



Staff Report

For City Council Meeting - 4/7/2021

Subject - New Business - Employee Handbook Draft

Synopsis: As the Council is aware, Mayor Cockrum has been working with City Staff to finalize a draft of the revised City of Gearhart Employee Handbook. Council made suggestions to a draft presented and reviewed at the worksession on March 30th. The final draft attached includes those revisions. Earlier in the meeting, the public was given the opportunity to provide feedback on the draft as well.

Council Options:

- 1) Make changes based on feedback;
- 2) Make no further changes to the draft;
- 3) Do nothing. (table for further discussion)

Recommendation: Staff recommends approving the attached final draft with or without further changes so a resolution can be drafted for the next Council meeting.

Legal Analysis: A resolution is needed in order to adopt the new handbook and implement the document as policy.

Financial Analysis: N/A

Respectfully submitted,

Chad



Employee Handbook

Effective ^{XXXXXX}, 2021

DRAFT 04/2/21CS

Welcome!

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

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between City of Gearhart and its employees, other than those found in applicable collective bargaining agreements. The policies stated in this handbook are subject to change at any time at the sole discretion of City of Gearhart with or without prior notice. This handbook supersedes any prior handbooks or written policies of Organization that are inconsistent with its provisions.

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

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

Sincerely,

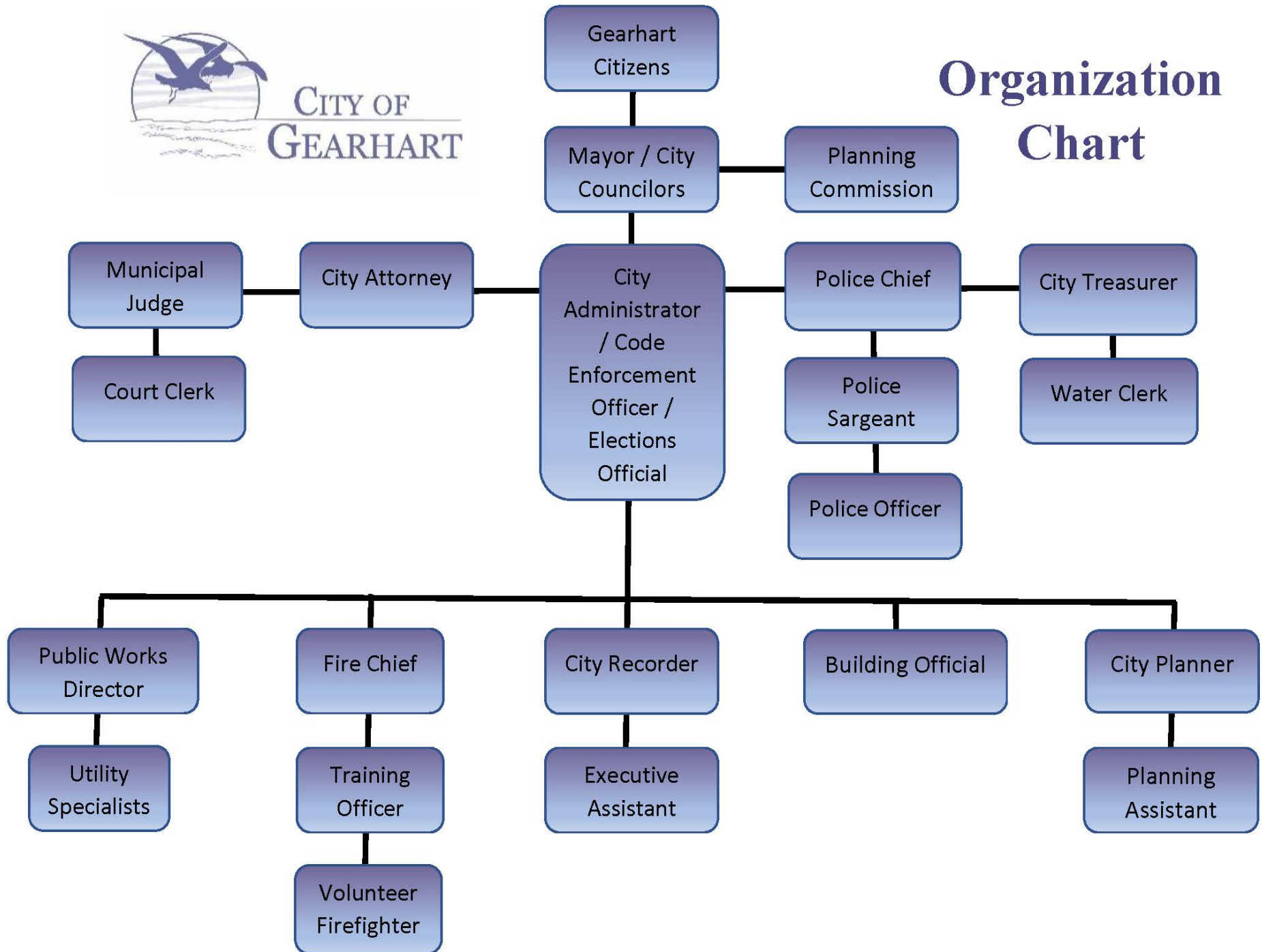
Chad Sweet

City Administrator

City of Gearhart



Organization Chart



Amendment and revision of this handbook: Recommendation of amendment and revision of these rules may be made by the City Administrator or the City Council. Prior to consideration, any amendment or revision shall be publicly posted at such places the City Council shall prescribe, for at least five consecutive days with the notice of time, date, and place of hearing by the City Council. Amendments and revisions shall become effective upon adoption by the City Council following such hearing.

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I. Equal Employment Opportunity (EEO) Policies

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

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

A. No-Discrimination, No-Retaliation Policy

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

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

B. Statement Regarding Pay Equity

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

See also [“Statement Regarding Pay Practices”](#) policy, below.

C. No-Harassment Policy

The City of Gearhart prohibits harassment of any kind or sexual assault in the workplace, or harassment or sexual assault outside of the workplace that violates its employees, volunteers,

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

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, sexual assault and bullying. 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 the City Administrator, at any time if they have questions relating to the issues of discrimination, harassment, or bullying.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City of Gearhart-related or –sponsored trips (such as conferences or work-related travel), and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of City of Gearhart's employees. ***Such harassment is prohibited whether committed by City of Gearhart 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 of Gearhart policy also prohibits harassment against an individual based on the individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age,

disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

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

