-Half

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

Limitation on Overtime Pay

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

Assignment of Overtime Work

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

Supervisor Authorization

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

Compensatory (Comp) Time

Overtime hours can be paid or, at the employee's option with the City approval, accumulated at time and one-half up to a maximum of 140 hours and taken as comp time off. Employees are encouraged to work with their manager/supervisor to schedule and use comp time within 60 days of when it is accrued. At the discretion of an employee's manager/supervisor, employees who have accrued less than 140 comp hours may be able to choose whether to have the accrued comp time cashed out at the rate earned by the employee at the time the employee receives the payment. When an employee is separated from employment with the City, any remaining comp time will be paid to the employee. If an employee earns more than 140 hours of FLSA compensatory time, the amount over 140 hours will automatically be paid as overtime.

Certain employees are exempt and not subject to overtime under State or Federal law. The City understands these employees often work more than 40 hours per week and wishes to recognize the additional hours worked. All full-time employees that hold positions classified as exempt under the FLSA will receive 40 hours of exempt vacation leave a year per the Exempt Vacation Leave Policy outlined in the Time of and Leaves of Absence section of this handbook.

Exempt employees who work over 40 hours in a workweek while performing emergency management duties may qualify for overtime at a rate of their normal hourly rate of pay (straight time).

The City will allow its Fire and EMS employees to serve on Incident Management Teams, including but not limited to, US Forest Service, Oregon Department of Forestry, and Oregon State Fire Marshal's Office. Employees will be billed at base wage, plus benefits, including overtime for hours worked over 40 in any one workweek. Reimbursement to exempt employees will be compensated as billed at straight time for their normal 40-hour workweek hours and straight time for all off-duty hours.

G. Timekeeping Requirements

All non-exempt employees must accurately record time worked on a time card or through the online timekeeping system for payroll purposes. Employees using a time card are required to enter their time at the beginning and end of each work period, including before and after the meal period. Employees also must record their time whenever they leave the building for any

reason other than City business. Filling out another employee's timecard, allowing another employee to fill out your time card, or altering any time card, except in the case of a supervisor or manager with a legitimate reason to complete or alter his/her employee's time card, will be grounds for discipline. Employees using an online timekeeping software system such as Tyler to record their time must record their actual hours worked, not including their meal. An employee who fails to record his or her time or who inaccurately records his or her time may be subject to discipline.

Exempt employees will be required to record their time through the online timekeeping system for holidays and other paid time used.

H. Employee-Incurred Expenses and Reimbursements

The City of Dallas provides for reimbursement to employees who are required to travel on City business. It is our policy to reimburse employees/officials for the reasonable expenses incurred when attending an authorized meeting, training or conference. Departments must ensure that the Reasonable Cost method is used for approval and reimbursement for these events. Training and conference opportunities offered in the State of Oregon are encouraged, but western, regional, and national opportunities may be considered.

Please view the Travel and Training Policy in Appendix B for more information.

I. Payroll Policies

Employees shall be paid on a monthly basis with the payday being on the last workday of the month. The City does not provide advance payments of salary or loans from salary to be earned. Pay periods start on the 24th day of a month through the 23rd day of the following month (e.g. ,January 24 through February 23).

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

J. Statement Regarding Pay Practices

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

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

K. Reporting Changes to an Employee's Personal Data

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

1. Name;
2. Marital status/Domestic Partnership (for purposes of benefit eligibility determination only);
3. Address or telephone number;
4. Dependents;
5. Person to be notified in case of emergency;
6. Other information having a bearing on your employment; and
7. Tax withholding.

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

L. Acting in Capacity

With written authorization from an employee's Department Head or his/her designee, employees assigned to work in a higher classification may receive a four percent (4%) wage differential if assigned for periods of longer than fourteen calendar days (this excludes periods for vacation, sick leave, workshops, etc.) to that position in a higher class.

In order to receive Acting in Capacity pay, the employee must be assigned the full range of duties and have full authority and responsibilities of the position he/she is filling, except discipline, which will need to be reviewed by the Assistant City Manager first.

Paid leave and benefit accruals shall be compensated at the employee's normal classification and regular rate of pay during any out of class assignment.

M. Performance Reviews

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

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

Reviews will generally include the following:

1. A review of the employee's position description
2. An evaluation of the employee's quality and quantity of work
3. A review of exceptional employee accomplishments
4. A review of areas needing improvement
5. Setting of career and performance goals for the employee for the following year.

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

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

III. Time Off and Leaves of Absence

A. Attendance, Punctuality and Reporting Absences

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

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor via a telephone call or text message prior to the start of the employee's shift/work day, providing as much notice as possible. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. A no call/no show lasting two days may be considered job abandonment and may result in termination of employment. However, the department manager may grant a subsequent leave with or without pay when extenuating circumstances are found to have existed.

B. Vacation

It is the policy of the City to provide each regular, full-time employee with vacation time on a periodic basis. The amount of vacation to which an employee becomes entitled is determined by the employee's length of service as of his/her employment anniversary date.

Regular, full-time employees will be credited with 40 (forty) hours of vacation leave at the completion of their first full six (6) months of service. Thereafter, they shall accrue vacation leave on a pro-rata basis each pay period according to the following schedule:

<u>Length of Completed Service</u>	<u>Amount</u>
1-24 months	80 hours per year (6.66 hours/mo.)
25-60 months	96 hours per year (8 hours/mo.)
61-108 months	120 hours per year (10 hours/mo.)
109-168 months	140 hours per year (11.66 hours/mo.)
169-239 months	160 hours per year (13.33 hours/mo.)
240+ months	192 hours per year (16 hours/mo.)

Other regular employees working at least 30 hours per week shall earn vacation based on a prorated basis, comparing their regular scheduled workweek to a normal 40-hour workweek. Employees hired prior to April 1, 2014, who work at least 20 hours per week shall earn vacation leave based on a prorated basis, comparing their regular scheduled workweek to a normal 40-hour workweek. Regular part-time employees hired after April 1, 2014, will be eligible for

immediate vacation accrual at such time as they begin working at least 30 hours per week as their regular schedule, provided they have completed their first full six months of service.

If an employee does not have accrued vacation, the city will generally not allow an employee to take unpaid time off. If you have questions about this policy, please speak to the Assistant City Manager.

Vacation Maximum Accumulation

We encourage employees to use their vacation accrual annually, as we understand the importance of time away from work. After an employee's first six months of employment, vacation may be used as soon as it is accrued; however, vacation time may accrue only up to a maximum of not more than one and one-half times the allowable annual vacation. Vacation time accrued above the maximum allowable hours on June 30 of each year will be forfeited. All accrued and accumulated vacation time shall be scheduled and used as soon as practicable.

Exempt Employee Vacation Leave

The City grants an additional 40 hours of vacation leave per year in lieu of compensatory time or overtime for exempt employees. This exempt vacation leave is granted at the beginning of each fiscal year (July 1) and must be used during the fiscal year. Any unused portion of exempt vacation leave remaining at the end of the fiscal year (June 30) is forfeited.

Scheduling Vacation

Any employee wishing to use vacation time should request vacation hours as early as possible so that arrangements for coverage can be made. We encourage all employees to be aware of the critical time for their work groups during the year and avoid taking any routine or expected time off during these periods. Discuss with your supervisor how he/she would like you to request vacation. Every attempt will be made to grant each request; however, no guarantees can be offered.

Vacation Pay upon Termination

Upon separation of employment, employees who have completed six months of employment will be paid for unused vacation time that has been earned through the last day of work. In case of death, compensation for accrued and unused vacation leave shall be paid to the deceased employee's beneficiary in the same manner that salary due to the decedent is paid.

Vacation Time Purchase

City of Dallas employees may, once per fiscal year, request the purchase of accumulated vacation time.

The following criteria must be met for a vacation purchase to be authorized:

1. The employee must have remaining at least 80 hours of accrued vacation leave **after** the vacation hours are purchased.
2. Budgeted funds must be available for the vacation time purchase.

To request the purchase of accrued vacation time, an employee may:

1. Request by submitting a Vacation Purchase Request Form to his/her supervisor to sell back to the City a given number of vacation hours.
2. The supervisor will verify the employee has the accumulated vacation time accrued and will then recommend approval or denial to the City Manager.
3. The City Manager will be the final approving authority for all requests to sell vacation time.
4. The Mayor will be the final approving authority for any City Manager requests to sell vacation time.

C. **Sick Leave**

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

Employees with questions about this policy may contact the Assistant City Manager. Please also refer to the Oregon Sick Leave Law poster that is posted in each city facility (usually in the break room or where the employment posters are located) and is incorporated here by reference.

Eligibility and Accrual of Paid Sick Leave

Under Oregon's Paid Sick Leave Law and this policy, "employee" includes part-time, full-time, hourly, flexible schedule, salaried, exempt and non-exempt employees. Sick leave runs concurrently with Oregon Family Medical Leave, federal Family and Medical Leave and other leave where allowed by law.

A regular employee shall begin to earn sick leave on the first day of employment with an employer. Sick leave with pay shall accrue at the rate of eight working hours of leave for each full calendar month of the employee's service (12 days per calendar year), for employees who work full 40 hour weeks; other regular employees that work less than 40 hours per week shall earn sick leave based on a prorated basis, comparing their regular scheduled work week to a normal 40 hour work week. Employees who are granted a leave of absence with pay for any purpose shall continue to accrue sick leave at the regular prescribed rate. All sick leave will accrue at the above rate unless otherwise specified in a collective bargaining agreement.

For regular full-time and part-time employees, the maximum sick leave accrual will be 1,500 hours. Sick leave will not continue to accrue once the employee's balance reaches the maximum allowable hours.

A Flexible Schedule Employee (FSE) shall begin to earn sick leave on the first day of employment with an employer. Sick leave with pay shall accrue at the rate of one working hour of leave for every 30 hours the employee works.

FSE may earn and use up to forty (40) hours of paid sick time per calendar year. A FSE may carry over up to forty (40) hours of unused sick time from one year to a subsequent year. However, a FSE cannot use more than forty (40) hours of sick leave in a calendar year. A FSE is eligible to use sick time beginning on the 91st calendar day of employment with the City of Dallas and is then required to use sick time as needed.

Sick leave does not accrue during any period of unpaid leave of absence, except as required by law.

Pay Rate and Carryover

Paid sick leave will be paid at the employee's regular rate of pay. For employees who are paid multiple hourly rates of pay, the regular rate of pay means: The wages the employee would have been paid for the period of time in which the sick time is used. Exempt employees are presumed to work 40 hours in each workweek for purposes of their sick leave accrual unless their normal workweek is less than 40 hours, in which case sick leave is accrued based on the employee's normal workweek. Generally, sick leave pay will be included in the paycheck for the next payroll period after sick leave is used, provided the employee submits adequate documentation verifying that the absence was for a qualifying reason as defined in the "Use of Sick Leave" section below.

Sick leave is meant to be used or carried over; any unused sick leave will not be cashed out upon separation from employment. If an employee leaves employment and is rehired within 180 days, the employee's sick leave balance will be restored.

Use of Sick Leave

Paid sick leave may be used for any of the following reasons:

1. For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her covered family member. "Family member" means the eligible employee's:
 - a) " Family Spouse or registered domestic partner;
 - b) Child, or the child's spouse or registered domestic partner;
 - c) Sibling or stepsibling, or the sibling's or stepsiblings' spouse or registered domestic partner;
 - d) Parent or the parent's spouse or domestic partner;
 - e) Grandparent or the grandparent's spouse or registered domestic partner;
 - f) Grandchild or the grandchild's spouse or registered domestic partner; or
 - g) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
2. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
3. If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault, bias crimes, or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).

4. In the event of certain public health emergencies or other reasons specified under Oregon's sick leave law.

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

Employee Notice of Need for Sick Leave

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

Unforeseeable Sick Leave: If the need for sick leave is unforeseeable, the employee must notify his/her supervisor as soon as practicable and comply generally with the City's call-in procedures.

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

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

Sick Leave Documentation

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

The City may require a release to return to work from an employee's treating physician before an employee will be allowed to return to work from sick leave.

Sick Leave Abuse

If the City suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations and paydays, the City may require documentation from a healthcare provider. Employees found to have abused sick leave as described here may also be subject to discipline, up to and including termination.

D. **Paid Leave Oregon**

Poster

A poster with Paid Leave Oregon (PLO) information, including eligibility and information about how to apply for benefits is in each City facility, with the other employment law posters and should be cross-referenced while reviewing this policy. The poster is also available upon request from the Assistant City Manager.

Reasons for Leave and Leave Length

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:

1. *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.
2. *Medical leave* – for an employee experiencing their own serious health condition or disability due to pregnancy.
3. *Safe leave* – for an employee or eligible child dependent experiencing issues related to sexual assault, domestic violence, harassment, bias, or stalking.

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

An additional four (4) weeks of unpaid leave is also allowed for other OFLA protected reasons.

Notification Requirements

Although the plan is administered by Paid Leave Oregon, the City requires employees to notify the City 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 30 days' written notice before paid leave is to begin (see notice requirements below). Written notice should be submitting using the City's Paid Leave Oregon Notification Form, available from the Assistant City Manager.

Unforeseeable: If the need for PLO leave is unforeseeable or unplanned, an employee is required to provide oral notice to the City within 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. Written notice should be submitted using the City's Paid Leave Oregon Notification Form, available from the Assistant City Manager.

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 Assistant City Manager within three business days, or as soon as possible.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees are expected to comply with the City's normal call-in procedures.

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 25 percent (the penalty calculated for leaves that are taken in increments of less than a full work week differs). See OAR 471-070-1310(9) and (10).

Concurrent use of FMLA/OFLA Leave

As allowed by law:

If an employee's PLO leave is also eligible for protected leave under the Oregon Family Leave Act (OFLA) and/or the Family Medical Leave Act (FMLA), OFLA and/or FMLA leave must be taken 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 FMLA/OFLA Leave Request Form and return it to the Assistant City Manager.

If an employee is eligible for OFLA and/or FMLA leave due to a "serious health condition" or has a family member with a "serious health condition", employees must furnish the City medical certification information as required by the City's FMLA and/or OFLA policy.

Please refer to the City's FMLA/OFLA policies for more information about submitting a FMLA/OFLA Leave Request Form, and/or medical certification.

If an employee's PLO leave runs concurrently with OFLA and/or FMLA, the employee may use accrued leave to supplement the amount of benefit received from PLO.

Accrued Leave and Holiday Pay While on Leave

Employees on PLO leave will not accrue sick, vacation, or other employer-provided leave, and employees will not receive holiday pay unless otherwise required under OFLA/FMLA rules.

