



RESOLUTION 2012-034

APPROVING AMENDMENTS TO THE CITY OF SHERWOOD EMPLOYEE MANUAL

WHEREAS, the current City of Sherwood Employee Manual was adopted and amended by Resolution 2002-033, effective on June 25th, 2002; and

WHEREAS, the Employee Manual needs to be amended; and,

WHEREAS, Tom Pessemier, as City Manager Pro Tem has the authority and responsibilities of the City Manager;

WHEREAS, a staff study of the current publication and policies concluded amendments, additions and deletions were necessary in order to implement current policies; legislative changes; legal changes, and best business practices. In the interest of the City of Sherwood and general housekeeping items; said revision are listed as Exhibit A to this document.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Council hereby approves the amended City Employee Manual attached hereto as Exhibit A consistent with the terms thereof.

Section 2: This Resolution shall be effective as of the date of its adoption by the City Council.

Duly passed by the City Council this 19th day of June 2012.



Keith S. Mays, Mayor

Attest:



Sylvia Murphy, CMC, City Recorder



City of
Sherwood
Oregon

Home of the Tualatin River National Wildlife Refuge

EMPLOYEE MANUAL

2012

CITY OF SHERWOOD EMPLOYEE MANUAL – TABLE OF CONTENTS

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1 GENERAL PROVISIONS

1.1 TITLE

- 1.1.1 This document shall be entitled "The City of Sherwood Employee Manual" and may hereinafter be cited and referred to as the "Manual."

1.2 PURPOSE

- 1.2.1 The purpose of this Manual is to establish a system of personnel administration for the City of Sherwood and to implement fair and uniform procedures and regulations for the recruitment, hiring, development, and retention of an effective and responsible work force.

These Rules do not constitute a contract of employment. The City retains the prerogative to change, substitute, interpret and discontinue the policies and benefits described herein, at any time, with or without notice to employees.

No person shall be deemed to have a vested interest in, or legitimate expectation of, continued employment with the City or any policy or benefit described herein or otherwise generally practiced by the City.

No contract of employment can be created, nor can an employee's status be modified, except by written agreement signed by the City Manager on behalf of the City. Whenever a question arises as to the meaning or interpretation of any policy or practice of the City, the interpretation given by the City Manager and/or his/her designees shall be final and binding.

Some City employees are covered by a collective bargaining agreement with a union representative. In any situation where the terms of this employee manual conflict with any provision of a collective bargaining agreement in effect, the collective bargaining agreement shall be the controlling document for any employees covered by that agreement.

This Manual supersedes all previous Personnel Rules/Employee Manuals, and is superseded by all current Legislation.

1.3 CAPTIONS

- 1.3.1 The captions and headings in this Manual are for convenience and reference only, and are not to be used to interpret or define the provisions of sections or subsections.

1.4 SEVERABILITY

- 1.4.1 If any section or subsection of this Manual shall at any time be deemed invalid or unenforceable, the remaining provisions shall not be affected thereby, and shall remain valid and enforceable to the extent permitted by law.

1.5 ADMINISTRATION

- 1.5.1 The City Manager is designated as administrator of this Manual and shall be responsible for determining any permitted exceptions to the Manual, unless another individual or body is otherwise specifically authorized to do so. Unless otherwise permitted, all exceptions shall be made in writing.

1.6 EQUAL EMPLOYMENT OPPORTUNITY

- 1.6.1 **Generally** - The City's policy is to treat all applicants and employees fairly and equally, and to recruit, hire, train, promote, demote, layoff, discipline, dismiss, or conduct any other personnel actions without regard to the applicant's or employee's race, color, religion, creed, national origin, age, physical or mental disability, gender (sex), marital or veteran status, or any other basis prohibited by federal, state or local law.
- 1.6.2 **Reasonable Accommodation** – The City of Sherwood will afford reasonable accommodation to qualified applicants and employees with a known disability, unless to provide such accommodation creates an undue hardship on the City's operations.
- 1.6.3 **Invitation to Self-Identify Physical and Mental Disabilities** – Any employee who is a disabled person may voluntarily inform the Human Resource Manager or City Manager of any physical or mental disability and may suggest methods of reasonable accommodation. This information is confidential and will be used only to evaluate reasonable accommodation alternatives to permit you to perform the essential functions of the job in a safe and efficient manner. Refusal to volunteer this information will not subject an employee to any adverse treatment or penalty.
- 1.6.4 **Job Performance** – Any employee who believes that he/she is having difficulty in continuing to meet the performance requirements of the job due to a physical or mental disability is encouraged to advise the Human Resource Manager or City Manager regarding the nature of the disability, the work limitation covered by the disability, and any suggested reasonable accommodation.
- 1.6.5 **Treatment and Conduct** - It is the policy of the City of Sherwood that all employees be able to work in a setting free from unlawful discrimination,

including harassment, on the basis of race, color, religion, gender (sex), national origin, age or disability. *Reference Appendix D - "Prohibition of Harassment Including Sexual Harassment"*

1.7 DEFINITIONS

- 1.7.1 **Anniversary Date** – A date established for each employee, exactly one year from the time an employee has successfully completed his or her trial employment period.
- 1.7.2 **Applicant** – An individual who has completed and submitted a resume and/or an application for employment with the City of Sherwood.
- 1.7.3 **Appointment** – The offer to, and the acceptance by, a person of a position in the City on either a temporary or regular basis.
- 1.7.4 **Charter** – The City of Sherwood Charter of 1984.
- 1.7.5 **City** – The City of Sherwood.
- 1.7.6 **City Manager** – The chief executive officer of the City of Sherwood or that chief executive officer's designee. Unless otherwise noted, all references to the City Manager in this Manual are deemed to include the Manager's designee.
- 1.7.7 **Class** – A group of job positions that are sufficiently alike in general duties, responsibilities, and entrance qualifications to warrant use of the same range of pay steps.
- 1.7.8 **Class Title** – The designation given to a class and to each position allocated to a class. This title may take the form of a number.
- 1.7.9 **Classification Plan** – A written statement assigning certain positions in the City service into classes according to their general duties, responsibilities, and entrance qualifications.
- 1.7.10 **Classified Service** – All positions and offices in the City service, which are not specifically included in the unclassified service.
- 1.7.11 **Compensation Plan** – The official schedule of compensation for City employees, as approved by the City Council, assigning each position to a class composed of a range of pay steps.
- 1.7.12 **Demotion** – The assignment of an employee from a position in one class to a position in another class that has a lower range of pay steps.

- 1.7.13 **Department Head** – The chief administrative officer of each City department or that chief administrative officer's designee. Unless otherwise noted, all references to Department Head in this Manual are deemed to include the Department Head's designee.
- 1.7.14 **Disciplinary Probation** – A condition where a regular employee is placed on probation for disciplinary reasons.
- 1.7.15 **Dismissal** – A permanent involuntary separation of an employee from the City service.
- 1.7.16 **Employee** – An incumbent of a City job position, including individuals in a leave without pay status. This term includes all officers in the City service.
- 1.7.17 **Examination** – An oral interview, physical or written test, or the results of such interview or test, which is used to determine eligibility or relative merit, fitness, and ability to discharge the duties of the position to which the applicant or employee seeks appointment or promotion.
- 1.7.18 **Exempt Employee** – An employee who holds an exempt administrative, professional or executive position.
- 1.7.19 **Full Time Employee** – An employee who is hired to work a predetermined schedule of forty (40) or more hours per regular City workweek.
- 1.7.20 **Grievance** – Any dispute or question concerning the interpretation or application of this Manual.
- 1.7.21 **Immediate Family** – An employee's spouse, children, stepchildren, parents, stepparents, siblings, or other bona-fide dependents.
- 1.7.22 **Job Description** – A written statement describing the position, title, general duties, responsibilities and entrance qualifications of a job position in the City service.
- 1.7.23 **Layoff** – An involuntary, non-disciplinary separation from the City service for any reason which is in the best interest of the City and necessitates a reduction in the number of City employees.
- 1.7.24 **Leave Without Pay** – An approved period of unpaid absence from the City service for a specified period of time with specific reemployment privileges.
- 1.7.25 **Nonexempt Employee** – Any employee who is not employed in an exempt administrative, professional or executive position.
- 1.7.26 **Overtime** – The authorized time worked by an employee in excess of forty (40) hours a week.