- Jokes, pictures (including drawings), epithets, or slurs
- Negative stereotyping
- Displaying racist symbols anywhere on City of Gearhart 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 does not share them
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity
- 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.

Bullying

City of Gearhart strives to promote a positive, professional work environment free of physical or verbal harassment, "bullying," or discriminatory conduct of any kind. City of Gearhart, 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 web sites for co-workers, managers or supervisors or elected officials.

This is not a complete list.

Complaint Procedure

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

Investigation and Confidentiality

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

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

Protection against Retaliation

City of Gearhart 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, or harassing, discriminatory, or bullying conduct, or has participated in an investigation of such conduct.

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

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

Other Resources Available to Employees

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

The City of Gearhart 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.

If an employee who has been aggrieved by workplace harassment, discrimination, or sexual assault, wants to enter into a settlement, separation, or severance agreement with the City of Gearhart regarding his/her experience and/or employment status, the employee should contact City Administrator. The employee's request to enter into such an agreement must be in writing (email or text is acceptable). If the City of Gearhart and employee reach an agreement, the employee will have seven days to revoke the agreement after signing it. The City of Gearhart may not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about their experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City of Gearhart or making comments that would lower the City of Gearhart in rank or reputation).

The City of Gearhart is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the City of Gearhart to inform employees and volunteers that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City of Gearhart regarding his/her experiences and/or employment status, the employee should contact the City Administrator. The employee's request to enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-

by-case basis; such agreements are not appropriate for every situation. If the City of Gearhart and employee do reach an agreement, the City of Gearhart will comply with Oregon law applicable to such agreements. For instance, the City of Gearhart will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about their experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City of Gearhart or making comments that would lower the City of Gearhart in rank or reputation). If, however, the employee initiates the request for the agreement, nondisclosure and non-disparagement are terms that may be agreed upon between the employee and the City of Gearhart. The employee will have seven days to revoke the agreement after signing it.

D. Disability Accommodation Policy

City of Gearhart 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

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

Requesting an Accommodation

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, City of Gearhart) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations or training materials provided by the City of Gearhart, 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 City Administrator 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 their need for a reasonable accommodation. Both the City of Gearhart and employee must monitor the employee's accommodation situation and make adjustments as needed.