Benefits While on Leave

If an employee is on a state approved PLO leave, 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 his/her share of premiums, the same as when premiums were paid by the employee, prior to the PLO leave.

Medical Certification Prior to Returning to Work

If an employee takes more than three consecutive scheduled workdays for their own serious health condition, and the leave is used concurrently with FMLA and/or OFLA, the employee

must furnish, prior to returning to work, medical certification from his/her health care provider stating that the employee is able to resume work.

Job Protection (ORS 657.060)

Employees who have worked for the City for more than 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.

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 may be subject to discipline up to and including termination. Additionally, all employees 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.

Use of Accrued Leave to Supplement Paid Leave Oregon Benefit

Paid Leave Oregon benefits will not provide the majority of employees with 100% of their gross regular wages, so employees receiving PLO benefits, may choose to supplement their PLO benefits with other available paid leave such as accrued paid leave and/or comp time, up to 100% of the employee's regular gross wage only if they are also using OFLA/FMLA leave or if otherwise required by law. When PLO Benefits and supplemental employer compensation are added together, the amount paid cannot exceed the employee's regular gross monthly wage.

To use employer compensation, employees are required to have completed and submitted their OFLA/FMLA application, complete their time sheet, and submit a copy of their PLO Benefit Determination Letter no later than the last date and time the City requires employees' regular payroll submissions to be submitted. Failure to complete these submission to the Assistant City Manager in a timely manner may result in the employee not being allowed to use employer compensation to supplement PLO benefits.

Who to contact for more information

For more information about the City's Paid Leave Oregon policy, contact the Assistant City Manager.

The City does not administer the Paid Leave Oregon program, determine an employee's eligibility, or an employee's benefit payments. For questions about eligibility, concerns or questions about benefit payments or status of payment, employees will need to contact Paid

Leave Oregon directly. Employee information and Paid Leave Oregon contact information is available at the following website: <https://paidleave.oregon.gov/>

E. **Holidays**

Regular and probationary employees, except volunteer firefighters, reserve police officers, and members of the Dallas Police Employees Association (DPEA) and Dallas Professional Paramedics and Firefighters (DPPFF), are granted holiday pay. Full-time, regular employees will receive 8 hours of holiday pay per holiday, regardless of the length of their regular shift. Other regular employees shall earn holiday pay based on a prorated basis, comparing their regular scheduled workweek to a normal 40-hour workweek. Any employee working a shift longer than 8 hours will need to use accrued vacation or compensatory leave for the remainder of their shift or coordinate with his/her supervisor to make up the additional time within the same week.

The following days are paid holidays for regular and probationary employees except volunteer firefighters, reserve police officers, sworn officers, and fire and EMS employees:

1. New Year's Day - January 1
2. Martin Luther King, Jr.'s Birthday – 3rd Monday in January
3. Presidents' Day - 3rd Monday in February
4. Memorial Day - last Monday in May
5. Juneteenth – June 19
6. Independence Day - July 4
7. Labor Day - First Monday in September
8. Veterans Day* - November 11
9. Thanksgiving Day - the 4th Thursday in November and the following day
10. Christmas Day - December 25
11. The afternoon of the last workday before Christmas
12. Four (4) hours of informal leave each year to be taken between November 24 and January 23, scheduled with the appropriate supervisor's approval. Informal leave does not accumulate or carryover and has no cash value.

Veterans Day — The City will provide unpaid time off for Veterans Day if an employee would otherwise be required to work on that day and if the employee provides:

1. at least three weeks' written notice to the Assistant City Manager that he/she intend to take time off for Veterans Day; and
2. documents showing that he/she is a veteran.

To take this leave, the veteran must have served on active duty in the armed forces for at least six months and received an honorable discharge. If the individual served in a reserve or National Guard unit, the employee is not qualified for leave unless he/she were deployed or served on active duty for at least six months. The City will notify the employee, at least 14 days before Veterans Day, whether he/she will receive time off for Veterans Day. If the City determines that providing time off on this holiday would cause significant economic or operational disruption or undue hardship, the request will be denied, but the City will allow the worker to take a single day off within one year of Veterans Day.

In addition, all employees who have been employed with the City as regular, benefitted employees for five consecutive years shall be awarded their birthday as a paid holiday (maximum 8 hours). If the employee and his/her supervisor agree that it is in the best interest of the City for the employee to work on his/her birthday, then compensation time will be awarded and later can be taken off when approved and directed by the supervisor. Employees shall follow the same policy as any other holiday if the employee's birthday occurs on a weekend or regularly scheduled day off.

When a holiday falls on Saturday, the preceding Friday shall be considered a holiday, except when an employee regularly works Saturday, in which case Saturday is the legal holiday. When a holiday falls on Sunday, the following Monday shall be considered a holiday, except when an employee regularly works Sunday, in which case Sunday is the legal holiday. Holidays that occur during an employee's vacation or sick leave shall not be charged against such leave.

If an exempt employee is required to work on a holiday, the employee shall be compensated by time off at a rate of one hour per hour worked. The time off must be taken within the same pay period as the holiday occurs.

If a regular or probationary nonexempt employee or a flexible schedule employee is required to work on a holiday, unless otherwise specified as a condition of the employee's position or as otherwise provided in this Handbook, the employee shall be compensated by payment at a rate of one and one-half times the hourly rate of base pay for the employee or by compensatory time at a rate of one and one-half times the hours worked, at the choice of the employee unless budget funds are not available. The compensatory time provided in this paragraph must be taken within six months of the day on which it is earned.

Whenever a holiday falls on an employee's scheduled day off, the employee shall receive one day of compensatory time off, to be taken at a time approved by the department manager, within six months of the day on which the compensatory time off is earned. Temporary employees shall receive no compensation for holidays on which they do not work, but if they work, they shall receive compensation at straight time.

Because of the unique situation of Emergency Services (7 days per week, 24 hours per day service), all regular and probationary members of the DPEA and DPPFF shall be entitled to time off in lieu of the above described legal holidays as set forth in their respective collective bargaining agreements.

F. Family Medical Leave

The following is a summary of Family and Medical Leave policy and procedures under the federal Family Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA). Generally, and as will be discussed, eligible employees are entitled to 12 weeks of unpaid leave for the reasons identified below. Federal and state law prohibit retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked

about, requested or used Family and Medical Leave. In all cases, applicable Oregon and federal laws, rules, policies and collective bargaining agreements govern the employee's and the City's rights and obligations, not this policy.

Employees seeking further information should contact the Assistant City Manager. Please also refer to the "Employee Rights and Responsibilities under the Family Medical Leave Act" and "Oregon Family Leave Act" notices posted in each facility where employee notices are posted, which are incorporated here by reference.

Definitions

Child/Son or Daughter

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

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

Eligible Employee

OFLA - To qualify for OFLA leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week.

Parental Leave - To qualify for Parental Leave under OFLA, an employee must have been employed for at least 180 days (no per-week hourly minimum is required).

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

FMLA - Employees are eligible for FMLA leave if they have worked for a covered employer for at least one year (which may be based on separate stints of employment) and for 1,250 hours during the 12 months preceding the date leave is to begin.

Public Health Emergency Leave - Employees are eligible to take any OFLA leave during a Public Health Emergency if they have worked: (a) more than 30 days immediately before the date on which the leave would begin; or (b) an average of 25 hours per week in the 30 days

immediately before the date on which the leave would begin. This is available to employees who are eligible for OFLA only. See the definition of “public health emergency” below.

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

Family Medical Leave

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

Family Member

For purposes of FMLA, “family member” is defined as a spouse, parent or a “son” or “daughter” (defined above).

For purposes of OFLA, “family member” includes

1. the eligible employee’s spouse, registered domestic partner, sibling/step-sibling, parent, grandparent, child, or grandchild;
2. the spouse, or registered domestic partner of the eligible employee’s sibling/step-sibling, parent, grandparent, child or grandchild; or
3. any individual related by blood or affinity whose close association with an eligible employee is the equivalent of a family relationship.

Serious Health Condition

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

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

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

Public Health Emergency

For purposes of OFLA only, a “public health emergency” is a public health emergency declared under ORS 433.441 or an emergency declaration declared under ORS 401.165. Examples of this

include when the State of Oregon declared a COVID-19 state of emergency in March 2020 and the wildfire state of emergency in June 2021.

Reasons for Taking Leave

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

1. Call to Active-Duty Leave: Eligible employees with a spouse, son, daughter or parent on active duty or call to active-duty status in the regular Armed Forces, National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain “qualifying exigencies.” “Qualifying exigencies” may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. This type of leave is available under FMLA only; however, under OFLA, specifically under the Oregon Military Family Leave Act, during a period of military conflict, as defined by the statute, eligible employees with a spouse or registered domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces of the U.S. and who has been notified of an impending call or order to active duty, or who has been deployed, is entitled to a total of 14 days of unpaid leave per deployment after the military spouse or registered domestic partner has been notified of an impending call or order to active duty and before deployment and when the military person is on leave from deployment.
2. Employee’s Serious Health Condition Leave: To recover from or seek treatment for an employee’s serious health condition, including pregnancy-related conditions and prenatal care.
3. Family Member’s Serious Health Condition Leave: To care for a family member with a serious health condition.
4. Parental Leave: For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
5. Pregnancy Disability Leave: For incapacity due to pregnancy, prenatal medical care or birth.
6. Servicemember Family Leave: Eligible employees may take up to 26 weeks of leave to care for a “covered servicemember” during a single 12-month period. A “covered servicemember” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his/her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Under some circumstances, a veteran will be considered a “covered servicemember.” This type of leave is available under FMLA only.
7. Sick Child Leave: To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick child leave is not available

if another family member is able and willing to care for the child. This type of leave is available only to employees who are eligible under OFLA.

8. Bereavement Leave: This type of leave is addressed under OFLA; see the Bereavement Leave Policy in this Handbook for more information.

Length of Leave

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

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

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

One-Year Calculation Period

The "1-year period" during which leave is available (also referred to as the "One-Year Calculation Period") will be determined by a consecutive 52-week period beginning on the Sunday immediately preceding the date on which family leave commences. Each time an employee takes Family Leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the leave period.

Intermittent Leave

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

Employee Responsibilities — Notice

Employees must provide at least 30 days' notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned treatment for a serious injury or illness of a covered service member

(Service Member Family Leave). If 30 days' notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. If the situation giving rise to a Sick Child Leave is unforeseeable, an employee must give verbal or written notice to the City within 24 hours of commencement of the leave.

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

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

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

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

Certification

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

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

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

Employees must furnish the City's requested medical certification information within 15 calendar days after such information is requested by the City. In some cases (except for leave to

care for a sick child), the City may require a second or third opinion, at the City's expense. Employees also may be required to submit subsequent medical verification.

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

Medical Certification Prior to Returning to Work

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

Substitution of Paid Leave for Unpaid Leave

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

Holiday Pay While on Leave

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

On-the-Job Injury or Illness

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

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

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

Benefits While on Leave

If an employee is on approved FMLA or OFLA Leave, the City will continue the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. An employee wishing to maintain health insurance during a period of approved FMLA or OFLA leave will be responsible for bearing the cost of his/her share of group health plan premiums that had been paid by the employee prior to the OFLA/FMLA leave. Employees will not accrue vacation, sick leave or other benefits (other than health insurance)

while the employee is on a FMLA or OFLA leave unless otherwise required by law. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in the City benefit plans.

Job Protection

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

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

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

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

Restoration of Leave Bank at Time of Re-Employment

An employee who leaves employment with the City for any reason may be eligible for OFLA leave if they are re-employed by the City within 180 days of the separation and if the employee was eligible for OFLA leave at the time of the separation. Special rules apply to employees who temporarily stop working for the City for 180 days or less; please speak with the Assistant City Manager for more information.

G. Leave Donation

The City has implemented a leave donation program to allow employees to voluntarily donate vacation or compensatory time off to another employee who exhausts, or is likely to exhaust, accumulated paid leave due to an employee's family medical emergency that would otherwise likely cause the employee to take unpaid leave or terminate employment. An "family medical emergency" is defined as a medical condition of the employee or an immediate family member that will require prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, child, or parent.

Employees may request to donate accrued vacation or compensatory (comp) time to other regular employees under this program. The donating employee must meet the following criteria:

1. The employee must be a regular employee.

2. The employee must have at least 96 hours of accrued leave (sick, vacation, holiday and/or comp time) **after** the donated hours are removed; part-time employees must have at least 48 hours of accrued leave **after** the donated hours are removed.
3. No donation may exceed more than 40 hours of banked vacation time, even if condition (2) above would be met.

The receiving employee must meet the following criteria:

1. The employee, or the employee's immediate family member, has a catastrophic medical condition that will result in the employee going on leave without pay status;
2. The employee is a regular employee;
3. The employee must have exhausted all accumulated leave (sick, vacation, holiday, comp time, and Paid Leave Oregon leave);
4. The employee is not receiving workers' compensation benefits, long-term disability benefits, or PERS disability retirement benefits; and
5. The employee with a catastrophic medical condition must be unable to work in his/her regular position or in a modified work assignment, if made available by the City.
6. The employee cannot use donated leave to extend leave beyond the amount of protected leave guaranteed under the FMLA and/or the OFLA.

An employee who is receiving, or is eligible to receive, any type of retirement disability, short-term or long-term disability, or other supplemental income is not eligible to receive donated leave. An eligible employee must apply for the City-offered short-term disability, if available, and long-term disability benefits.

The donation, once transferred from the pooled bank to the receiving employee, must be made voluntarily and irrevocably, with the understanding that the donated leave is lost to the donor forever. Any vacation remaining in the "bank" will be redistributed to the donating employee(s).

Donated leave may not be used to extend employment beyond the point that it would otherwise end by operation of law, rule, policy, or regulation. For example, if an employee would have otherwise been terminated due to layoff or other reasons, donated leave may not be used to extend employment.

Employees who would like to request donated leave are required to complete a Donated Leave Request Form and submit it to the Assistant City Manager.

H. **Bereavement Leave and Casual Leave**

Employees who have worked for the City for 180 calendar days, and averaged at least 25 hours per week, may take up to two weeks of unpaid bereavement leave per death of a Family Member. Employees who have worked for the City for 90-180 days may use up to 40 hours of accrued sick leave for bereavement purposes, and who have experienced the death of a Family Member as defined below. Employees who have worked for the City for fewer than 90 days may not be eligible for leave; see the Assistant City Manager for more information.

A regular, full-time employee may be granted three work days or 48 hours, whichever is less, of "Casual Leave" with pay per calendar year for the following reason only: death of his or her family member.