- 1.7.27 **Overtime Pay** – The compensation paid to an employee for authorized overtime work.
- 1.7.28 **Part Time Employee** – An employee who is hired to work a predetermined schedule of less than forty (40) hours per regular City workweek.
- 1.7.29 **Pay Rate** – The specific salary or hourly rate of pay for a position.
- 1.7.30 **Pay Steps** – Pay rates having a sequential relationship to one another, and assigned to a class of positions as the compensation for that class.
- 1.7.31 **Position** – The duties and responsibilities assigned to an employee, requiring the full time, part time or temporary employment of one (1) person.
- 1.7.32 **Promotion** – The assignment of an employee from a position in one class to a position in another class with a higher range of pay steps and a significant change in responsibilities, duties, supervision, or other job related duties.
- 1.7.33 **Reclassification** – The assignment of a position to a different class, with a higher, lower or lateral range of pay steps, due to material change in the duties and responsibilities of the position.
- 1.7.34 **Regular Employee** – An employee who has successfully completed his or her trial employment period.
- 1.7.35 **Resignation** – A voluntary separation of an employee from the City service by notification from the employee.
- 1.7.36 **Selection Process** – Any written or oral test, physical examination, interview, or other criteria which is used to measure an employee's or applicant's skills, knowledge, and ability to discharge the duties and responsibilities of the position to which the employee or applicant seeks promotion or appointment.
- 1.7.37 **Seniority** – The length of time an employee has been employed by the City, by a specific department or in a specific position, since the date of initial or any subsequent appointment.
- 1.7.38 **Suspension** – An enforced period of absence for disciplinary reasons or pending investigation of charges made against an employee.
- 1.7.39 **Temporary Employee** – An employee who is hired for a position for a limited period of time, generally not to exceed six (6) months.
- 1.7.40 **Trial Employee** – An employee who has not completed the trial employment period.

- 1.7.41 **Trial Employment Period** – The first one hundred eighty two (182) calendar days of continuous employment for all employees.
- 1.7.42 **Unclassified Service** – All positions and offices in the City service, which are excluded from the classified service.
- 1.7.43 **Workday** – The regular City workday for full time employees consists of a work shift of eight (8) consecutive work hours plus an unpaid sixty (60) minute meal period within any consecutive twenty four (24) hour period. This manual, the City Manager and/or the Department Head may establish other normal workdays for individual employees or certain classes of employees to best suit the needs of the department.
- 1.7.44 **Workweek** – The regular City workweek is a period of one hundred sixty eight (168) consecutive hours that begins at 12:01 a.m. Sunday and ends at midnight on the following Saturday.

2 RECRUITMENT POLICIES AND PRACTICES

2.1 RECRUITMENT

- 2.1.1 **Generally** – The City shall use whatever means are appropriate to recruit qualified applicants for any job vacancies, including but not necessarily limited to, internal job postings, help-wanted advertisements, or public and private employment agencies. All job postings will be posted on the City website simultaneously with external posting.
- 2.1.2 **Publication** – Any published announcements of position vacancies shall include class and position title, qualifications, principal job duties, the dates applications will be accepted, and the place and manner of filing applications. All announcements shall state that the City is an “Equal Opportunity Employer.” The City may add any additional information to the published announcements, as deemed appropriate.
- 2.1.3 **Forms** – All applications for open positions shall be made on the forms provided and/or in the manner required by the City. Any information submitted shall be verified and investigated by the City prior to appointment, to the extent necessary to determine the applicant’s qualifications for appointment. Any false information supplied as part of an application for employment may be grounds for rejection of the applicant or immediate dismissal of an employee.

2.2 SELECTION

- 2.2.1 **Merit and Fitness** – The City Manager shall establish procedures for the initial selection or promotion of employees. All selection procedures and rules shall relate to the applicants’ or employees’ merit, fitness and ability to discharge the duties and responsibilities of the position to which the applicant or employee seeks appointment or promotion. Prior experience and training may be considered when evaluating an applicants’ or employees’ fitness for a particular position.
- 2.2.2 **Examinations** – Selection procedures may include examinations that measure the applicants’ or employees’ job-related ability, knowledge and skills. The appropriate form of each examination shall be determined and may include, but need not be limited to, oral, written, graded, pass-fail, or physical examinations, resume analysis, employment references, reports of supervisors, performance evaluations, and work sampling. All selection procedures shall comply with the City’s Equal Employment Opportunity policies.

2.2.3 Physical Examinations – Any medical or physical examination required by the City of an applicant or employee will be conducted at the City's expense by a qualified health care provider before an applicant is appointed or an employee is promoted to a particular position. Where appropriate, minimum medical and physical standards may be established that relate to the essential functions of the duties and responsibilities of a particular position. The standards may differ based on the duties and responsibilities of each position. No appointment or promotion shall be effective until the applicant or employee demonstrates satisfaction of any required minimum medical or physical standards. Failure to meet the required standards will result in disqualification for appointment or promotion of the position.

2.2.4 Pre-Employment Drug Testing – All final applicants for employment (excluding emergency hires) shall be required to submit to a urinalysis. If the test is positive, employment is denied unless a defense for authorized prescription drugs is successful. The applicant may reapply in one year. Reference Appendix E – *Alcohol and Drug Policy*.

2.3 EMPLOYMENT OF RELATIVES

2.3.1 Generally – Individuals who are related by blood, marriage or adoption will be given equal consideration for employment with other applicants for positions, or with other employees for transfers or promotions. Related individuals will not, however, be considered for positions when the City Manager determines that a reporting, auditing, or supervisory relationship would exist between the related individuals.

2.3.2 Marriage – If two (2) employees in the positions defined above were to become related to one another, one must transfer to another department where the reporting, auditing or supervisory relationship would not exist. If a transfer cannot be accomplished due to the unavailability of an open position for which the employee is qualified, one of the employees must resign from the City service. The decision as to which employee will transfer or resign will be made in the first instance by the employees involved. If the employees do not decide which employee will transfer or resign within thirty (30) calendar days of becoming related to one another, the City Manager shall determine which employee will transfer or resign based on the best business interest of the City.

2.4 RESIDENCY

2.4.1 Residency within the City of Sherwood shall not be a condition of initial appointment or continued employment, except as otherwise required by the provisions of State law, the City Charter, or applicable City ordinances and resolutions. Provided, however, that an employee's selection of residence

shall not interfere with the daily performance of his or her duties and responsibilities, as determined by the City Manager and/or Department Head. Telephones may be required of employees where assigned job duties and responsibilities dictate.

2.5 TRIAL EMPLOYMENT

- 2.5.1 **Purpose** – The trial employment period shall be considered an integral part of the employee selection and examination process. The trial employment period shall be utilized to observe closely the employee's work, to secure the most effective adjustment of the new employee to his or her position, and for dismissing any employee whose overall work performance does not meet required performance standards.
- 2.5.2 **Length** – The trial employment period shall be the first one hundred eighty two (182) calendar days of continuous employment for all employees. The trial employment period may be extended by the City Manager or Department Head for any period not to exceed one hundred eighty three (183) additional calendar days. The trial period applies to new employees and to promoted, demoted, and reclassified employees.
- 2.5.3 **Evaluations** – During the trial employment period, an employee's supervisor, Department Head or the City Manager shall evaluate the employee's performance at regular intervals. A written performance evaluation shall be completed during the last month of the trial employment period or before the conclusion of any extended trial employment period.
- 2.5.4 **Dismissal** – Employees may be dismissed by the employee's Department Head or the City Manager at any time during the trial employment period for failure to meet acceptable performance standards, or for any other aspect of job performance or behavior that warrants dismissal, in the opinion of the employee's supervisor, Department Head, or the City Manager. Notice of dismissal shall be in writing.

3 EMPLOYMENT POLICIES AND PRACTICES

3.1 DISTRIBUTION OF EMPLOYEE MANUAL

3.1.1 All employees in the City service shall receive one copy of the Employee Manual at the time of hire. Each employee shall be required to sign a certification of receipt of the Manual. Employees shall be responsible for keeping current with the Manual and any subsequent amendments.

