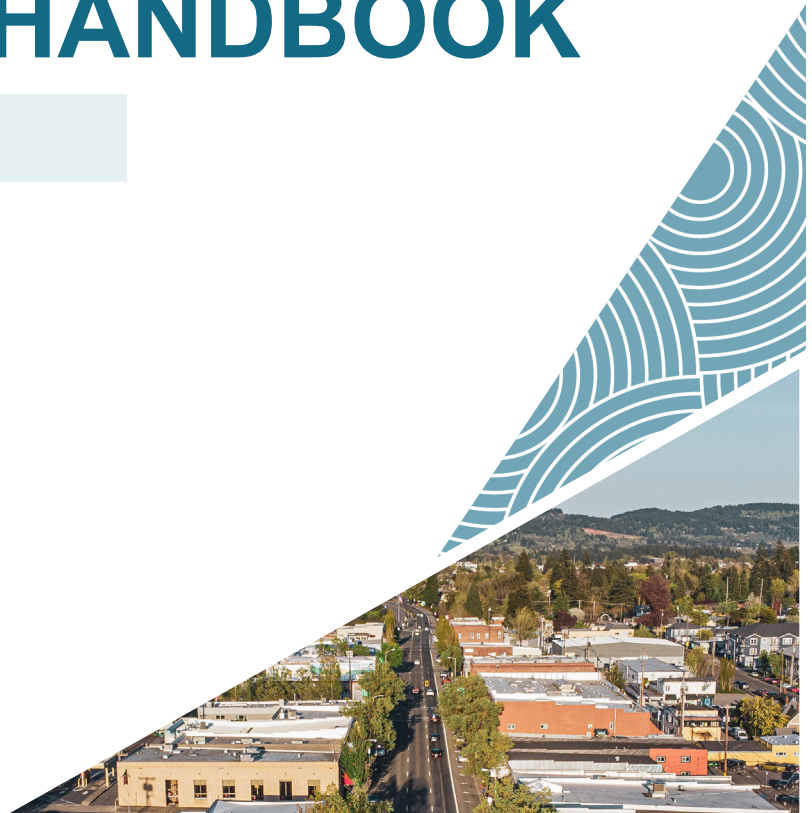




CITY OF NEWBERG EMPLOYEE HANDBOOK

Updated January 8, 2024





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1. JOINING OUR TEAM

This section covers many of the things that you will need to know when joining the City of Newberg team. It is far from an exhaustive list. Your supervisor and HR will also take you through other onboarding steps and information required to successfully join our team.

Probationary Period

All new employees, including current employees who are promoted or transferred within the City of Newberg, are hired within a probationary period that lasts a minimum of one year. 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 probationary period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City of Newberg meets your expectations of an employer.

At or before the end of the probationary period, a decision about your employment status will be made by conducting an end of probation preview. The City of Newberg will decide whether to: (1) Extend your probationary period subject to any clauses in collective bargaining agreements; (2) Move you to regular status; or (3) Terminate your employment.

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

The First Few Days of Work

During the first few days of work with the City of Newberg you will meet with HR and your supervisor or manager. During the course of this period the onboarding team will ensure that you are issued with the following information and items:

- Standard equipment or PPE that you will routinely need
- A City of Newberg ID badge (issued by the IT department)
- A City of Newberg email address.
- A new employee E-Learn training plan, including the need to take FEMA courses.
- A tour of the facility you will be working in
- A safety orientation
- A set of skill objectives that you will need to learn over the coming days, weeks, or months.
- The evacuation and emergency plan for your work site
- A general orientation to the city’s intranet, including the location of commonly used resources.
- An introduction to key members of your team
- How to complete your time recording entries for pay purposes
- An appointment to meet the City Manager

Enroll in the Everbridge Communications App or its Successor

All employees shall enroll in the Everbridge app as part of their on-boarding experience. See more details via this link:

<https://member.everbridge.net/964001114619907/login>

This is critical as the system is used in the case of emergencies or inclement weather alerts. All employees shall install the app on city issued phones and are recommended strongly to install this app on their personal mobile devices.

Represented Employees

Many employees of the City of Newberg are represented by a collective bargaining unit. Management of the City of Newberg are proud of their constructive relationship with the bargaining units.

Be aware that any collective bargaining agreement provisions supersede the rules laid out in this handbook. To the extent that a provision in a valid collective bargaining agreement contradicts or is inconsistent with what is in this employee handbook, the collective bargaining agreement has primacy.

2. INTRODUCTION AND OUR ETHICS

Welcome to the City of Newberg, we're glad to have you on our team. We believe that our employees are our most valuable assets and have committed to what we call our STRIVE values for that reason. In fact, we attribute our success as an organization in significant part to our ability to recruit, hire, and maintain a motivated and productive workforce. We hope that during your employment with the City of Newberg, you will become a productive and successful member of our team. In the next section you will read information on what makes the City of Newberg different from other municipal employers, a commitment to a high degree of ethics and to our shared values brought together under the heading of STRIVE.

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

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

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

STRIVE Values

Here at the City of Newberg, we strive to do the best for our workforce, community, and residents. We expect all of our employees to demonstrate the values we collectively chose to represent the way we work.

STRIVE represents six values that we use to determine our actions, priorities, and how we work each day. Those values are:

Service - We are of service to this community. Our decisions and actions should reflect that.

Teamwork - We foster a culture of mutual respect and support.

Responsibility - We uphold and honor the community's trust through stewardship of resources.

Integrity - We believe in doing the right thing, even when no one is watching.

Value - We aim to provide the best value services at all times.

Equity - We aim to recognize everyone's unique voice and take action to make a more equitable community.

In your time with the City of Newberg you will not go wrong if you adhere to the principles enshrined in the values listed above. We are glad that you have joined the City of Newberg team. We take the values listed above seriously and we hope you will too!

Ethics

Based upon our STRIVE values, we believe in treating people with respect and adhering to ethical and fair government practices. We expect employees to avoid situations that may compromise the city's reputation for integrity.

At the City of Newberg, we are public officials and as such, are 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 Newberg 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.

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

Public Officials

A city employee is classed as a Public Official under Oregon law, (ORS 244.020(15)) and that category includes anyone serving the State of Oregon or any of its political subdivisions or any other public body in any of the listed capacities, including as an "agent." An "agent" means any individual performing governmental functions. Governmental functions are services provided on behalf of the government as distinguished from services provided to the government. This may include private contractors and volunteers, depending on the circumstances. Upon employment with the City of Newberg you became a Public Official.

Gifts

During a calendar year, a public official, a candidate or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest.

During a calendar year, a person who has a legislative or administrative interest may not offer to the candidate or a relative or member of the household of the candidate any gift or gifts with an aggregate value in excess of \$50.