E. 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 City Administrator to discuss

their options for continuing to work and, if necessary, leave of absence options. The City of Gearhart will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on the City of Gearhart's operations.

Although this policy refers to "employees", the City of Gearhart 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 City Administrator and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist the City of Gearhart and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both the City of Gearhart and employee must monitor the employee's accommodation situation and make adjustments as needed.

No Discrimination, No Retaliation

The City of Gearhart prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodations; (2) used accommodations provided by the City of Gearhart; or (3) needed an accommodation.

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

Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law; See policies on [page 28](#), or speak with City Administrator.

F. Reporting Improper or Unlawful Conduct — No Retaliation

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

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

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

Employee Reporting Options

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

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

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

Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City of Gearhart 's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of his/her coworker or supervisor acting within the course and scope of his/her employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City of Gearhart; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

Policy Against Retaliation

The City of Gearhart will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he or she is disclosing information about conduct that is improper or unlawful, and who lawfully accessed

information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by City of Gearhart policy).

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

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

II. Employment Status

A. Introductory Period of Employment

All new employees, including current employees who are promoted or transferred within the City of Gearhart, are hired into an introductory training period that generally lasts no less than 90 days. The introductory period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your manager. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the introductory period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City of Gearhart meets your expectations of an employer.

At or before the end of the introductory period, a decision about your employment status will be made. The City of Gearhart will decide whether to: (1) Extend your introductory period; (2) Move you to regular, full-time, or regular, part-time status; or (3) Terminate your employment. Employees are not guaranteed any length of employment upon hire or transfer/promotion; both you and City of Gearhart may terminate the employment relationship during the introductory period for any lawful reason. Further, completion of the introductory period or continuation of employment after the introductory period does not entitle you to remain employed by City of Gearhart for any definite period of time. Both you and City of Gearhart are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law.

B. Employee Classification

City of Gearhart classifies employees as follows:

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

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

C. The Workweek

The workweek is a seven-day work period based on a 40-hour workweek beginning Monday at 12:00 a.m. through Sunday at 11:59 p.m. Typically, business hours are from Monday through Friday 8:00 a.m. through 5:00 p.m. Department heads may schedule based on the demands for city services and department needs.

D. Meal Periods and Rest Breaks

Nonexempt employees are required to take a paid, uninterrupted 10-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment. Because of the nature of city work, an employee may need to make adjustments and take breaks when possible.

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

Sample rest and meal break schedules are listed below. Employees with questions about the rest or meal breaks available to him or her should contact City Administrator.

Requirement

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

E. Rest Breaks for Expression of Breast Milk

The City of Gearhart 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 breast milk.

The City of Gearhart will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time the City of Gearhart is required to provide as paid rest breaks and/or meal periods under applicable personnel rules or collective bargaining agreements. Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time.

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

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

If a private location is not within close proximity to the employee’s work area, the City of Gearhart 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 City Administrator reasonable oral or written notice of her intention to do so in order to allow the City of Gearhart time to make any preparations necessary for compliance with this rule.

Storage

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

F. Overtime

Time-and-a-Half

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

Assignment of Overtime Work

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

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

Supervisor Authorization

Supervisors will review and approve non-exempt overtime when approving time sheets prior to them being submitted to the treasurer.

Compensatory (Comp) Time

Overtime hours can be paid or, at the employee's option with City of Gearhart approval, accumulated at time and one-half up to a maximum of 40 hours and taken as comp time off. At the discretion of an employee's manager/supervisor, employees who have accrued less than 40 comp hours may be able to choose whether to have the accrued comp time cashed out at the rate earned by the employee at the time the employee receives the payment. Any hours not taken in the fiscal year in which they were earned will be paid to the employee with the last payroll check in June of each year. When an employee is separated from employment with City of Gearhart, any remaining comp time will be paid to the employee. [Public employers are not

required to provide non-exempt employees with Comp Time. Under the law, Comp Time should be provided only when “budgeted funds are not available to pay overtime, government agencies may use compensatory time.” (From BOLI website.) ORS 653.268. If Comp Time is provided, it is essential to include a cap or limit on the amount of Comp Time that may be accrued, and to identify the individual within your organization who can authorize the accumulation of comp time.]