3.2 PERFORMANCE EVALUATIONS

3.2.1 **Generally** – Employees shall be evaluated in writing during the trial employment period as provided in the *Trial Employment* section. After successful completion of the trial employment period, an employee's performance shall be evaluated in writing on or before the employee's anniversary date. The employee's supervisor, Department Head, or the City Manager may conduct oral or written performance evaluations at other times as are deemed necessary and appropriate.

3.2.2 **Content** – Regular performance evaluations shall be conducted in writing and completed by the employee's supervisor, Department Head, or the City Manager. The performance of the employee with respect to each individual "essential" or "auxiliary" job duty as prescribed by the employee's written job description, and the performance of the employee relative to the positive undertaking of their job responsibilities, response to job conditions, and handling of external contacts, as per the applicable sections of their job description, shall be evaluated with the following summary ratings:

- a. Meets or Exceeds Standards (eligible for increase)
- b. Does Not Meet Standards (not eligible for increase)

The criterion for each summary rating is established by the individual supervisor, Department Head, or the City Manager with reference to the employee's job description.

Each summary rating, shall be accompanied by a written statement describing job related performance, the specific points on which that performance fall short, matches or exceeds expected standards, and reasonable and measurable criteria and deadlines for improving or sustaining performance.

3.2.3 **Consequences** – Any employee who receives a "Does Not Meet Standards" performance rating, shall not receive a pay step increase as per the compensation section entitled *Within-the-Range-Pay Increases*, and may be dismissed.

3.2.4 **Postpone for Leave without Pay** – If an employee’s anniversary date or yearly performance evaluation falls during a leave without pay period of thirty (30) calendar days or longer, the anniversary date and performance evaluation shall be postponed until the employee has returned to work and completed as many days of continuous employment as the length of the leave with pay period.

3.2.5 **Form** – Performance evaluations shall be in a form prescribed and approved by the City Manager. The performance evaluation form shall become a part of this Manual and is included as Appendix A. The City Manager may make administrative guidelines to assist supervisors and employees in the proper application of performance evaluation standards.

3.3 PROMOTIONS

3.3.1 **Generally** - The most senior current employee competing for an open position in the City service may be selected and promoted into that position when the City Manager determines (after consideration of the criteria listed in the *Selection* section) that the overall qualifications and abilities of outside applicants and current employees competing for an opening are equal.

3.4 LAYOFFS

3.4.1 **Generally** – Employees may be laid off whenever the City Manager or City Council determines that there is a shortage of work or funds, or that the abolishment of a position or other changes in the City’s organization is in the best interest of the City.

3.4.2 **Procedures** – Employees shall be selected for layoff based on merit and fitness. Performance evaluations may be undertaken and used as an aid in determining an employee’s merit and fitness at the time of layoff. The City Manager shall have the discretion to determine merit and fitness for purposes of layoff.

3.4.3 **Notice** – All employees shall receive written notice of the cause(s) for the layoff. Written notice of layoff shall be delivered personally or mailed by registered, certified or other similar special mail to the employee at his or her last known address.

3.4.4 **Reinstatement** – The City has no duty to recall laid-off employees when the circumstances necessitating the reduction in the number of employees change, nor to afford the laid-off employee preferential standing in the process of recruitment and selection of the new employees. Laid-off employees who are reinstated shall, however, be credited with their former length of service for the purposes of calculating seniority.

3.5 OUTSIDE WORK

- 3.5.1 **Notification** – City employees engaging in outside employment are encouraged to submit written notification to their Department Head, including the nature of the work and estimated number of hours to be worked.
- 3.5.2 **Impact** – Employee shall demonstrate to the Department Head's satisfaction that such outside employment or self-employment will not detract from the efficiency of the employee's completion of their assigned duties, create a real or potential conflict of interest or the appearance of impropriety, or otherwise conflict with the best business interest of the City. Under no circumstances may City equipment or resources be used in outside employment.
- 3.5.3 **Revocation** – The City Manager or Department Head shall have the right to take disciplinary action, up to and including dismissal, if at any time the Department Head determines that the employee's outside employment, or self-employment, detracts from the efficiency of the employee's completion of their assigned duties, created a real or potential conflict of interest or the appearance of impropriety, or otherwise conflicts with the best business interest of the City.
- 3.5.4 **Injury** – Employees who become injured or ill through any outside employment shall not be eligible to receive workers compensation through the City of Sherwood.

3.6 SOLICITATIONS

- 3.6.1 **Generally** - During work hours, employees may not solicit or distribute literature, for any purpose, in or on City property, buildings, facilities, or at City work sites, other than for City related business. Work hours include both the soliciting and the solicited employee's work hours. Solicitation between employees will be permitted during non-work hours such as before or after work, or during authorized meal or break periods.

3.7 POLITICAL ACTIVITIES

- 3.7.1 **Generally** – Initial or continuing employment shall not be denied on the basis of membership in, or support for, a political party, candidate, or philosophy. Except as may otherwise be allowed by the City Charter or City ordinance, any person who runs for, is elected or appointed to, holds or has held an elective City office, shall not be eligible for initial or continued employment with the City until one (1) year after the last day the prospective employee held such office.

- 3.7.2 **Prohibited Activities** – No employee or elected or appointed official shall solicit any contributions, assessments, or services on behalf of any candidate, political party, or organization from the City employee(s) during work hours. Employees shall not accept solicitations from private individuals during work hours. Any solicitation undertaken during non-work hours shall comply with the provisions of the previous *Solicitation* section.
- 3.7.3 **Political Parties** – Nothing contained in this section shall affect the rights of employees to be members of, support, or otherwise participate in the activities of any political party or organization, to vote as the employee chooses, to express the employee's opinions on political subjects or candidates, to maintain political neutrality, or to participate in nonpartisan activities of civil, community, social, professional or other similar organization. Provided, however, that during work hours in City uniform, while in or on City property, buildings, and facilities, or at City work sites, no City employees may actively work for, or against, or attempt to influence the election or defeat of, any candidate for Mayor or Council, or the recall of the Mayor or any Council member, or the election or defeat of any other political candidate or ballot measure. Violations of this section may be subject to the sanctions authorized by this Manual.

3.8 CONFLICTS OF INTEREST

- 3.8.1 **Generally** – Employees shall not have any direct or indirect pecuniary interest in any contract, service, or work performed for the City. Nor shall employees profit directly or indirectly from any contract, purchase, sale or service between the City and any individual(s), partnership(s), association(s), organization(s), corporation(s), cooperative(s), or any other group of persons.
- 3.8.2 **Prohibited Activities** – No employee shall use or attempt to use the official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the employees' holding of the official position, other than official salary.
- No employee, or a relative of the employee shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts with an aggregate value in excess of \$50 from any single source who could reasonably be known to have a legislative or administrative interest in the City in which the employee has any official position or over which the employee exercises any authority. (Reference ORS 244.040)
- 3.8.3 **Penalties** – Any employee who violates the provisions of this section may be subject to immediate discipline, up to and including dismissal.

3.9 EMPLOYEE APPEARANCE AND CONDUCT

- 3.9.1 **Dress and Appearance** – Employees shall wear appropriate attire for their position and department. The City Manager or Department Heads may issue rules regarding what is considered appropriate attire and appearance for the employees of specific City departments and for particular job positions.
- 3.9.2 **Personal Conduct** – All employees shall conduct themselves in a manner which is appropriate for an employee of the City and conduct interactions with the general public and all other parties in a patient, courteous, accurate, and conscientious manner. Job duties and responsibilities shall be performed in a manner that reflects positively on the City, and promotes the efficient allocation of public resources.

3.10 EMPLOYEE SAFETY

- 3.10.1 **Safety** – All employees shall coordinate and cooperate with other employees and the City to create and maintain a safe work environment. Employees shall observe all safe practices governing their work. Employees shall offer safety suggestions that contribute to a safer work environment and shall use proper safety devices and protective equipment as required by their supervisor, Department Head, or the City Manager. Employees shall properly maintain and keep in good repair all personal protective equipment. Reference Appendix G – *City of Sherwood Safety Policy*.

