

City of Klamath Falls

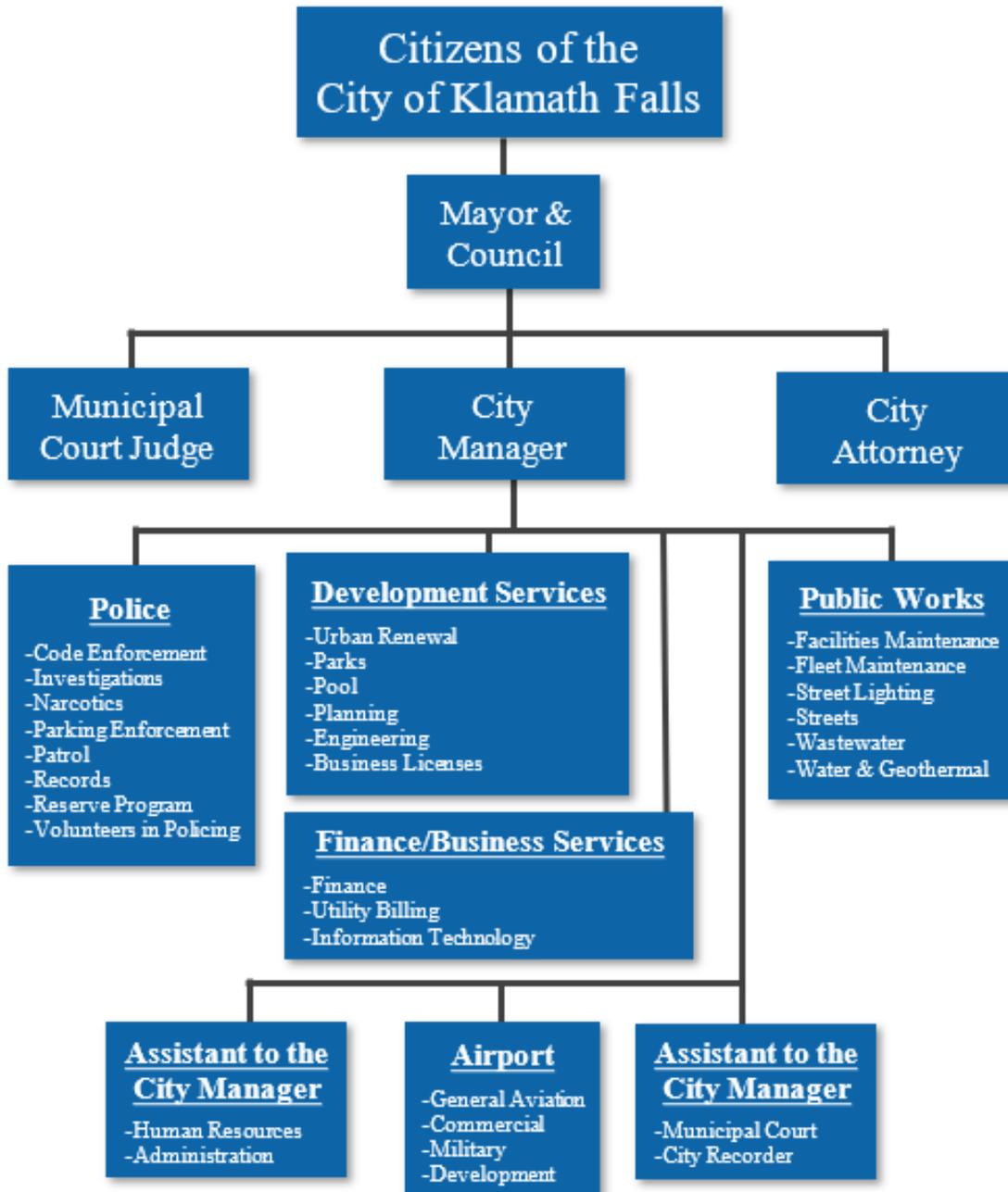
# **EMPLOYEE HANDBOOK**

Revised June 2021



# City of Klamath Falls, Oregon

## Organization Chart



# I. OVERVIEW

---

## A. Introduction

Dear Employee,

As the City Manager, I would like to welcome you to our employee family. At the City of Klamath Falls, we are a values driven workforce. Values form the first pillar of the employee experience. Employees are asked to make decisions within their area of influence based not only on our policies and procedures, but on our values. These values are Respect, Communication, Integrity, Teamwork, and Family. You will see them mentioned often in this handbook. You will see other employees demonstrating them often.

Goals are the second pillar of your employee experience. The City is driven by goals designed to support the Vision and Mission given to us by the City Council as representative of the citizens of the City. You will have individual goals that support those of your Department and the City.

Customer Service is the third and final pillar. All employees are expected to treat our Citizens as valued customers. In your daily activities you are encouraged to think of ways that will please the customer while still remembering we must work within the policies, procedures, and legal guidelines for a public entity. It is often the kind word, or the extra effort to help that can make a difference.

We are excited you have joined the City and look forward to a long and productive work relationship.

Sincerely,



Nathan Cherpeski  
City Manager

## **B. History**

The City of Klamath Falls was incorporated on May 18, 1905. It is run by a Manager/Council system. The City Council is comprised of five elected officials and an elected Mayor. The Council and Mayor select the City Manager, who is responsible for the daily activities of City business.

The City of Klamath Falls is a full-service City and provides some services just within the boundaries, and others both in and out of the City. Included are police protection, drinking water, wastewater treatment, geothermal and street lighting utilities, engineering, parks, cemetery, street construction and maintenance, and community planning services.

### **Vision:**

The City of Klamath Falls is a vibrant, cohesive community built on a strong economic base which balances urbanization with its existing historic character and values.

### **Mission:**

To further the vision, the City provides essential services and infrastructure to promote the social and economic health of the community. The role of the City Council is to provide the leadership necessary to fulfill this mission. The role of City Employees is to provide the workmanship necessary to provide these services with excellence and pride.

## **C. About this Handbook**

This Employee Handbook is a guide to our employment provisions and expectations. It outlines many of the programs and benefits that affect you as an employee of the City of Klamath Falls. Nothing in this Handbook is meant to limit the discretion of the City in managing and supervising employees and we reserve the sole discretion and right to amend, delete, or otherwise revise the Employee Handbook at any time.

The City may add to the policies in this handbook or revoke or modify them from time to time. The City will try to keep the manual current, but there may be times when policy will change before this handbook can be revised. Significant changes to the handbook will be communicated to employees as soon as possible. Human Resources will maintain the most current revision of this Handbook on the City's website.

Please be aware that any oral statements or representations cannot change or alter the provisions of the Employee Handbook. Except for the contracts with the employees supervised by City Council and collective bargaining agreements, all previously issued handbooks as well as policies, memos, and verbal or written agreements that are in conflict with its provisions and any inconsistent policy or benefit statements will be superseded as of that date.

This Handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between the City and its employees, other than those found in applicable collective bargaining agreements. It is not intended to be comprehensive or to address all the possible applications or exceptions to the general policies and procedures of the City. The information provided in this Handbook is based on the belief that common sense, good judgment, and respect and consideration for the rights of others are paramount to our ability to serve our citizens and ourselves. If you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you, you should address your specific questions to your manager. For the purposes of this handbook, “manager” means either a manager or supervisor to whom you report. Managers are encouraged to consult with Human Resources to maintain consistency of interpretation.

Some subjects described in this Handbook, such as benefit plan information are covered in detail in official policy documents. You should refer to these documents for specific information since this Handbook only briefly summarizes those benefits. Please note that the terms of the written insurance policies or coverage documents are controlling.

In addition to the policies outlined in this Handbook, City of Klamath Falls has administrative policies and procedures not related to personnel that are posted on SharePoint. You should familiarize yourself with those policies.

You are encouraged to offer suggestions for improvement to this Handbook, procedures, employment practices or working conditions. Please read through this Handbook carefully. You may want to share it with your family members so that they will also understand your work environment. Should you have additional questions, or need further detail, please talk with your manager who can advise you or refer you to the appropriate resource.

If you have any questions about any of the provisions in the Handbook, or any policies that are issued after the Handbook, please contact Human Resources.

#### **D. Employment Relationship**

As an employee of the City of Klamath Falls, you are engaged in an “at will” employment relationship. This means that either you or the City may terminate the employment relationship at any time with or without reason or notice. Our at-will provision extends to all employees unless otherwise exempted by a collective bargaining agreement. The Corrective Action guidelines are subordinate to the employment at-will policy.

Except for those employees supervised by City Council and collective bargaining agreements, no one other than the City Manager has the authority to enter into any employment agreement contrary to the provisions outlined in this Handbook and the Handbook cannot be altered except in writing and signed by the City Manager. The City is also not bound by any oral promises concerning your length or conditions of employment.

## **E. Hiring of Relatives**

Relatives of current employees or individuals involved in a romantic relationship with a current employee are eligible for hire at the City subject to the same selection process and job requirements and will be evaluated in the same manner as any other applicant. However, persons will not be hired or promoted into positions in which one family member (as defined by Oregon law) or person involved in the romantic relationship, would fall under the direct line of supervision of the other family member.

## **F. New Employees, Promotions and Transfers**

### **New Employee Orientation**

In order to help you fit into the City's operations, and to ensure new employees quickly have a productive and satisfying employment relationship, managers are responsible for ensuring that all new employees are scheduled for a general orientation organized by the Human Resources staff within the first week of employment. Your manager may provide a detailed job-specific orientation.

### **Introductory Period**

As a new employee, you are hired into an introductory training period which generally lasts six months. The introductory period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your manager. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be conducted during the introductory period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and provides an opportunity to determine if your knowledge/skills/abilities (KSAs) and the requirements of the position match. It is also a chance to decide if we meet your expectations as an employer. Employees will accrue, but not be eligible to use vacation leave benefits during this period, unless specifically agreed upon in advance by the manager.