Use of Official Position or Office

A public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

Except:

- Any part of an official compensation package as determined by the public body that the public official serves.

- The receipt by a public official or a relative or member of the household of the public official of an honorarium or any other item allowed under ORS 244.042 (Honoraria).
- Reimbursement of expenses.
- An unsolicited award for professional achievement.
- Gifts that do not exceed the limits specified in ORS 244.025 (gift limit) received by a public official or a relative or member of the household of the public official from a source that could reasonably be known to have a legislative or administrative interest.
- Gifts received by a public official or a relative or member of the household of the public official from a source that could not reasonably be known to have a legislative or administrative interest.
- The receipt by a public official or a relative or member of the household of the public official of any item, regardless of value, that is expressly excluded from the definition of “gift” in ORS 244.020 (Definitions).
- Contributions made to a legal expense trust fund established under ORS 244.209 (Application to establish fund) for the benefit of the public official.

A public official may not solicit or receive, either directly or indirectly, and a person may not offer or give to any public official any pledge or promise of future employment, based on any understanding that the vote, official action, or judgment of the public official would be influenced by the pledge or promise.

A public official may not attempt to further the personal gain of the public official through the use of confidential information gained in the course of or by reason of holding position as a public official or activities of the public official.

A person who has ceased to be a public official may not attempt to further or further the personal gain of any person through the use of confidential information gained in the course of or by reason of holding position as a public official or the activities of the person as a public official.

A person may not attempt to represent or represent a client for a fee before the governing body of a public body of which the person is a member. This subsection does not apply to the person’s employer, business partner or other associate.

The provisions of this section apply regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed under ORS 244.120

Honoraria

A public official may not solicit or receive, whether directly or indirectly, honoraria for the public official or any member of the household of the public official if the honoraria are solicited or received in connection with the official duties of the public official.

A public official may receive of an honorarium or a certificate, plaque, commemorative or other item with a value of \$50 or less; or receive an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the public official or candidate.

Financial Interest in Public Contracts

A person who ceases to hold a position as a public official may not have a direct beneficial financial interest in a public contract for two years after the date the contract was authorized.

You are required to inform us of any activity that is ongoing or planned that may be or is a conflict with these laws. We will work with the State Ethics commission to determine the appropriate steps for resolution.

Failure to meet these standards will result in investigation and, depending on the outcome, result in discipline up to and including separation.

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 is in line with our STRIVE values, meets the City of Newberg's or Oregon's ethical standards, please talk with the HR department. Employees who violate Oregon ethics laws may be subject to disciplinary action up to and including termination.

Dress Code

Employees contribute to the atmosphere and reputation of the City of Newberg in the way they present themselves. Report to work in clean clothing and dressed in clean and appropriate attire for the position. A reasonable standard of dress rules out overly revealing clothing or any extreme in dress or fragrance.

In line with the provisions in this handbook on bullying and harassment no employee of the City of Newberg may wear clothing at work that, in the opinion of a reasonable person, discriminates against any person with regard to race (or traits associated with race), color, religion, sex, gender identity, pregnancy (including childbirth and related medical conditions), sexual orientation, national origin, citizenship, age, disability, genetic information, veteran status, domestic violence victim status, or any other status protected by applicable federal, Oregon, or local law. This includes but is not limited to badges, pins, prints, messages, or logos carrying slurs insults or slogans that are discriminatory to the listed groups above.

The City of Newberg's commitment to equal opportunity extends to this aspect of dress at work and will respect exceptions based on religion or disability. Employees who violate this policy may be subject to discipline, up to and including termination. In addition, all required personal protective equipment must be worn in relevant work sites.

Open Door Policy

The City of Newberg's Open Door Policy is based on our STRIVE values and the belief that open, honest communication should be a common business practice. The City of Newberg's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are identified early and shared without the fear of retaliation (when the employee provides the input in good faith).

If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you

are receiving from anyone in the City of Newberg, 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, you may approach any person in supervision or management that you are comfortable speaking to up to and including the City Manager. In addition, at any time you may request to have the facts/situation reviewed by contacting the HR department.

If you have an ethics violation to report that concerns the City Manager or any department head, you may instead report it to the STRIVE committee who have the responsibility to pass the information on the mayor of the City of Newberg and the head of HR simultaneously. Note that the STRIVE committee is made up of the number two person from each department so it will be easy to connect with someone to report an issue connected to a very senior staff member. The STRIVE committee is composed of the number two person in each primary department and meets every two months. For more details see the [Ethics and STRIVE policy](#) in the city SharePoint intranet.

Criminal Arrests and Convictions

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

- All drug or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on the City of Newberg property, or in a City of Newberg vehicle (see [Alcohol/Drug Use, Abuse and Testing policy](#) on page 50).
- All arrests, citations, convictions, guilty pleas, or no contest pleas that result from crimes involving the theft or misappropriation of property, including money.
- 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.

Workplace Violence

The City of Newberg recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person's life, health, well-being, family, or property will be dealt with in a zero-tolerance manner by the City of Newberg except if conducted by a police officer in the lawful performance of their duties. For the purposes of this policy, "violence" includes physically harming another, shoving, pushing, harassment, intimidation, coercion, brandishing weapons or explosive devices, and threats or talk of violence. If an employee is found to have violated any part of this policy, corrective action up to and including termination may occur.

Only active police officers may carry a firearm on city property or in city vehicles. If you possess a permit to carry a personal firearm, you may keep that firearm in a secured lockbox in a personal vehicle parked on city property, but you may not transport any employee in that personal vehicle at any time. The firearm should never be visible or accessible to anyone without a key or code to the locked storage. This rule applies to all employees regardless of whether an employee possesses a concealed weapon permit.

All employees have an obligation to report any incidents that pose a real or potential risk of harm to

employees or others associated with the City of Newberg, or that threaten the safety, security or financial interests of the City of Newberg. Employees are also strongly encouraged to report threats or acts of violence by non-employees, such as vendors or residents, against any employee, volunteer, or elected official. Employees should make such reports directly to the HR department or anyone in senior management if the situation is urgent. Once again if this involves a department head or the City Manager the incident can be reported to the STRIVE committee.

The City of Newberg may also investigate a current employee where the employee's behavior raises concern about work performance, reliability, honesty, or actions that potentially threaten the safety of co-workers or others. See policy on "Workplace Inspections."

3. EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICIES

The following EEO Policies apply to all employees. Members of management elected officials and employees alike are expected to adhere to and enforce the following EEO Policies. Any employee's failure to do so may result in discipline, up to and including termination. All employees are encouraged to discuss these EEO Policies with the HR department at any time if they have questions relating to the issues of harassment, discrimination, bullying, or what it means to work in a respectful workplace.