3.11 INJURY AND ILLNESS

- 3.11.1 **Reporting** – Employees shall report any suspected or actual on-the-job injury or occupational illness to their immediate supervisor regardless of degree of severity. Employees shall also report to their immediate supervisor, any accidents or illnesses that cause damage to public or private property or equipment, before, after, or during working hours, and that involve City employees, equipment, or property. Such reports shall be made as soon as possible, but no later than twenty four (24) hours following such accident or the actual or suspected injury or occupational illness. Employees shall prepare any accident or incident reports requested by their supervisors. In the case of a motor vehicle accident on City property, or while the employee is involved in the performance of his or her duties, the City Police Department shall also be notified immediately.
- 3.11.2 **Notices** – Department Heads shall notify the City Manager and the Human Resource department of any actual or suspected on-the-job accidents, occupational illnesses, or injuries as soon as practical, but in no case later than one (1) regular City workday following the filing of any accident, illness, or injury report.

3.12 PERSONNEL RECORDS

- 3.12.1 **Content** – Personnel records shall be maintained on all City employees, and shall be located in the Human Resource Department. All employees, including those on leave without pay status, are required to keep the City informed of their current home address at all times.
- 3.12.2 **Confidentiality** – Employees' personnel records are confidential, except as provided in the following section. Only the employee, the employee's immediate supervisor, Department Head, and the City Manager, or other personnel authorized by the City Manager may examine an employee's confidential personnel records. Confidential personnel records shall not be released to any unauthorized individuals except with the written consent of the employee. No documents shall be copied or removed from an employees' personnel file without the City Managers approval, provided, however, employees have the right to copy documents from their own personnel file at any time, subject to notification of the City Manager. Authorized inspections shall take place in the presence of the City Manager, and/or the Human Resource Manager.
- 3.12.3 **Public Information** – The following information from an employees personnel file is available for public inspection, subject to any reasonable regulations on the time and manner of inspection that may be determined by the City Manager: Employment applications, examination materials, position titles, prior position(s) held, employees' classified or unclassified status, dates of appointment and separation, and the compensation authorized. The City of Sherwood will comply with the Oregon Department of Justice regulations regarding disclosure of public records.

3.13 BUSINESS TRAVEL

- 3.13.1 **Expenses** – Employees required to travel outside of the City on City business, including but not limited to meetings, conferences, conventions, or court appearances, shall be reimbursed for all reasonable expenses incurred. Meals and transportation expenses shall be reimbursed or paid by the City per the following sections. An employee scheduled to travel outside of the City on City business shall obtain prior approval from the supervisor or Department Head to the necessity of the trip, relevance and importance to the City's business, mode of travel, accommodations, fees, and other anticipated expenses. Reimbursement for expenses shall only be for actual and reasonable expenses incurred in the course of performance of official duties as a City official. Employees shall be responsible for obtaining and submitting records verifying all individual expenses exceeding ten dollars (\$10.00), except as stated in the following section.

- 3.13.2 **Meals** – The City shall use the current daily per diem for meals and lodging per the US General Services Administration website per diem, website www.gsa.gov. A statement of the meals and lodging claimed should be provided to the Finance Department with other expense reimbursement documentation in order to receive the per diem. The meal and lodging per diem may be requested in advance of the planned travel if approved by the Department Head.
- 3.13.3 **Transportation** – Transportation for official City business purposes shall generally be by public carrier or City owned vehicles. City owned vehicles may be used for City business only. Subject to authorization of the immediate supervisor, Department Head or the City Manager privately owned vehicles may be utilized. Mileage reimbursement for the use of private vehicles shall be paid at the current IRS prevailing rate. Employees shall be responsible for maintaining and submitting records verifying all mileage accrued. Mileage reimbursement is considered to cover most transportation expenses, excluding vehicle storage, parking and tolls, which are fully reimbursable provided that records for all such expenses are provided. The City will not reimburse transportation within the City.

3.14 ATTENDANCE AND TARDINESS

- 3.14.1 **Attendance Required** – An employee shall be in attendance during all work hours designated by the City Manager or the employee's Department Head. Employees shall report to work and return from rest and meal periods, authorized leave, and holidays at scheduled times and/or dates.
- 3.14.2 **Authorized Absence** – Any employee unable to report to work for any reason other than personal illness or injury, or any other reason authorized in the *Paid Time Off* section, must obtain prior authorization for the absence from the employee's immediate supervisor. Any employees absent without prior authorization or notice to the appropriate supervisor shall be deemed to have forfeited any Paid Time Off or other paid leave and may be disciplined.
- 3.14.3 **Notice** – Employees absent due to personal illness or injury, or any other reason authorized in the *Paid Time Off* section, shall notify their immediate supervisor no later than the start of the employee's regular work shift. If the absence continues beyond the employee's first regular workday, the employee shall notify the immediate supervisor of each workday's successive absence before the start of the employee's regular work shift, unless other arrangements are made by the employee with the immediate supervisor. If the employee's immediate supervisor is not available, the employee shall notify their Department Head or the City Manager regarding absences. For any absence due to personal illness or injury that exceeds three (3) of the employees' regular workdays, the employees' Department

Head or the City Manager may require written verification of the illness from a qualified health care provider.

- 3.14.4 Penalties** – Employees shall be disciplined up to and including discharge for excessive absenteeism and tardiness. The City Manager shall have the discretion to determine what constitutes excessive absenteeism and tardiness and the manner in which employees shall be disciplined. This determination may differ according to the needs of each City department or the duties and responsibilities of each job position.

3.15 WORK SCHEDULES AND RULES

- 3.15.1 Generally** – The regular City workday consists of a work shift of eight (8) consecutive work hours plus an unpaid sixty (60) minute meal period within any consecutive twenty four (24) hour period. Saturdays, Sundays, and recognized City holidays are generally not considered regular City workdays, except as otherwise established by this Manual. The defined City workweek is a period of one hundred sixty eight (168) consecutive hours that begins at 12:01 a.m. Sunday and ends at midnight on the following Saturday. *Refer to Section 5.5 for additional information.*

- 3.15.2 Workday and Workweek** – The City Manager or Department Head may establish work hours and schedules different from the regular workdays for individual employees, certain classes of employees, or exempt employees, based upon the best business interest of the City and the needs of each department. Provided, however, that departmental procedure shall not nullify, modify, or run counter to these rules. Department rules, regulations, and procedures shall be approved by the City Manager. Employees shall work all of the hours and days assigned. The City reserves the right to modify or flex any posted work schedules whenever such modifications are in the best business interest of the City.

3.16 RESIGNATIONS

- 3.16.1 Notice** – An employee may resign by giving their Department Head written notice of resignation at least ten (10) regular City workdays before the effective date of resignation. “Workdays” as used in this section shall not include Saturdays, Sundays, and recognized City holidays. The written notice shall state the reasons the employee is resigning. The Department Head shall forward the resignation notice to the City Manager and to Human Resources, and may include a written summary of the employee’s current work performance and any additional information regarding the employee’s reasons for resignation.

- 3.16.2 Re-Employment** – An employees’ failure to comply with the previous section may be cause for denying re-employment with the City. The City

Manager may waive the ten (10) regular City workdays written notice requirement based upon the particulars of any given resignation and permit a shorter written notice period, or may permit an oral notice. Paid Time Off may not be used as part of the ten (10) regular days notice requirement unless specifically authorized by the City Manager.

3.17 DISCIPLINARY ACTIONS

3.17.1 Discipline Authority - The City Manager has the ultimate authority to hire and terminate employees. Department Heads and supervisors have the responsibility to recommend the hiring of employees and to investigate complaints and to recommend discipline within the general guidelines described below. To ensure consistent decision-making, all disciplinary actions should be reviewed by the Department Head and the Human Resources Director prior to being issued.

Department Heads and supervisors should maintain job performance records to document poor performance when it occurs and written records of investigations and rule infractions when no disciplinary action is taken. Documentation of all disciplinary action, including oral reprimands should be sent to the Human Resources Director for inclusion in the personnel file.

Nothing in this Section 3.17 confers any contractual or other right; either express or implied to remain in the City's employ. Your employment may be terminated by the City, or you may resign, with or without reason or notice at any time.

3.17.2 Corrective Action- The City of Sherwood has high performance expectations because we strongly believe that everyone benefits when we all work together and conduct ourselves in a manner that mutually reflects the best interests of co-workers and our organization. It is the philosophy of the City of Sherwood to take corrective action measures when possible for the purpose of correcting performance deficiencies or to deal with violations of policies and work rules.