At or before the end of the introductory period, a decision about your employment status will be made. If you successfully complete the introductory period, you may be moved to regular status. If your KSAs border on satisfactory but fall short of expectations, the introductory period may be extended if there is reason to believe that your KSAs will improve within a reasonable amount of time. If expectations are not met or demonstrated, and/or KSAs are not satisfactory, it is unlikely that employment will be continued.

Employment may be terminated at any time and for any reason during this period at the discretion of the Manager or yourself, should either party regard it as necessary or appropriate. Completion of the introductory period does not alter the "at will" employment relationship.

## Promotions and Transfer Training Period

The City encourages upward mobility and will consider employees for promotions as opportunities develop, or vacancies occur. Your annual performance evaluation is an excellent time for you to discuss your career interests with your manager.

If you are promoted or transferred to a new position, you must also complete a reasonable period of training to determine the suitability of the placement and your ability to satisfactorily perform the required work. If it is determined that the job change is unsatisfactory during this period, you may be returned to your original job; you may be assigned to another vacant position, or you may be terminated. If you are placed in a job other than your original job, the pay and benefits may also be adjusted.

Usually, you must have completed your initial introductory period before transferring to a new position, and to be eligible for a transfer, you may not be under any disciplinary action.

## Employment Classifications

The status of each employee's position is placed into distinct classifications for benefits and other employment conditions and to aid in a better understanding of employment relationships within the City.

The following status definitions apply:

1. **Regular Full-time** - An employee who has successfully completed the introductory employment period and is regularly scheduled to work 40 hours or more per week. Benefits-eligible.
2. **Regular Part-time** – An employee who has completed the introductory period and is regularly+- schedule to work less than 40 hours, but more than 30 hours/week. Benefits eligible.
3. **Regular Part-time NB** - An employee who has completed the introductory period and is regularly scheduled to work less than 30 hours/week. No benefits.
4. **Interns** – Interns are not eligible for any benefits.
5. **Temporary** - An employee who is hired for a specified period of time. Generally, temporary employees will not work more than 599 hours during a calendar year. No benefits.
6. **On-Call** - An employee who does not have a set schedule and works only when called upon. Generally, On-Call employees will not work more than 599 hours during a calendar year. No benefits.

Positions are further classified according to federal and state wage and hour laws into the two additional categories of exempt and non-exempt as is defined by federal and/or Oregon law. Management will make the appropriate designation regarding the status for each new position or when a position changes substantially. If you are uncertain as to your status, ask your manager.

## II. CODE OF CONDUCT

---

### A. Workplace Rules and Expectations

The City believes policies and procedures are essential for the orderly operation of our business and for the protection and fair treatment of all employees. As a result, we have clearly identified performance expectations so that everyone can act in accordance with our workplace standards. Respect, Communication, Integrity, Teamwork, and Family, as well as courtesy and common sense should always prevail. The following work rules are not all-inclusive but serve as guidelines to demonstrate work behaviors considered important to the City.

1. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you. If you are unable to be at work on time, you are expected to contact your manager prior to the start of your work shift. If that individual cannot be reached, you are expected to contact an alternate managerial representative.
2. You are expected to regard your workplace with respect and attention. The City records, equipment, and property are to be treated carefully and appropriately. The City equipment is not to be utilized for personal use, and anything created with the use of such equipment is the sole property of the City. You are responsible for those items in your care and custody and will be held accountable for their maintenance, appropriate use, and/or accuracy.
3. You 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 bodies.
4. You are expected to conduct yourself in a professional and respectful manner, exhibiting a high regard for our citizens, vendors, business associates, and co-workers. No breach of professional behavior (abusive language, harassment, personal business during work time, etc.) will be condoned. This also applies to alcohol or drug consumption when representing the City in a business or social capacity.

5. You are expected to maintain the confidentiality of the City information or citizen information in your possession (e.g., personnel information, trade secrets).
6. Your personal appearance at work should be neat and consistent with professional atmosphere, keeping in mind the impression made on citizens, visitors, and other employees, and the need to promote the City and employee safety. Good individual judgment is the best guideline, but management retains the right to decide what appearance at work is appropriate. Employees are responsible for adhering to any department-specific requirements for uniforms and personal protective equipment.
7. Any other action an employee takes that is not in the best interest of the City.
8. You are expected to meet the standards for the performance of the position you hold. Failure to perform up to acceptable standards, insufficient productivity and inattentiveness to the job will merit corrective action.

This information regarding unacceptable practice/behavior may help in providing guidance for employee actions. You are urged to use reasonable judgment at all times and to seek advice from your manager in any doubtful or unclear situation. By everyone doing their best to meet both the spirit and intent of these guidelines, employee disciplinary issues should be minimal. Violations of the workplace rules identified above, or any City of Klamath Falls policy, may result in corrective action, up to and including immediate discharge.

We encourage all employees to become familiar with the non-discrimination policy and complaint procedures outlined on page 45.

## **B. Ethics Policy**

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

We at the City 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 or 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, or whether you should accept something that may be a "gift" under Oregon's ethics laws,

please reference the web link above or contact the Ethics Officer. Employees who violate the Ethics Policy, or who violate Oregon's ethical standards and laws, may be subject to disciplinary action up to and including discharge.

### **C. Confidentiality**

Employees must not access, use, or disclose sensitive or confidential information or data except in accordance with the City's policies, practices, and procedures, and as authorized by state or federal laws or regulations. Confidential information includes all information acquired by an employee during the course of employment that is not generally available to the public, including legally protected information. Examples include but are not limited to:

- Records concerning ongoing law enforcement investigations or administrative; investigations conducted by the City or other public entity
- Employee personnel files and related documents
- Personally identifying information (names, addresses, telephone numbers, date of birth and social security numbers) about employees, court defendants, utility account holders, and users of public facilities
- Any privileged or confidential commercial or financial information, including the social security number of any person
- Any records of discrimination or harassment complaints and investigations, whether or not part of a personnel file
- Records submitted by a candidate for an executive position
- Any record revealing or indicating a person has a disability
- Any medical, mental health, or sociological records
- Letters of reference
- Executive Session materials for City Council

The contents of records or information otherwise obtained in regard to the City business may not be disclosed to anyone, except where required for a business purpose or unless directed to do so by a court of competent jurisdiction or upon direction from the City Manager.

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 written permission from the City Manager.

Employees are subject to appropriate disciplinary action up to, and including, dismissal for revealing information of a confidential nature.

All information acquired by an employee during the course of employment is to be used solely for the benefit of the City and, through the City, for the benefit of our members. The use of such information for personal advantage or disclosure to others is strictly prohibited. Likewise,

any materials developed by our employees in the performance of their jobs, is the property of the City. Employees may not take this material with them when they leave our employment, remove it from our offices for non-work-related reasons, or copy or distribute it to persons or companies, other than as required in the course of business, without written approval from the City Manager.

#### **D. Misrepresentation**

As a City employee, you should consider how you represent us in your business transactions and interactions. You should be careful not to misrepresent our policies, practices, procedures, or prices, or misrepresent your status and authority to enter into agreements. You may not use the City's name, logo likeness, facilities, assets or other resources, or the authority of your position with the City for personal gain or private interests.

#### **E. Outside Employment**

Employees may hold outside employment if the additional work does not interfere with, or adversely affect their performance at the City; does not create a conflict of interest; does not use City time/equipment/property/premises, including the employee's own work time with the City; does not discredit the prestige or influence of one's position; does not involve actions that may be subject to review or control by the City; and does not otherwise detract from, or discredit, the City.

An employee proposing to accept outside employment must notify his/her manager in writing and obtain written permission which will not be unreasonably withheld. Employees who accept employment in violation of this policy may be subject to discipline, up to and including termination.

#### **F. Criminal Acts**

Employees are required to report if they are arrested and/or charged with any misdemeanor or felony, including a DUII, as well as if they receive any citations, or plead guilty or no contest to charges (including diversions). Employees must inform Human Resources about these events within two business days. Upon conviction or dismissal of charges, the employee must report the matter to Human Resources within two business days and must submit documentation concerning the resolution.

An arrest or conviction of a crime is not an automatic bar to continued employment. The City will review the underlying facts of the matter; any action taken will be on a case-by-case basis, taking into account the totality of the circumstances. At the City, actions may range from no action, to disciplinary action including discharge.

Failing to report a conviction constitutes grounds for discharge. Furthermore, misrepresentation of the circumstances of the events can serve as grounds for discharge.

Employees who are unavailable to report for work due to incarceration will not be allowed to use accrued leave, and may be subject to disciplinary action, including discharge.

## **G. Prohibited Political Activity**

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

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

## **H. City Services**

Every employee inhabiting, owning, or operating property served by the City Water/Sewer Utility system is required to keep the Utility Billing Department informed of the service address and pay the account on time in compliance with the rules and regulations that apply to all rate payers. Employees who fail to pay their account on time, and/or whose services are disconnected, may result in disciplinary action against the employee.

Those employees who write checks to the City, which are refused for payment due to Non-Sufficient Funds (NSF), may result in appropriate disciplinary action against the employee, in addition to other penalties.

## III. PAY ADMINISTRATION

---

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

The pay of a new employee may be set within the established pay band based on the pay level of current employees in the same or similar positions, and the new employee's previous experience, education, and skills.

You may be eligible for future pay increases based on the City's approved budget and your performance.

### **A. Paydays**

The regular payday is the last day of the month except when the last day falls on a weekend or holiday, in which case, the day prior will serve as payday. Depending on payroll processing timeframes, direct deposits will be made available sometime during payday. In the event that payment is not available first thing in the morning all staff will be notified that payday will be available by the end of the day.

No payroll direct deposit will be released prior to payday.