No Discrimination, No Retaliation Policy

The City of Newberg provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, (including traits traditionally associated with race such as hair texture, skin color, or certain facial features and hairstyles such as braids, locs and twists), color, religion, sex, gender identity or expression, pregnancy (including childbirth and related medical conditions), sexual orientation, national origin, citizenship, age, physical or mental disability, genetic information, marital or veteran status, domestic violence victim status, or any other status protected by applicable federal, Oregon, or local law. The City of Newberg also recognizes an employee's right to engage in protected activity under Oregon and federal law, as discussed in various policies below#AB, and will not retaliate against an employee for engaging in protected activity.

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

The City of Newberg'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.

Statement Regarding Pay Equity

The City of Newberg supports and complies with Oregon's Pay Equity Law and federal and Oregon laws prohibiting discrimination between employees on the basis of a protected class (as defined by Oregon or federal law) in the payment of wages or other compensation for work of comparable character. Employees who believe they are receiving wages or other compensation at a rate less than that at which the City of Newberg pays wages or other compensation to other employees for work of comparable character are encouraged to contact the HR department. See also [*Statement Regarding Pay Practices*](#) policy, at page 35 below.

No Harassment Policy

The City of Newberg prohibits harassment and sexual assault in the workplace, or harassment outside of the workplace that violates its employees, volunteers, and interns' right to work in a harassment-free workplace. Specifically, the City of Newberg prohibits harassment or conduct related to an individual's race(including traits traditionally associated with race such as hair texture, skin color, or certain facial features and hairstyles such as braids, locs and twists), color, religion, sex, pregnancy, sexual orientation,

gender identity or expression, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

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

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during the City of Newberg related or sponsored trips (such as conferences or work-related travel), and during non-working hours when that off-duty conduct creates a hostile work environment for any of the City of Newberg's employees.

Such harassment is prohibited whether committed by the City of Newberg 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 when:

- Submission to such conduct is made either implicitly or explicitly a term or condition of employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- 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 or other verbal or physical conduct of a sexual nature; sexual jokes; flirtations; advances or propositions; 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

This policy also prohibits harassment against an individual based on the individual's race, (including traits traditionally associated with race such as hair texture, skin color, or certain facial features and hairstyles such as braids, locs and twists), color, religion, sex, pregnancy, sexual orientation, gender identity or expression, 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.

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

- Jokes, pictures (including drawings), epithets, or slurs.
- Negative stereotyping.
- Displaying racist symbols anywhere on the City of Newberg property.
- "Teasing" or mimicking the characteristics of someone with a physical or mental disability.
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't 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.
- Negative comments or teasing a person about their natural hair, hair texture, hair type or hair style.
- Employees may not touch another employee's hair without permission to do so, even if the touch is extended out of curiosity or as a compliment.

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

Complaint Procedure (for Harassment)

Employees, volunteers, or interns who have experienced a sexual assault, any harassment, discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should bring the matter to the attention of the HR department, or a supervisor or member of management as soon as possible.

In addition, these sorts of complaints can be taken to the STRIVE committee if they concern the City Manager or a Department head to include the head of HR. The STRIVE committee meets regularly and is composed of a senior staff member from each department. Please ask HR for the email address of the current chair of the STRIVE committee should you need it in the future. See STRIVE committee definitions in the [*Open Door Policy*](#) on page 8.

When considering filing a complaint, employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witnesses harassment is encouraged, but not required, if they feel safe to do so, to tell the harasser that the behavior is offensive and unwanted, and that they want 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 of Newberg's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, the City of Newberg 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 Newberg'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 Newberg 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 Newberg, the employee must provide written notice of the claim within 180 days of the act or omission the employee claims has caused him/her harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

Protection Against Retaliation

The City of Newberg prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing or discriminatory conduct, or has participated in an investigation of such conduct. Employees who believe they have been retaliated against in violation of this policy should immediately report it to the HR department or any member of management. Once again if this retaliation concerns a senior staff member it can be reported to the STRIVE committee (all departments have a STRIVE committee representative who is the second most senior staff member in each department).

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*, and the *Reporting Improper or Unlawful Conduct Policy*.

Other Resources Available to Employees

The City of Newberg provides an Employee Assistance Program (EAP) through Canopy to employees and dependents who are enrolled in the City of Newberg's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to canopywell.com.

Members of the Police Association and all employees enrolled in life insurance also have access to an EAP through *Standard Insurance*. For access to confidential help 24 hours a day, seven days a week, call toll-free 1-888-293-6948 or go to www.workhealthlife.com/Standard3

EAP programs provide confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

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

Other Employee Rights

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

The City of Newberg 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 processes for addressing good-faith complaints.

No Bullying Policy

The City of Newberg strives to promote a positive, professional work environment free of physical or verbal harassment, “bullying,” or discriminatory conduct of any kind. The City of Newberg, 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, but are not limited to:

- Verbal Bullying: Slandering, ridiculing, or maligning a person or their family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person’s work area or property.
- Gesture Bullying: Non-verbal threatening gestures.
- Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities.
- Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on websites for co-workers, managers or supervisors or elected officials.

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

ADA Compliance and Disability Accommodation Policy

The City of Newberg 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 and nondiscrimination on the basis of an employee’s history of an impairment that is considered wa disability, because they are “regarded as” disabled, or because of any relationship to someone with a disability. Disability is defined by both federal and state law to mean a physical or mental condition that significantly restricts their ability to normally conduct a major life function, which includes walking, seeing, hearing, breathing, bodily functions, etc.

Disability Accommodations

The City of Newberg will make reasonable efforts to accommodate qualified individuals who may have a physical or mental disability but are still able to perform essential job functions with reasonable accommodations. Essential functions are defined as the fundamental non-marginal duties of the position being held or sought. A job function is essential if the position exists for the performance of the function, there are only a limited number of employees available to perform it, or it is so highly specialized that an expert is required to perform it. Reasonable accommodations are available to employees and applicants, as long as the requested accommodations don't cause an undue hardship on the organization.

Requesting an Accommodation

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, the City of Newberg) 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 Newberg, 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 by contacting the HR department 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 Newberg and employee must monitor the employee's accommodation situation and adjust as needed. This will always be an ongoing interactive process between the employee and the City of Newberg.

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 the HR department to discuss their options for continuing to work and, if necessary, leave of absence options including Oregon Paid Leave. The City of Newberg 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 Newberg's operations.

Requesting a Pregnancy-Related Accommodation

Employees who are concerned that their pregnancy, childbirth, or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made with the HR department 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 medical provider may be needed to assist the City of Newberg and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both the City

of Newberg and employee must monitor the employee's accommodation situation and adjust as needed.

Requesting a Religious Accommodation

If any work-related requirement may interfere with a religious observance or personal religious belief, a request for accommodation should be made with the HR department and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. The City of Newberg will treat such information as confidential, except to the extent that others need to know to evaluate your request for an accommodation or to provide accommodations.