All the policies in this manual must be followed. Violations of any of the policies in this manual may lead to disciplinary action up to and including termination of employment.

You will be informed by your manager of any corrective action that is necessary as soon as possible after any performance problem has been identified. Your manager will discuss the situation with you, explaining the policy and the necessity of corrective action to avoid other disciplinary actions.

Although one or more corrective action measures may be taken in connection with a particular performance problem, the City is not required to follow the designated order set forth below. Corrective action may include any of a variety of actions depending on the circumstances and severity of the particular situation and can include termination at the outset, if necessary.

Corrective action, including termination of employment may be taken at the discretion of management and may include, but is not limited to:

- Verbal counseling with you, which will be confirmed in writing for your personnel file.
- Mandatory participation in training and/or counseling.
- Oral reprimand.
- Written warning, which will be placed in your personnel file.
- Suspension, which will be confirmed in writing for your personnel file. Suspension is normally used to remove an employee from the premises during an investigation, or as a disciplinary action. This may be paid or unpaid. If you are suspended, it will be documented in your personnel file.
- Termination of employment.

The corrective action process will not always commence with a verbal counseling or include a sequence of steps and may include termination at the outset if necessary. Some acts, particularly those that are intentional or serious, warrant more severe action on the first or subsequent offense. Consideration may be given to the seriousness of the offense, your intent and motivation to change the performance, and the environment in which the offense took place.

The above are *only examples* of possible corrective action(s) that may or may not occur.

3.17.3 Termination of Employment –All employees of the City of Sherwood is at-will employees and may be discharged at any time, for any reason. Before termination employees will be given written notice of the reason for termination and they will be given an opportunity to respond to the written notice.

The following list includes, but does not limit reasons for dismissal or other disciplinary action:

Minor Infractions

- Unsatisfactory attendance, including unauthorized or excessive absenteeism, tardiness, and failure to give notice of intended absence or tardiness, or failure to comply with other reporting rules.
- Careless, inaccurate, unreliable or otherwise unsatisfactory work performance or productivity.
- Working overtime without prior authorization from the employee's supervisor.
- Interfering with or impeding other City employees work.
- Performing other than City work during work hours.
- Excessive personal phone calls.
- Personal internet usage.

- Failure to follow safe working practices (Employees that commit serious safety violations are subject to immediate termination).
- Failure to promptly report an accident or injury or cooperate in accident or injury investigations.
- Being rude or otherwise uncooperative in dealing with co-workers, supervisors or the public in the course of City business.
- Violating any City rule or practice that is presently in effect or subsequently adopted.
- Threatening, intimidating, bullying, coercing or assaulting another employee, supervisor or others in the course of City business.
- Fraudulent acts.
- Breach of trust.
- Violation of health/safety policy.
- Use of profane/abusive language.
- Any conduct that is illegal under local, state or federal law.
- Sleeping on the job.
- Failure to obtain permission from supervisor to leave work at an unscheduled time.

Major Infractions

- Insubordination including failure to follow any oral or written job instructions issued by the City Manager or a person in a position of authority as determined by the City.
- Provoking or instigating arguments, dissension or fights during work hours.
- Engaging in horseplay which results in injury or property damage to City property.
- Engaging in off duty conduct that is criminal or that the City Manager reasonably believes affects your ability to effectively perform your job duties and responsibilities. Off duty conduct may also include participation in on-line activities.
- Any deliberate or reckless act of destroying or damaging City property or the property of others while it is located on City property.
- Falsifying any reports or records, such as applications, absence and sickness reports or time records.
- Removing an item from or otherwise tampering with a personnel file without the approval of the City Manager.
- Bringing discredit to yourself or the City.

- Dishonesty of any type.
- Conduct in the course of employment that could result in legal action against the City.
- Engaging in discriminatory behavior or harassment of a sexual, racial, ethnic or religious nature.
- Violation of the City's drug and alcohol rules.
- Unauthorized possession of firearms, dangerous or deadly weapons or explosives on City property. For the purposes of this section "dangerous or deadly weapon" has the meaning given in ORS 161.015.
- Failure or refusal to cooperate in an investigation or interfering with an internal investigation.

4 CLASSIFICATION PLAN

4.1 COVERAGE

- 4.1.1 **Applicability** – All offices and positions in the City service shall be assigned to the classified or unclassified service. Unless specifically provided otherwise, this Manual shall apply to employees in the classified service.
- 4.1.2 **Unclassified Service** – The unclassified service shall include the following positions: The Mayor, Council Members, Municipal Judge(s), City Manager, City Recorder, members of boards, commissions and other plural authorities, all other personnel appointed, elected, approved, or confirmed by the City Council, all personnel who serve without compensation, and all temporary or volunteer personnel.
- 4.1.3 **Classified Service** – The classified service shall include those positions which are not specifically included in the unclassified service.

4.2 CREATION

- 4.2.1 **Generally** – The City Manager shall annually prepare and submit a compensation plan for approval as part of the budget process. The compensation plan shall become a part of this Manual.
- 4.2.2 **Classes** – Positions shall be grouped into classes based on similarity in established duties, responsibilities, and entrance qualifications. Each class of positions shall be given a class title, which may take the form of a number.
- 4.2.3 **Class Specifications** – Class specifications in the form of a job description shall be prepared for each position. Each specification shall include, but need not be limited to, the following information: the position title, a general statement of duties and responsibilities, a brief description of job conditions, and any entry level education, experience, licenses, or other relevant skills that must be possessed by any person to be considered for a position. Job descriptions shall be updated as needed to reflect accurately any changes to the duties, responsibilities, entrance qualifications, and other particulars of a position.

4.3 PURPOSE

- 4.3.1 The compensation plan is to be used as a guide for recruiting and selecting applicants for employment, determining the pay rate for various types of

work, determining personnel costs and departmental budgets, and as a uniform way of referring to positions in the City service that is understood by all City employees and the general public.

4.4 ADMINISTRATION

- 4.4.1 **Responsibility** – The Human Resource Manager, together with the City Manager, is responsible for maintaining the classification plan and ensuring that the plan reflects the current duties, responsibilities, and qualifications of all classified positions in the City service. When new positions are created, the City Manager, or designee, shall review the positions duties, responsibilities, and qualifications and incorporate the new position within the City's classification plan. Whenever there are material changes in duties, responsibilities, and qualifications of current positions, the City Manager, or designee, shall review the changes and determine if the classification plan needs an adjustment or correction.
- 4.4.2 **New Positions** – Whenever a new position is created or the duties of an existing position materially change, Department Heads (in conjunction with Human Resources) shall provide the City Manager with a written, comprehensive job description, describing in detail the duties, responsibilities and qualifications of the affected positions assigned to the class. The City Manager, in conjunction with the Human Resource Manager, shall investigate the suggested or actual duties, responsibilities and qualifications, and take necessary action to accurately maintain the classification plan. *Refer to Section 5.4 for additional information.*
- 4.4.3 **Incumbents** – Incumbent employees who consider their position improperly classified may submit a request for consideration for reclassification in writing to their immediate supervisor. The immediate supervisor shall review the request with the Department Head. If the Department Head finds that the position's duties, responsibilities or qualifications have changed materially so that the position's classification is inappropriate, the Department Head shall make a recommendation as to reclassification to the City Manager. If the Department Head finds reclassification is not appropriate, the Department Head shall inform the employee in writing of this decision and the reasons for the decision. In those cases where the Department Head has recommended reclassification to the City Manager, the City Manager shall review this recommendation and make the final decision.
- 4.4.3.1 **Appointment** – When a position is reclassified from one class to a higher or lower class, the method of filling the position shall generally be in accordance with the *Recruitment Policies and Practices* and the *Employment Policies and Practices* sections. Provided, however, whenever the reclassification would result in a demotion of an incumbent employee, the incumbent employee may be appointed

to the reclassified position, upon the recommendation of the Department Head and approval by the City Manager. Whenever the reclassification is a result of the employee's diligent and appropriate assumption of difficult and additional duties and responsibilities, so that the position warrants a higher classification, the Department Head may recommend to the City Manager that the incumbent be appointed to the reclassified position without examination. The City Manager shall consider the Department Heads recommendation and make the final decision regarding how such a reclassified position shall be filled.