### **B. Delivery of Paychecks**

Each payday, your paycheck will be electronically deposited to an account you designate at a financial institution. Pay stubs will be emailed to the address provided on the Address/Employee Information Change Form unless payroll is notified to use the employee's City email account.

### **C. Timekeeping for Non-exempt Employees**

Non-exempt employee pay is calculated by monthly reported hours as approved by your manager. The time record is formal documentation of the exact time worked. It should be completed daily and reviewed at the end of each week for completeness and accuracy. It must be completed and approved at the end of each pay period.

Your manager, or designee, will review and approve time records each pay period. If an error is to be corrected or time clarified, the employee should notify his/her manager during the review process. Your electronic or written signature on the time record each pay period verifies the times and dates are true and accurate to the best of your knowledge. You should never allow

someone else to make entries on your time record. Willfully falsifying a time record may be grounds for corrective action, up to and including termination.

#### **D. Time Records (Leave Requests) for Exempt Employees**

Employees classified as exempt do not fill out time records; however, exempt employees are expected to complete and certify hours that they are out of the office for leave and submit these records to their manager for approval monthly; any absence from the office should be coordinated with your manager.

#### **E. Final Paycheck**

While we request that you give us at least 10 working days' advance notice prior to departure when resigning or retiring from the City, if you provide us with at least 48 hours' notice (excluding holidays and weekends) you will receive your final paycheck on the last day worked. If less notice is given, or if you are terminated, final paychecks will be paid in accordance with Oregon law. Final paychecks will include all wages earned through the last workday plus payment for any accrued and vested benefits (excluding PERS) for comp, sick and vacation hours that are due and payable at separation. Final paychecks will be electronically deposited to the employee's designated bank account.

Exempt employees who terminate employment prior to the last day in the pay period in which they terminate, will be paid at an hourly rate of pay for all hours worked. Exempt employees, who are benefit eligible and who normally are scheduled to work less than 40 hours per week, will be paid their normal pro-rated holiday hours for any holidays that fall during the final month of employment with the City.

## IV. HOURS OF WORK AND WORK SCHEDULES

---

### A. City of Klamath Falls Office Hours

The manager schedules specific work hours for individual employees. Changes to work schedules may be made on an individual basis (work hours/workdays) based on business necessity, at the discretion of the manager with approval from the Department Director. The City will attempt to notify you of any changes in workdays or work week schedules one week in advance of the effective date of change. Management reserves the right to modify schedules consistent with the needs of the organization. Schedules and revisions may be controlled by an applicable collective bargaining agreement.

Hours worked for the City are compensable and include all the time that an employee is required to be on duty. Travel time and training or meeting time are considered hours worked under specific conditions outlined under wage and hour laws, or by the City policy. Please consult with your manager regarding these conditions. These provisions do not apply to exempt positions.

### B. Meal and Rest Periods

Non-exempt employees are required to meal and rest periods according to Federal and State law. Represented employees are required to take rest and meal breaks according to their Collective Bargaining Agreement (CBA).

Non-exempt employees are not permitted to work through a meal period unless approval from a manager is obtained prior to the scheduled meal break. If you are a non-exempt employee and you have permission to work during your meal period, you will be paid for your mealtime. If an employee frequently works through a meal and/or rest period, without manager approval, the employee may be subject to disciplinary action.

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" to leave early. An employee who fails to abide by these policies and laws may be subjected to discipline, up to and including termination.

### C. Overtime

The City complies with the provisions for overtime for our non-exempt employees, as outlined in the Fair Labor Standards Act and State wage and hour laws. Managers and employees will make every effort to keep the hours worked, to the regular 40-hour work week. This may be accomplished by flexing the hours worked during the work week (Sunday through Saturday), with the manager's approval. This may enable the employee to maintain his/her regular hours

in the week and reduce the accumulation of overtime. If scheduling adjustments cannot be made during the week, comp time maybe granted (refer to Compensatory Time policy below). However, managers should attempt to avoid accumulated overtime by employees.

Overtime is calculated based on hours actually worked *in excess of 40 hours* in a work week. The City pays one and one-half times a non-exempt employee's hourly rates for all hours worked over 40 in a work week. Sick leave, vacation leave, and holidays are not counted toward the 40 hours worked per workweek required to receive overtime pay

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

#### **D. Compensatory Time**

Compensatory (comp) Time, in lieu of paid overtime, will be computed at 1.5 times the overtime hours, with prior agreement (refer to Overtime policy, above). You are encouraged to work with your manager to schedule and use comp time within 60 days of when it is accrued. At the discretion of your manager, employees who have accrued less than 120 comp hours may be able to choose whether to receive paid cash or accrue comp time. Employees, who have more than 120 hours, may be "cashed out" for hours greater than 40 at the rate of one and one-half (1 ½) times the employee's normal rate of pay at the end of each fiscal year, within budgetary limits. When an employee is separated from employment with the City, any remaining comp time is payable to the employee.

#### **E. Social and Recreational Activities**

Participation in all off-duty social or recreational activities such as picnics and holiday parties is entirely voluntary. Participation or nonparticipation will not have any effect on employee wages, hours, working conditions or employment opportunities.

#### **F. Inclement Weather/Emergency Closing**

The City recognizes that there may be circumstances beyond its control, such as inclement weather, a national crisis, or other emergencies, that may make one or more of our office locations inaccessible. On such occasions, one or more City location may be closed for all or part of a regularly scheduled workday. In such an event, the City Manager (or designee) will make a decision and will endeavor to notify all managers for the purpose of contacting employees; you may also contact your manager. To access City closure information, please go to [www.klamathfalls.city](http://www.klamathfalls.city), or call the main City phone line at 541-883-5316.

In the event of extreme inclement weather conditions, it is recognized that each staff member's ability to safely reach the office may be different. Staff who cannot report to work

in such circumstances should contact their manager. To the extent that exempt staff cannot reach the office and are able to serve citizens from home, they should do so.

## V. EMPLOYEE BENEFITS

---

The City strives to provide excellent, equitable and cost-effective benefits for employees in recognition of the influence employment benefits have on the economic and personal welfare of our employees. Paid in various forms on your behalf, the total cost to provide the benefit program described in this Handbook and other documents is a significant supplement to your pay and should be viewed as additional compensation.

Policies, provisions and procedures that govern City benefit programs apply to all benefits-eligible employees, whether status is exempt or non-exempt, unless otherwise provided in a particular benefit plan.

### **Benefit Plan Documents**

You will be provided with Summary Plan Descriptions (SPDs) for the City benefit programs (available at [www.klamathfalls.city](http://www.klamathfalls.city)). The benefit programs are explicitly defined in legal documents, including insurance contracts, official plan texts, and trust agreements. In the event of a conflict between these documents and this policy, the plan documents will govern. All of these official documents are readily available from the City HR Department for your review. We ask that you refer any questions about this information to the HR Department.

#### **A. Health/Dental/Vision Insurance Benefit**

The City currently offers health insurance coverage for all benefits-eligible employees and their dependents who are eligible to participate in the plan. You will be provided with information about the plan during orientation. Health benefits begin the first of the month following employment. You are asked to review the summary plan description for answers to questions you may have. Any need for further information should be referred to the City HR Department.

##### **Eligibility**

The health insurance plan provides benefits-eligible employees (working 30 hours/week or more in regular positions) and their eligible dependents with medical, dental, and vision care insurance benefits. Eligibility begins the first of the month following employment. Employees working in benefits-eligible positions are provided with a health insurance plan for themselves, their eligible dependents, and their domestic partners (note that the domestic partner of an insured employee is eligible for coverage if the domestic partnership meets all of the coverage criteria). The children of covered domestic partners are eligible under the same terms and conditions as children of enrolled employees. Questions regarding the criteria for determining eligibility for domestic partners, the employee's premium payment portion, and other questions relating to this benefit, can be addressed by contacting the Human Resources Department.

## **Premium Contribution**

Employees contribute to the cost of their coverage based on their regular work schedule, their represented union, and the coverage level they select.

### **B. Pre-Tax Account**

The City makes a flexible spending account (FSA), a voluntary employee's beneficiary association (VEBA), and employer-provided health care available to benefits-eligible employees for dependent care expenses, medical and dental services, and employee insurance premiums. Because your taxable income is reduced by using one or more of these options, you pay fewer taxes. A brochure explaining the details of these programs are available from the Human Resources Department.

### **C. Other Benefits**

#### **Workers' Compensation**

Employees will be insured under the provisions of the Workers' Compensation Program for "accepted" injuries and illnesses received while performing work for The City. The City uses an external claims adjuster to process the City employee claims, and to determine the compensability of a claim.

#### **Accident and Injury Reporting**

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 manager).

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

1. Report any work-related injury to your manager no later than 24 hours after injury;
2. Seek medical treatment and follow-up care if required; and
3. Promptly complete a written Employee Claim Form (Form 801) and return it to your manager.

Failure to report an injury or illness may affect or delay the payment of any benefits to you and could subject The City to fines and penalties.

## Incidents Involving Employees:

This policy is intended to establish guidelines and uniformity in the investigation of auto accidents, uniform traffic citations and arrests involving personnel, and eliminate conflicts. It applies to all individuals who are:

- ◆ Employees
- ◆ Immediate family members of employees  
(spouse, children who reside with, or individual who cohabitates with)

If any of the above listed individuals is detained/contacted for questioning, citation, or auto accident investigation by a City Police Officer, he/she **must immediately** inform the officer that he/she is a City employee or family member.

Auto accidents are referred to an outside Law Enforcement Agency for investigation; arrests and Uniform Traffic Citations are to be scheduled for Klamath County Circuit Court to avoid the appearance of impropriety.

## 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 managers, injured employees and their treating physicians, City management, and our workers' compensation claims staff.