G. Timekeeping Requirements

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

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

H. Employee-Incurred Expenses and Reimbursements

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

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

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

- *Conferences or Workshops, including Certifications in the area of work*
- *Education*
- *Meals, excluding alcoholic beverages*
- *Mileage and Parking*
 - Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed

by the City of Gearhart.

Participation in and successful completion of special training courses may be considered in making advancement and promotions. Evidence of such activity will be filed in the employee's personnel file.

I. Payroll Policies and Compensation

You will be paid monthly. For hourly (non-exempt) employees, "month" is defined as the 1st to the 31st, and those are the dates you should report on your timecard.

For salaried (exempt and non-exempt) employees, "month" is defined as the 1st – 31st.

Biweekly Paydays are generally five days after the pay period, for both non-exempt and exempt employees.

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

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

Compensation

A salary schedule will be established for each job. The schedule will include minimum and maximum salary for each job with seven (7) steps. Employees will receive step increases on the anniversary of their date of hire. Employees who attain 10, 15, 20 years of service or additional 5-year increments shall be eligible for a merit increase after evaluation in addition to annual COLA adjustment. The merit raise amount will be decided on by the Gearhart City Council. Annually, during budget preparation, the budget officer will adjust the schedules based on the current COLA. The City Administrator will propose salaries to the Budget Committee who will make recommendation to the City Council, who will set the rate of pay.

J. Statement Regarding Pay Practices

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

See also "[Statement Regarding Pay Equity](#)" policy, above.

K. Reporting Changes to an Employee's Personal Data

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

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

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

L. Performance Reviews

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

City of Gearhart's goal is to provide an employee with his/her first formal performance evaluation within six months after hire or promotion. After the initial evaluation, the City of Gearhart will strive to provide a formal performance review at a minimum of every 12 months.

Reviews will generally include the following:

- An evaluation of the employee's quality and quantity of work
- A review of exceptional employee accomplishments
- Establishment of goals for career development and job enrichment
- A review of areas needing improvement
- Setting of performance goals for the employee for the following year

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's

performance evaluation in the employee's personnel file. Such response must be filed not later than 30 days following the date the performance evaluation was received.

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

M. Employment of PERS Retirees

Purpose

The purpose of this policy is to establish local procedures through which the City of Gearhart ("City") may hire individuals who have retired from the Public Employees' Retirement System ("PERS") or Oregon Public Service Retirement Plan ("OPSRP").

Scope

This policy applies to all City employees.

General Policy

A retiree who is receiving a PERS pension benefit or a lump-sum payment under OPSRSP or Tier One or Tier Two of PERS ("PERS retiree") may be employed by the City subject to the provisions outlined below.

Procedure

1) *Employment Eligibility*

- a) Certain Retirees. This procedure applies only for the following categories of PERS retirees ("Eligible PERS retiree/s"):
 - i) A PERS retiree who retired at the "normal retirement age" under ORS 238.280 or ORS 238A.160;
 - ii) A PERS retiree who retired after 30 years of service under ORS 238.280(4) or ORS 238A.160; and
 - iii) A PERS retiree who retired early under ORS 238.280 or ORS 238.185, but who has not worked for any PERS-participating employer for six (6) or more months.
- b) Request Subject to Approval. Any effort by the City to hire an Eligible PERS retiree described in section 1(a) is subject to the city's recruitment policies and must first be approved in writing by the city administrator or their designee.
- c) Public Interest Finding. The City Administrator or their designee must demonstrate in writing that the Eligible PERS retiree will meet one of the following needs of the City:
 - i) The Eligible PERS retiree is an existing employee, serving in a director-level position or above, and a critical component of a documented succession plan; or
 - ii) The Eligible PERS retiree works in a field where there currently is a hiring shortage, as documented by two or more recruitment failures within a six-month period.
- d) Existing Employees. Eligible PERS retirees may be considered for reemployment if,

at the time of retirement, they were not on a work improvement plan and were not the subject of any written disciplinary actions within 12 months preceding retirement.