No Discrimination, No Retaliation for Accommodations

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

- Asked for information about or requested accommodations.
- Used accommodations provided by the City of Newberg or Oregon Paid Leave.
- Needed an accommodation.

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

Reporting Improper or Unlawful Conduct — No Retaliation

Employees may report concerns about the City of Newberg's compliance with any law, regulation, or policy, using one of the methods identified in this policy. The City of Newberg 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 Newberg.
- A violation of law, regulation, or standard pertaining to safety and health in the place of employment.
- 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 Newberg or one of its employees.
- 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 Newberg 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.

Further, if you believe you have been harassed, or if you witness or suspect any violation of this policy, you should report the matter in accordance with the procedure outlined in the [Harassment Policy](#) on page 11. We also encourage you to document your concerns. We will not retaliate against you for filing a complaint or cooperating in an investigation and we will not tolerate or permit retaliation by management or coworkers.

Employee Reporting Options

In addition to the City of Newberg's *Open Door Policy* (See page 8) employees who wish to report improper or unlawful conduct should first talk to their supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to contact the HR department. Supervisors and managers are required to inform the HR department about reports of improper or unlawful conduct they receive from employees. If the conduct includes a department head or the City Manager, another reporting option is to refer the matter to the STRIVE committee described in the Open Door Policy.

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 Newberg 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 Newberg'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 a coworker or supervisor acting within the course and scope of their 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 Newberg.
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.

Assurance of No Retaliation

The City of Newberg will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes they are 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 the City of Newberg policy).

In addition, the City of Newberg prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City of Newberg 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 Newberg 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 their 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 Newberg 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.



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4. CLASSIFICATION AND COMPENSATION

The City of Newberg classifies its employees as follows:

- 1. Regular Full-time:** Employment in an established position requiring 40 hours or more of work per week. Full-time employees are eligible to participate in the City of Newberg's benefit programs.
- 2. Regular Part-time (Benefits Eligible):** Employment requiring 30 hours per week but less than 40 hours of work per week. A fixed part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 30 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees are eligible to participate in the City of Newberg's benefit programs.
- 3. Regular Part-time (Not Benefits Eligible. For more information contact Human Resources):** Employment requiring less than 30 hours of work per week or less. A fixed part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 30 hours will not constitute a change in benefit status.
- 4. On call:** These are staff with no set schedule who only work when they are called in to work. On call staff may accept or refuse work assignments at any time as suits their own needs and schedule. On call employees are not eligible for benefits, except those mandated by law.
- 5. 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. This link connects to the Oregon rules: <https://www.oregon.gov/boli/employers/Pages/salaried-exempt-employees.aspx>

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 the City of Newberg rules and procedures.

Longevity Pay

The City of Newberg believes that loyalty and long service to the city should be rewarded with additional compensation. All employees regularly scheduled to work 30 hours or more per week will be eligible for longevity pay based on the service years unless otherwise modified by a collective bargaining agreement. Those staff who have reached the following longevity milestones will receive an additional payment per month as listed below:

<i>Years of Service</i>	<i>Longevity Pay (Monthly)</i>
5	\$60
10	\$120
15	\$200
20	\$300
25	\$400

If an employee leaves the city and is rehired, the employee's years of service for longevity pay will not be reinstated. Instead, the years of service will reset to zero years.



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5. SCHEDULING AND TIME OFF

The City of Newberg's defined workweek is Sunday at 12:00 a.m. through Saturday at 11:59 p.m.

Meal Periods and Rest Breaks

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

Shift Length	Rest Breaks	Meal Breaks
2 hrs 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
14 hrs	3	2
14 hrs 1 min - 18 hrs	4	2
18 hrs 1 min - 21 hrs 59 min	5	2
22 hrs	5	3
22 hrs 1 min - 24 hrs	6	3

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

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

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

These rules may be modified by collective bargaining agreements.

Length of Work Period	Rest Breaks	Meal Periods
2 hrs 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

Rest Breaks for Expression of Breast Milk

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

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

If a private location is not within close proximity to the employee's work area, the City of Newberg 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.

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

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.

Overtime

You may be required to work overtime as needed. When overtime work is required by the City of Newberg on a particular job on a shift commencing on a day other than Saturday, Sunday, or a holiday, the non-exempt employee performing that job at the conclusion of their regular scheduled hours will normally be expected to continue to perform the job on an overtime basis. Overtime will be initiated with any time over the first 40 hours or as otherwise modified by a collective bargaining agreement.

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

The City of Newberg pays one and one-half times a non-exempt employee's regular hourly rate for all hours worked over 40 in any workweek.

Paid time not actually worked (for example, sick, vacation, holidays, and family leave) will not be counted toward the 40 hours worked per workweek required to receive overtime pay, unless otherwise required by law or an applicable collective bargaining agreement. If accruals are used the employee will still be compensated for time over 40 hours but at the straight time rate until hours worked reaches 40.

No overtime may be worked by non-exempt employees unless specifically requested by a supervisor or manager in advance. Additionally for the relevant staff call-back work must be justified by a comment or cartograph number. Employees who work unauthorized overtime may be subject to discipline up to and including termination.

Compensatory (Comp) Time

Overtime hours will normally be taken as comp time unless overtime pay is approved by the relevant supervisor. The maximum accrual for comp time is 96 hours unless modified by a collective bargaining agreement. Managers and supervisors are responsible for approving overtime on timecards for any hours over the 96-hour comp time maximum. If an employee has reached their maximum cap on comp time and must accrue extra hours that would normally have been comp hours, they will be paid as overtime instead. When an employee is separated from employment with the City of Newberg, any remaining comp time will be paid to the employee. To the extent that a provision in a valid collective bargaining agreement contradicts or is inconsistent with what is in this employee handbook, the collective bargaining agreement has primacy.

For all non-exempt full time and part time employees the use of compensation time accruals will follow the pattern set by the employees fixed schedule. See *Fixed Schedules and the use of Accruals* at page 26.

Administrative Leave

Administrative leave is provided to exempt staff to compensate them for the time they need to spend in evening and weekend work outside of conventional office hours. Each year exempt staff will accrue 80 hours with the accrual event occurring in July of each calendar year. If an exempt employee begins employment with the city in any month after July of a given year, they will receive a prorated portion based upon the month of hire rounded down to the nearest whole hour. For example, an exempt employee joins the city in February. They would receive 33.35 hours of administrative leave when onboarded. Administrative leave may be used in the same way as vacation time. Unused administrative leave balances expire at the end of each fiscal year and do not roll over and is never paid out. Therefore, the maximum accrual for any fiscal year is 80 hours.