Through this team effort, we hope to help our employees recover and return 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 such a job for a reasonable period of time (usually 6 months or less) until you can resume your regular duties (except where provided as an accommodation for a disability). All modified work is temporary and may be offered at a different location and/or shift. 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. While you are on modified or transitional work, you are still subject to all the usual rules and procedures.

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.

### **Workers Compensation Time Loss Injury and Sick Leave**

If a City employee is injured on the job and his/her workers' compensation claim is accepted, the employee may request that the City pay the employee the difference between time loss wages received under workers' compensation and his/her regular salary rate.

The dollar value paid by the City will be converted to the employee's hourly wage rate and charged on an hourly basis against the employee's accrued leave. Wages paid by the City for a leave period covered by workers' compensation will be paid first from accrued sick leave. Upon exhaustion of the employee's sick leave, the employee may choose to use his/her vacation or compensatory leave. Upon exhaustion of the employee's sick leave, vacation leave or compensatory time, the City's supplemental payments will stop.

If an employee has received accrued leave from the City while waiting for a time loss payment, then he/she must reimburse the City any pay overages.

If the employee does not request leave use, then it will be assumed that the employee does not want to use his/her leave accruals, and no accruals will be paid.

If the workers' compensation claim is denied, all future use of accrued leave for the time loss event will revert to the leave policies as written in the Employee Handbook.

### **Life Insurance**

City of Klamath Falls provides a basic life insurance plan. Full-time and elected officials and employees are provided a \$20,000 basic life insurance policy.

Benefits- eligible employees may elect to have a monthly payroll deduction to purchase additional life insurance and spousal insurance in \$10,000 increments up to \$300,000. Interested employees can obtain information and forms from Human Resources.

### **Accidental Death and Dismemberment (AD&D) Insurance**

The City provides AD&D insurance coverage in the same dollar amount as your City-paid life insurance coverage, for employees working in benefits-eligible positions, who suffer accidental death or dismemberment. You are eligible for coverage the first of the month following employment.

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

This free, confidential service is provided to all employees covered by our medical insurance benefits, and their covered dependents who may be experiencing life problems. Information regarding this service can be obtained by contacting the City HR Department or on the web at [www.klamathfalls.city](http://www.klamathfalls.city).

## **D. PERS (Public Employees' Retirement System) Benefit**

### **PERS Membership**

As participants in the PERS system, your designation as a Tier I, Tier II, or OPSRP member will depend on your prior PERS service and PERS rules.

You become a PERS member after working six full calendar months for a PERS-covered employer in a qualifying position requiring at least 600 hours per calendar year period. That six month "waiting period" cannot be interrupted by more than 30 consecutive working days. Your effective date of membership is the first day of the month after you have met this requirement.

The City makes contributions to PERS on your behalf. The contribution is an amount based on the actuarial requirements for funding the City employee pensions. It is a percentage of payroll set by PERS. The amount may be different for each designation (Tier I, Tier II, OPSRP), and changes from year to year.

Employee contributions to the PERS system, which is set by Statute at 6% of your pay, is the responsibility of the employee. The employee contribution is deposited by PERS into the Individual Account Program (IAP). After you become a member of PERS, you will receive information about how to review your IAP account. PERS also will send you annually a statement of your balance(s).

When you become a PERS member, you should fill out a Designation of Beneficiary form (available on the intranet-([www.klamathfalls.city](http://www.klamathfalls.city))) to name someone to receive your benefits should you die before refunding or retiring. The "Standard Designation" on the Designation of Beneficiary form directs your death benefits to your surviving next of kin. If you select the standard designation, you automatically provide for changes which occur in your family situation such as marriage, birth, divorce, or death.

For more information on PERS membership, contact their Customer Service line: 1-888-320-7377 or 503-598-7377, Monday – Friday between the hours of 8:30 a.m. and 5:00 p.m.

## Deferred Compensation

To supplement your PERS retirement, employees may elect to participate in a Deferred Compensation program offered by ICMA. This allows you to set aside part of your salary and defer the taxes on it until you retire. You are eligible to participate, beginning with your first paycheck. Information is available from the Human Resources Department. The City also offers a pre-tax contribution option for Roth IRAs.

### E. Vacation Leave Benefit

All benefits-eligible employees are eligible for vacation based on the schedule below. Benefits-eligible employees who regularly work less than 40 hours may be eligible for pro-rated benefit accruals. All accruals begin at the date of hire, and after the introductory period has been completed, accruals are credited as Vacation Leave and may be taken with manager approval. No vacation time will be authorized during the introductory period, unless specific arrangements have been made at the time of hire or in accordance with the Collective Bargaining Agreement (CBA).

Vacation time is intended to provide time away from work for rest and recreation. Vacation pay may not be taken in lieu of time off. Time is not to be banked and then never used; therefore, the vacation accrual cannot exceed a maximum of 240 hours at the total amount of their annual accrual unused. Vacation benefits will stop accruing once the maximum has been reached. When this total is reduced below the maximum allowable, the benefit will begin accruing again. No vacation is accrued while the employee is on a leave of absence without pay.

You will earn vacation leave benefits according to the following schedule:

Length of Service	Full-Time Accrual Per Month	Full-Time Days Per Year
Less than 3 years	8.0 hours	12 days
3 years to 5 years	10 hours	15 days
5 years to 10 years	12 hours	18 days
10 years to 15 years	14 hours	21 days
15+ years*	16 hours	24 days

\* Upon separation of employment, employees who have completed 6 months of employment will be paid for unused vacation time that has been earned through the last day of work with a cap of 240 hours.

Vacation leave is paid at the employee's base pay rate at the time vacation is taken. In the event that available vacation is not used by the end of the calendar year, employees must carry

unused time forward to the next calendar year with a cap of 240 hours. Vacation leave balances are accumulated and deducted based upon the time period used to calculate your paycheck. Changes to your balances are not reflected until the forms have been processed through payroll, which includes any needed adjustments.

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 times for their work groups (i.e. open enrollment, renewals, annual conference) during the year, and to avoid taking any routine or expected time off during these periods. Requests for vacation time are to be made in ESS (Employee Self Service). Vacation time will usually not be granted for periods longer than two (2) weeks. Every attempt will be made to grant each request; however, no guarantees can be offered.

## **F. Paid Holiday Benefit**

The City will grant paid holiday time off to all benefits-eligible employees. If a holiday falls on a Saturday, it will be observed the Friday prior; if falling on a Sunday, it will be observed the Monday following. At the City Manager's discretion, early time-off may be given employees working the day prior to a City holiday. Unless otherwise stipulated, spontaneous leave such as this will not benefit the vacation banks of employees already using paid leave when such time-off is awarded.

All exempt, non-represented employees shall receive holiday hours, relative to the hours of the employees' work schedules for each of the eligible holidays which fall on their regularly scheduled days off. The employee must use all banked holiday hours prior to the following pay period. Banked holiday hours may not be used prior to the holiday in which the employee will receive such banked holiday hours. If not used by the following pay period, the banked holiday hours earned will be forfeited. Employees who leave employment prior to using the banked holiday hours will forfeit the banked holiday hours and these hours are not eligible for payout.

The City currently provides 11 paid holidays and additional floating holidays depending on job classification.

A schedule (accessible to all employees on the City website) is updated at the beginning of each year showing the eleven defined holidays.

Unused holiday time will not be paid; you must use your floating holidays between July 1 and June 30, for each fiscal year. They cannot be carried forward.

## Defined Holidays for City of Klamath Falls (Office Closed)

New Year's Day (January 1)  
Martin Luther King Day (3<sup>rd</sup> Monday in January)  
Washington's Birthday/Presidents' Day (3<sup>rd</sup> Monday in February)  
Memorial Day (last Monday in May)  
Independence Day (July 4)  
Labor Day (first Monday in September)  
Veteran's Day (November 11<sup>th</sup>)  
Thanksgiving (fourth Thursday in November)  
Day after Thanksgiving  
Day before Christmas  
Christmas Day (December 25)

### Floating Holiday

One Floating Holiday (issued July 1<sup>st</sup> each year).

### Administrative Hours

Those non-supervisory exempt employees who accept this Handbook in lieu of the Non-Represented Employee Policy shall be granted 24 hours of paid leave annually on July 1<sup>st</sup> each year.

Those supervisory exempt employees who accept this Handbook in lieu of the Non-Represented Employee Policy shall be granted 32 hours of paid leave annually on July 1<sup>st</sup> each year.

For Management/Non-Represented new employees, the Floating Holiday and Administrative Hours will be prorated. For AFSCME and Teamsters-represented new employees, please see provisions in each Collective Bargaining Agreement. These days/hours must be used within a fiscal year and shall expire if unused on June 30<sup>th</sup>. Employees who leave employment prior to using will forfeit the hours. Employees must coordinate requests with their manager. Exempt employees certify their use, when certifying a monthly leave report for payroll purposes.

Non-exempt employees certify their use of a floating holiday when they certify their monthly timesheets (or leave report). Neither Floating Holidays nor Administrative Hours will be paid out upon termination.

### G. Sick Leave Benefit

Benefits-eligible full-time employees will receive one sick day for every month of service. Sick leave is accumulated on the last workday of the month. You must be in an active pay status on the last day of the month to accumulate sick leave for that month. Sick leave can be used after you have received your first City paycheck or per the relevant Collective Bargaining Agreement.

Union employees that are moved to an Exempt position and have a sick balance that was currently subject to payout will have their sick balance moved to a Frozen Sick Bank and it will be eligible at the non-rep frozen sick payout terms.

These employees will continue to earn time in their sick bank (not subject to payout) and at the end of each FY payroll will review the combined balances for both the frozen and sick bank and anything over 960 hours will be taken off the sick bank.