5 COMPENSATION PLAN

5.1 CREATION AND COVERAGE

- 5.1.1 **Generally** – The City Manager in conjunction with the Human Resource Manager shall develop a compensation plan consisting of ranges of pay steps assigned to classes of positions.
- 5.1.2 **Pay Steps** – Pay steps for each class shall be coordinated based upon the ranges of pay steps for other classes, the requisite duties, responsibilities, and entry level qualifications of positions in each class, the rate of pay for similar work in the public and private sector, cost of living data, fringe benefits, the City's financial policies and positions, or any other relevant considerations. Nothing contained in this Manual, the compensation plan, or the City's past practices or customs shall prevent the City from reducing its work force, laying off, promoting, demoting, reclassifying, or dismissing employees or otherwise managing and directing the operation of City government in the best business interest of the City.
- 5.1.3 **Applicability** – The provisions of the compensation plan shall be applicable to all employees whose positions are listed in the classification plan.

5.2 MAINTENANCE

- 5.2.1 **Responsibility** – The compensation plan is intended to provide appropriate and equitable compensation for all positions in the classification plan, taking into consideration those factors listed in the *Creation and Coverage* section. The City Manager in conjunction with the Human Resource Manager, shall annually study all factors affecting the level of compensation paid City employees, and shall recommend appropriate adjustments to the Budget Committee.
- 5.2.2 **Amendment** – The use of pay steps is intended to provide administrative flexibility in recognizing individual differences among incumbents appointed to positions in the same class and to provide an incentive for employees to advance and improve their performance.
- 5.2.3 **Cost of Living Allowance** – The Budget Committee shall approve or deny an annual Cost of Living Allowance, based on recommendations from the City Manager and the Budget Committee. The percentage of the COLA increase shall be based on the CPI-U, West Urban average from the prior calendar year and shall not exceed five (5) percent. If approved, the COLA increase will be an across the board increase effective the first full payroll after July 1st of each fiscal year.

5.3 WITHIN-THE-RANGE PAY INCREASES

- 5.3.1 **Minimum Rate** – The minimum pay step established for a class is the normal hiring rate, except in cases where the background of a new employee, or other factors, warrant appointment at a higher step. Appointments above the minimum pay set for a class shall be approved by the City Manager, based on a consideration of whether the applicant's current qualifications are in excess of the entry level qualifications required for the class, whether there is a shortage of qualified applicants available at the minimum pay step, whether qualified applicants decline employment at the minimum pay step, or other factors in the best business interest of the City.
- 5.3.2 **Advancement** – Advancement to successive pay steps for a class of positions shall be based on an employees' efficient and fully satisfactory performance of the duties and responsibilities of the positions. The maximum pay step is considered the full pay rate for an incumbent who is meeting all the requirements of his or her duties. Advancement to the next successive pay step shall be based solely on merit and performance, not on an employees' longevity or seniority. Advancement is not automatic.
- 5.3.3 **Timing** – An employee may be considered for advancement to a higher pay step on his or her yearly anniversary date. Provided, however, that the trial employees may be considered for advancement to a higher pay step upon successful completion of the trial employment period, as provided for in the *Trial Employment* section. The anniversary date shall be adjusted for employees on leave without pay status. Employees shall only be advanced to the next successive pay step for his or her class of positions.

5.4 PAY STEPS ON PROMOTION, DEMOTION OR RECLASSIFICATION

- 5.4.1 **Promotion** – When an employee is promoted, the employees pay step in the new position shall be at least a five percent (5%) increase from the pay step from which the employee was promoted. The anniversary date of an employee who is promoted shall be adjusted so that it falls one (1) year from the effective date of the promotion.
- 5.4.2 **Demotion** – When an employee is demoted, the employees' pay step in the new position shall be the pay step of their new class of positions, which is the smallest decrease from the pay step from which the employee was demoted. If the employee was demoted, the employees' pay step in the new position shall be any appropriate pay step in their new class of positions that is less than the pay step from which the employee was demoted. In either case, the demoted employee's Department Head shall make a recommendation to the City Manager as to an appropriate pay step and the City Manager shall review and approve the recommended lower pay step or

determine what is a more appropriate pay step. The anniversary date of an employee who is demoted shall be adjusted so that it falls one (1) year from the effective date of the demotion.

- 5.4.3 **Reclassification** – When an employee’s position is reclassified, the employee will be moved to the closest higher step in the new class of positions based on the employee’s current salary. The anniversary date of an employee who is reclassified shall be adjusted so that it falls one (1) year from the effective date of the reclassification.
- 5.4.4 **Trial Periods** - The Department Head may, with approval from the City Manager, grant a promoted, demoted or reclassified employee a pay increase upon successful completion of a new six-month trial period following the action. If a pay increase is granted, the anniversary date shall become the date of the completion of the new trial period.
- 5.4.5 **Timing** – Proposals for promotions, reclassifications and new positions shall be submitted to the City Manager, or designee, with ample time to complete the process listed in *Section 4.4* of this Manual. If the promotion/reclassification or new position is approved, the new pay class, step and job description will become effective upon adoption. The new salary shall be retroactive to the date of adoption by the City Council.

5.5 PAY PERIODS

- 5.5.1 **Workday and Workweek** – The regular City workday consists of a work shift of eight (8) consecutive work hours plus an unpaid sixty (60) minute meal period within any consecutive twenty four (24) hour period. Saturdays, Sundays and recognized City holidays are generally not considered regular City workdays, except as otherwise established in this Manual. The regular, defined City workweek is a period of one hundred sixty eight (168) consecutive hours that begins with the start of the first work shift after 12:01 a.m. Sunday and ends at the conclusion of the last work shift that started before midnight on Saturday. This Manual or the City Manager may establish other regular workdays for individual employees or certain classes of employees, particularly for exempt employees and departments providing service outside of the regular workweek. *Refer to Section 3.15 for additional information.*
- 5.5.2 **Pay Day** – Employees will be paid every other week based on hours worked in a predetermined fourteen (14) day period.
- 5.5.3 **Direct Deposit** – All regular full and part time employees are encouraged to participate in the City's direct deposit program. Temporary employees working less than two months, or employees without a bank account, may opt to receive paper checks.

5.6 OVERTIME

- 5.6.1 **Generally** – All non-exempt employees will be compensated for hours worked in excess of forty (40) hours a week. No employee may refuse to work scheduled overtime, overtime necessitated by emergencies, overtime necessitated by staff shortages, or any other reasonable requirement for overtime work that is in the best business interest of the City.
- 5.6.2 **Compensation** – All authorized overtime work by employees, except as exempted in the *Overtime/Exceptions* section, may be compensated for with time off in lieu of pay, at the employees option. The compensation rate will be one and one half (1 ½) hours for each hour of employment worked in excess of the employee's regular forty (40) hour workweek. The maximum accrual is twenty (20) hours of compensation time. Such non-exempt employees shall receive cash payment for all unused compensation time off upon resignation, layoff or dismissal. Such excess of unused compensation overtime shall be paid at the employee's regular rate of pay.
- 5.6.3 **Overtime Calculation** – Overtime is calculated based on hours actually worked. Discretionary time off, such as Personal Time Off, Comp Time and Sick Leave, are not included in the calculation.
- 5.6.4 **Exceptions** – Except as otherwise provided herein, exempt classified employees are not eligible to receive overtime pay for any hours worked in excess of forty (40) hours in one (1) regular City workweek, as such employees receive a salary which is considered to be adequate cash compensation for all hours worked.
- 5.6.5 **Exempt Positions** – For purposes of this Manual, exempt classified employees include those persons employed in an administrative, professional or executive position, as defined by the Fair Labor Standards Act of 1985, or succeeding legislation.

6 EMPLOYEE BENEFITS

6.1 HOLIDAYS

6.1.1 **When Observed** – The City shall observe the following holidays on the dates indicated:

- a. New Year's Day – January 1
- b. Martin Luther King Jr. Day – Third Monday in January
- c. Memorial Day – Last Monday in May
- d. Independence Day – July 4
- e. Labor Day – First Monday in September
- f. Veterans Day – November 11
- g. Thanksgiving Day – Fourth Thursday in November
- h. Friday Following Thanksgiving – Fourth Friday in November
- i. Christmas Day – December 25

6.1.2 **Exceptions** – If a holiday falls on a Sunday, the following Monday shall be observed as the holiday. If a holiday falls on a Saturday, the proceeding Friday shall be observed as the holiday.