For the purpose of bereavement or casual leave, "Family Member" means the employee's:

1. Spouse or registered domestic partner;
2. Child or the child's spouse or registered domestic partner;
3. Sibling or stepsibling or the sibling's or stepsibling's spouse or registered domestic partner;
4. Grandparent or the grandparent's spouse or registered domestic partner;
5. Grandchild or the grandchild's spouse or registered domestic partner; or
6. An individual related by blood or affinity whose close association with an employee taking bereavement leave is the equivalent of a family relationship.

Regular employees working less than 40 hours per week will receive casual leave on a pro-rated basis.

Requests for leave must be made in writing to the Assistant City Manager and must establish reasonable justification for approval of the request. Such requests should be made in advance whenever possible. If an employee cannot obtain prior approval, the employee should use vacation or compensatory time and have casual leave approved upon return.

Casual leave will run concurrently with any additional bereavement leave the employee requests.

I. **Jury and Witness Duty**

Any regular, probationary, flexible schedule, or temporary employee shall be granted a leave of absence with pay for:

1. service on a jury; provided that the salary paid to the employee for the period of absence shall be reduced by the amount of money received for jury service;
2. appearance before a court, legislative committee or judicial body as a witness for a matter related to their employment in response to a subpoena or other direction by proper authority, provided that the salary paid shall be reduced by an amount equal to any compensation received from the court.

The salary paid to the employee during this time shall be reduced by the amount equal to any compensation earned for his/her participation. It shall be the responsibility of the employee receiving the payment to notify the City of the amount in all the above mentioned cases. Alternately, the employee can sign over their payment for jury duty or witness participation to the City and receive their full salary.

A copy of the court notice or subpoena must be submitted to the employee's supervisor to verify the need for such leave.

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

J. **Religious Observances Leave and Accommodation Policy**

The City respects the sincerely held religious beliefs and observances of all employees. The City will make, upon request, an accommodation for such beliefs and observances when a reasonable accommodation is available 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 a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with the Assistant City Manager, and may require the requesting employee to provide proof of the "sincerely held" religious belief.

K. **Crime Victim Leave Policy**

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

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

Employees who are eligible for crime victim leave must:

1. Use any accrued, but unused vacation/sick leave during the leave period;
2. Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and
3. Submit a request for the leave in writing to the Assistant City Manager as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

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

L. **Domestic Violence Leave and Accommodation Policy**

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

Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to

recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

Leave is generally unpaid, but the employee may use any accrued paid time off while on this type of leave.

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

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

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

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

M. **Military Leave**

Employees who wish to serve in the military and take military leave should contact the Assistant City Manager for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

Further, eligible employees called for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, may be entitled to leave with pay for all regular workdays that fall within a period not to exceed 21 calendar days in any federal training year. Please contact the Assistant City Manager for more information and to arrange for this paid leave.

N. **Volunteer Fire Response**

The City of Dallas shall allow any employee who is a volunteer firefighter to respond to fire calls with pay under the following circumstances:

1. The response is within their normal workday and will not unduly impair the operation of the department in which they work.
2. The response is for a fire call within the City of Dallas city limits.
3. No more than 50% of the employees in a functional area may respond to a call without prior approval of the department head.

Employees are to return to work as soon as they leave the fire scene and report immediately to his/her supervisor to record time away from work (assuming normal working hours; if not, then earliest possible time).

IV. Employee Benefits

A. Healthcare Benefits

Employees who meet the definition of “benefit eligible” under both City policy and that of its health insurance provider are entitled to the benefit options offered by the City. That means the City offers medical, dental, vision, and life insurance for all of its regular and probationary employees working 30 or more hours per week. Insurance coverage will go into effect on the first day of the month following the date of hire. The City will provide insurance for all full time regular and probationary employees and their dependents as determined by management or as included in any union contracts. Regular or probationary part time employees working at least 30 hours but less than 40 hours per week may elect to be covered by the group plan, provided they pay a portion of the premium cost based on the number of hours worked. Part-time employees are not eligible for health-insurance coverage. The level and type of coverage provided is subject to change.

Employees with non-City of Dallas health coverage may waive coverage with the City of Dallas, provided that at least 75% of benefits-eligible employees are covered. There is no additional compensation in lieu of health coverage except what is allowed by CIS.

The group insurance policy and the summary plan description issued to employees set out the terms and conditions of the health insurance plan offered by the City. These documents govern all issues relating to employee health insurance. As other employee benefits are offered by the City, employees will be advised and provided with copies of relevant plan documents. Copies are available from the Assistant City Manager.

Once an employee is eligible, they must complete the enrollment form provided. If an employee chooses not to enroll at the time of first eligibility, they may only enroll during an open enrollment or as a result of certain qualifying events.

The City’s paid contribution toward an employee’s group insurance plans will end on the last day of the month in which an employee’s job ends, regardless of any lump sum vacation pay-off. In the event you or your dependents lose eligibility to participate in the health plan, you may have the health plan coverage extended for a period of time through COBRA at your own expense.

The City of Dallas participates in a Health Savings Account (HSA) program for all employees enrolled in our high deductible health plan. City contributions to an employee’s HSA depend upon coverage provided and available funds. Employees may also opt to make their own contributions to their HSA up to the limits allowed by the IRS. Contributions to mid-year hires will begin at the same time as medical coverage starts and will prorate the City’s annual contribution. If a husband and wife both work for the City and both are eligible for insurance benefits, the City will only make one contribution to an HSA for both employees. In other

words, both employees would not get an HSA contribution from the City regardless of whether they both signed up for insurance.

We understand that some employees are deemed ineligible to receive direct employer contributions to an HSA due to their enrollment in non-optional entitlement programs. In these instances only, the City may contribute an equal amount into a voluntary employee beneficiary association (VEBA).

B. Long-Term Disability Insurance

The City will provide employees who qualify and are currently enrolled in the Health and Dental insurance plan with a Long-Term Disability policy. The plan will include a ninety (90) day elimination period (waiting period), with insured earnings of 66 2/3% of your Pre-disability Earnings, reduced by Deductible Income, with a maximum monthly benefit up to \$5,000, but not less than \$100 per month.

C. Employee Assistance Program (EAP)

This free, confidential service is provided by Canopy and is available to all employees and dependents covered on a CIS Regence medical plan. The EAP can be used to assist employees and eligible family members with any personal problems, large or small. Each covered employee and eligible family members can receive up to five (5) personal counseling sessions per situation per year. Sessions can be face to face, over the phone, or online for concerns such as marital conflict, conflict at work, depressions, stress management, family relationships, anxiety, alcohol or drug abuse, grieving a loss, and career development services. Canopy also provides educational tools as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and gym membership discounts.

More information regarding this service can be obtained by contacting the Assistant City Manager, or you can contact Canopy directly at 1-800-433-2320, or at www.canopywell.com.

D. Workers' Compensation and Safety on the Job

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

Steps to Take if You are Injured on the Job

If you are injured on the job, the City wants to know about it and expects to learn about it no later than 24 hours after your injury (report all work-related injuries to your supervisor).

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

1. Seek medical treatment and follow-up care if required.

2. Report any work-related injury to your supervisor. You must report the injury no later than 24 hours after injury.
3. Promptly complete a written Employee's Claim Form (Form 801) and return it to the Assistant City Manager.

Employees are encouraged to call the Rapid Care line to report your injury or illness. After you call 855-959-2741, a registered nurse will provide immediate care instructions and collect your 801 information and submit it on your behalf to SAIF.

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

Return to Work

If you require workers' compensation leave, you will — under most circumstances — be reinstated to the same position that you held at the time your leave began, or to an equivalent position, if available. However, you must first submit documentation from a health care provider who is familiar with your condition certifying your ability to return to work and perform the essential functions of your position.

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

Early Return-to-Work Program

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

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

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

approved, failure to phone in or report at the designated time and place may affect your compensation and employment with the City. While you are on modified or transitional work, you are still subject to all other the City rules and procedures.

Overlap with Other Laws

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

For any sworn Police Officer who is shot in the line of duty and is cleared of any wrong-doing, the City will pay the cost of COBRA benefits as long as the injured worker continues to receive workers' compensation benefits and is unable to work, but in no case will COBRA costs be covered longer than 24 months.

E. PERS (Public Employees' Retirement System) Benefits

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

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

F. ICMA-RC 457 Account

As a public sector employee, you have the opportunity to build your retirement investments – with tax advantage – through an employee-funded 457 deferred compensation plan.

Deferred compensation is a program that allows you to invest today for your retirement. Federal, and in most cases state, income taxes are deferred until your assets are withdrawn, usually during retirement when you may be in a lower tax bracket.

Under Section 457 of the Internal Revenue Code, you may defer each year a maximum of 100% of your "gross compensation" or an annual dollar limit, whichever is less.

The City will provide employees who qualify for a 457 plan through ICMA with an enrollment kit at the time of eligibility.

G. ICMA-RC 401a Account

All exempt management employees will be enrolled in a 401a retirement plan. Under the 401a plan, 3% of an employee's salary is placed in a deferred compensation account and the employee is eligible to use the funds upon retirement or leaving City employment if they are vested, which takes five years of service with the City. Upon eligibility, an employee will receive enrollment forms for this benefit.

H. Wellness Policy

We want to ensure our employees are able to keep themselves healthy through physical activity, healthy eating, and lifestyle changes. By helping our employees maintain a healthy lifestyle, we anticipate fewer injuries and illnesses. The management of the City of Dallas fully endorses, supports, and encourages employee well-being and health.

All appropriate benefits and management staff will attend open enrollment meetings and will be available to assist employees with questions or issues.

This policy applies to all full-time and regular, part-time City of Dallas employees and is limited to participation at City-owned facilities or City-sponsored events or programs.

1. Wellness Committee

The Citywide Safety Committee will also serve as the City's Wellness Committee. Membership in this committee is made up of one representative from each of the following departments: Fire, Police, Public Works (including Parks), Dallas Aquatic Center, Library, City Hall (including Community Development, Engineering, and Finance), and Administration. The Safety and Wellness Committee will meet at least twice each quarter to discuss and develop wellness programs and evaluate the wellness policy's effectiveness.

2. Dallas Aquatic Center Membership

The City of Dallas will reimburse any full-time employee for the cost of an adult annual membership to the Dallas Aquatic Center) and will reimburse any regular, part-time employee on a pro-rated basis. The employee must make the request in writing and include with the request their receipt showing the membership. If the employee wishes to enroll their family in a family membership, the City will reimburse the employee for the amount of a single membership.

3. Wellness Challenges

From time to time, the City of Dallas will launch wellness challenges to encourage the health and well-being of our employees. As an incentive to participate in these challenges, any employee completing a challenge may receive a small cash incentive.

4. Procedure

Any full-time or regular part-time employee wishing to take advantage of this Wellness Policy will be required to complete a Wellness Reimbursement Form and submit it with a

valid receipt or proof of participation in a Wellness Challenge. Employees will have the option of having the incentive amount put into their Health Savings Account (HSA) tax-free (if applicable). Withdrawal from the HSA is subject to IRS Section 213(d) restrictions. Employees may also choose to receive the incentive as a taxable benefit. In this case, the incentive will be included in the employee's paycheck on the next payday following the request. Regular, part-time employees will receive a pro-rated reimbursement.

I. **Service Awards**

Upon achieving a specified number of years of service, regular employees are eligible to receive a recognition award which is symbolic of their achievement and which demonstrates the City's appreciation for their service. Awards are provided at the following service anniversaries: 1 year, 5 years, 10 years, 15 years, 20 years, 25 years, 30 years, and 35 years. Upon reaching these milestones, employees will receive the following award:

1 year: Shirt with city logo

5 years: Hot/cold cup with city logo and \$10 gift card

10 years: Jacket with city logo

15 years: One-time award of \$150 on the paycheck immediately following anniversary date

20 years: One paid day off work and a pizza party for employee's department

25 years: One-time award of \$250 on paycheck immediately following the anniversary date and commemorative brick added to the RCTS

30 years: Two paid days off work and a \$50 gift card for dinner at a local restaurant

35 years: One-time award of \$350 on the paycheck immediately following the anniversary date and a coat with the city logo

J. **Field Clothing**

Eligibility

For the purposes of this section, eligible field employees are the Public Works Operations Supervisor, Water Supervisor, Fleet Maintenance Supervisor, Engineering Services Supervisor, Building Official, and Parks Supervisor. Any new non-represented, supervisory positions created that work in the field will also be eligible under this article.

Clothing Allowance

All eligible field employees shall be allowed to purchase footwear from a vendor of the City's choice and have the City billed directly, not to exceed \$200 annually.

If an employee chooses to purchase boots in excess of the amount allowed above, they may bill to the City up to the allowed amount, and pay the balance with their own funds. If an employee chooses boots valued below the not to exceed amount, the employee may not purchase additional clothing/boots.

Part-time Employees

Part-time parks or public works operations employees are eligible to purchase footwear from a vendor of the City's choice and have the City billed directly, not to exceed \$200 every two years.

V. Miscellaneous Policies

A. **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 off-the-job as well as on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

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

Prohibited Conduct

The following examples of prohibited conduct do not apply to law enforcement employees who possess drugs, alcohol or other items identified in this policy in connection with law enforcement work.

1. Possession, transfer, use or being under the influence of any alcohol while on the City property, on the City time, while driving the City vehicles (or personal vehicles while on the City business), or in other circumstances which adversely affect the City operations or safety of the City employees or others.
 - a. The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
2. Unlawful possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on the City property, on the City time, while driving the City vehicles (or personal vehicles while on the City business), or in other circumstances which adversely affect the City operations or safety of the City employees. Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in system while on the City property or on the City time.
 - a. The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or

mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.

- b. As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.
3. Bringing to the City property, or possessing, items or objects on the City property that contain any "controlled substance," including, for example, "pot brownies", "edibles" and candy containing marijuana. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to co-workers, members of the public, or elected officials while on work time or on/in the City property.
4. Bringing equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (or controlled substances), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and or other drug paraphernalia.
5. Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to the City property. This prohibition does not apply to employees who possess such items in connection with law enforcement work.

Prescription Drugs and Medical Marijuana

With the exception of medical marijuana, nothing in this rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee's performance or the 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 the City operations or safety of the City employees or other persons, the City may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide the City with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

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

Testing

The City reserves the right to:

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

Reasonable Cause Testing

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

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

The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood and urine. No testing shall be performed under this rule without the approval of the Assistant City Manager or his/her designee.