Regular Part-time non-benefit eligible and Temporary Employees will accrue one hour of sick leave for each 30 hours worked 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. Effective January 1, 2016, these employees will accrue one hour of sick leave for each 30 hours of work. A maximum of 40 hours of accrued and unused sick leave may be carried over for use in a subsequent calendar year but employees may use only 40 hours of sick leave each calendar year. Sick leave accrual is capped at 80 hours.

A Part-time or Temporary employee will accrue paid sick leave on the first day of employment but may not use paid sick leave until the 91<sup>st</sup> day of employment. After the 91<sup>st</sup> day of employment, paid sick leave may be used as it is accrued.

Sick leave may be used according to state and federal law. Sick leave may be used each calendar year 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.
  - a. "Family member" means the eligible employee's spouse, same-gender domestic partner (as described in ORS 106.300 to 106.340), biological child, adopted child, stepchild, foster child; same-gender domestic partner's child, parent, adoptive parent, stepparent, foster parent, parent-in-law; same-gender domestic partner's parent, grandparent, grandchild; and any individual with whom the employee has or had an *in loco parentis* relationship. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
2. If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).
3. In the event of certain public health emergencies or other reasons specified under Oregon's sick leave law.

Although The City realizes that an employee with temporary illnesses such as influenza, colds and other viruses often need to continue with normal life activities, including working, your manager may require you to go home from work if you appear to be too ill to be at work or if you are unable to perform normal job duties and meet regular performance standards. If in the judgment of the manager, your continued presence poses no risk to the health of you, other

employees, or customers, you may be allowed to work. However, if this is not the case, and your manager requires you to go home, you are expected to do so. If you dispute your manager's decision to send you home, then you must submit a statement from your attending health care provider that your continued presence in the workplace poses no significant risk to you, other employees or customers.

If you have been ill or injured, have missed time from work, and have a release from your doctor to return to temporarily modified work, please contact The City before returning to work. The City will determine whether you may return to work in a temporarily modified job.

If you miss more than five (5) consecutive days work, you may be required to provide a release from your doctor before returning to work.

Time for routine doctor or dentist appointments should be charged to sick time unless other arrangements have been made with your manager. You are encouraged to schedule such appointments to occur outside of work hours.

Sick time accumulated for full-time employees will not exceed 120 working days (960 hours). **Sick leave benefits will stop accruing once the maximum has been reached.** When this total is reduced below the maximum allowable, the benefit will begin accruing again. For those employees with accrued sick leave exceeding 960 hours as of the date of this handbook, on the month prior to retirement, all sick leave above 960 hours will expire with no value and the remaining 960 hours can be used consistent with the applicable policies in effect at the time of retirement.

You are expected to notify your manager of absence due to illness or injury at the beginning of each workday during your absence. Exceptions to this include a serious accidental injury, hospitalization, or when it is known in advance that you will be absent for an extended period of time.

Please refer to the FMLA/OFLA section of this handbook, for sick leave use when on FMLA/OFLA leave.

Sick leave is not accumulated while an employee is on a leave of absence without pay. In the case of a work-related accident or injury, you may use sick time to offset any hours not paid through Workers' Compensation, or to offset the reduction in regular pay until accumulated sick time is used. However, at no time can the combination of these exceed normal earnings, nor can you use more sick time than that accumulated. (See 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. 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 of the need of the employee to use sick time, regardless of whether the employee has used sick time for more than three consecutive days. Employees found to have abused sick leave as described here may also be subject to discipline, up to and including termination.

### **Non-Represented Employee Sick Leave Incentive Program**

Each full-time non-represented employee accrues 96 hours of sick leave throughout the fiscal year. At the end of a fiscal year, those sick hours accrued but not used that exceed 64 hours are contributed to the employee's VEBA account. The contributions are made at the employee's salary rate of pay. Any remaining sick leave hours, up to 64 hours, are accumulated in the employee's current sick bank account.

Starting in 2022, all non-represented employees will be eligible for this benefit.

### **Vacation Leave Donation and Use**

The purpose of donated vacation leave is to assist any eligible employees who have exhausted their accrued leave with additional paid leave through the donations from eligible co-workers. All donations will be kept confidential and donors will remain anonymous.

In order to qualify for a leave donation, an employee must meet the eligibility requirements of the Family Medical Leave Act and/or the Oregon Family Leave Act.

An employee who is receiving, or is eligible to receive, any type of retirement disability, short term or long-term disability insurance, or other supplemental income is not eligible to receive donated leave.

Donated hours must not be processed in an amount greater than that which is approximately necessary to cover the employee's next occurring pay period.

If otherwise qualifying, donated leave may be used to provide paid Family & Medical Leave that would otherwise be unpaid but may not extend the length of Family & Medical Leave entitlement.

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.

The Requesting Employee (Recipient) Must:

- Provide documentation for a non-work related seriously disabling illness or injury, as certified by a physician.

- Have exhausted all vacation, sick, and compensatory accrued leave and not be on, or eligible for, disability leave or pay.
- Have worked one full year at the City and have received satisfactory performance evaluations.
- Submit a request for donated leave to their immediate manager and copy to Human Resources indicating reason and anticipated amount of lost work time.

The Donating Employee:

- Must complete and submit a designated form indicating the desire to donate to the Human Resources Department with manager approval.
- May donate up to as many hours of vacation time per calendar year as they'd like but must retain a minimum of 40 hours vacation leave.

Any decision by the Human Resources Department regarding Vacation Leave Donation will be binding. Donated time is calculated using the number of hours donated by the donator's hourly wage, and the recipient's hourly wage. Donated leave will be used as needed starting with the first donation received. Announcement of the need for sick leave will be made with the employee's cooperation and approval.

## **H. Other Leaves of Absence**

The City recognizes that our employees may encounter many situations that require a temporary but extended absence from work. We offer several different types of leaves of absence for that purpose.

The type of leave may determine which employees are eligible and what procedure is to be followed in requesting and obtaining the leave. The effect of the leave on benefit accruals, benefits and reinstatement rights also vary according to the type of leave you are requesting. Each of these leaves is discussed below.

### **Non-FMLA or OFLA Leave Without Pay**

Non-FMLA or OFLA leave without pay may be approved based on workload and business necessity, for limited duration, by the Department Director and the City Manager. Maximum duration allowable would not exceed one year. All requests will be considered on a case-by-case basis. Instances of leave without pay may affect an employee's annual performance appraisal date. The City has the right to make such a change and may do so at the discretion of the City Manager.

## **Bereavement Leave**

Employees who have worked for the City for 180 calendar days, and an average of 25 hours per week, may take up to two weeks of bereavement leave per death of a Family Member, to make arrangements necessitated by the death, to attend the funeral or memorial service, or to grieve. 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 (defined below). Employees who have worked for the City for fewer than 90 days may not be eligible for leave; ask Human Resources for more details.

A "Family Member" is defined to include the employee's spouse, same-sex domestic partner, child, parent, parent-in-law, grandparent, or grandchild, or the same relations of an employee's same-sex domestic partner or spouse. In addition, for purposes of bereavement The City recognizes siblings as eligible family members.

The City will pay employees up to five days of bereavement leave at the employee's regular pay rate. Employees may use any accrued sick leave or vacation time for extended time during the period of bereavement for up to two weeks.

Employees who wish to take bereavement leave must inform the City as soon as possible after receiving notification of a Family Member's death. Although prior notice is not required, verbal notice must be provided within 24 hours of beginning leave.

The two weeks of bereavement leave must be taken in the 60-day period following notice of a death of a family member.

Written notice must be provided to the employer within three days of returning to work.

## **Military Leave**

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

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

## Jury Duty

If you are notified or subpoenaed to serve as a juror, you may obtain a leave of absence.

- **Length of Leave** - Jury duty leave is available for the period of time covered by the initial subpoena or court order and any involuntary extensions.
- **Request Procedure** - You must notify your manager as soon as you receive the notice or as soon as is practicable in order for arrangements to be made to cover your position. If requested, you are expected to provide us with a copy of the subpoena or notice.
- **Jury Fee** - Employee endorses any fee to the City as a condition to the receipt of regular pay, excluding mileage and meal allowances. The employee shall remit to the City any amount received for jury duty fees. Any mileage and/or meal allowance provided the employee for jury duty shall not be considered in the amount received for jury duty.
- **Status of Benefits** - Benefits are not affected by jury duty leaves.

## Witness Duty

Employees who spend time as a witness (but not a party) in a City-related, legal proceeding will be treated as time worked for pay purposes, provided the time served occurs during regularly scheduled hours, the employee is subpoenaed to testify, and the employee submits witness fees to Payroll upon receipt.

Except for employee absences covered under the City's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy" employees who are subpoenaed to testify in non-work-related legal proceedings, or who wish to testify in legal proceedings, must use any available vacation time to cover their absences from work. If the employee does not have any available vacation time, the employee's absence(s) will be unpaid. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

## Domestic Violence Leave and Accommodation Policy

Any employee who is a victim of domestic violence, sexual assault or stalking, or are parents of victims (minor children), may be eligible for this leave.

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.

An example of an eligible employee with a reasonable leave of absence is if the employee or the employee's minor child or dependent needs time off to deal with issues of domestic violence, harassment, sexual assault, or stalking.

Leave is generally unpaid, but the employee may use any accrued vacation or similar 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 or 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 Human Resources 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.

The City may provide reasonable safety accommodations for an employee who is a victim of domestic violence, harassment, sexual assault, or stalking, if the employee requests it, and if it does not impose an undue hardship on the City.

Examples of reasonable accommodation include, but are not limited to: transfer, reassignment, modified schedule, unpaid leave from employment, changed work telephone number, changed work station, installed lock, implemented safety procedure, or any other adjustment to a job structure, workplace facility or work requirement.

### **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 same-sex domestic partner, father, mother, sibling, child, stepchild, or grandparent.