Timekeeping Requirements

All non-exempt employees must accurately record time worked on a daily basis in the digital platform provided for payroll purposes. All employees are required to have a fixed schedule for electronic timekeeping, (see the next section for more details). Employees are required to record their own time at the end of each work period, including before and after the meal period. Employees are required to account for all time worked or used for non-work purposes in an accurate way. This means that it is the responsibility of every employee to record time accurately and request time off in the approved manner.

Filling out another employee's time entry, allowing another employee to fill out your time entry, or falsifying a time entry will be grounds for discipline up to and including termination. An employee who fails to record their time may be subjected to discipline as well. If an employee is unable to record their own time due to an unexpected absence, then the department will work with the payroll department to ensure that the employee's time is submitted for payment.

Exempt employees are required to submit an electronic timesheet each pay period either with time off recorded or the entry stating they have no exceptions taken.

Fixed Schedules and the use of Accruals

All non-exempt full time and part time employees must have a fixed schedule for electronic timekeeping and to create clarity around the use of accrued time. Occasional deviations are permitted from the fixed schedule but not more than five instances per year are permitted. Holidays and the use of accruals follow the pattern set by the employees' fixed schedule. Note that the one exception to this is the floating holiday that accrues and is used in eight-hour (or FTE equivalent) increments.

For example, a 30 hour per week part time employee takes a full day of sick time on a Wednesday. If they were regularly scheduled to work five hours shifts on Wednesdays, they would use five hours of sick time accrual to cover the event.

Another example would be of a staff member working a four tens schedule Monday to Thursday. If they took a vacation day for a Monday, they would use ten hours to cover the leave, the same as their regularly scheduled shift.

This does not preclude management from creating alternate schedules to generate coverage for special events.

Performance Previews

The preview process is designed to be a two-way open and transparent dialog between the employee and supervisor. One purpose of this dialog is to create a shared opportunity for mutual goal setting. Employees who disagree with the results of a performance preview may submit a written response with reasons for disagreement. Twice per year supervisors will sit down face to face with their employees and go over a mutually created discussion sheet that will include a goals element.

This sit down is staggered through the year and set for operationally quieter months. To even out the administrative burden different groups of staff have different target dates, which are filing deadlines. Every employee deserves an honest and forthright performance preview and supervisors deserve a chance to get meaningful feedback in return.

Performance Preview Schedule

January	Non-represented staff
February	Senior leadership and NDPD
March	Public Works
August	Non-represented Staff
September	Senior leadership and NDPD
October	AFSCME

The employee's response shall be filed with the employee's preview in the employee's personnel file. Such response must be filed not later than 30 days following the date the performance preview was received. Supervisors and managers are encouraged to provide employees with coaching of their work on an as needed and ongoing basis.

Attendance, Punctuality and Reporting Absences

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees are also expected to remain at work their entire work schedule, except for unpaid break periods or when required to leave on authorized City of Newberg 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 unexpectedly absent from work for any reason or who do not show up for work on time, must inform their supervisor via text, email or voice call no later than 1 hour before the start of the employee's shift unless extenuating circumstances apply. If you cannot get in touch with the supervisor leave a message with a the most senior person, you can. Not reporting to work and not calling to report the absence is a no-call/no-show and it is a serious matter. A no call/no show lasting three days may be considered job abandonment and may result in termination of employment.

Vacation

It is the policy of the City of Newberg to provide each full-time employee with vacation time to be accrued monthly. The amount of vacation to which an employee becomes entitled is determined by the employee's length of service as of their employment anniversary date. Anniversary dates are defined as the date of hire on which the employee becomes eligible for leave benefits. On-call or contract employment does not count towards length of service for leave accrual or longevity pay unless otherwise stated in the contract.

For regular, full-time employees, vacation accrues as follows:

Length of Service	Vacation Hrs Earned	Maximum Accruals
Up to 5 years	8 hours per month	192 hours
5 years but less than 10	10 hours per month	240 hours
10 years but less than 15	12 hours per month	288 hours
15 years but less than 20	13.33 hours per month	320 hours
20 years or more	14.66 hours per month	352 hours

Regular, part-time employees earn vacation on their employment anniversary date in proportion to their normally scheduled number of hours, unless superseded by a collective bargaining agreement. For example, a regular, part-time employee who usually works 20 hours per week would earn 4 hours of vacation per month for the first 5 years of service. Occasionally working more than the hours for which the employee was originally hired, does not change leave accruals but a regular change in hours may raise or lower accruals. Vacation must be scheduled with one's supervisor as early as possible to allow for any necessary staffing accommodations. If the employee becomes sick during a scheduled vacation, the leave cannot be converted to sick leave.

Use of Vacation

Vacation must be used in increments of no less than 15 minutes. For all staff vacation time may only be used to replace scheduled work time with the approval of an employee's supervisor. For all non-exempt full time and part time employees the use of vacation time accruals follows the pattern set by the employees fixed schedule. See *Fixed Schedules and the use of Accruals* on page 26.

Vacation Maximum Accumulation

Full-time regular employees may accrue vacation leave to a maximum of the values listed above#AA. If the maximum accrual is reached, additional vacation leave will not accrue until the leave balance has been brought down below the maximum hours allowed. Other staff accruing vacation time will do so on a pro-rated basis for both accrual and maximum accumulation. For example, a staff member with four years of service regularly scheduled to work 30 hours per week would accrue 6 hours per month to a maximum accrual of 144 hours.

Vacation Buy-back

Any employee who has accumulated more than 200 hours of vacation may choose to sell up to 40 hours of vacation one time per fiscal year. Applications must be made to Newberg Payroll (newbergpayroll@newbergoregon.gov) by June 15th of each fiscal year. The payment will be made with the June payroll. Accrual balances will be adjusted accordingly.

Vacation Pay Upon Separation

Upon separation of employment, employees who have completed 12 months of employment will be paid for unused vacation time that has been earned through the last day of work.

Sick Leave

The City of Newberg provides eligible employees with paid sick leave in accordance with Oregon's Paid Sick Leave Law. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law. Sick leave must be used in increments of no less than fifteen minutes. For all non-exempt full time and part time employees the use of sick time accruals follows the pattern set by the employees fixed schedule. See *Fixed Schedules and the use of Accruals* on page 26. The City of Newberg will follow the Oregon Bureau of Labor and Industries guidelines on partial day deductions for exempt employees.

Employees with questions about this policy may contact the HR department. Please also refer to the Oregon Sick Leave Law poster that is posted in break rooms around the city. By way of additional reference here is the link to the BOLI sick time page: <https://www.oregon.gov/boli/workers/pages/sick-time.aspx>

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. Sick leave runs concurrently with Oregon Family Medical Leave, Federal Family and Medical Leave and other leave as allowed by law.