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

1. a pattern of abnormal or erratic behavior;
2. information provided by a reliable and credible source;
3. direct observation of drug or alcohol use;
4. presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
5. unexplained significant deterioration in individual job performance;
6. unexplained or suspicious absenteeism or tardiness;
7. employee admissions regarding drug or alcohol use; and,
8. unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

Supervisors should detail in writing the specific facts, symptoms or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or controlled substance testing of an employee or a search. This documentation shall be forwarded to the

Assistant City Manager. Whenever possible, supervisors should locate a second employee or witness to corroborate their “reasonable cause” findings.

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

Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on the City property, or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, the City may search furniture, equipment or other property provided to the employee by the City, including but not limited to, clothes (uniforms), locker, toolbox, and desk. Employees should have no expectation of privacy in any property, equipment or supplies provided by the City to employee.

Employee Refusal to Test/Search

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

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

Crimes Involving Drugs and/or Alcohol

Employees shall report:

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

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

Drug and Alcohol Treatment

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

An employee who believes that he/she has a problem involving the use of alcohol or drugs should ask a supervisor or the Assistant City Manager for assistance.

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

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

Discipline and Consequences of Prohibited Conduct

An employee who violates this policy will be subject to either termination or a last-chance agreement.

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

Confidentiality

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

DOT Requirements for Employees with Commercial Driver Licenses

In addition to the requirements stated above, employees who are required to maintain a Commercial Driver License (CDL) as a condition of their employment must follow the *Drug and Alcohol Policy for Safety Sensitive Employees subject to Federal drug and alcohol testing* as required by US DOT 49 CFR Part 40. A copy of this policy shall be maintained at each work

facility where CDL drivers are assigned. A copy may also be obtained from the Assistant City Manager.

B. Mobile Devices Policy

This policy applies to employee use of cell phones, smart phones, tablets and similar devices, all of which are referred to as “mobile devices” in this policy.

Cell Phones and Mobile Devices in General

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

Employees who use personal or the City-provided mobile devices may not violate the City’s policies against harassment and discrimination. Thus, employees who use a personal or the City-provided mobile device to send a text or instant message to another employee (or to a citizen or someone not employed by the City) that is harassing or otherwise in violation of the City’s policies prohibiting discrimination, harassment, bullying and retaliation will be subject to discipline up to and including termination.

Nonexempt employees may not use their personal or the City-provided mobile device for work purposes outside of their normal work schedule without written authorization in advance from the Assistant City Manager. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. This does not include responding to calls from the employee’s supervisor or manager in an emergency situation, or talking with a co-worker regarding scheduling. Employees who violate this policy may be subject to discipline, up to and including termination. Nothing in this policy removes a nonexempt employee’s obligation from recording time for all hours worked.

Employee Use of the City -Provided or Paid For Mobile Devices

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

Employees who receive a mobile device from the City must agree to not use the mobile device for personal use except in emergency situations and must abide by all aspects of the Mobile Device Policy. Further, employees who receive a cell phone or mobile device from the City must acknowledge and understand that because the mobile device is paid for and provided by the City, or subsidized by the City, any communications (including text messages) received by or sent from the mobile device may be subject to inspection and review if the City has reasonable grounds to believe that the employee’s use of the cell phone violates any aspect of the Mobile Device Policy or any other the City policy. Employees should have no reasonable expectation of

privacy on a City-provided or -paid for mobile device. An employee who refuses to provide the City access to his/her personal mobile device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

Family and friends may not use an employee's the City-provided mobile device.

Mobile Devices and Public Records

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

Employee Use of Mobile Devices with Cameras

Cameras of any type, including mobile devices with built-in cameras and video photography options, may not be used to take photos of people during working hours, or at any the City-sponsored function unless authorized to do so by your supervisor or the Assistant City Manager.

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 the 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 the City-authorized or the 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 the 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.

Mobile Device Use While Using Maintenance/Construction Equipment

DO NOT engage in the use of a cellular phone while operating maintenance/construction type equipment. Even a hands-free cellular phone will not be authorized while operating this type of equipment, unless the equipment has been properly stopped.

Cell Phone Allowance

The City recognizes that, due to the nature of some positions, certain employees should have a cellular phone allowance provided. The City Manager or Department Heads may designate employees who will receive a specified amount of additional taxable income per month for the specific purpose of obtaining a personal cell phone plan and cell phone equipment. The employee, department head, and city manager must sign a form authorizing the allowance. This amount will be designated in one of four categories depending on the City's determination of the amount and/or type of usage:

Category 1 (Moderate to high phone usage and/or data plan primarily for sending and receiving email correspondence. This category is limited to department heads and senior management staff or as otherwise authorized by the city manager) = \$110;

Category 2 (High phone usage) = \$75;

Category 3 (Moderate text and phone usage) = \$55

Category 4 (Low text and phone usage) = \$25

These amounts may be adjusted periodically by the City Manager based on market rates reviewed over time. The value of the stipend will be processed as taxable income to the employee. For equipment that allows data connection to the City computer network or such applications as e-mail or file transfer, all connections, usage, storage, and securing of data must be in accordance with the applicable City policy and practices. An employee using a personal cell phone and calling plan for work related use in lieu of being assigned a City cellular phone will not be subject to ORS restrictions or prohibitions against personal use of City owned equipment.

Assignment of a City cellular phone or a monthly cell phone allowance for any employee is at the sole discretion of the City and the City reserves the exclusive right to modify or discontinue such assignment, allowance, or practice at any time for any reason.

C. Use of the City Email and Electronic Equipment and Services

The City uses multiple types of electronic equipment and services for producing documents, research and communication including, but not limited to, computers, software, email, copiers, telephones, voicemail, fax machines, online services, the Internet and any new technologies used in the future. This policy governs the use of such the City property.

Ownership

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

Use

All of the City's electronic equipment and services are provided and intended for the City business purposes only and not for personal matters, communications or entertainment. Access to the Internet, websites and other electronic services paid for by the City are to be used for the

City business only. This means, for example, that employees may not use the City-provided Internet, or the City electronic equipment and services to:

1. Display or store any sexually explicit images or documents, or any images or documents that would violate the City's no-harassment, no-discrimination or bullying policies;
2. Play games (including social media games) or to use apps of any kind;
3. Engage in any activity that violates the rights of any person or the City, and that is protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations);
4. Engage in any activity that violates the right to privacy, of protected healthcare information or otherwise, or other the City-specific confidential information;
5. Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses).
6. Download or view streaming video for personal use. This includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is allowed, provided it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work.

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

Inspection and Monitoring – No Right to Privacy

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

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

Personal Hardware and Software

Employees may not install personal hardware or software on the City's computer systems or mobile devices without approval from the City Manager and Polk County IS. All software installed on the City's computer systems must be licensed. Copying or transferring of City-owned software to a personal device/equipment may be done only for personal

devices/equipment used for the City business and with the written authorization of the City Manager.

Unauthorized Access

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by the City management. No employee can examine, change or use another person's files, output, username or password unless he/she has explicit authorization from the City Manager or Assistant City Manager to do so.

Security

Many forms of electronic communication are not secure. Employees who use cell phones, cordless phones, fax communications or email sent over the Internet should be aware that such forms of communication are subject to interception. These methods of communicating should not be used for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented.

D. **Social Media**

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

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

Prohibited Postings

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

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

Express only your personal opinions. Never represent yourself as a spokesperson for the City unless you are authorized by your manager/supervisor to do so. If the City is a subject of the content you are creating, be clear and open about the fact that you are a City employee and

make it clear that your views do not represent those of the City or its employees or elected officials.

Encouraged Conduct

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

Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers, or by utilizing our Open-Door Policy, than by posting complaints to a social media outlet. If you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, the City employees or elected officials, that might constitute harassment or bullying, and/or that violate the City policies. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual's personal or professional reputation, posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or the City policy.

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

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

Request for Employee Social Media Passwords

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

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

E. **Confidential City Information**

Employees must not access, use or disclose sensitive or confidential information or data except in accordance with the City policies, practices and procedures, and as authorized by state or

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

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials (except in the ordinary course of performing duties on behalf of the City) may be removed from our premises without permission from the City Recorder or Assistant City Manager. Likewise, any materials developed by the City's employees in the performance of their jobs is the property of the City and may not be used for personal or financial gain. Additionally, the contents of records or information otherwise obtained in regard to the City's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

F. **Ethics**

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

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

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

G. **Open-Door Policy**

The City's Open Door Policy is based on our belief that open, honest communication between managers and employees should be a common business practice. The City's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are identified early and shared without the fear of retaliation (when the employee provides the input in good faith). If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in the City, please raise them first with your immediate supervisor. If you are not satisfied with the

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

H. **Outside Employment**

Generally, employees may obtain employment with an employer other than the City or engage in private income-producing activity of their own so long as that activity is not otherwise prohibited by these rules. Employees are responsible for assuring that their outside employment does not conflict with these rules, nor with their City employment.

An employee is prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action.

Employees may not accept outside employment that involves:

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

The City requires employees to report outside employment to the City Manager before the outside employment begins. Employees who accept outside employment in violation of this policy may be subject to discipline, up to and including termination.

Any employee of the City who is hired on a part time basis will not be required to obtain the City Manager's approve for outside employment, but is subject to all other requirements related to outside employment.

I. **Criminal Arrests and Convictions**

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

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

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

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

J. Political Activity

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

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

K. Inclement Weather/Emergency Closing

Except for regularly scheduled holidays identified in the “Holidays” section, above, the City is open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the City Manager (or his/her designee) will decide whether to and to what extent the City will close. Every effort will be made to reach all affected employees to notify them of the closure.

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

If the City Manager closes City facilities due to inclement weather, generally, employees will be allowed to use vacation or compensatory time to make up the hours of missed work unless other arrangements are made by the City Manager.

L. Driving While on Business

Employees working in positions where driving is an essential function of their duties must possess a valid driver’s license and must carry auto liability insurance on any personal vehicles used to conduct City business. Employees who use their own vehicles for authorized City business use should make any necessary arrangements with their insurance carriers.

The City may verify the validity of your driver’s license and/or your driving record at the time of hire and at any point during your employment. Once you are employed with the City, we will

receive automated reports from the Department of Motor Vehicles (DMV). The reports notify the City when there are transactions on your driving record such as speeding tickets and citations.

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

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

M. Workplace Violence

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

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 citizens, against any employee, volunteer or elected official. Employees should make such reports directly to the Assistant City Manager.

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

N. Workplace Inspections — No Right to Privacy or Confidentiality

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

An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voicemail systems and computer systems. *Employees are strongly discouraged from storing personal items in the desks, lockers,*

work areas, file cabinets and other office equipment or furniture, as well as voicemail and computer systems assigned to them by the City; these areas are not private.

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

O. Smoke-Free Workplace

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

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

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

The use of e-cigarettes will be governed in the same way as any tobacco product and “vaping” is prohibited unless the employee is on break and in a designated smoking area. In no instance will an employee use an e-cigarette to inhale any substance that would violate the City’s drug policy while on duty.

P. Hiring of Family Members and Romantic/Dating Relationships

For the purpose of this rule, “family member” means mother, father, brother, sister, son, daughter, wife, husband, registered domestic partner, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent or stepchild.

No person will be eligible for employment or a contract for services with the City of Dallas in a position that is directly appointed by the City Council (e.g. City Manager, City Attorney, Municipal Judge) who is a member of the family or the domestic partner of, or in a romantic or dating relationship with the Mayor or a member of the City Council.

No person will be eligible for regular employment or a contract for services in a position in which the person would:

1. have direct supervisory, appointment, grievance review, or adjustment authority over his or her family member (as defined above) or domestic partner, or a person with whom he or she is in a romantic or dating relationship; or

2. be subject to the exercise of such direct authority by his or her family member or domestic partner, or a person with whom he or she has a romantic or dating relationship.

If after hire or appointment, an employee attains direct supervisory, appointment, grievance review, or adjustment authority over a family member, domestic partner, or someone with whom he or she has a romantic or dating relationship, the City may transfer one of the affected employees or take other action to modify the supervisory relationship, if feasible, to alleviate the violation of this policy. If a transfer or other modification of the supervisory relationship is not feasible, the City will terminate the employment of one of the affected employees, based on the City's needs, and taking into account the employment history and job performance of both employees.

To prevent harassment claims, uncomfortable working relationships, morale problems among other employees, and even the appearance of impropriety, an employee may not engage in a romantic or dating relationship with an employee over whom he or she has direct supervisory, appointment, grievance review, or adjustment authority, even if the relationship is consensual. If a romantic or sexual relationship between employees develops in violation of this policy, the City may transfer one of the affected employees or take other action to modify the supervisory relationship, if feasible, to alleviate the violation of this policy. If a transfer or other modification of the supervisory relationship is not feasible, the City will terminate the employment of one of the affected employees, based on the City's needs, and taking into account the employment history and job performance of both employees.

Q. **Appearance and Conduct**

City employees should be cognizant of the fact that they are dealing with the public and working to serve the citizens of Dallas. The public expects city employees to provide efficient, courteous, and responsive service. Courtesy, efficiency, neatness, and cleanliness are essential to building confidence in public employees. If at any time in dealing with the public you should have difficulty explaining a matter, are being criticized unfairly or treated discourteously, discuss the matter with your supervisor. At no time should you become rude or discourteous in dealing with the public, fellow employees, or supervisors. In accordance with this, your dress, appearance, behavior, and personal conduct should remain at all times highly professional.

Non-Uniformed Personnel

All non-uniformed employees are expected to dress in attire appropriate with a professional image. Clothing should fit well, not be overly provocative and not include inappropriate content. Clothing (including shoes) should be clean, free of stains, neatly pressed and without holes or ragged edges. Employees should direct questions about appropriateness to their supervisor.

The Department Head and/or City Manager will consider exceptions to the above when reasons related to job requirements, medical reasons, religious purposes, and special events (i.e. fundraisers, picnics) deem it necessary. Department heads and supervisors are responsible for

ensuring staff complies with this policy. If a supervisor has questions regarding appropriate attire, they should consult the Assistant City Manager.

Uniformed Personnel

All uniformed employees are expected to keep uniforms clean and neat, and wear them in accordance to their respective department regulations.

In addition, all employees working in the field **MUST** wear clothing identifiable as “City of Dallas” or at a minimum the employee must wear a City of Dallas badge that is visible at all times. This ensures that the public can recognize City staff in the field. Employees working an investigative assignment in which identification would be detrimental are not bound by this requirement during the assignment. It is the responsibility of Department Heads and Supervisors to ensure employees are in compliance with these requirements.

Departmental Policies

Individual Departments may have different requirements for dress and appearance depending on the tasks to be performed. The City Manager, Department Heads and supervisors will determine these exceptions and which attire is appropriate.