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave during the leave period;
- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and
- Submit a request for the leave in writing to Human Resources 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.

### **I. Vacation/Sick/Compensatory Leave Reporting**

All City employees (exempt and non-exempt) are required to report any vacation or anticipated sick leave in advance, using City of Klamath Falls' reporting system (ESS).

### **J. Family and Medical Leave: Federal (FMLA) / Oregon (OFLA)**

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 of absence 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.

FMLA and OFLA are not optional. The law requires the City to provide these entitlements.

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

### **Definitions**

#### *Child/Son or Daughter*

For purposes of OFLA, "child" includes a biological, adopted, foster or stepchild, the child of a registered same-sex domestic partner or a child with whom the employee is in a relationship of *in loco parentis*. For purposes of OFLA Serious Health Condition Leave, the "child" can be any

age; for all other types of leave under OFLA, the “child” must be under the age of 18 or over 18 if incapable of self-care.

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

### *Eligible Employee*

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

OMFLA – For purposes of Oregon Military Family Leave Act leave, the employee need have only worked 20 hours per week (no minimum tenure required). A different calculation method applies for reemployed service members under USERRA who seek OMFLA leave.

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

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

### *Family Medical Leave*

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

### *Family Member*

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

For purposes of OFLA, “family member” includes the definitions found under FMLA and includes a parent-in-law, grandparent, grandchild, registered same-sex domestic partner, and parent or child of a registered same-sex domestic partner.

### *Serious Health Condition*

“Serious health condition” is defined under FMLA and OFLA as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

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”. The common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, and cosmetic treatments (without complications), are examples of conditions that are not generally defined as serious health conditions.

### **Reasons for Taking Leave**

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

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

4. **Parental Leave:** For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
5. **Pregnancy Disability Leave:** For incapacity due to pregnancy, prenatal medical care or birth.
6. **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 or 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.

## **Length of Leave**

In any one-year calculation period, eligible employees may take:

- Up to twelve (12) weeks of Parental Leave, Serious Health Condition Leave (employee’s own or family member), Sick Child Leave, or Call to Active Duty Leave;
- In some cases, an additional twelve (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
- In some cases, employees who take the entire twelve (12) weeks of OFLA Parental Leave will be entitled to an additional twelve (12) weeks of Sick Child Leave.

When leave is taken for Servicemember Family Leave, an eligible employee may take up to 26 weeks of leave during the One-Year Calculation Period to care for the servicemember. During the One-Year Calculation Period in which Servicemember 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 “twelve-month period” during which leave is available (also referred to as the “one-year calculation period”) will be determined by calendar year.

## **Intermittent Leave**

Intermittent or reduced schedule leave may be taken during a period of Family member or Employee Serious Health Condition Leave or Servicemember 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 their express consent and agreement. Employees must make reasonable efforts to schedule planned medical treatments so as 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 City and the employee. Intermittent leave for Parental Leave is not available.

## **Employee Responsibilities – Notice**

Employees must provide at least 30 days’ advance 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 servicemember (Servicemember Family Leave). If 30 days’ notice is not practicable, such as 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.

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 will let Human Resources 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 Human Resources within three business days, or as soon as possible. Further, employees must provide written notice within three days of returning to work.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees will be expected to comply with City’s normal call-in procedures. Employees who fail to comply with 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 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 Servicemember Family Leave.

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

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

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

## **Fitness-for-Duty Certification**

If Family Medical Leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification (fitness-for-duty certification) from their health care provider stating that the employee is able to resume work.

### **Substitution of Paid Leave for Unpaid Leave**

Employees are required to use any available vacation, floating holidays and sick pay while on approved Family Medical Leave. If the employee's vacation pay and sick pay time is exhausted, the leave will be unpaid.

An employee may choose to use accrued compensatory time while on FMLA or OFLA leave although the City may not require its use for FMLA or OFLA leave. The use of compensatory time off may not be counted against the employee's FMLA or OFLA twelve (12)-week entitlement as stated in federal or state law or regulations.

## **Holiday Pay While on Leave**

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

## **On-the-Job Injury or Illness**

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

OFLA leave will not be reduced by and will not run concurrently with any period the employee is unable to work because of a disabling compensable 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 and/or OFLA Leave, 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 which had been paid by the employee prior to the OFLA/FMLA leave. Employees will not accrue vacation, sick leave or other benefits (other than health insurance) while the employee is on a FMLA or OFLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in the City’s 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. With the exception of employees on leave as the result of an on-the-job injury or illness or

otherwise required by law, reinstatement shall not be considered if the leave period exceeds the maximum allowed.

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.

### **Outside Employment While on 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.

### **K. Religious Observances Leave and Accommodation Policy**

The City respects the religious beliefs and practices of all employees. The City will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the City'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.

### **Expression of Breast Milk**

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

The City will treat the rest breaks used by the employee for expressing milk 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 beyond the paid rest breaks and/or meal periods may be taken as unpaid time.

If an employee takes unpaid rest breaks, the City may, at the discretion of the employee's supervisor, allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. The City will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this policy.

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 Human Resources reasonable oral or written notice of her 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.

## VI. EMPLOYEE-INCURRED EXPENSES AND REIMBURSEMENT

---

The City will pay all actual and reasonable business-related expenses you incur in the performance of your job responsibilities. All such expenses incurred must be pre-approved by your manager before reimbursement will be made.

Per diem expense reports must be submitted within one month of the expense being incurred following authorized travel. Otherwise the employee risks forfeiting their payment or reimbursement.

### A. Mileage Reimbursement

Employees will be reimbursed for authorized use of their personal vehicles at a rate, consistent with the GSA rate for authorized personal vehicles, found at [www.gsa.gov/mileage](http://www.gsa.gov/mileage). Other related expenditures (e.g., parking) are also reimbursed upon submission of receipts on an expense report.

Any traffic citations- including parking tickets, court-ordered fees, and attorney fees - are the responsibility of the employee and will not be reimbursed by the City.

### B. Educational Workshop Travel & Meal Reimbursement Policy

The City encourages employees to avail themselves of training and educational opportunities in support of their functions on behalf of the City. The following guidelines apply with respect to registration, travel, accommodation, meal and other approved expenses in connection with seminars, workshops, or other educational events attended by the employee at the request of the City, approved by the City, or that are authorized by the Department Director as mandatory training programs.

#### Registration/Accommodation

- The City will pay employee registration fees and charges for accommodation at the single room rate. If a spouse/significant other accompanies an employee, the City will not be responsible for their additional registration and accommodation costs.

#### Travel

- The City will pay for the cost of travel by employees to approved training and educational workshops and seminars, using GSA mileage rates for auto travel and actual coach class airfare for airline travel. Spouses/significant others may accompany employees to these

events, but the City will not be responsible for any of their associated travel or accommodation costs.

## **Meals**

- The City will reimburse employees on a per diem basis for meals and incidental expenses associated with attendance at events/activities as a City representative. Per diem rates are found by connecting to the website [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem) and choosing the destination for the event/activity. No receipts are required.
- Meals provided at the event/activity which are eaten by the traveler, would be deducted from the per diem using the M&EI breakdown on [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem).
- The City will not usually pay for meals of spouses/significant others, unless the meal is associated with a City group function where the attendance of the employee is required, and it is appropriate to bring a spouse/significant other.
- The City will not pay for the consumption of alcoholic beverages.

*\*If you are uncertain as to whether a planned expense is reasonable; whether a meal is covered and/or will be reimbursed; whether an employee guest's meal is "associated" and reimbursable; or whether an alcoholic beverage is incidental to a group function, you are expected to broach this uncertainty with the event coordinator or activity representative at the time such uncertainty arises.*

## **Attendance**

- If The City is paying registration, travel, meals, and accommodation costs for attendance at the workshop, seminar, conference etc., employees are expected to attend scheduled work sessions and related activities and take advantage of the opportunity to learn in both formal and informal settings.
- Employees are encouraged to report back on their learning experience for the benefit and development of other staff.

## VII. PERFORMANCE MANAGEMENT AND APPRAISAL

---

To ensure a meaningful performance evaluation system upon which the City can monitor the effectiveness of our organization and its operations, employees typically receive annual performance evaluations. The type of evaluation an employee can expect is dependent upon their membership in a bargaining unit or their employment status.

The objectives of our performance management and formal appraisal process are:

- To ensure that each person in our organization knows how he/she is performing against established performance standards;
- To ensure communication and two-way feedback;
- To provide a consistent, objective, and fair method for making compensation decisions where applicable;
- To identify areas where an employee may need more training;
- To identify strengths and areas where the employee is excelling;
- To provide a tool for career planning; and,
- To provide a record of employee performance and contributions.

The performance appraisal program is intended to be participatory, involving your input as much as that of your manager, thereby helping you to contribute to the growth and improvement of the City. You are encouraged to:

- Inquire about your performance from time to time;
- Accept additional responsibilities and show initiative;
- Review opportunities for advancement within the organization;
- Ask for assistance in developing a goal-oriented path for advancement; and,
- Learn about training available to assist you in improving your skills.

Performance evaluations serve as one factor in decisions related to employment, such as training, merit pay increases, job assignments, employee development, promotions, and retention. Written reports identify specific performance levels, acknowledge the merit of above standard performance, and prescribe the means and methods for correcting performance deficiencies to the required level of performance.

## VIII. CORRECTIVE ACTION

---

Employees are expected to perform to the best of their abilities at all times. To assist employees, managers are responsible to ensure a positive work environment and to provide mentoring, coaching, and training. There may 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 endeavor, when it deems appropriate, to provide the employee a reasonable opportunity to correct the deficiency. This can be accomplished through forms of discipline short of termination, such as verbal warnings, written warnings, suspensions without pay, and demotions (in no particular order). 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 employment of an employee for serious violations of 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 employee may receive discipline in connection with a Last-Chance Agreement.