Sick time accumulated will accrue to a maximum of 125 days (1000 hours) to be prorated for regular part-time employees according to the budgeted full-time equivalent. Sick leave is accumulated on a full

pay period at the rate of 8 hours for a full-time employee and at a pro-rated amount for a regular part-time employee. On-call employees may accrue Oregon paid sick leave to a maximum of 80 hours. Sick leave does not accrue during unpaid leave or layoffs. Represented employees may have a different accrual in their negotiated contracts.

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. Regular part-time employees accrue sick leave based on their regular hours worked. Documentation verifying that the absence was for a qualifying reason as defined in the *Documentation (for Sick Leave)* section below must be submitted for absences of 3 consecutive days or more.

Sick leave is meant to be used or carried over; any unused sick leave will not be cashed out upon separation from employment. If an employee leaves employment the sick balance cannot be restored for a returning employee. Prior government service, part-time or contract work with the City of Newberg does not count towards the calculation of sick leave on hire.

Notice Requirements (for Sick Leave)

If the need for sick leave is foreseeable, contact the HR department as soon as practicable before the leave is to begin. Generally, an employee must provide at least 10 days' notice for foreseeable sick leave (30 days' notice for FMLA predictable leave). The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick leave in a manner that minimally disrupts the operations of the City of Newberg. Employees must notify their supervisor and contact the HR department of any change in the expected duration of sick leave as soon as is practicable.

If the need for sick leave is unforeseeable, the employee must notify their supervisor as soon as practicable and comply generally with the City of Newberg's call-in procedures. See the section on *Attendance, Punctuality and Reporting Absences* on page 27.

Employees may only use sick time in 15-minute increments. Employees who leave work early due to illness must make up the balance of their scheduled shift for that day with sick time. Employees who call in and therefore cannot work a regularly scheduled shift must use sick time equivalent to the missed shift. For example, a part time employee scheduled to work on a Wednesday needs to call off for illness. The shift was scheduled to be six hours in duration; therefore, six hours of sick time must be utilized. Making up sick time on an alternative day is not permitted.

Documentation (for Sick Leave)

If an employee takes more than three consecutive regularly scheduled workdays as sick leave, the City of Newberg may require reasonable documentation showing that the employee was absent for an approved reason. Reasonable documentation includes documentation signed by a healthcare provider. If the City requests medical verification, the City will pay any costs for providing the medical verification required that are not paid under the health benefit plan in which an employee is enrolled.

Sick Leave Abuse

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

Unpaid Leave

The City of Newberg does not have an unpaid leave policy except in the context of statutory, protected leave. No supervisor may authorize an unpaid absence unless it has been negotiated and recorded at the time of hire, or it is the result of a collective bargaining agreement or statutory leave.

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 the *Pregnancy Accommodation policy* on page 16, as well as those available under FMLA/OFLA and Oregon Paid Leave.

Holidays and Floating Holidays

The City of Newberg recognizes twelve holiday days each year, which are designated to be 10 hours each. Part-time employees will receive holiday time according to their pro-rated FTE and must take it on one whole day.

For employees working a 4/10 schedule, if the holiday falls on a day when the staff member is not scheduled to work, they shall take the holiday on another day within the same work week (Sunday-Saturday) as the city recognized holiday.

For employees working a 5/8 schedule, they take the holiday on the designated holiday day, plus they can take 2 hours of holiday on another day within the same work week as the city recognized holiday.

Additionally, for full-time or part-time employees who do not usually work on the holiday, such as Library employees who do not work on Mondays, or part-time employees whose regular fixed schedule does not include holiday days, they should take the holiday on another day within the same work week as the city recognized holiday in the amount of their full-time or part-time FTE.

Management may for operational reasons, choose to allow any employee to earn straight compensation time instead of the method listed above. Earning comp time should only be used when the employee is unable to take a holiday due to designated work requirements within the same pay week. It is the employer's choice, not the employee's choice to designate comp time. If the employee does not take an alternative holiday in the same work week (Sunday-Saturday), the holiday is forfeited, and no comp time will be earned in its place. Collective Bargaining Agreements must be followed if they differ from the above policies.

The holidays recognized, unless otherwise modified by a collective bargaining agreement, are shown on the following page.

New Year's Day	January 1st
Martin Luther King Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19th
Independence Day	July 4th
Labor Day	First Monday in September
Veterans Day	November 11th
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve	December 24th
Christmas Day	December 25th

Floating Holidays

Full time employees may select 1 additional day (10 hours) off with pay (known as “a floating holiday”) during a calendar year unless modified by a collective bargaining agreement. Part-time employees, who are eligible for benefits, will receive pro-rated time for their floating holiday, based on their FTE. A floating holiday for an employee working a 10-hour schedule must be taken all on one day and cannot be broken down into increments to use on several days. Someone working an 8-hour schedule must take 8 hours on one day and 2 hours on another day in the same work week (Sunday to Saturday). Part-time employees must take the floating holiday all on one day.

Employees must coordinate requests for floating holidays with their manager. If your first day of employment is after March 1st you will not become eligible for a floating holiday until the following calendar year. A floating holiday not used by December 31st of a given year shall expire and be removed from the accrual bank.

Bereavement Leave

OFLA provides up to two (2) weeks of bereavement leave that may be used by eligible employees to attend a funeral for a family member, or to make arrangements necessitated by the death of the family member, or to grieve the death of the family member. The two weeks bereavement leave must be taken in the 60-day period following notice of death of a family member and will be deducted from the employee’s available leave time under OFLA. For all non-exempt full time and part time employees the use of bereavement time will follow the pattern set by the employees fixed schedule. See *Fixed Schedules and the use of Accruals* at page 26.

Family Member

This includes any family member recognized by Oregon or Federal Law. Leave to attend the funeral of a non-immediate family member or person with some especially close relationship, or any other relative residing in the same house or person acting in the capacity of an immediate family member may be granted as bereavement leave.

Pay While on Leave

If you are a regular full-time employee or regular part-time employee, you will continue receiving your regular pay for up to five days of bereavement leave allowed (based on 8 hours a day, for full-time employees, and pro-rated based upon the employee's regular schedule for part-time employees). Exempt employees will continue receiving their regular salaries for any additional partial days missed for any bereavement purpose. After five days, employees are required to use available sick leave, comp time or vacation time in that order.

Jury Duty

The City of Newberg will grant employees paid 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.

The employee is expected to report for work when doing so does not conflict with court obligations. Any payments offered as part of jury duty should be declined by the employee. If they cannot be declined, they should be submitted to the city. It is the employee's responsibility to keep their supervisor or manager informed about the amount of time required for jury duty. If this duty continues beyond three weeks, the employee will need to report back to the HR department on the progress of the proceeding and seek a continuance of this special pay.

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 the city.