R. **City Tools and Equipment and Work Area Maintenance**

Every tool has its proper use. In the case of City equipment, this use is limited to City purposes. Employees will be responsible for the care of all City equipment and supplies which aid them in the performance of their duties. Employees may not abuse or misuse any City tools or equipment and may not use City tools or equipment for personal use. Any equipment breakage or loss must be reported to the employee’s immediate supervisor at once.

Employees shall keep work areas dust free and appropriate in appearance, reflecting a professional office to the general public and fellow employees. Occasionally other employees may be asked to sit at a work area other than their own, to which we are requesting a neat and orderly work environment be maintained.

S. **Education and Training**

Employee Training

The City encourages employees to keep current on new procedures and equipment and improve upon their level of service while performing their job for the City of Dallas efficiently and effectively.

It is the policy of the City to provide adequate training for all employees. Department Heads will plan training for each employee annually and the City Manager will do so for each Department Head. The City Manager and Department Heads are responsible to ensure all employees are provided the opportunity to attend training annually to improve their job performance with the City of Dallas.

Regardless of the training provided above, the City will provide mandatory training about ethical behavior and appropriate business practices every-other year to all employees. Additionally, all employees will receive mandatory harassment training annually.

Personal Educational Opportunities and Educational Assistance

When an employee voluntarily desires to take courses that are directly related to the employee's work, and the course is conducted outside the employee's regular working hours, the employee may request the City to reimburse a portion of the employee's cost of tuition. All requests must be approved by the City Manager and be conditioned on the following criteria:

1. The course(s) must directly relate to the employee's position and be reasonably expected to increase the employee's knowledge within the duties of his/her current position or qualify the employee for advancement.
2. Funds for such expenditures must have been budgeted and available in the current budget;
3. The employee must make application and receive approval for the course and tuition reimbursement prior to the registration for the course;
4. The employee will be reimbursed one-half the amount of tuition up to a maximum of \$3,000 in a twelve-month period;
5. The employee must submit evidence of successful completion of the course with a grade of "C" or above (2.0 or equivalent);
6. The employee may not receive reimbursement for tuition from any other source for the portion reimbursed by the City of Dallas.
7. If payment is made in advance, then the employee must sign a reimbursement agreement providing reimbursement of half of the class cost to the City if they do not complete the course or obtain a grade "C" or better, unless otherwise approved by the City Manager. Employees will be informed that they will not be paid during the time of the class.
8. Employees will be expected to demonstrate a commitment to the City by continuing employment for at least twelve months after tuition reimbursement. If employment is terminated, for any reason, within twelve months of tuition reimbursement, employee will reimburse the City.

Courses that are only offered during regular working hours may be approved by the Department Head provided time off can be arranged conveniently, and reasonable arrangements can be made to make up time off.

Travel for voluntary education is not reimbursed by the City. Normally, the cost of textbooks and technical publications required for the voluntary education courses will be the responsibility of the employee unless otherwise approved by the City Manager.

Required Education

The City shall allow time off with pay and reimburse an employee for the expenses of attending classes, lectures, conferences, or conventions when attendance is on an assignment basis, with

prior approval of the employee's Department Head. An exception is paid training that may occur if it is a condition of a hiring employment agreement.

Normally, the cost of textbooks and technical publications required for courses will be the responsibility of the City. If the City purchases any of the textbooks or publications for courses, the textbooks and publications will be the property of the City.

T. **Artificial Intelligence in the Workplace**

This policy aims to ensure that employee use of AI Chatbots conforms with the City's policies and goals relating to privacy, confidentiality and data security and is used to enhance productivity and efficiency.

Although AI takes many forms and can serve many different functions, this policy addresses only the use of a web-based interface to ask or "prompt" the chatbot in a conversational manner to find answers to questions or to create or edit written content (for example, Open AI's ChatGPT and Google's Bard). This policy applies to all City employees and to all work associated with the City that those employees perform, regardless of location (on or off City premises).

AI Usage in General

Employees wishing to use AI chatbots in connection with work should discuss the parameters of the intended use with their supervisor or manager. The supervisor or manager may approve, deny or modify the requested parameters as best meets City policy, legal requirements or other needs of the City. A supervisor or manager may not approve any request to use AI when the use will involve entering propriety or confidential City data without review by the City Manager.

All AI chatbot-generated content must be properly cited as "AI chatbot-generated content" when used as a resource for City work, except for general correspondence (such as email or text).

All AI-generated content must be reviewed for accuracy before relying on it for work purposes. If a reliable source cannot be found to verify actual information generated by the chatbot, that information cannot be used for work purposes.

Authorized AI-generated uses include:

- a. General knowledge questions meant to enhance your understanding on a work-related topic;
- b. To brainstorm ideas related to projects you are working on;
- c. To create formulas for Excel spreadsheets or similar programs;
- d. To develop or debug code (to be verified before use);
- e. To draft an email or letter;
- f. For drafting job descriptions or job announcements; or
- g. To summarize online research or to create outlines for projects.

Employees must always comply with Oregon's record retention and public records laws, and any City policy relating to the retention or destruction of public records.

Prohibited AI Uses

Prohibited AI-generated uses include:

- a. Using any text created by an AI chatbot in final work products of any kind (except as noted above);
- b. Copying/pasting, typing or in any way submitting City content or data of any kind into the AI chatbot;
- c. Inputting confidential or sensitive information about City employees (past or present), any individual with reasonable or legally protected privacy interests, or descriptions of City personnel matters into the AI chatbot; or
- d. Inputting data or information into an AI chatbot that discloses confidential or propriety information of the City.

Ethical use

Employees must use generative AI chatbots in accordance with all City policies and values. These technologies must not be used to create content that is inappropriate, discriminatory, or otherwise harmful to others or the City. Such misuse will result in discipline, up to and including termination of employment.

Monitoring

All City policies relating to computer usage, mobile devices and the like apply when using AI chatbots on work time, regardless of whether the equipment is owned or provided by the City.

U. **Prohibition on Secret Recordings**

Employees may not obtain or attempt to obtain the whole or any part of a conversation by means of any device without first obtaining permission from all of the people in the conversation. This rule applies to the recording of conversations made during work hours, while at work-related functions, or in connection with work between or among employees, supervisors/managers, elected officials, or members of the public. It does not apply to conversations where there is no expectation of privacy, such as a City Council meeting, a Board of Commissioners work session, and the like.

This policy does not apply to law enforcement employees who record conversations in connection with their official public safety duties. Nothing in this policy prohibits or restricts an employee's right under the federal or Oregon constitutions to make recordings outside of working hours or while not representing or working on behalf of [Organization]. If anything in this policy contradicts existing CBA provisions on the recordings of personnel meetings, or Oregon or federal law that provide for lawful secret recordings, the CBA provision or law will apply.

Employees who secretly record meetings with supervisors, coworkers, elected officials, members of the public or others while on duty will be subject to discipline, up to and including termination of employment.

VI. Conduct and Discipline

A. Workplace Rules and Prohibited Conduct

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

1. Falsification of employment or other City records.
2. Recording of work time of another employee or allowing any other employee to record your work time or allowing falsification of any time sheets (your own or another employee's) except by a supervisor with authorization.
3. Theft or the deliberate or careless damage or destruction of any the City property, or the property of any other employee, citizen, vendor or third party.
4. Unauthorized use of City equipment, materials or facilities.
5. Provoking a fight or fighting during work hours or on the City property.
6. Engaging in criminal conduct while at work.
7. Causing, creating or participating in a significant or substantial disruption of work during working hours on City property.
8. Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another City employee, customer or vendor.
9. Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
10. Failure to observe work schedules, including rest breaks and meal periods. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you.
11. Sleeping or malingering on the job, except for personnel working a 24-hour shift (per departmental SOGs).
12. Excessive personal telephone calls during working hours.
13. Unprofessional appearance during normal business hours.
14. Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City.
15. Misrepresentation of the City policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City. Employees may not use the City's name, logo, likeness, facilities, assets or other resources of the City for personal gain or private interests.
16. Violations of the Ethics Policy or Oregon's Ethics laws.
17. Violation of any safety, health, security or the City policy, rule or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the City or outside regulatory or legislative bodies.

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

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

B. Corrective Action/Discipline Policy

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

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

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

C. Grievance Procedure

A regular employee who receives a sanction of written reprimand, suspension, reduction in salary, demotion or termination may appeal the disciplinary action to the City Manager not later than 10 days after the effective date of such action. The appeal shall be in writing, and shall include circumstances and facts the employee believes were misjudged in imposing the discipline, as well as any arguments the employee feels are pertinent to the facts. An appeal of disciplinary action does not stay the imposition

of the action, unless a stay is expressly granted by the City Manager. The City Manager may request any information he or she deems necessary to determine the facts and circumstances of the incident.

The employee shall have the right to meet with the City Manager to discuss the disciplinary action. In most cases, the meeting with the City Manager will be scheduled within seven days after receipt of the employee's written appeal.

The City Manager shall make a written decision within 10 days after meeting with the employee, stating his or her decision regarding the facts presented, the grounds for action and the appropriateness of the disciplinary action taken. The City Manager may affirm the action taken, or may amend, modify or withdraw the disciplinary action and restore any lost wages, benefits or other rights.

In the event the City Manager is unable to attend to an appeal under this section, the City Manager may designate the Human Resources Manager to attend to the appeal in the City Manager's place.

Probationary and Flexible Schedule Employees

Probationary and flexible schedule employees serve at the pleasure of the City and, as such, they will not have recourse to this grievance procedure for any City action taken against them. Probationary and flexible schedule employees may be discharged from City employment for any reason not in conflict with existing public policy or law.

D. Retirement or Resignation from Employment

If you choose to resign or retire, it is anticipated that you will give the City as much notice as possible — preferably a minimum of two weeks. When giving your two weeks' notice, vacation, personal, or sick days should not be used in lieu of notice. If you do not give two weeks' notice of your intent to leave the City, you may not be eligible for re-employment at a later date.

Employees who miss three or more consecutive workdays without contacting their immediate supervisor are typically considered to have resigned their employment.

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

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

E. References

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

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

Acknowledgment of Receipt of 2024 Employee Handbook (For Non-Represented Employees)

I acknowledge that I have received and will read a copy of the City’s 2024 Employee Handbook. I also understand that a copy of the Employee Handbook is available to me at any time to review in the Assistant City Manager’s office, on the City’s website, and in each City facility.

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

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

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

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

I have read this acknowledgement carefully before signing.

Employee Signature

Date

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

Acknowledgment of Receipt of 2024 Employee Handbook (For Employees Covered under a CBA)

I acknowledge that I have received and will read a copy of the City’s 2024 Employee Handbook. I also understand that a copy of the Employee Handbook is available to me at any time to review in the Assistant City Manager’s office, on the City’s website, and in each City facility.

I understand that the City has adopted the Employee Handbook only as a general guide about policies, work rules and the work environment. I acknowledge that the Employee Handbook is not an employment contract and is not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment to the Assistant City Manager, or any trusted manager or supervisor. I understand that I may bring complaints about these issues to my shop steward or trusted union representative, but that the City may not be able to address the issue unless notice is provided to the City by you or the shop steward/union representative.

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

I have read this acknowledgement carefully before signing.

Employee Signature

Date

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

APPENDIX A: ACCIDENT INVESTIGATION AND REPORTING

It is the goal of the City of Dallas to have all work related injuries reported as soon as possible, thereby assuring prompt attention and benefits for the injured employee.

In the event of a reportable injury to a City employee, the employee will complete and submit a State of Oregon Worker's and Employer's Report of Occupational Injury or Disease (Form 801) as soon as possible but at most within 48 hours after knowledge of an accident to the Assistant City Manager.

Required Reports

The following forms and/or reports are required:

Injury or Illness Requiring First Aid Treatment (where the Worker is NOT Filing a Claim). **Please note: First aid treatment without a doctor visit does not require a Form 801 be completed.**

1. Supervisor's Accident/Illness Investigation Report
2. If at some later date, an employee does need to see a doctor for the injury or illness, this form serves as a "placeholder" and allows the employee to then fill out an 801

Injury or Illness Requiring First Aid Treatment/Doctor Visit (where the Worker IS filing a Claim)

1. Supervisor's Accident/Illness Investigation Report
2. State of Oregon Report of Occupational Injury or Disease/Illness (Form 801). The employee's section AND employers section must be filled out. In most cases, this form may be filled out online through the CIS website. For more information on this process, contact the Human Resources Manager.

Non-Injury Accident Reporting

1. Employee completes the "City of Dallas Non-Injury Investigation Form"
2. Supervisor investigates the accident
3. Final report is given to employee, department head, and Human Resources Manager.

Vehicle Accident Report

1. In a manner that is safe, the employee surveys the damage to vehicle, provides aid to injured persons (this is not required), and contacts emergency services.
2. The employee has witnesses fill out witness cards, completes the accident report summary and provides insurance/information to all related parties. Accident packets are located in all City vehicles and additional packets are available from the Human Resources Manager.
3. A DMV report is completed if there is an injury or damage is in excess of \$1,500
4. A *Non-Injury Investigation Form* is filled out if there is no injury.

ATTENTION! Oregon Safety Rules require that the Employer notify OR-OSHA within eight hours of an accident involving multiple injuries of three or more employees requiring hospitalization or one

or more fatalities. Oregon OSHA must also be contacted within 24 hours of an injury that results in hospital admission. The City Manager, Department Head, or Assistant City Manager or their designee will be responsible for notifying the agency by calling OR-OSHA at 503-378-3272 (Salem Central Office) or 800-922-2689. At night or on weekends, call Oregon Emergency Response, 800-452-0311.

NOTE: A new rule requires preservation of the scene of a fatality or catastrophe. It states: "Employers, their representative, or others shall not disturb the scene of fatality or catastrophe other than to conduct the rescue of injured person, until authorized by the Administrator (or designee), or directed by a recognized law enforcement agency." (OAR 437-001-0053)

ADDITIONAL NOTE: The Dallas Police Department should be contacted in all cases of a fatality or serious injury for investigation purposes.