2) *Conditions of Employment*

- a) Hours. Subject to the following condition, an Eligible PERS retiree may be hired to work any number of hours up to a full-time basis through December 31, 2024.
 - i) SSA Earnings Limit: An Eligible PERS retiree who is receiving Social Security Act ("SSA") benefits, and who as such is subject to an annual earnings limit, must be limited to an hour amount for which the salary does not exceed the earnings limit.
- b) PERS Benefits. Pursuant to state law, an Eligible PERS retiree and city employee is entitled to receive their retirement benefits through December 31, 2024. Additional retirement benefits will not accrue for the Eligible PERS retiree during this time.
- c) Employment Status.
 - i) At-will employment. Length of Employment of an Eligible PERS retiree is at the city's discretion.
 - ii) Health insurance. An Eligible PERS retiree is entitled to receive health insurance in accordance with state and federal law.
 - iii) Leave. An Eligible PERS retiree is entitled to receive medical leave, sick leave, family leave and other leave in accordance with state and federal law.
 - iv) Other employment rights. An Eligible PERS retiree will have no recall rights, seniority rights, bumping rights, or any rights derived by city employees through collective bargaining agreements, except as is required by state and federal law.
- d) Existing Employees. Upon retirement, and in accordance with applicable City policies,⁵ federal law, and state law, an employee will be compensated by the City for any accrued, unused leave and compensatory time. Reemployment of an existing employee under Section 1(d) will constitute a new employment relationship. No accrued leave will carry over from pre-retirement employment. An existing employee cannot return until on or after their PERS retirement date.

3) *PERS Contributions and Benefits*

- a) City Contribution. For each calendar year through 2024, the City will apply the net Employer Contribution Rate set for its active PERS members to the wages earned by all PERS retirees employed by the City. Thereafter, the City will make a PERS contribution in that amount, in accordance with OAR 459-075-0300(7).

4) *Exceptions*

- a) Exceptions to this policy may be granted only by the City Administrator or their designee, and only as otherwise permitted by law.

5) *Periodic Review*

- a) This policy will be reviewed by the City Administrator at least once every three (3) years, or more often if needed, and updated as necessary.

III. Time Off and Leaves of Absence

A. Attendance, Punctuality and Reporting Absences

Employees are expected to report to work as scheduled, on time and be prepared to start work.

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

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

B. Vacation

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

1. At the end of the first year of service, one week, or 40 hours, of vacation.
2. Two years or through five years of service, two weeks, or 80 hours, of vacation per year.
3. Six years or more but less than 15 years of service, three weeks, or 120 hours, of vacation per year.
4. Fifteen years or more of service, four weeks, or 160 hours, of vacation per year.

Regular, part-time employees earn vacation on their employment anniversary date in the proportion that their normally scheduled number of hours bears to 40 per week. For example, a regular, part-time employee who usually works 20 hours per week would earn 20 hours of vacation upon completing his/her first year of service.

Vacation does not accrue between employment anniversary dates and may not be taken until it is earned. Vacation time must be used in the anniversary year after which it is earned and may not be carried over past the employee's next anniversary date. For example, an employee with two weeks' vacation as of his/her third anniversary date must use the two weeks prior to his/her fourth anniversary date. If an employee fails to take his/her earned vacation time before the employee's anniversary date in violation of this policy, the employee will not earn any further vacation until that unused vacation has been taken.

Earned vacation must be taken. Employees are not entitled to pay in lieu of taking time off for vacation, and will not be paid for accrued, but unused vacation at the time of termination (regardless of the reason). Vacation must be scheduled with one's supervisor at least two weeks in advance of the date(s) the employee wishes to take as vacation.

C. Sick Leave

City of Gearhart provides eligible employees with sick leave in accordance with Oregon's Paid

Sick Leave Law. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law.

Employees with questions about this policy may contact City Administrator. Please also refer to the Oregon Sick Leave Law poster that is posted in city hall break room and is incorporated here by reference.

Eligibility and Accrual of Paid Sick Leave

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

Employees begin to accrue paid sick leave on the first day of employment. Regular full-time employees earn sick leave at a rate of 8 hours per month. Paid sick leave may be used as it is accrued. Paid sick leave may be used in one-hour increments.

No maximum accrual.

Pay Rate and Carryover

Paid sick leave will be paid at the employee's regular rate of pay. Exempt employees are presumed to work 40 hours in each workweek for purposes of their sick leave accrual unless their normal workweek is less than 40 hours, in which case sick leave is accrued based on the employee's normal workweek. Generally, sick leave pay will be included in the paycheck for the next payroll period after sick leave is used, provided the employee submits adequate documentation verifying that the absence was for a qualifying reason as defined in the "[Use of Sick Leave](#)" section below.