6.1.3 **Generally** – It is the policy of the City of Sherwood to be open the maximum number of days each year so as best to serve the public. As a result, four personal days have been included in the Paid Time Off section. Employees are encouraged to use the additional time off for days of national recognition or religious observance, such as their beliefs may dictate.

6.1.4 **Holiday Pay** – Regular full time employees who do not work on a holiday shall receive eight (8) hours holiday pay at their regular rate of pay. Regular part time employees working twenty (20) hours or more a week who do not work on a holiday shall receive a portion of the eight (8) hours holiday pay at their regular rate of pay equivalent to the percentage of their assigned hours to a full forty (40) hour work week. Temporary employees, contract or project employees, employees working less than twenty (20) hours a week, and employees on leave without pay are not entitled to receive holiday pay. An unexcused absence from scheduled work on a holiday will result in loss of holiday pay for that holiday.

Eligible employees are paid hours proportionate to the percentage of hours worked to a full 40 hour work week (See examples below)

- Regularly scheduled 20 hrs/wk = 50 % = 4 hours paid

- Regularly scheduled 25 hrs/wk = 62.5% = 5 hours paid
- Regularly scheduled 30 hrs/wk = 75 % = 6 hours paid
- Regularly scheduled 35 hrs/wk = 87.5% = 7 hours paid
- Regularly scheduled 40 hrs/wk = 100 % = 8 hours paid

6.1.5 Leave Provisions – If a holiday falls during a period of an employee’s approved paid time off, the employee shall receive holiday pay and the absence shall not be charged against the employee’s accumulated Paid Time Off benefits.

6.2 PAID TIME OFF

6.2.1 Description – The City shall provide a program of earned time off for regular full and part time employees, which can be used to meet the employees’ needs or desires for paid time off from work. The Paid Time Off (PTO) Program is a consolidation of, and in lieu of, the first day of sick leave, paid floating holidays, personal leave, and vacation leave.

6.2.2 PTO Accrual – PTO accrual rates are determined by a regular employees’ length of continuous service with the City. Full time employees shall accrue PTO each pay period at the following rate:

Years of Continuous Service	Accrual Rate Per Pay Period	Yearly Accrual Rate	Maximum Accrual
< 3 years	5.23 hours	17 days	26 days
=> 3 years	5.85 hours	19 days	29 days
=> 6 years	6.46 hours	21 days	32 days
=> 9 years	7.08 hours	23 days	35 days
=> 12 years	7.69 hours	25 days	38 days
=> 15 years	8.31 hours	27 days	41 days

Part time employees shall accrue PTO at a prorated rate of full time employees. Eligible employees are paid hours proportionate to the percentage of hours worked to a full 40 hour work week.

6.2.3 Trial Employees – PTO accrued during the first six (6) months of continuous service shall not be used until the employee completes the initial six (6) month trial period. Any accrued but unused PTO benefits shall be forfeited and will not be paid if employee is terminated or resigns prior to completion of the initial six-month trial period.

6.2.4 Maximum Accrual – Leave benefits which are earned may be accrued to a maximum of one and one half (1 ½) times the employee’s annual accrual rate (rounded up). Employees will not accrue or be paid for any leave in excess of one and one half times. However, the City may approve temporary accruals and carryovers of more than the maximum allowable amount when the employee is unable to take time off due to City staffing and work load requirements, or other legitimate reasons, that in the opinion of the Department Head, make use of accrued paid time off benefits unfeasible. Temporary accruals in excess of the allowable amount shall be approved in writing by the City Manager.

6.2.5 Procedure for Use of PTO

- a. To schedule days off other than for illness or injury, an employee must submit a request to the immediate supervisor as far in advance as possible. All requests will be granted on a “first come, first served” basis. The immediate supervisor shall respond with the approval or denial within one (1) week of receipt of the request. All requests must be made in writing to be considered. Requests may be denied based upon staffing and workload requirements of the City. Approval of requests will not be unreasonably withheld.
- b. Employees must indicate in writing the number of PTO hours for which payment is requested. The combined total of hours worked and PTO hours cannot exceed the normal working time in any given pay period, except for authorized overtime.
- c. For illness or injury, the employee must notify the immediate supervisor as soon as possible. If the illness extends beyond one (1) day, daily calls must be made to keep the supervisor informed, unless otherwise arranged between the supervisor and the employee.

6.2.6 Cash Out – Regular employees that have completed the initial six month trial period shall be paid in one (1) lump sum for any accrued but unused PTO benefits only upon layoff, resignation or dismissal.

6.2.7 Sick Leave Accrual – Regular full time employees shall accrue eight (8) hours of sick leave per month, which may only be used for absences resulting from injury or illness in excess of one (1) day, or emergency leave. Regular part time employees shall accrue sick leave proportionate to the percentage of hours worked to a full 40 hour work week. Sick leave will be accrued in a separate bank and employees will not accrue or be paid any sick leave in excess of 720 hours.

6.2.8 Applicability – Sick leave benefits may be used by regular employees for absences due to personal injury, illness or temporary disability in excess of one (1) day, which keeps the employee from performing their regular duties. Sick leave benefits may also be used for absences occasioned by the illness or injury of an immediate family member, or for reasons associated with the Family Leave Act.

6.2.9 PTO Usage with Sick Leave – If an employee misses one day of work for an injury, illness or temporary disability, the first day of paid leave shall come from the bank of accrued PTO leave unless the employee provides notice from a health care provider justifying the need for leave, in which case an employee may access sick leave accrual immediately. In the event that all PTO and/or comp time leave has been exhausted, the first day shall be unpaid leave. Any additional leave necessary for an injury, illness or temporary disability in excess of the first day of PTO shall come from the bank of accrued sick leave. When an employee is absent on more than one occasion for the same occurrence, within a thirty day period, only one day of PTO is required prior to utilizing paid leave from the employees' accrued bank of sick leave.

6.2.10 Calculation – For the purpose of calculating the first day of leave for regular employees working less than forty (40) hours per week, hours shall be proportionate to the percentage of hours worked to a full 40-hour work week.

6.2.11 On-the-Job-Injury – When an employee is absent from work because of an on-the-job injury, time off will not be charged to sick leave except as provided below. The employee may select one of the following options:

- a. The employee may elect to receive only his/her worker's compensation payments.
- b. The employee may voluntarily turn in their first and all subsequent worker's compensation payments and will, in turn, receive their regular gross wages, and the following will occur:
 - Employees shall use available sick leave for integration with their worker's compensation payments in order to receive their regular gross wages. In this situation a check for full gross wages will only be received if the employee has available sick leave. Deduction to sick leave shall be proportional to the difference between the worker's compensation payments and regular gross wages.
 - In the event an employee withholds any of his/her worker's compensation payments, compensation will fall into the integration of sick leave formula described above from the first day of injury. In the event this occurs, the City can automatically deduct any overpayment in full from the employee's next paycheck, or any subsequent checks if there is not a sufficient amount in the next paycheck.

6.3 SPECIAL LEAVE

6.3.1 Jury Duty – Employees who are called to serve on a jury, or served with a subpoena as a witness in any court proceeding, shall be allowed time off from work without loss of pay or accrued benefits. Any fees received shall be endorsed over to the City for deposit in the City's General Fund,

provided, however, that any fees received for such duty occurring on days that are not regular workdays for the employee shall be retained by the employee. Employees excused from jury duty or court proceedings are expected to work the remainder of their regular workday.

6.3.2 Leave with Pay – Except as otherwise established by this Manual in the form of paid time off, holidays, jury duty, sick/emergency leave, in-service training, and the other forms of leave and training specifically identified, leave with pay is not allowed, except by express authorization of the City Manager.

6.3.3 Family Medical Leave – An employee may be eligible for Family Medical Leave to care for a spouse, parent, parent-in-law or child with a serious health condition, or sick child requiring home care, for the employee's own serious health condition, or for parental leave for the birth of a child or for placement of a child under 18 years of age for adoption or foster care. As a general rule, such leave shall not exceed twelve (12) weeks within any twelve (12) month period, except as otherwise required by law. An employee may qualify for more than twelve (12) weeks of leave under OFLA and FMLA.