Except for employee absences covered under the City of Newberg's *Crime Victim Leave Policy* (p. 33) or *Domestic Violence Leave and Accommodation Policy* (p. 33), employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

Religious Observances Leave and Accommodation Policy

The City of Newberg respects the sincerely held religious beliefs and observances of all employees. The City of Newberg will make, upon request, accommodation for such beliefs and observances when a reasonable accommodation is available that does not create an undue hardship on the City of Newberg's business. Employees may use vacation time or a floating holiday 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. This is an exception to the City of Newberg's normal policy on unpaid leave. Requests for religious leave or accommodation should be made with the HR department and may require the requesting employee to provide proof of the "sincerely held" religious belief.

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 their 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, a domestic partner, father, mother, sibling, child, stepchild, or grandparent.

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave during the leave period.
- Provide as much advance notice as is practicable of their intention to take leave (unless giving advance notice is not feasible).
- Submit a request for the leave in writing to the HR department as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

In all circumstances, the City of Newberg 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. In addition to the leave described above, criminality may additionally create leave options under *Paid Leave Oregon*. See page 42.

Domestic Violence Leave and Safety Accommodation Policy

All employees are eligible for reasonable unpaid leave to address domestic violence, harassment, sexual assault, or stalking of the employee or their 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.

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 their intention to take leave, unless giving advance notice is not feasible.

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

If more leave than originally authorized needs to be taken, the employee should give the City of Newberg notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give verbal or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee’s behalf. In addition to the leave described above, instances of domestic violence may additionally create leave options under *Paid Leave Oregon*. See page 42.

Finally, employees who are victims of domestic violence, harassment, sexual assault, or stalking will be entitled to a “reasonable safety accommodation” that will allow the employee to safely continue to work, unless such an accommodation would impose an “undue hardship” on the City of Newberg. Please contact the HR department immediately with requests for reasonable safety accommodations.

Military Service Leave

Employees who serve in the military and take military leave should contact the HR department 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.

Oregon Public Employee Temporary Active Duty Leave: In addition to the above, staff who have worked for the City for six (6) months are entitled to military service leave with pay not to exceed fifteen (15) calendar days in any one training year for annual active duty for training as a member of the National Guard, National Guard Reserves or any reserve component of the U.S. Armed Forces, or the U.S. Public Health Services.

A training year means the federal fiscal year (October 1 through September 30) for any unit of the National Guard or a reserve component. Such leaves are granted without loss of other leave and without impairment of other pay, rights, or benefits, providing the staff member receives bona fide orders to training duty for a temporary period and providing they return to their position immediately upon expiration of the period of ordered duty as provided for under ORS 408.290.

Weekend drill obligations are not considered “federal active duty” for training under this policy; other requirements apply. Please contact the HR department for more information and to make arrangements for this paid leave.

Military Family Leave

Staff who regularly work more than twenty (20) hours per week may take up to fourteen (14) days of unpaid Military Family Leave in order to spend time with a spouse or domestic partner who has been notified of an impending call or order to active duty and before deployment and during their leave from deployment.

You will be expected to provide at least five (5) days’ notice of your need for Military Family Leave, and the leave will be unpaid unless you elect to use any available paid leave in advance of your leave. This leave will apply and count toward your OFLA entitlement unless otherwise provided by law. If you take Military Family Leave, you will be entitled to the same reinstatement rights as those available for FMLA/OFLA.

6. PAY AND BENEFITS

All full-time employees are paid a monthly salary prorated at the beginning and the ending of employment. Non-exempt staff while paid a monthly salary are still compensated for their hours worked over 40 in a week, as defined in the [Overtime](#) section on page 24. All part-time employees are compensated for actual hours worked. For all employees the “month” is defined as the period from the 21st of one month to the 20th of the next and those are the dates you should report on your payroll time entry. Paydays are generally the last working day of each month, for both non-exempt and exempt employees. The City of Newberg does not provide advance payments of salary or loans against salary to be earned.

Net pay will be directly deposited into the employee’s bank account(s) unless an employee requests otherwise. The city will not permit more than three separate direct deposits. If an employee requests to pick up their paycheck from the City of Newberg, only the employee named on the paycheck will be allowed to do so unless the employee provides written permission to the City of Newberg for someone else to receive the check.

Statement Regarding Pay Practices

The City of Newberg is required to comply with applicable Oregon and Federal Wage and Hour Laws and makes every effort to do so. In the event you believe that the City of Newberg has made any improper deductions, has failed to pay you for all hours worked or for overtime, has failed to pay you in accordance with the law, or has failed to properly calculate your wages in any way, you must immediately report the error to the Finance department. The City of Newberg will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination for reporting an error or complaint regarding the City of Newberg’s pay practices. See also [Statement Regarding Pay Equity policy](#) at page 11.

Reporting Changes to an Employee’s Personal Data

Because personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping your personnel records current with regard to pay, deductions, benefits and other matters is important and your responsibility. If you have changes in any of the following items, please notify the HR department to ensure that the proper updates 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 the City of Newberg about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Payment of health premiums does not guarantee insurance coverage if eligibility is inaccurate. Upon request, the City of Newberg may require employees to provide proof of marital status/domestic partnership status.

Family Medical Leave (FMLA/OFLA) Policy

The following is a summary of Family and Medical Leave policy and procedures under the federal Family Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA). Generally eligible employees are entitled to 12 weeks of unpaid leave for the reasons identified below. Federal and state law prohibit retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested, or used Family and Medical Leave. In all cases, applicable Oregon and federal laws, rules, policies, and collective bargaining agreements govern the employee's and the City of Newberg's rights and obligations, not this policy.

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

FMLA/OFLA Definitions

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

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

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

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

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

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

Public Health Emergency Leave - Employees are eligible to take any OFLA leave during a Public Health Emergency if they have worked: (a) more than 30 days immediately before the date on which the leave would begin; or (b) an average of 25 hours per week in the 30 days immediately before the date on which the leave would begin. This is available to employees who are eligible for OFLA only. See the definition of a Public Health Emergency on the next page. Leave under Oregon and federal law will run concurrently when permitted.

Family and Medical Leave includes all of the types of leave identified in the section below, entitled Reasons for Taking Leave, unless otherwise specified.

1. Family Member

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

For purposes of OFLA, “family member” is defined as follows:

- The spouse of a covered individual;
- A child of a covered individual or the child’s spouse or domestic partner;
- A parent of a covered individual or the parent’s spouse or domestic partner;
- A sibling or stepsibling of a covered individual or the sibling’s or stepsibling’s spouse or domestic partner;
- A grandparent of a covered individual or the grandparent’s spouse or domestic partner;
- A grandchild of a covered individual or the grandchild’s spouse or domestic partner;
- The domestic partner of a covered individual; or
- Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.