Sick leave is meant to be used or carried over; one-half (1/2) of an employee's accumulated sick leave will be paid into their PERS retirement after separating from City employment. The other half of accumulated sick leave dissolves with retirement and separation from the City.

Use of Sick Leave

Paid 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.
 - i. "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.
2. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
3. If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and

requires leave for any of the purposes under Oregon’s domestic violence leave law (ORS 659A.272).

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

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

Employee Notice of Need for Sick Leave

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

Unforeseeable Sick Leave – If the need for sick leave is unforeseeable, the employee must notify City Administrator as soon as practicable and comply generally with City of Gearhart’s call-in procedures.

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

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

Sick Leave Documentation

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

Sick Leave Abuse

If City of Gearhart 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, City of Gearhart 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.

D. Holidays

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

New Year's Day	Martin Luther King, Jr.'s Birthday
President's Day	Memorial Day
Independence Day (July 4)	Labor Day
Thanksgiving Day	Day after Thanksgiving
Christmas Day	Veterans Day

A holiday that falls on a weekend will be observed on either the preceding Friday or the following Monday to coincide with local custom.

If an employee is on vacation when a holiday is observed, the employee will be paid for the holiday and will be granted an alternate day of vacation at a later date.

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

E. Family Medical Leave (FML)

Statement of No FMLA/OFLA Coverage

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

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

F. Bereavement Leave

Up to 40 hours of bereavement leave will be granted to employees who have worked for the City of Gearhart for 90 or more days. This leave is provided to employees who have experienced the death of a family member and is unpaid; employees, however, may use accrued sick leave during the bereavement leave period. "Family Member" is defined to include the employee's spouse, same-sex domestic partner (registered), child, parent, parent-in-law, grandparent, or

grandchild, or the same relations of an employee's same-sex domestic partner (registered) or spouse. Requests for bereavement leave must be made to the employee's immediate supervisor before the leave is to begin. This leave will be administered in accordance with Oregon's sick leave law, and the time off will be deducted from the employee's sick leave bank. Please see City Administrator for more information.

G. Jury and Witness Duty

Jury Duty

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

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

Witness Duty

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

Except for employee absences covered under City of Gearhart's "[Crime Victim Leave Policy](#)" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work.

H. Religious Observances Leave and Accommodation Policy

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

I. 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:

- First use any accrued/ unused vacation and sick leave
- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible)
- Submit a request for the leave in writing to City Administrator as far in advance as possible indicating the amount of time needed, when the time will be needed, and the reason for the leave

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

J. Domestic Violence Leave and Accommodation Policy

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

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

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

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

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

If more leave than originally authorized needs to be taken, the employee should give City of Gearhart 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 oral or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee’s behalf.

Finally, employees who are victims of domestic violence, harassment, sexual assault, or stalking may be entitled to a “reasonable safety accommodation” that will allow the employee to more safely continue to work, unless such an accommodation would impose an “undue hardship” on

City of Gearhart. Please contact City Administrator immediately with requests for reasonable safety accommodations.

K. Military Leave

Employees who wish to serve in the military and take military leave should contact City Administrator 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 City Administrator for more information and to make arrangements for this paid leave.

IV. Employee Benefits

A. Healthcare, Dental, and Vision Benefits

Employees who meet the definition of "benefit eligible" under both City of Gearhart policy and that of its health insurance provider are entitled to the benefit options offered by City of Gearhart. Generally speaking, that means City of Gearhart pays 100% of medical and dental and vision insurance for all of its regular, full-time employees and their families unless otherwise established by law. Part-time employees are not eligible for health-insurance coverage. The employee only is covered during the introductory period of employment, with an option for the employee to pay for additional family coverage, during this time.

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

City of Gearhart provides disability and life insurance for eligible employees at no additional cost.

B. Employee Assistance Program (EAP)

This free, confidential service is provided by Cascade Centers and is available to all employees and dependents covered on a CIS Regence or Kaiser medical plan. The EAP can be used to assist employees and eligible family members with any personal problems, large or small. Each covered employee and eligible family members can receive up to five (5) personal counseling sessions per year. Sessions can be face to face, over the phone, or online for concerns such as marital conflict, conflict at work, depressions, stress management, family relationships, anxiety, alcohol, or drug abuse, grieving a loss, and career development services.