Where practicable, and subject to the approval of the treating health care provider, the employee shall make a reasonable effort to schedule health care treatment or supervision to minimize disruption of the employer's operations.

A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves:

- In patient care in a hospital, hospice or a residential medical facility, including a period of incapacity connected with in-patient care, or
- Continuing treatment by a health care provider for a serious health condition.
- Incapacity of more than three (3) days.
- Any period of incapacity for pregnancy or prenatal care.
- Any period of incapacity or treatment for a chronic serious health condition (i.e., asthma, diabetes, epilepsy, etc.).
- Permanent or long term incapacity for which treatment may not be effective (i.e., Alzheimer's, a severe stroke, terminal stages of a disease, etc.).
- Multiple treatments for restorative surgery or a condition that, if not treated, would likely result in incapacity of more than three (3) calendar days (i.e., chemotherapy for cancer, physical therapy for arthritis, dialysis for kidney disease, etc.).

An employee returning from a FMLA or OFLA leave will be reinstated to the same or equivalent position with equivalent pay, benefits and other employment terms. Before returning from the medical leave, the employee must present a doctor's work fitness assessment stating that the employee is physically able to return to work.

The employee's use of FLMA or OFLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. See *Appendix I for detailed information.*

6.4 EMERGENCY LEAVE

- 6.4.1 **Generally** – When a death or serious illness occurs in an employee's family, the employee may request up to five (5) workdays paid emergency leave, which will be deducted from the employee's sick leave balance. Emergency leave pay shall be that amount the employee would have earned had the employee worked their regular work schedule. All emergency leave shall be approved in writing by the Department Head, setting out the terms, conditions, and length of said leave.
- 6.4.2 **Benefit** – Emergency leave may not exceed five (5) workdays in any calendar year unless approved by the City Manager. Emergency leave in excess of five (5) workdays not approved by the City manager shall be treated as PTO pursuant to the *Paid Time Off* section, or be treated as leave without pay should all PTO be exhausted.

6.5 LEAVE WITHOUT PAY

- 6.5.1 **Generally** – Leave without pay may be granted to any regular employee by the City Manager for any period of time up to twelve (12) months for personal, professional, or family reasons, or for time beyond the medically certified period of temporary disability following childbirth. Employees shall be required to utilize any accrued paid leave prior to taking leave without pay. The City Manager shall have the discretion to grant leaves without pay for other reasons consistent with the best business interest of the City. Temporary employees shall not be granted leave without pay.
- 6.5.2 **Authorization** – All leave without pay must be requested by the regular employee in writing as soon as the need for such leave is known. All written requests shall state the reason for the leave and the amount of leave time needed. Written requests shall be submitted to the employee's Department Head, and referred to the City Manager with the Department Head's recommendation. All leave without pay shall be approved in writing by the City Manager setting out the terms, conditions, and length of said leave. The City Manager has the discretion to reduce or deny the leave without pay request when the reduction or denial is in the best business interest of the City.
- 6.5.3 **Return to Work** – Failure to return from any leave without pay on or before a designated date, will be considered a voluntary resignation and cause for denying re-employment within the City. Employees on leave without pay

may return to work early, provided notice is given to their Department Head at least two (2) regular City workdays in advance.

6.5.4 **Benefits** – Paid time off and sick leave benefits are not earned while an employee is on leave without pay. The City will not pay any portion of the employee's group health and welfare insurance premiums while the employee is on leave without pay, though the employee may elect to personally continue such coverage as provided under the terms of such policies. An employee shall be required to use any earned but unused paid time off benefits before a leave without pay is granted.

6.5.5 **Re-employment** – Employees returning from an approved leave without pay are entitled to return to their same position or a similar position in the same class and pay step. Provided, however, if the employee's anniversary date fell during a leave without pay period, the employees' anniversary date shall be adjusted as provided for in the *Leave without Pay* section.

6.5.6 **Certificates** – Employees who are granted a leave without pay for medical or disability reasons must exhaust all accrued paid leave benefits prior to commencing leave without pay. Any employee returning from a leave without pay due to medical or disability reasons must provide a qualified health care provider's certification of the employee's ability to return to work. If the employee was placed on leave without pay status pursuant to the terms of the *Physical Examinations* section, the certificate shall, if possible, be from the health care provider who previously examined the employee.

6.6 MILITARY LEAVES OF ABSENCE

6.6.1 **Reserve Duty** – Any regular employee required to attend military reserve training or other military duty shall be entitled to a leave of absence from duties for a period not exceeding fifteen (15) days in any one training year, without loss of time, pay or regular leave, and without impairment of efficiency rating or other rights or benefits to which the employee is entitled. The City's military leave is in accordance with state and federal law.

6.6.2 **Extended Duty** – A regular employee entering the armed services for an extended tour of duty shall receive an extended unpaid military leave of absence in accordance with state and federal law.

6.7 SOCIAL SECURITY

6.7.1 **Participation** – The City and all full time, part time and temporary City employees shall participate in the Social Security System.

6.8 IN SERVICE TRAINING

- 6.8.1 **Opportunity** – In service training opportunities for employees shall be provided when funds are available to do so, and the training is in the best interest of the City. The City Manager may develop training programs to meet Citywide personnel and operational needs, or to prepare employees for promotion, or may offer employees the opportunity to attend programs offered by other agencies, when it is determined such programs will improve the efficiency or effectiveness of the services rendered by City employees.
- 6.8.2 **Scheduling** – In service training sessions may be held during regular working hours at the discretion of the City Manager. Training sessions may be at City facilities or at other locations, as authorized by the City Manager.
- 6.8.3 **Compensation** – Employees shall be paid for any time spent in authorized training sessions, provided, however, that employees shall generally not be compensated for any time spent at training sessions held outside of the employee's regular work hours, workdays, or workweek. The City Manager has the discretion to compensate employees for time spent in training programs outside of the employee's regular working hours if attendance is deemed by the City Manager to be in the best business interest of the City, or is a requirement of continued employment or professional standing, and the training session is related to the employee's current duties or reasonably anticipated future duties.
- 6.8.4 **Expenses** – The City shall generally reimburse the employee for all expenses relating to authorized in service training sessions, including but not limited to enrollment fees, transportation, meals, and lodgings. The *Business Travel* section shall apply in determining proper documentation for reimbursement of in service expenses.

6.9 WORKER'S COMPENSATION

- 6.9.1 **Coverage** – The City and all full time, part time and temporary City employees shall participate in the State of Oregon Workers Compensation program.
- 6.9.2 **Exceptions** – Any on the job injuries or occupational illnesses shall be reported per the *Injury and Illness* section. An employee shall not receive sick leave benefits during any period when the employee is eligible to receive workers' compensation benefits, except as stated in *Section 6.2.11*.

6.10 GROUP INSURANCE PROGRAMS

- 6.10.1 **Health and Welfare Benefits** – All regular full time employees may participate in the City's Health and Welfare programs according to each

program's eligibility requirements. Part time employees working a minimum of twenty (20) hours per workweek may participate in a portion of the City's Health and Welfare programs only. Coverage shall extend to the employee's spouse and dependents with the approval of the City and the insurance plan. The City may contribute towards the premium cost of group insurance programs. Any premium costs not covered by the City shall be paid by the enrolled employee in a manner determined by the City Manager. The terms, condition and extent of the City's group insurance programs may be modified or canceled at any time by action of the City Council, Budget Committee or the insuring agency. Employees are responsible for keeping current with the terms, conditions, and extent of group insurance programs. The City is not responsible for interpreting the terms or conditions of group insurance programs or for errors, omissions, and ambiguities in published materials on group insurance programs.

6.11 RETIREMENT PLAN

6.11.1 PERS Enrollment – After six (6) full calendar months of employment, all employees scheduled to work at least six hundred (600) hours per year shall participate in the State of Oregon Public Employees Retirement System (PERS). Provided, however, that individuals actively enrolled in PERS as a result of prior employment shall be immediately re-enrolled upon hire. The City shall pay the employee's share in addition to the employer's share of the cost of the retirement plan for each employee. Employees do not have the option of receiving this pick up as salary and paying their contribution directly.