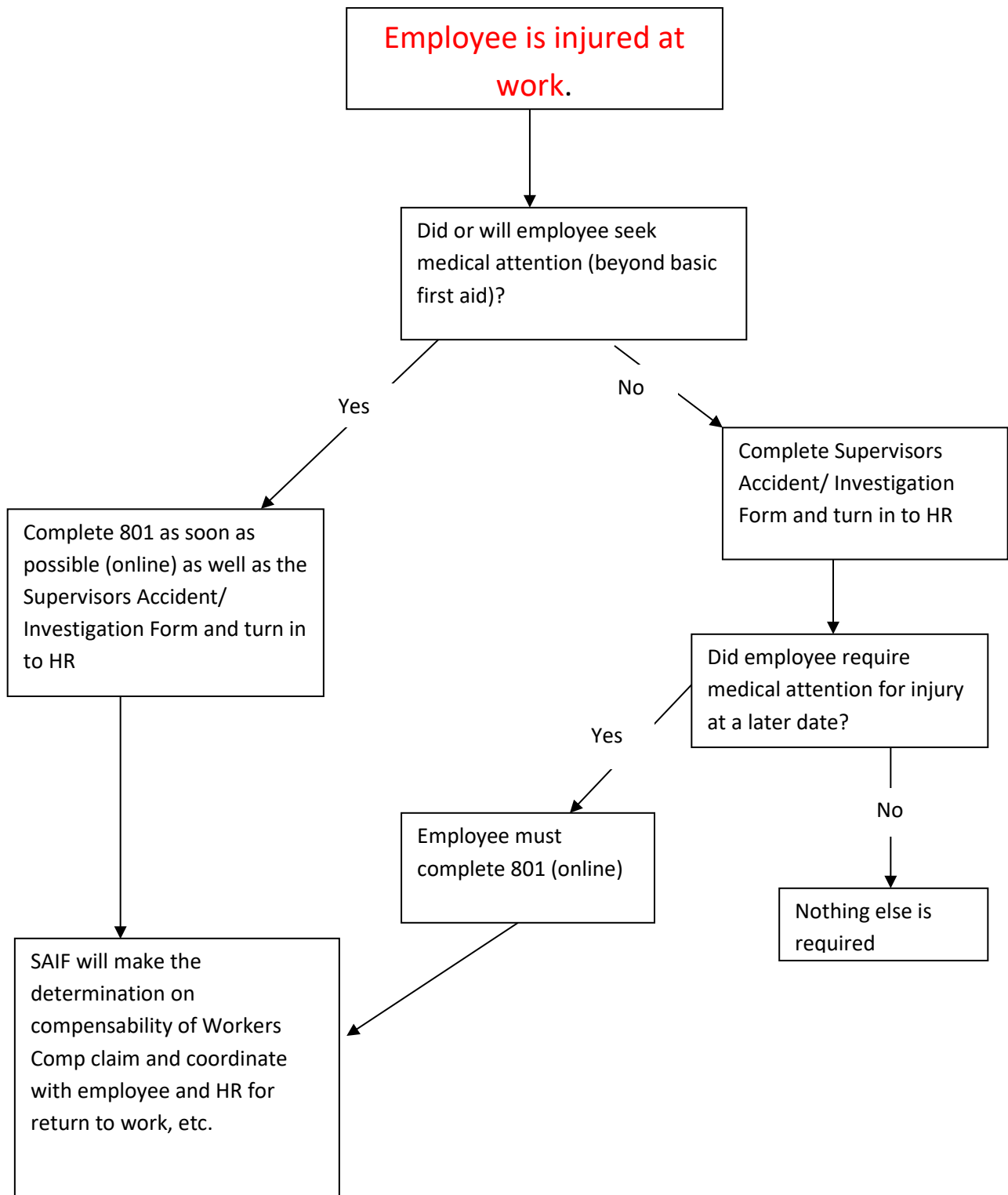
Employee Responsibilities for Injuries and Accidents

Report all on-the-job accidents and injuries to your supervisor immediately, or as soon as practical. You should not delay seeking medical attention if required. This should be done within 24 hours.

CIS and SAIF offer a Rapid Care hotline to jump start your workers comp process. If you have been injured and are unsure if you should seek medical attention, or would like help completing your 801 form, call 855-959-2741. A registered nurse will provide immediate care instructions 24/7, plus collect your state-required 801 information.

It is important you contact HR immediately or as soon as possible in the event of any serious injury.

For assistance in determining if you need to complete an 801 form, the decision tree on the following page may help.



APPENDIX B: TRAVEL AND TRAINING POLICY

This policy provides guidance to staff, managers, and supervisors to facilitate making travel arrangements that are suitable to the employee and also recognize the need to be good stewards of the public resources being used to pay these costs. This Policy is designed to balance flexibility for employees with a need to treat employees equitably across the organization.

This policy applies to all City of Dallas employees, officials, and volunteers.

Policy

The City of Dallas provides for reimbursement to City employees who are required to travel on City business. It is the policy of the City to reimburse employees/officials for the reasonable expenses incurred when attending an authorized meeting, training or conference. Departments must ensure that the Reasonable Cost method is used for approval and reimbursement for these events. Training and conference opportunities offered in the State of Oregon are encouraged, but western regional and national opportunities may be considered.

The City recognizes that a well trained work force is critical to its success and encourages employee participation in training and conferences in accordance with the adopted annual budget and the availability of funds. The City also recognizes that the City of Dallas employs talented and knowledgeable staff members who are often requested to participate in professional organizations, interest groups, or *ad hoc* groups working on issues that are important to the City of Dallas and other governments. Participation in these meetings often times advances the interest and knowledge base of the employee and the City and is encouraged.

Employees are given some latitude in making travel arrangements but must do so recognizing that the City must work to keep costs within reasonable levels. An employee who seeks flexibility in travel arrangements may bear some of the costs of the trip in order to ensure that the City does not pay more than it would have without allowing the flexibility.

Definitions

Authorized Expenses:

Expenses to be paid or reimbursed by the City, including training or conference registration, transportation to and from destination, lodging, meals and tips, local transportation at destination, and miscellaneous/incidental expenses related to hosting, attending, or presenting at training or conference events or as otherwise required to transact City business. These expenses must be approved prior to the event by the Department Head and City Manager.

Conference:

A formal program, event, or equivalent that encourages members of a general or specific profession to gather for purposes of professional networking and the exchange of information, ideas, and/or training.

Day Trip:

A training or conference event where there is no overnight stay.

Employee:

For purposes of this Policy, this includes any employee or volunteer who is not defined as an Official and the City Manager and Municipal Court Judge.

Event:

For purposes of this Policy, means a training, conference, or meeting.

Meeting:

A gathering with other City departments; intergovernmental agencies; professional associations; or other entities, groups, or individuals to conduct City business or where the City has an interest in the business being conducted (i.e., a City staff member is on a committee working on a legislative issue). Meeting costs incurred by the City are generally *de minimus* and are not specifically budgeted for.

Officials:

For purposes of this Policy, officials include Board, Commission, and Committee members, and the Mayor and City Council members. The Mayor, City Council, and Board, Commission, and Committee members are included in this Policy to facilitate the travel and payment processes, although they rarely attend training/conference events or travel for City business.

Overnight Trip:

A training or conference event where an overnight stay occurs.

Reasonable Cost:

A calculation that compares alternatives for attending an event that balances reasonableness, flexibility, and economies for the event, and that has the agreement of the employee, supervisor, and Department Director.

Reasonable Cost Method:

A method for determining the travel costs the City will pay for an employee to attend an event that takes into account the various alternatives for the event (e.g., travel dates/times, hotel selection) to get to a reasonable cost.

Taxable Fringe:

A reimbursement for an expense incurred by an employee that the Internal Revenue Service (IRS) has determined to be a taxable fringe benefit to the employee. As such, the reimbursement must be paid through payroll with appropriate withholding.

Training:

Any program, class, seminar, or equivalent provided by the City or any other authorized or approved entity, firm, or institution of higher education. Training must be intended to impart or teach skills, behaviors, and/or knowledge of benefit in providing City services. City-sponsored training must be related to the general or specific job responsibilities or to potential responsibilities of participating staff.

Trip Costs:

Any transportation, lodging, meal and/or necessary incidental expense related to attendance at a meeting, training, or conference.

Budget for Training and Conferences and the Associated Travel

The City will annually develop conference and training plans and identify the associated travel costs. Each department must include conference and training information in its annual budget. The Finance Department shall budget costs for the Municipal Court Judge, and the City Manager's Office shall budget costs for the Mayor and City Council members. All training, conference, or travel expenditures must be within appropriated and available funds of the City.

The City does not generally budget for meetings; since opportunities tend to be sporadic or unplanned, and costs are usually low for a single meal (employees are encouraged to take a City vehicle). All departments budget a small amount of money for miscellaneous costs for these kinds of events.

Authorization

Any event must be authorized prior to the expenditure of monies or the first day of travel. The beginning of this process for any person's attendance at an event is a review of this Policy, followed by a discussion between the employee and his/her supervisor to determine the likely costs for the event.

Once specific information about costs is obtained, the employee and supervisor will again discuss the plan and associated alternatives for the event, taking into account mode and costs for travel, lodging, meals, miscellaneous costs, and compensation. Once the amount the City will pay is determined, the employee may be allowed to develop plans that diverge from the agreement, recognizing the City will pay nothing more for the trip than was agreed upon.

For example:

An employee plans to attend training in Denver. The flight can go from Eugene or Portland, and there are associated costs for mileage, parking, or shuttle. Once the supervisor and employee agree that the City's reasonable costs are for a shuttle ride and to fly from Portland for \$384 total, the employee may choose to fly from Eugene and pay for parking for \$425 total; however, the City's reimbursement will only be for \$384.

Authorization is obtained using the **Travel Request Form** (available on the city's group drive in the "City Forms" folder) developed for this purpose, which is designed to capture all costs associated

with each event. Travel plans that deviate from the lowest reasonable cost will need to be documented in the back-up associated with the travel. A separate authorization is required for each person attending.

The approval also authorizes the employee's absence from his/her normal place of work and, therefore, addresses some potential liability or worker's compensation issues, should any arise.

Travel for Department Heads is authorized by the City Manager or his/her designee.

Travel for the Mayor and City Council members is reviewed by the Mayor and Council President in a hard copy and referred to the City Manager if there are questions.

Travel for the City Manager is authorized by the Mayor or City Council President.

Travel for the Municipal Court Judge is authorized by the Finance Director and City Manager.

Departments must ensure availability of funds for event registrations, and/or travel related costs prior to formal authorization.

Events

Event registration can range from free to quite expensive. Registration costs are often discounted if the registration fee is paid early. In addition, registrations are often discounted for people who have memberships in the hosting organization. Each department will need to understand the specifics of the organizations that are hosting events of interest. Some organizations allow sharing a single membership between multiple employees or may give group discounts for multiple attendees. These discounts should be used whenever possible and economically viable to do so.

Training

The City endeavors to hire and retain qualified employees for all positions. The City and its employees also recognize that continuing education provides mutual benefit to the City and the employee. As such, employees and supervisors should work together to find the most reasonable and effective methods of achieving training goals.

When continuing education is to maintain a license or certificate that is required for the position an incumbent holds, the City will ensure that the employee has every opportunity to attend the required training. If adequate budget appropriations and funds exist, the City will pay the appropriate costs to maintain licenses/certifications.

Conferences

The City supports employee development achieved through professional conferences. Conferences provide the opportunity for employees to learn about legislative and operational changes and new developments or technologies and to benefit from the collegial exchange of ideas. If adequate budget appropriations and funds exist, the City will pay for appropriate employees to participate in conferences hosted by professional organizations as approved by the Department Director.

Meetings

The City supports a wide variety of other organizations in the state and at the national level through staff participation. Organizations can include professional groups (i.e., Oregon Chiefs of Police), interest groups (i.e., League of Oregon Cities [LOC]), or standards-setting groups (i.e., Oregon Department of Transportation group working on new pavement marking standards). Staff is encouraged to attend meetings where the City or staff has a specific interest and where the staff member's supervisor agrees with the City's representation. If adequate budget appropriations and funds exist, the City will pay the expenses for appropriate employees to participate in meetings.

Trip Costs

Reasonable trip costs are based on calculating all costs, taking into account registration, transportation, lodging, paid travel time, potential overtime, meals, miscellaneous expenses, and the employee's personal time. Employees and departments should make every effort to ensure cost efficiency in the selection of transportation and lodging alternatives for official travel. Once the most reasonable cost for a trip has been determined between the employee and the supervisor and the Department Head and City Manager has signed off on the plan for the trip, the employee may choose to take a more costly option; however, the City will not pay the additional costs. This may require the employee to pay costs of the trip via a personal credit card, as opposed to having the City pay the costs directly. Shopping for trip costs can save the City significant monies. For example, on-line travel services may price a combined airfare/hotel package at less than the airfare plus the conference rate for the hotel when booked separately. Taking advantage of these kinds of services can take a little more time than just calling to book the conference hotel but may be well worth the effort.

Transportation

1. General

- a. The primary method of transportation is often readily apparent, based upon the event location. Where there are transportation alternatives, the method selected shall be by the most reasonable carrier and mode. Some analysis is recommended to determine a cost-efficient carrier and mode and will need to take into account additional costs that may be incurred when evaluating transportation modes (including paid time based on the applicable collective bargaining agreement).

For Example:

Event in Seattle – transportation can be by train, airplane, or driving. If driving, transportation can be by City vehicle, personal vehicle, or rental car. All modes must balance paid time with the cost of the selected mode.

- b. Flexible travel schedules may be accommodated when the resultant travel cost remains reasonable to the City.
- c. All transportation costs, excluding only the use of a personal vehicle or a parking meter, require receipts to be turned in to be eligible for reimbursement.

- d. When out-of-state travel is required, the City potentially assumes additional liability. Therefore, an employee who travels out of state using a personal vehicle on official business needs to provide proof of automobile liability insurance coverage for the time traveling on City business prior to the trip approval.

2. Mass Transportation

- a. Early transportation selection often provides discounts and lower transportation costs. On-line services often offer the lowest costs for air travel. It is recommended that airfare deals (and airfare combined with lodging) be shopped to find the best price possible. This may include checking costs several days in a row once event participation has been approved by the Department Head.
- b. Mass transit (air, bus, train) travel shall be coach or economy class. Unused portions of airplane, railroad, and bus tickets are subject to refund to the City, and all steps necessary to secure such refunds shall be taken by the traveler.
- c. For air transportation, staff can fly from Eugene or Portland. Sometimes flight costs are the same, but sometimes one or the other is considerably more expensive. As with other areas of travel, the cost differences for all transportation (i.e., round-trip mileage/shuttle, parking) must be taken into account when calculating the reasonable transportation costs.
- d. When determining the most-reasonable transportation costs for mass transportation, all miscellaneous fees and charges must be included, such as the cost of the ticket, luggage fees, transportation to/from the point of departure (i.e., round-trip mileage or shuttle cost from Dallas to the airport or train station), economy parking fees, employee travel time, and ground transportation at the event location.
- e. Ground transportation from Dallas to the airport via an airport shuttle is often a lower-cost alternative than paying mileage and parking costs and meets sustainability criteria. If the airport shuttle is a lower-cost alternative, then the City's reimbursement will be for shuttle costs, regardless of the employee's choice of ground transportation.
- f. Many hotels at event locations offer free shuttles from the airport/train station to the hotel. If offered, no other ground transportation from the airport/train station will be paid for by the City.