The City will determine the nature and extent of any discipline based upon the circumstances of each individual case (except in cases where the employee is covered by a Collective Bargaining Agreement and is subject to the discipline specified there). Thus, the City may proceed directly to a written warning, demotion, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when the City deems such action appropriate. At all times, 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.

## IX. FRAUD AND THEFT

---

The City does not tolerate any type of fraud or theft. The City's policy is to promote ethical organizational behavior by:

- assigning responsibility for reporting fraud and theft;
- providing guidelines to conduct investigations of suspected or known fraud or theft; and
- requiring each employee to attend Fraud Awareness Training.

Failure to comply with this policy subjects an employee to disciplinary action, which may include immediate termination. The City will pursue criminal prosecution if the results of an investigation indicate criminal activity.

Fraud or fraudulent means an intentional deception designed to obtain a benefit or advantage or to cause denial of some benefit that is lawfully due. Examples of fraud include:

- Forgery or alteration of a check, bank draft, or any other financial document;
- Theft of a check or other diversion of a payment made to the City;
- Improper or dishonest handling of funds, supplies, or other assets;
- Improper handling or reporting of financial transactions;
- Profiteering as a result of insider knowledge of City operations; and
- Selling or using confidential City information in the conduct of an outside business activity.

Theft means the act of taking something from someone unlawfully. An example of theft is taking equipment or supplies belonging to the City and keeping it for personal use.

Each employee is required to attend at least one session of Fraud Awareness Training every three years. Those in financial positions must have a refresher course each year.

### **Reporting Theft or Fraud**

Please see "Responsibility to Report Known and Suspected Fraud or Theft, Discrimination, Retaliation and Harassment," above.

### **Disciplinary Action**

Failure to comply with any part of this policy is grounds for disciplinary action, which may include immediate termination. An employee who has engaged in any form of fraud or theft,; suspects or discovers such activity and fails to report his or her suspicions as required by this policy; or intentionally reports false or misleading information, is subject to disciplinary action, which may include termination.

Any supervisor who does not submit to the Compliance Officer each and every report of suspected fraud or theft, discrimination, retaliation, or harassment made by an employee or other person is subject to disciplinary action, including immediate termination.

#### **A. Equal Employment Opportunities**

The City is an equal opportunity employer, and as such, we consider individuals for employment according to their abilities and performance. Employment decisions are made without regard to age, disability, race, color, national origin, religion, sex, sexual orientation, genetic information, military status, association with members of a protected class, marital status, injured worker status, non-supervisory family relationships, or any other protected class recognized under Oregon or federal law. Oregon state government, along with cities, counties and local service districts, provide qualifying veterans and disabled veterans with preference in employment in accordance with Oregon law such as the Equity Pay Law.

#### **B. No-Harassment Policy**

##### **Harassment**

The City prohibits harassment of any kind or sexual assault in the workplace, or harassment or sexual assault outside of the workplace that violates its employees, volunteers, and interns' right to work in a harassment-free workplace. Specifically, the City prohibits harassment or conduct related to an individual's disability, race, color, national origin, religion, sex, sexual orientation, veterans status, military status, retaliation for opposing unlawful employment practices, association with members of a protected class, marital status, injured worker status, non-supervisory family relationships, or any other protected class category recognized under local, Oregon, or federal law, regardless of whether that harassment is targeted specifically at the employee.

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 Human Resources, 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 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.

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

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

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

## **Complaint Procedure**

Employees, volunteers or interns who have experienced a sexual assault, any harassment, discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should bring the matter to the attention of Human Resources or 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 him/her harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

## **Protection Against Retaliation**

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's Ethics Officer, Human Resources or any supervisor. 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) please contact Human Resources for more information.

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 his/her 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 Human Resources. 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.

## **Bullying**

Bullying is repeated and unreasonable behavior intended to intimidate or humiliate the targeted individual or group. That risk can be physical or mental or unreasonably interfere with work performance.

Bullying includes verbal abuse such as yelling and swearing; nonverbal abuse such as glaring or refusing to communicate; making fun of personal beliefs, clothing, appearance, weight, hobbies, food choices; placing blame or discrediting, false accusations; name calling; practical jokes directed at one person; malicious gossip; sabotage; encouraging others to exclude or turn against target; and threats of any kind. Bullying can be by employees to another employee through collective behavior to target the employee or misusing a grievance or complaint procedure.

Bullying can be by managers to employees. Conduct from managers that is unacceptable include physical contact with an employee unless you can provide a good explanation, calling employees name or using profanity at employees, and disciplining an employee in public unless you can provide a good explanation.

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.

## **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 Human Resources 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.

## **Pregnancy Accommodation Policy**

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact Human Resources 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 Human Resources 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 to 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 doesn't have a known limitation. Under Oregon law, an employer can't require an employee to use sick leave, Family Medical Leave or Oregon Family Leave if a reasonable accommodation can be made that doesn't impose an undue hardship on the operations of The City. Also, 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.

## **F. Protections 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's Ethics Officer or any supervisor. 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) please contact Human Resources for more information.

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 his/her 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 Human Resources. 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.

## **G. Reporting Improper or Unlawful Conduct – No Retaliation**

Employees may report reasonable 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:

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

Further, in accordance with Oregon law, The City 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 employees may report reasonable 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:

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

Further, in accordance with Oregon law, the City 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.

### **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. 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 Human Resources.

### **Employee Reporting Options**

In addition to City's Open-Door Policy 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 Human Resources. Supervisors and managers are required to inform Human Resources about reports of improper or unlawful conduct they receive from employees.

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

If the City 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.

## X. COMMUNICATIONS AND SOFTWARE SYSTEMS

---

### A. Use of Organization Email and Electronic Equipment, Facilities and Services

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

#### Ownership

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

#### Use

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

- Display or store any sexually explicit images or documents, or any images or documents that would violate City's no-harassment and no-discrimination policies;
- Participate in social media games or technology supported games;
- Engage in any activity that violates the rights of any person or company protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations);
- Engage in any activity that violates the rights to privacy of protected healthcare information or other City-specific confidential information;
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses); or
- Download or view streaming video for personal use. Streaming audio is allowed, providing it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work.

Incidental use of City resources to access the internet is allowed during breaks and lunch may be allowed at the discretion of the employee's supervisor. Further, employees may not use 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**

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

All information and communications in any format, stored by any means on City's electronic equipment, facilities or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect City's ownership of the electronic information, electronic equipment, facilities, or services, or City's right to inspect such information. 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 City's electronic equipment, facilities and services, including all communications and internet usage and resources visited. 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 and software on City's computer systems without approval from Information Technology and the supervisor. All software installed on City's computer systems must be licensed. Copying or transferring of City-owned software may be done only with the written authorization of Information Technology.

### **Unauthorized Access**

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

### **Security**

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

### **Inappropriate Web Sites**

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

## **B. Cell Phone/Smart Phone Usage**

This policy applies to employee use of cell phones, smart phones (including iPhones, Androids, Blackberries, and similar devices), PDAs, and similar telecommunication devices, all of which are referred to as "cell phones" in the Cell Phone/Smart Phone Usage Policy. This policy applies to cell phones and is in addition to Section X (A) entitled "Use of Organization Email and Electronic Equipment, Facilities and Services."

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

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

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

Nonexempt employees may not use their personal or City-provided cell phone for work purposes outside of their normal work schedule without written authorization in advance from management except for on call and emergency situations. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination.

### **Employee Use of City-Provided Cell Phones**

Cell phones may be made available to City employees on a limited basis to conduct City's business. Determinations as to which employees receive City-provided cell phones will be made on a case-by-case basis approved by the department director and documented by Human Resources; employees are not guaranteed a cell phone. City may provide a monthly cellular telephone allowance to employees who regularly make calls on behalf of the City away from the office.

Employees who receive a cell phone from City must agree to not use the cell phone for personal use except in emergency situations and must abide by all aspects of the Cell Phone/Smart Phone Usage Policy (including those policies applicable to personal cell phone

use). Further, employees who receive a cell phone from City must acknowledge and understand that because the cell phone is paid for and provided by City, or subsidized by City, any communications (including text messages) received by or sent from the cell phone may be subject to inspection and review if City has reasonable grounds to believe that the employee's use of the cell phone violates any aspect of the Cell Phone/Smart Phone Usage Policy or any other City policy.

For those employees who receive a cell phone from the City, the City may use software or programs to track cell phone usage to include calls, texts, email or internet. If such software is available, the City may monitor periodically.

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

#### Cell Phone/Cellular Device Use While Driving

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

#### **Cell Phones and Public Records**

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

## **C. 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 web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with 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 members or people who work on behalf of City or 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 City’s no-harassment and no-discrimination policies and that include discriminatory remarks, harassment, or threats of violence or similar inappropriate or unlawful conduct.

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

Express only your personal opinions. Never represent yourself as a spokesperson for City. If 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 City or its employees or elected officials.

### **Encouraged Conduct**

Always be fair and courteous to co-workers, the citizens we serve, City’s employees and elected officials, and suppliers or other third parties who do business with 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. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, City employees or elected officials, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City policy.

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

Nothing in this policy is meant to prevent an employee from exercising his/her right to make a complaint of discrimination or other workplace misconduct, engage in lawful collective bargaining activity, or to express an opinion on a matter of public concern that does not unduly disrupt City 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.