Cascade Centers also provides educational tools as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and gym membership discounts.

More information regarding this service can be obtained by contacting City Administrator, or you can contact Cascade Centers directly at 800-433-2320 or at www.cascadecenters.com.

C. Workers' Compensation and Safety on the Job

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

Steps to Take if You are Injured on the Job

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

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

1. Report any work-related injury to your supervisor. You must report the injury no later than 24 hours after injury.
2. Seek medical treatment and follow-up care if required.
3. Promptly complete a written Employee's Claim Form (Form 801) as per the city's insurance company procedure and inform the City Administrator.

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

Return to Work

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

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

Overlap with Other Laws

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 applicable Oregon laws covering disabilities in the workplace.

D. PERS (Public Employees' Retirement System Benefits)

City of Gearhart participates in the Public Employees Retirement System (PERS); therefore, your designation as a Tier I, Tier II, or Oregon Public Service Retirement Plan (OPSRP) member will depend on your prior PERS service and PERS rules. An employee's designation and eligibility for participation in PERS or the OPSRP are determined by law. For more information about these plans, please contact PERS at 1-888-320-7377 or visit their website at www.oregon.gov/PERS. City of Gearhart's contributions to employee PERS or OPSRP plans is 6%, plus Unfunded Actuarial Liability (UAL), with the employee contributing an additional 6% of their salary towards PERS or OPSRP. (Also see section: "[Employment of PERS Retirees](#)".)

V. Miscellaneous Policies

A. Alcohol/Drug Use, Abuse and Testing Policy

Prohibited Conduct

The following conduct is strictly prohibited and will result in disciplinary action up to and including last-chance agreements and/or termination:

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

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

Prescription Drugs and Medical Marijuana

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

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

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

Testing

City of Gearhart reserves the right to:

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

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

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

- A work-related accident
- Direct observation of drug or alcohol use
- Presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes)
- Unexplained significant deterioration in individual job performance
- Unexplained or suspicious absenteeism or tardiness
- Employee admissions regarding drug or alcohol use
- 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 City Administrator. Whenever possible, supervisors should locate a second employee or witness to corroborate their “reasonable suspicion” findings.

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

Search of Property

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

Employee Refusal to Test/Search

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

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

Crimes Involving Drugs and/or Alcohol

Employees shall report:

- Any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction
- Entry into a drug court or diversion program
- 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.

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 employee by the City of Gearhart. 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.

Drug and Alcohol Treatment

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

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

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

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

Confidentiality

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

B. Cellular Devices Policy

This policy applies to employee use of cell phones, smart phones (including iPhones, "smartphones" and similar devices), tablets and similar devices, all of which are referred to as "cellular devices" in the Cellular Devices Policy.

Cell Phones and Cellular Devices in General

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

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

Employee Use of City of Gearhart-Provided Cell Phones/Cellular Devices

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

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

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

Employee Use of Cell Phones/Cellular Devices with Cameras

Cameras of any type, including cell phones or cellular devices with built-in cameras and video photography options, may be used during working hours for work purposes or city business.

Cell Phones/Cellular Devices and Public Records

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

Cell Phone/Cellular Device Use While Driving

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

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

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

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

Ownership

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

Use

All of City of Gearhart's electronic equipment, facilities and services are provided and intended for City of Gearhart business purposes only and other communication limited to necessary family communications or soft music. Access to the Internet, websites and other electronic services paid for by City of Gearhart are to be used for City of Gearhart business only. This means, for example, that employees may not use the City of Gearhart -provided Internet, or City of Gearhart electronic equipment, facilities, and services to:

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

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

Inspection and Monitoring

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

All information and communications in any format, stored by any means on City of Gearhart's electronic equipment, facilities, or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect City of Gearhart's ownership of the electronic information, electronic equipment, facilities, or services, or City of Gearhart's right to inspect such information. City of

Gearhart reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail, and other such material to monitor the use of all of the City of Gearhart's electronic equipment, facilities and services, including all communications and internet usage and resources visited. City of Gearhart will override all personal passwords if it becomes necessary to do so for any reason.