3. City Vehicle

- a. When a City vehicle is used and expenditures for fuel, oil, and emergency repairs are necessary, actual receipts must be submitted to receive reimbursement.
- b. The driver of the vehicle must have a valid Oregon driver license (ODL), be a City of Dallas employee as defined in this Policy, and follow the "Driving/Vehicle Use Policy."
- c. For in-state events, it is preferable to take a City vehicle, if one is available for the duration of the trip.
- d. If more than one employee is attending the same training, carpooling is strongly encouraged.

4. Personal Vehicle

- a. An employee's personal vehicle should be used as a last alternative for City business, except for the City Manager and Department Heads. Mileage shall be paid at the per-mile rate on the date of travel, as stated in IRS guidelines and posted at www.irs.gov and included in the on-line trip registration application. The owner of the vehicle may claim reimbursement of such items as bridge, highway, tunnel, and parking tolls with appropriate receipts.
- b. Mileage incurred at the site will be reimbursed if it was incurred based on attending events associated with the event but not for personal use during the event. Expectations for driving while at the event must be discussed in advance with the supervisor and approved before departure.
- c. The most direct and usually traveled route will typically be the basis for transportation reimbursement. This method can be checked by using on-line tools such as Google Maps or MapQuest. If traveling from home, the reimbursement will be the lesser of home-to-destination or office-to destination.
- d. No other personal vehicle costs will be reimbursed (oil, fuel, repairs, insurance, etc.). The driver of the vehicle must have a valid ODL, meet the driving standards of the City, and have automobile insurance and vehicle registration. Personal automobile insurance is primary in the event of damage to a personal vehicle.
- e. When more than one official or employee travels in one private vehicle and all have allowable expenses, only the owner of the vehicle will be reimbursed for mileage expenses. If more than one City employee is attending an event, the City encourages car pooling for all attendees.

5. Other Transportation Expenses

- a. Reimbursement may be claimed for other reasonable transportation expenses, including tips associated with taxi fares (15 percent), transport service, luggage fees, and other mass-transit fares. The likelihood of these expenses must be discussed with the supervisor before the event, so estimated costs can be included in the travel plan. Receipts must be included with the final travel reconciliation for reimbursement.

Lodging

1. Fiscal prudence and common sense are to be considered by departments in determining reasonable lodging arrangements.
2. The guideline for hotel selection is to secure a quality room at or near the event and at an economical rate. Sometimes, the event hotel will be more expensive than other hotels within a several-block radius. The person traveling and his/her supervisor should discuss issues surrounding the hotel selection, including costs for transportation from an alternate, lower-cost location; the traveler's willingness/ability to walk to the event location or use other transportation alternatives (i.e., a conference shuttle); and the employee's safety in doing so.

3. Only the actual number of days that the employee attends training and travel days may be claimed for reimbursement.

Exceptions to this are:

- a. A savings on other trip expenses (i.e., air fare) to the City can be demonstrated by extending the stay, and the extension is approved in advance; or
- b. Times for scheduled air travel that put the employee at the event location the day the event begins would be unreasonable; or
- c. Circumstances beyond the control of the employee require early arrival or an extended stay that is approved upon the employee's return.
- d. When an official or employee is accompanied by a member of his/her family or other guest, reimbursement shall be made on a single room rate only.
- e. At check-in, the employee will be required to present a personal credit card for possible charges to the room (i.e., room service, internet access, damage). The employee will need to be prepared to present a personal credit card for these charges since they will not usually be reimbursable by the City.
- f. Employee is required to provide a receipt upon their return.

Employee Meals

1. City employees or officials attending events related to the conduct of City business will be provided a *per diem* allowance for meals, which includes tips. Receipts for meals will not be required unless the Department Director feels that the *per diem* (with no receipt) is being abused. Then that department can require receipts for all meals, if it notifies employees in advance that receipts will be required. In no case will the City reimburse an employee for more than the *per diem* rate for a meal, even if the employee presents receipts showing higher costs, unless the City Manager approves the higher reimbursement.
2. The City uses the Federal guidelines for meals and incidental expense standard *per diem* rates (where receipts are not required) for Oregon cities not otherwise cited (www.gsa.gov). Rates are reviewed annually; and if the Federal government changes the rates, they go into effect October 1 each year.
3. Reimbursement will not exceed the GSA rate per day if all three meals are taken. If the travel covers only a portion of a day, the meal reimbursement will not exceed the per-meal rate. The employee and supervisor must discuss and agree in advance on which meals will be reimbursed depending on the specifics of the event and the employee's travel plans, compared to normal work schedules/meal times. General consideration for partial-day reimbursements should be given to the following types of guidelines:
 - a. If the 8-5, M-F employee must leave home/work site before 6:00 am (or two hours before a normal work shift), then the City will pay for breakfast;
 - b. If the 8-5, M-F employee will arrive at home/work site later than 7:00 pm (or two hours later than a normal work shift), then the City will pay for dinner.
4. Meals provided by the event must also be discussed with the employee. Usually, when a meal is provided by the event, the City will have already paid for the employee's meal by paying the registration fee and will not pay the *per diem* for that meal. When a meal

provided is identified as a continental breakfast, the City will always pay the *per diem* for breakfast, since continental breakfasts are often too minimal to count (i.e., a single mini-muffin and coffee).

5. Meals provided at the event can be offered as part of a social event (i.e., a banquet with a band and dancing), part of a business meeting (i.e., during lunch delegates will vote on rules changes), a networking opportunity (i.e., LOC holds a lunch where city staff are grouped by size of city to share challenges and solutions), or part of the training/conference event (i.e., during lunch there will be a presentation on X worth continuing education credits). The employee and the supervisor need to discuss whether or not the employee plans to attend the session where the meal is served, whether this will increase the number of hours worked for the day, potentially putting the employee into an overtime situation, and whether there are alternatives in the work schedule that can allow the employee to attend the event without incurring overtime.

For example:

An 8-5, M-F employee is going to a three-day conference where the starting time is 8:00 am and the ending time is 5:00 pm, with a lunch session each day. The employee's attendance at the lunch sessions will result in her working 27 hours in the first three days of the week. Changing the employee's work schedule so that for the week she works M/T/ W nine-hour days, then Thursday works five hours and a regular eight hours on Friday may help the employee better balance work and home life. Once the supervisor and employee have worked out the meal requirements, the meal *per diem* can be calculated according to the decisions made by the supervisor and employee.

6. Meals associated with the official training or conference event which are not included in registration costs, are not entertainment events or voluntary, are events in which the employee wants to participate, and the supervisor agrees are of benefit to the City will be paid for by the City at the actual cost with the Department Director's advance approval, regardless of the *per diem* rate for that meal.

Meals for Non-Employees

1. Expenses paid by City employees or officials for meals consumed by non-City employees or officials which are incurred during the conduct of official City business will be reimbursed for actual expenses based upon receipts but no more than the *per diem* amount for the meal with appropriate authorization. City staff members will rarely "treat" non-City officials to a meal and will not provide family members with a meal at City expense.
2. IRS regulations for an employer to reimburse the employee for a meal requires the name(s) of non-City employees or officials, the organization(s) they represent, and the business agenda discussed over the meal to be included with the request for reimbursement, along with the nature of the discussion. The reimbursement for the meal will be a taxable fringe benefit to the employee and paid through the payroll system except for very rare circumstances where the main purpose of the meal is to conduct business (and the business is actually conducted) and there is more than a general

expectation of the City deriving income or benefit based on the business conducted (i.e., lunching with a potential donor for a specific project).

Miscellaneous Costs

1. The expenses of non-City personnel invited by the City will be reimbursed by the City, if their attendance is specifically related to the conduct of City business. The policies and reimbursement practices described herein shall apply to authorized non-City personnel travel.
2. Canadian travel will be reimbursed in United States dollars based upon the average exchange rate in effect during the trip. Employees who travel to Canada are responsible for filing a refund of Canadian Gift and Service Taxes (GST) and can find the forms to do so at any Canadian hotel. The GST refund shall be turned over to the City upon receipt or shall be subtracted from the employee's reimbursement if paid on a personal credit card.
3. Other reasonable expenses not specifically covered in this Policy may be reimbursed if within appropriated and available funds and properly authorized by the department. Expenses in this category must stand up to the highest level of scrutiny.
4. Expenses incurred by City officials when attending or hosting meetings necessary to the performance of their official duties, attended as a representative of the City of Dallas in an official capacity, shall qualify for reimbursement.
5. Non-allowable expenses include expenses that are personal in nature, entertainment expenses, violations of state or local law, or expenses incurred whether or not the employee would have been on City business.

Examples of non-allowable expenses include, but are not limited to:

- a. Conference events which are entertainment (i.e., concerts, golf tournaments);
 - b. Parking fines or penalties for traffic violations;
 - c. The loss or theft of personal property;
 - d. Personal telephone calls;
 - e. Room movies, video rentals, and room service charges outside of the per diem;
 - f. In-room data access costs unless the City requires the employee to access the City's network for work purposes while away from Dallas;
 - g. Alcoholic beverages;
 - h. Expenses for domestic partners or other family members; and
 - i. Expenses not substantiated by a receipt, excluding *per diem* meals.
6. Departments should consider cost trade-offs for trip expenses and take into account reasonable and creative methods of saving money. Examples include reimbursing mileage for two round trips to the airport if the employee is dropped off and the costs are less than mileage plus parking or the shuttle would have been. Employees are allowed to select higher-cost alternatives with the agreement that the employee will pay the cost difference. For example, if the lowest-cost alternative is to take a shuttle to the Portland airport, and the employee would rather drive, the employee may make that choice, and the City's reimbursement will be for the shuttle only.

Compensation During Training and Conference Events

Compensation shall be paid for travel and time attending a conference or training session in compliance with the Fair Labor Standards Act (FLSA), the Oregon Bureau of Labor and Industries (BOLI) requirements, and applicable City collective bargaining agreements. The employee and supervisor may also agree to adjust the employee's work schedule per the collective bargaining agreement to help reduce City travel and training costs. The City may assign work for any compensable travel time.

All employees will be paid for their regular work hours while they are at a training or conference event (i.e., days when the employee is not traveling) unless their work schedule has been changed in advance. An employee who is idle for a non-travel day (i.e., not attending training or conference sessions), or portion thereof, at the training/conference site on a day they do not regularly work is not entitled to compensation for that day.

For example:

A 7am-to-6pm employee who attends a training that begins at 8:00 am and ends at 5:00 pm with an hour off for lunch will be paid for 10 hours, since that is his/her regular schedule unless the work schedule has been changed in advance.

An 8am-5pm, M-F employee who travels on Saturday for a conference that begins on Monday will not be compensated for Sunday.

An 8am-5pm, M-F employee attends an event that ends at 12:00 pm, and the employee can be back at work by 2:00 pm. The employee will need to work until 5:00 pm or take leave time (vacation or compensatory) for the last three hours of the day to be paid for the full day.

FLSA-exempt employees are paid their regular salary for the time they are traveling or attending a training or conference event and do not receive any extra pay, regardless of the hours.

Paying for Training/Conference/Meeting Events

Payments for events fall into one of three classifications:

1. Advance payments to vendors – These are payments made by the City to the vendor such as the event convener (for registration), the hotel, the airline, etc. where the City either charges the costs on the City's purchasing card or pays via check issued by Accounts Payable.
2. All departments have at least one staff member who has been issued a purchasing card to facilitate payment processing for a wide variety of purchases. For on-line purchases in particular, the purchasing card can be an efficient way to process payments for a variety of costs associated with an event.
3. Registration should be completed as early as possible to take advantage of any discounts that are offered. Registration costs are often one of the easiest to book using the purchasing card.

4. In some cases, using a purchasing card for booking a hotel for a traveler who is different than the person booking the room can be a challenge. Many hotels will ask for written authorization from the card holder to use his/her card for the traveler.
5. Some departments have used the purchasing card to book the room, and then requested a check from Accounts Payable to pay the actual costs of the room to address this issue.
6. Booking airfare plus a hotel through a reputable on-line travel service can result in lower costs for both airfare and the hotel than purchasing separately. This also addresses all issues raised in 5.04.111.a.3, since the on-line vendor pays both the airline and the hotel.
7. If the advance payment will be made using an Accounts Payable check, a minimum of 15 days should be allowed for the Finance Department to process the checks. Checks to vendors for registration, hotels, airfare, shuttle expenses, etc. will be processed in the regular Accounts Payable check run closest to the actual date of travel.
8. Advance payments to employees before travel – These are payments made directly to the employee who will be traveling, and will either be a reimbursement for a cost already incurred when the employee paid the vendor (i.e., the employee charged air fare on his/her personal credit card), or advance payments made for meals and miscellaneous expenses prior to departure. These payments are made via check from Accounts Payable.
9. A minimum of 15 days should be allowed for the Finance Department to process advances on estimated travel expenses. Checks for mileage, meals, and other incidentals will be processed in the regular Accounts Payable check run closest to the actual date of travel. Manual checks will not be issued.
10. Employees/officials must have receipts to be advanced for registration, lodging, and transportation booked on a personal credit card. Receipts are not required for advance payments of *per diem* for overnight travel once the employee and supervisor have agreed on which meals are covered.
11. Employees who choose to travel using a method other than the most reasonable cost may be required to book costs on a personal credit card or via some other form of personal payment and then be reimbursed the amount the City has agreed to pay. For example, if an employee chooses to pay more to fly from Eugene, the City will not purchase the more expensive plane ticket; the employee will have to make that purchase.
12. Reimbursement payment to the employee after travel – This payment occurs after the employee has traveled and completed the trip expense reconciliation and monies are owed to the employee.
13. If the total of the advances to vendors and the employee exceed the actual costs of the trip, the employee owes the City a refund.

Employees may use a personal credit card to pay for event costs following these rules:

1. In compliance with Oregon State Laws about ethical behavior of public employees (Ethics Commission Staff Opinion 01S-005), no employee may use a personal credit card that gives any kind of benefit to the employee (i.e., no frequent flyer miles, no purchase points, no cash-back rewards).
2. No costs may be booked prior to the employee and supervisor discussing the event and the department's approval of the event, as directed through this policy.