## XI. WORKPLACE PRIVACY AND CONFIDENTIALITY

---

The City recognizes our employees' right to privacy. In achieving this goal, the City adopts these basic principles:

1. The collection of employee information typically is limited to information the City needs for business and legal purposes.
2. Personal information and information in confidential records ordinarily will not be disclosed, except as permitted or required by Federal or State law, or as further authorized by the employee.
3. Verifications of employment dates, job title, and wages may be provided without written approval.
4. Internal access to employee records will be limited to those employees having an authorized need-to-know.
5. You are permitted to review your personnel file and you may correct inaccurate factual information or submit written comments in disagreement with any material contained in your personnel records.
6. All employees have a responsibility not to disclose information about employees through overheard conversations, mislaid documentation, and faxes, e-mails and hard copies of correspondence sent to a wrong destination. Unauthorized communication of confidential information is regarded as a serious matter.
7. The City's IT Department maintains reasonable safeguards to ensure the security, confidentiality, and integrity of personal identifying information stored in the City's systems.
8. All employees are required to follow these principles, as well as any other City Policy or practice related to confidential information. Violations of this may result in corrective action, up to and including termination.

### Change in Personal Data

Since personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping your personnel records current can be important to you with regard to pay, deductions, benefits, and other matters. If you have changes in any of the items listed below, please notify an HR Representative. In EES you can change: your name, address, phone number, and emergency contact to assure that the proper updates/paperwork are completed immediately.

- Name
- Marital Status/Domestic Partnership (for purposes of benefit eligibility determination only)
- Address
- Telephone Number
- Dependents
- Person to be notified in case of emergency
- Other information having a bearing on your employment
- Tax Withholding

## Communications

Conversations: Please be careful when discussing confidential information about employees in public areas, where it might be overheard; or when talking on the telephone.

Written information: Please use care not to leave written information about employees where unauthorized persons can view it. This includes leaving confidential documents sitting in printer trays or placing such documents in open recycling bins. Please send internal "mail" in sealed envelopes, marked "confidential." For purposes of this Policy, "Confidential Information" includes, but is not limited to client or employee financial, medical, or personal information including, *without limitation*, Social Security Number, Driver's License Number, Date of Birth; etc.

## XII. EMPLOYEE HEALTH AND SAFETY

---

The City is committed to providing our employees with a safe and healthy work environment. To accomplish this goal, both management and employees must diligently undertake efforts to promote safety. Safety is everybody's responsibility!

The City, through its Risk Management Committee, develops and implements safety rules and regulations contained in the General Safety Rules. To the extent that this Employee Handbook conflicts with the General Safety Rules, this Employee Handbook's provisions shall prevail.

The General Safety Rules reside on the intranet [www.klamathfalls.city](http://www.klamathfalls.city) and is accessible to all City employees. This process is ongoing and requires periodic safety audits. Safety audits are undertaken to determine the necessity and feasibility of providing devices or safeguards to make the workplace safe and healthful. The City will educate employees as to hazards of the workplace and train employees as to such hazards and the proper and safe method to perform job tasks.

You are expected to give your full-time skill and attention to the performance of your job responsibilities utilizing the highest standard of care and good judgment. You are also expected to follow all safety rules and regulations at all times including the use of protective clothing and equipment, attendance at all training sessions related to your job, and follow the directions of warning signs or signals and/or directions of supervisory personnel.

Safety rules and regulations may be issued or modified from time to time; notice of these changes typically are communicated via company email.

### **A. Drug-Free Workplace**

The City is committed to maintaining a drug-free workplace in the interests of good business practices that provide a productive, safe, and healthy working environment for all employees.

Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in system while on City property or on City time.

Any unlawful manufacture, distribution, dispensing, possession, use, or being under the influence of illegal drugs or other controlled substances on City time, premises, employee premises, or while operating a vehicle/machinery on the job is strictly prohibited. Marijuana is considered a federal schedule 1 controlled substance that is illegal to possess or use under federal law and the City considers marijuana an illegal drug for the workplace. In addition, any unauthorized possession or use of alcoholic beverages on the job is prohibited.

Employees undergoing prescribed medical treatment with a prescription drug or over-the-counter medication that will impair behavior or work performance, should report such fact to his/her supervisor. The employee is not required to inform the supervisor what medication(s) he/she is taking. The City has the right to reassign duties or to place an employee on temporary leave of absence if the employee is unable to properly and safely perform his or her duties. In the event an employee needs to take a prescription drug or over-the-counter medication while at work, he or she should keep the medication in its original container so that it can be properly identified.

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

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

### **Post-Accident Testing**

Employees are subject to testing 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; or (c) when the City has reasonable cause to believe that the accident or injury may have been caused by drug or alcohol use.

### **Employee Refusal to Test**

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

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

### **Crimes Involving Drugs and/or Alcohol**

Employees shall report:

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

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

In the event an employee encounters work or personal problems related to his/her use of alcoholic beverages, drugs, or other controlled substances, he/she is encouraged to seek appropriate medical care or counseling. The Human Resources Representative has information on substance abuse treatment programs. Information or referral will be provided on a confidential basis to our Employee Assistance Program (EAP) if requested by the employee, or as directed by a manager. The City has group insurance benefits that provide coverage for certain medical services related to drug or alcohol dependency treatment.

### **Discipline and Consequences of Prohibited Conduct**

An employee who tests positive for drugs or alcohol in accordance with this policy will be subject to either termination or a Last-Chance Agreement.

A Last-Chance Agreement is an agreement whereby an employee who would otherwise be terminated is provided an opportunity to address his/her substance abuse issue and/or

performance or safety issues. The Last-Chance Agreement will inform the employee of the problems noted with his/her performance and to specify the performance required for the employee to achieve in order to continue to be employed by 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.

## **B. Smoking in the Workplace**

The City provides a smoking 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. 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. Further, the City prohibits smoking tobacco/marijuana use in or around City vehicles and equipment or machinery.

If you wish to smoke tobacco, you must do so outside of the City's facilities/buildings 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.

## **C. Workplace Violence**

The City recognizes the importance of a safe workplace for employees, citizens, 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 or the public against another person's life, health, well-being, family, or property will be dealt with in a zero-tolerance manner by the City.

Should, situations occur which present a risk of harm to employees and others, all employees have an obligation to report any incidents that pose a risk of harm to employees or others associated with the City or which threaten the safety, security or financial interests of our organization. Employees should make such reports directly to the Supervisor/ Department Director and Human Resources. More detailed information is in the City's General Safety Rules.

All information related to the reports, including the name of the reporting employees, will be kept as confidential as possible under the circumstances. Human Resources will notify the reporting employee of any action taken in response to the report.

The City may conduct an investigation of a current employee where the employee's behavior raises concerns about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others. An employee investigation may include investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voice mail systems and computer systems.

## **D. Driving While on Business**

Employees using a private vehicle to conduct City business must possess a valid driver's license and must carry auto liability insurance. Employees who use their own vehicles for authorized 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. 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.

While on 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. Employees are prohibited from using hand-held cell phones for any purpose while driving on City-authorized or City-related business. This policy also prohibits employees from using a cell phone or other device to send or receive text or "instant" messages while driving on City business. 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. Employees may use hands-free cell phones or devices to make business calls. 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.

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 as soon as possible.

Employees who drive City-owned vehicles at any time should have no expectation of privacy while using or driving the vehicle.

## XIII. SEPARATION FROM EMPLOYMENT

---

### A. Resignation or Retirement

While an employee may resign or retire at any time, a one-week notice (employees with less than one year) / two-week notice (employees with over one year of service) is customary. When giving your notice, vacation and sick days should not be used in lieu of notice. If you do not give notice of your intent to leave The City as discussed above, you will not be eligible for re-employment at a later date. The resignation or retirement should be written and should indicate the anticipated last day of work as well as reasons for the resignation; the employee may only withdraw a resignation at the discretion of The City.

Employees who miss three or more consecutive workdays without contacting The City are typically considered to have voluntarily terminated their employment.

### B. Exit Interview

An exit interview may be scheduled with Human Resources when an employee leaves The City. This gives the departing employee an opportunity to offer constructive feedback, positive comments, or address any unresolved issues prior to leaving. This also allows The City to solicit the employee's candid opinions, as well as suggestions, for improvement at The City. We encourage departing employees to participate in an exit interview when they separate from employment, and we value all opinions and suggestions received throughout this process.

Prior to the last day of employment, the exiting employee will be provided with information to help ease the transition, such as, benefit continuation rights and responsibilities, and final paycheck information.

### C. Return of City Property

The employee must return all City property in possession by the last day of employment. City of Klamath Falls property includes credit cards, keys, ID cards, cellular phones, pagers, tools, software, computer disks, and any other items belonging to the City.

## XIV. CONCLUDING THOUGHTS

---

We look forward to your participation on our team. The success of our organization depends on the cooperation and contribution of each one of us. We want to continue to provide a workplace that is professional, healthy, and conducive to a positive work environment. Please join the City of Klamath Falls Team in continuing this positive tradition.

## XV. ACKNOWLEDGEMENT OF RECEIPT OF THE CITY OF KLAMATH FALLS' EMPLOYEE HANDBOOK

---

Each employee is expected to acknowledge the receipt of this handbook by signing an Acknowledgement of Receipt in the following form:

1. I have received a copy of the employee handbook; or I have viewed the Employee Handbook that is located on The City's website.
2. I understand that I am responsible for becoming and remaining familiar with the policies, procedures, requirements, and other information contained in both the handbook.
3. The policies, procedures, requirements, and other information contained in the handbook may be modified or deleted, and others may be added, at any time.
4. I understand that I will receive notice via email or other means of any significant change(s) in the employee handbook.
5. This handbook supersedes all prior statements of City of Klamath Falls which conflict or may conflict with it. I understand that any conflicting prior statement is superseded.
6. This handbook is not a contract. Neither the handbook's statements of City of Klamath Falls policies, procedures, requirements, and other information, nor any representations made by any management representative at the time of hire or at any time during employment, are to be interpreted as a contract between City of Klamath Falls and any employees, unless expressly so stated in writing signed by the City Manager.

---

Employee Signature    Date

---

Employee Name (Please Print)    Date