Personal Hardware and Software

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

Unauthorized Access

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

Security

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

Inappropriate Web Sites

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

D. Social Media

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

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

Prohibited Postings

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

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

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

Encouraged Conduct

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

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

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

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

Request for Employee Social Media Passwords

City of Gearhart'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 username and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a username and password that would otherwise allow a supervisor/manager to access a private email account not provided by City of Gearhart.

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

E. Confidential City of Gearhart Information

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

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

F. Ethics

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

We at the City of Gearhart are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. If you are coming to the City of Gearhart from work in the private sector, you may find that some activities that are common business practices in the private sector are prohibited in the public sector. Information

on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

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

G. Open-Door Policy

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

H. Outside Employment

Generally, employees may obtain employment with an employer other than City of Gearhart or engage in private income-producing activity of their own so long as that activity is not otherwise prohibited by these rules. Employees are responsible for assuring that their outside employment does not conflict with these rules.

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

Employees may not accept outside employment that involves:

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

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

I. Criminal Arrests and Convictions

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

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

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

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

J. Political Activity

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

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

K. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the City of Gearhart (see ["Holidays"](#) section above), City of Gearhart is open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the City Administrator (or his/her designee) will decide whether to and to what extent the City of Gearhart will close. Information will be sent by phone, text, email, or radio.

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

trustworthy approach are your guides. Employees may use accrued vacation time on bad weather days or make it an unpaid day for those who have no accrued leave.

L. Driving While on Business

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

The City of Gearhart may verify the validity of your driver's license and/or your driving record at the time of hire and at any point during your employment.

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

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

M. Workplace Violence

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

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

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

N. Workplace Inspections – No Right to Privacy or Confidentiality

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

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

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

O. Smoke-Free Workplace

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

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

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

VI. Termination of Employment

A. Workplace Rules and Prohibited Conduct

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

- Falsification of employment or other City of Gearhart records

- Recording of work time of another employee or allowing any other employee to record your work time or allowing falsification of any time sheets (your own or another employee's)
- Theft or the deliberate or careless damage or destruction of any City of Gearhart property, or the property of any other employee, citizen, vendor or third party
- Unauthorized use of City of Gearhart equipment, materials, or facilities
- Provoking a fight or fighting during work hours or on City of Gearhart property
- Carrying firearms or any other dangerous weapon on City of Gearhart premises at any time (exception: police department officers)
- Engaging in criminal conduct while at work
- Causing, creating, or participating in a significant or substantial disruption of work during working hours on City of Gearhart property
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another City of Gearhart employee, customer, or vendor
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Failure to observe work schedules, including rest breaks and meal periods – you are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you
- Sleeping or malingering on the job
- Excessive personal telephone calls during working hours
- Unprofessional appearance during normal business hours
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City of Gearhart
- Misrepresentation of City of Gearhart policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City of Gearhart
- Employees may not use the City of Gearhart's name, logo, likeness, facilities, assets, or other resources of the City of Gearhart for personal gain or private interests
- Violations of the Ethics Policy or Oregon's Ethics laws
- Violation of any safety, health, security, or City of Gearhart policy, rule, or procedure
 - Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by City of Gearhart or outside regulatory or legislative bodies
- Failing to timely pay water/sewer/tax accounts with City of Gearhart on time, and/or whose City of Gearhart -provided services are disconnected, which includes, without limitation, situations where the employee writes a check to City of Gearhart that is refused for payment due to non-sufficient funds
- Harassment or discrimination that violates City of Gearhart policy

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

B. Corrective Action/Discipline Policy

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

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

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

C. Retirement or Resignation from Employment

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

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

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

Employees must return all City of Gearhart property, including phones, computers, identification cards, credit cards, keys, and manuals, to City Administrator on or before their last day of work.

D. References

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

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

Employee Acknowledgment

Acknowledgment of Receipt of 2021 Personnel Policies

I acknowledge that I have received and have read a copy of City of Gearhart's 2021 Employee Handbook.

I understand that City of Gearhart has adopted the City of Gearhart 2021 Employee Handbook only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in City of Gearhart's sole discretion. I acknowledge that the City of Gearhart's 2020 Employee Handbook are not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

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

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

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

I have read this acknowledgment carefully before signing.

Employee Signature

Date

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