3. Employees/officials must have receipts to be reimbursed for registration, lodging, and transportation booked on a personal credit card. For day trips (no overnight travel), *per diem* will be advanced with sufficient notice.
4. After the official or employee has returned from a trip or event, all allowable expenses not covered by advance payments will be reimbursed.
5. Advances in excess of actual expenses must be returned to the City by the employee or official when the reconciliation is completed.
6. Final reconciliations that show monies due to the employee will be processed in the next regular Accounts Payable check run following receipt of the completed trip expense process.
7. Whether lodging expenses are prepaid in part or in full, everyone is required to obtain a receipt of actual lodging expenses to be submitted with the final reconciliation.
8. Any employee who fails to meet any of these deadlines may not be reimbursed and may no longer be eligible for trip expense advances.

Review and Update

This policy shall be reviewed every two years in October by the Finance Director or his/her designee and updated as appropriate.

APPENDIX C: DRIVING/VEHICLE USE POLICY

In order to ensure safe driving practices for all City employees and volunteers who drive in the course and scope of their work, the City has adopted a Driving Policy.

Driving is among the most hazardous tasks performed by employees and volunteers of the City of Dallas. Therefore, it is the policy of the City that employees and volunteers will follow safe driving practices. Safe driving practices include steps to ensure the driver's total concentration and safe operation of vehicles, such as determining clear directions before departing, refraining from operating equipment such as cell phones and radios while the vehicle is moving (with the exception of public safety workers), and not operating a vehicle when the driver's ability to react is impaired. Drivers are expected to follow defensive driving principles, Oregon laws and regulations to prevent accidents in spite of unsafe driving by others and/or adverse driving conditions.

Managers are responsible for enforcing this policy, and shall ensure all employees and volunteers who drive are notified of this policy and the potential consequences of policy violations.

The City shall allow only drivers that meet the following eligibility criteria to drive on its behalf.

Job Applicants – Positions for which driving is an essential function

When any position is being filled for which driving is an essential function, the driving record of each eligible applicant for the previous five (5) years shall be evaluated by the Assistant City Manager.

All City Employees and volunteers – Driving on City business

Any City employee or volunteer must meet the following criteria in order to be allowed to drive on City business:

1. Possess a valid state driver license.
2. Be at least 18 years old.
3. Possess a valid Commercial Driver License if driving a vehicle that requires a Commercial Driver License.
4. If involved in an at-fault accident on City business that results in an injury that requires immediate medical treatment away from the scene or disabling damage to any motor vehicle AND a citation was issued to the driver, or in any instance where there was a human fatality, an employee/volunteer is required to complete a defensive driving course within six (6) months of the accident.
5. If in possession of an Oregon or out-of-state driver license, sign a release form (available from the Assistant City Manager) allowing the City access to his/her driving records.

6. If driving their personally owned vehicle, provide proof of insurance at the inception of this policy or when driving responsibilities that are covered by this policy begin, and at any time there is a change to the policy, to their Department Head evidencing liability limits in an amount not less than the minimum requirements of the State of Oregon.
7. In addition to the above requirements, any City employee or volunteer holding a position that requires driving as part of the job duties shall maintain an acceptable driving record, to be determined as follows:

Upon assigning driving privileges or responsibilities to an employee/volunteer, the Department Head shall provide pertinent information by e-mail (e.g., name, date of birth, driver license number) to the City Manager or the City Manager's designee for "flagging" purposes. The City shall establish an account with DMV and monitor the employee or volunteer's driving record by reviewing any "flagged records". If a violation that occurs in the course or scope of employment/volunteer duties falls into the categories noted, the City Manager or the City Manager's designee will inform the Department Head. Any violations falling into the categories noted at the end of this policy, as well as a pattern of any other violations, along with other relevant factors will be used to determine if the employee/volunteer has an acceptable driving record.

Discipline

Employees or volunteers who are found to have violated this policy or who are found to have an unacceptable driving record will be subject to revocation or restriction of the privilege to drive a City vehicle and may be subject to disciplinary action up to and including termination. It is the intent of this policy that unsafe behavior be identified and corrected. Should discipline become necessary, the City shall follow applicable disciplinary procedures contained elsewhere in this Handbook or in any applicable collective bargaining agreement.

Other Drivers

In addition to City employees or volunteers, the following people may be allowed to drive vehicles on City business:

1. An officer or agent representing the City.
2. Another person expressly designated to act on behalf of the City.

Drivers who are not City employees or volunteers must meet the following criteria in order to be allowed to drive on City business:

1. Possess a driver license valid in the State of Oregon.
2. Be at least 18 years old.
3. Possess a commercial driver license if driving a vehicle requiring such.
4. If driving their personally owned vehicle, provide proof of insurance to the department manager of the department within which they work or volunteer that they are insured against liability (person and property) in an amount not less than the minimum requirements of the State of Oregon.

5. Obtain permission from the Department Head or City Manager within the area they are assigned.

Driver Responsibilities

The following responsibilities apply to anyone who drives any vehicle on City business:

1. Drivers and passengers are required to wear seatbelts at all times when the vehicle is in motion. If an employee or volunteer are seen not wearing a seatbelt (including passengers), he/she will receive a verbal warning. If the employee or volunteer is seen not wearing a seat belt again within 2 years, he/she will receive a written warning in his/her personnel file. A third violation of the seatbelt rule within two years will result in a one-day suspension without pay. Additional violations within a two year period will be dealt with by Administration. The following exceptions may apply:
 - a. Persons riding in an ambulance and administering aid.
 - b. Passengers in custody being transported by law enforcement personnel.
 - c. Parks/Public Works personnel operating vehicles not normally equipped with seat belts or safety restraints (i.e., tractors, graders, mowers, etc.).
 - d. Law enforcement personnel **only** when it is required for tactical safety.
2. Drivers shall inspect vehicles at the beginning of each shift or prior to each trip to ensure that the vehicles are in safe operating condition prior to their use. This should include tires not visibly deflated, clean windows, mirrors properly positioned and all lights in working order.
3. Drivers shall comply with all applicable state and local driving laws, parking regulations, and all City and departmental safety policies and rules.
4. Drivers will drive according to the road conditions during inclement weather. Drivers will be prepared, in advance, for adverse weather and road conditions.
5. Drivers shall be held personally responsible and liable for any traffic citations and parking citations received while driving a vehicle on City business. All traffic citations and parking citations received while driving City vehicles shall be paid or otherwise resolved promptly by the driver. Drivers shall notify their supervisor within 48 hours of receiving any citation while in a City vehicle.
6. For photo radar or other citations issued against the vehicle's registration, the employee or volunteer's Department Head will complete the "Affidavit of Non-Liability" or similar document issued with the citation to identify the driver. The driver shall be personally responsible and liable for promptly paying the fine or otherwise resolving the citation.
7. In the event of an accident on City business, drivers shall immediately contact their Department Head, and, if driving a City vehicle, follow all City instructions or procedures for reporting accidents.
8. A driver whose license has been suspended or revoked shall immediately notify his or her supervisor.
9. For employees who are required to drive or maintain a valid driver license as part of their official duties, a conviction for a single moving violation, and conviction of more

than five non-moving violations in a 12-month period may be considered as grounds for disciplinary action up to and including dismissal, whether the offenses and infractions occurred during or outside work hours. Volunteers with driving record convictions on or off the job may also be subject to reassignment or removal from volunteer placement.

10. Drivers shall ensure that any passengers who ride with them in a City vehicle or in any vehicle while on City business are authorized in accordance with the section entitled "Passengers," below.
11. In the event of a citizen emergency that requires the use of a City vehicle, managers may grant prior authorization under specific circumstances they establish. If an employee or volunteer on City business encounters a stranded motorist or other person in need of emergency assistance, the employee:
 - a. should be aware there is no obligation to stop and render assistance,
 - b. should consider all objective circumstances regarding the employee's or volunteer's own personal safety and the safety of any passengers before choosing to stop, and
 - c. except in exceptional circumstances that carry imminent risk of bodily injury, death or serious property damage of another, the only authorized action is to help connect the motorist or other person with appropriate roadside assistance.
12. Drivers shall not drive City vehicles or private vehicles for City business when they are required to take medication that may impair their ability to safely operate a moving vehicle. If in doubt, the employee or volunteer should first obtain approval from his or her physician that it is safe to drive while taking the medication. If the employee or volunteer comes to work but due to the medication cannot drive, the employee or volunteer shall immediately inform his or her supervisor and ask for an alternate work assignment. If there is no work available, the employee or volunteer may be assigned to another department or sent home.
13. Employees and volunteers are expected to use good judgment at all times while driving on behalf of the City. In circumstances where the employee or volunteer is uncertain if he or she should be operating or continue to operate a vehicle (such as prescription or over-the-counter medication, extended or continuous shifts, end-of-day long distance travel, fatigue, poor weather or road conditions) the employee or volunteer is expected to contact his or her supervisor to assist in making the safest determination, of whether to continue to drive or not.
14. Employees and volunteers are prohibited from driving a City vehicle or private vehicle for City business while under the influence of any intoxicating liquor or controlled substance. Violation of this prohibition shall be grounds for immediate termination.
15. Employees, volunteers, and any passengers are prohibited from using tobacco products or e-cigarettes while driving or riding in a City vehicle.

Cell Phones

The City permits the safe use of cellular telephones by employees or volunteers who use these tools to conduct business for the City. (See the Cell Phone/Smart Phone Usage Policy)

However, when employees or volunteers are operating a vehicle, driving is the first responsibility. Employees and volunteers are prohibited from receiving or sending telephone calls and from reading or sending text messages while driving; however, employees and volunteers may use hands-free cell phones and cell phone devices, consistent with Oregon law, so long as such use does not constitute an unsafe distraction to the driver. For the purpose of this section, “driving” includes any time the vehicle is stopped in traffic, such as at a stop sign or stop light. The prohibitions on cell phone use and text messaging apply in those circumstances as well as when the vehicle is in motion. If an employee or volunteer needs to make or receive a business phone call or send or read a text message while driving, the employee or volunteer must make sure the vehicle is stopped and parked properly and off the roadway to make or receive the call or to read or send the text message. This section does not apply to police and public safety employees under those circumstances and conditions in which cell phone use while driving is permitted.

Vehicle Use

1. City-owned or supplied vehicles

The City provides vehicles for use by qualified drivers to conduct official City business in the course and scope of their job and/or to maintain the ability to respond to City business outside the employee’s normal work hours when special equipment or tools are available in or on the vehicle. City vehicles shall not be used for personal business. Use of City vehicles to commute to and from work, except as authorized above, is prohibited, unless approved in advance by the Department Head.

2. Privately owned motor vehicles

The City allows use of privately owned motor vehicles to conduct official City business. A privately owned motor vehicle used for City business must be a conventional, at least four-wheel vehicle, and be in safe mechanical condition that is adequate to provide safe transport for the road and weather conditions. Vehicle equipment must conform to State of Oregon requirements. A City vehicle or rental shall be used when a personally owned vehicle does not meet these standards. Vehicle registration and insurance must be current.

Insurance requirements:

The driver of a privately owned motor vehicle used to conduct official City business must be insured against liability (person and property) in an amount not less than the minimum requirements of the State of Oregon. (Note: Mileage reimbursement for the use of a privately owned motor vehicle is considered full payment [including deductibles, depreciation, insurance, maintenance, and fuel and operating costs] for its use.)

The vehicle owner is responsible for any comprehensive and collision coverage the owner may elect to carry.

3. Out-of-State rental vehicles

The City provides excess liability coverage to supplement the coverage automatically provided by car rental companies. However, the Oregon Tort Claims Act does not apply outside of Oregon. For that reason, drivers shall purchase the offered insurance through the rental company when renting a car on City business out of state. Excess liability coverage, collision coverage deductibles, and other charges not covered by the car rental company insurance will not be paid by the City if an accident occurs when the vehicle is used outside the scope of City business, (e.g., on an out-of-state trip where a rental vehicle is used for a non job-related side trip). Travelers are required to know the driving laws for any state they drive in, apply the criteria of common sense and propriety, and consider the relationship to business purpose to the use of rental vehicles and transporting passengers while on City business.

Passengers

Only authorized passengers are allowed to ride in City vehicles and other vehicles while in use for City business. Authorized passengers are:

1. City employees conducting City business;
2. Officer and agents representing the City;
3. Volunteers acting on behalf of the City;
4. Vendors and contractors working on behalf of the City;
5. Participants in official City business, training, tours and programs;
6. Representatives of other governmental agencies working with the City;
7. Anyone with prior authorization by the department manager or with specific authorization by the City Manager or the City Manager's designee, or an employee/volunteer's Department Head with authority to grant such approval.

Requirements of an Acceptable Driving Record

1. No class "A" infraction convictions during the past thirty-six (36) months and no more than one (1) class "A" infraction conviction between the past (36) and (60) months.
2. No more than one (1) class "B" infraction conviction during the past twelve (12) months and no more than two (2) class "B" infraction convictions during the past thirty-six (36) months.
3. No more than two (2) class "C" infraction convictions during the past twelve (12) months and no more than three (3) class "C" infraction convictions during the past thirty-six (36) months.
4. Demonstrated ability to maintain a driver license without suspensions for the past thirty-six (36) months.
5. No felony or misdemeanor driving convictions within the past sixty (60) months.

Examples of Violations Listed by Classification

Class "A" Violation

- Failure to obey a traffic flagger
- Driving while suspended (infraction)
- Careless driving (accident involved)
- Speed racing
- Speeding (30+ MPH over posted limit)
- Failure to stop for school bus

Class "B" Violation

- Passing in a no pass zone
- Failure to drive on right side of the road
- No operator's license
- Careless driving (no accident involved)
- Failure to obey a traffic control device
- Driving uninsured

Class "C" Violation

- Failure to use traction devices
- Defective headlights
- Illegal U-turn
- Failure to yield to pedestrian in crosswalk
- Speeding (11-20 MPH over the limit)

Class "D" Violation

- Impeding the flow of traffic
- Failure to signal lane change
- Failure to display license plates
- Speeding (1-10 MPH over the limit)
- Failure to use safety belts
- Failure to change information on driver license

Class "A" Misdemeanor

- D.U.I.I.
- Reckless endangerment of a highway worker
- Providing false information to a police officer
- Hit and run (property damage)
- Reckless driving
- Driving while suspended

Class "B" Misdemeanor

- Providing false information regarding liability insurance
- Providing false information on accident report

Class "C" Misdemeanor

- Failure to display a driver license
- Failure to return suspended license

Class "C" Felony

- Hit and run (injury)
- Attempting to elude a peace officer
- Driving while suspended/revoked