2. Serious Health Condition

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

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

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

3. Public Health Emergency

For purposes of OFLA only, a “public health emergency” is a public health emergency declared under ORS 433.441 or an emergency declaration declared under ORS 401.165. Examples of this include when the State of Oregon declared a COVID-19 state of emergency in March 2020 and the wildfire state of emergency in June 2021.

Reasons for Taking Leave

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

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

Employee’s Serious Health Condition Leave: To recover from or seek treatment for an employee’s serious health condition, including pregnancy-related conditions and prenatal care.

Family Member’s Serious Health Condition Leave: To care for a family member with a serious health condition.

Parental Leave: For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.

Pregnancy Disability Leave: For incapacity due to pregnancy, prenatal medical care or birth.

Servicemember Family Leave: Eligible employees may take up to 26 weeks of leave to care for a “covered servicemember” during a single 12-month period. A “covered servicemember” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform their duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Under some circumstances, a veteran will be considered a “covered servicemember.” This type of leave is available under FMLA only.

Sick Child Leave: To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick child leave is not available if another family member is able and willing to care for the child. This type of leave is available only to employees who are eligible under OFLA.

Bereavement Leave: This type of leave is addressed under OFLA; see the *Bereavement Leave Policy* on page 31 for more information.

Length of Leave

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

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

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

One-Year Calculation Period

A benefit year will be calculated using the 52-week period commencing on the Sunday before the first day of covered leave.

Intermittent Leave

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

Employee Responsibilities - Notice (FMLA)

Employees must provide at least 30 days' notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned treatment for a serious injury or illness of a covered servicemember (Servicemember Family Leave). If 30 days' notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. If the situation giving rise to a Sick Child Leave is unforeseeable, an employee must give verbal or written notice to the City of Newberg within 24 hours of commencement of the leave.

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

Whether leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee must let the HR department know as soon as practicable if

dates of scheduled leave change or are extended or were initially unknown.

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

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

Certification for FMLA or OFLA

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

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

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

Employees must furnish the City of Newberg's requested medical certification information within 15 calendar days after such information is requested by the City of Newberg. In some cases (except for leave to care for a sick child), the City of Newberg may require a second or third opinion, at the City of Newberg's expense. Employees also may be required to submit subsequent medical verification. Employees will not be asked for, and they should not provide, any genetic information about themselves or a family member in connection with a FMLA/OFLA medical certification.

Holiday Pay While on Leave (for Short or Long Term Disability)

Employees receiving short or long-term disability will not qualify for holiday pay. Employees using paid accrued leave during a portion of approved Family Medical Leave in which a holiday occurs will qualify to receive holiday pay. Employees who are on unpaid leave during a holiday will not qualify to receive holiday pay. Employees using paid accrued leave during a portion of approved Family Medical Leave in which a holiday occurs will qualify to receive holiday pay if they are in paid status the day before and the day after the holiday occurs.

On-the-Job Injury or Illness

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

OFLA leave will not be reduced by, and will not run concurrently with any period the employee is unable to work because of a disabling compensable on-the-job injury; however, if the injury or illness is a “serious health condition” as defined by Oregon law and the employee has refused a bona fide offer of light-duty or modified employment, OFLA leave will commence. If the employee’s serious health condition is the result of an on-the-job injury or illness, the employee may qualify for workers’ compensation time-loss benefits.

Benefits While on Leave (FMLA or OFLA)

If an employee is on approved FMLA or OFLA Leave, the City of Newberg will continue the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. An employee wishing to maintain health insurance during a period of approved FMLA or OFLA leave will be responsible for bearing the cost of their share of group health plan premiums. Employees will not accrue vacation, sick leave, or other benefits (other than health insurance) while the employee is on a period of unpaid FMLA or OFLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in the City of Newberg benefit plans.

Job Protection (Family Medical Leave)

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

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

The use of Family Medical Leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave. Employees who work for other employers during a “serious health condition” leave may be subject to discipline up to and including termination. Additionally, all employees who use Family Medical Leave for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

Re-Employment Rights

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

Medical Certification Prior to Returning to Work

If Family Medical Leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification from their health care provider stating that the employee is able to resume work. No employee may start back at work without having provided this medical certification. If light duty is required, this must be approved before the employee returns to the workplace. Please submit this documentation to Human Resources and not supervisors.

Paid Leave Oregon

Paid Leave Oregon (PLO) is administered by the state of Oregon and covers all employees who earn \$1000 in the year before paid leave begins. Job protection is afforded to employees who have worked more than 90 days for the City of Newberg. Mandatory contributions from wages are required by both the employer and the employee and pay received will be considered wages. Benefit amounts depend on income and are taxable. Paid leave Oregon begin in September 2023. Employees may take leave for the following reasons:

Family Leave: to bond with a new child after birth, adoption, or foster placement; can be taken within the first 12 months after the birth, adoption, or placement. Additional leave (limited to two weeks related to pregnancy issues for a birthing parent in addition to the 12 weeks provide for family, medical and safe leave.

Family Leave: to care for a family member experiencing a serious health condition. Family members include spouses and domestic partners, children, parents, siblings or stepsiblings, grandparents, grandchildren and any individual related by blood or affinity whose relationship is equivalent to family.

Medical Leave: for an employee's own serious health condition.

Safe Leave: for survivors of sexual assault, domestic violence, harassment, or stalking to obtain legal or law enforcement assistance, seek medical treatment or recover from injuries, obtain counseling, or support services or relocate or take other steps to secure the health and safety of themselves or their dependent child.

If employees take leave for a planned purpose such as surgery or the birth of a baby, they must provide the City of Newberg with 30 days' notice. In an emergency, the employee must tell the city within 24 hours and provide written notice within 3 days of starting the leave.

Where possible, Oregon Paid Leave and FMLA/OFLA run concurrently. The maximum combination of FMLA/OFLA and Oregon Paid leave is 18 weeks. Leave may be taken in increments of one day. Application is made directly to the State of Oregon and cannot be made through the City of Newberg. Since the intersection of Oregon Paid Leave/FMLA and OFLA is complex, please contact the HR Department for more information. Please note that where FMLA/OFLA and Oregon Paid leave are running concurrently, parallel medical verification processes may be necessary.

An eligible employee's existing health benefits will continue for the duration of the employee's PLO-covered leave, as if the employee had continued in employment continuously during the period of leave.

Job Protection and Return to Work (PLO)

Employees taking PLO will be entitled to job protection (i.e. reinstatement) if they have been employed for at least 90 calendar days. If the position held by an eligible employee when the employee's leave started no longer exists, the employee is entitled to be restored to any available position equivalent to their previous position before they took leave.

Interplay with Other Leaves/Benefits (PLO)

PLO will run concurrently with FMLA and/or OFLA when taken by an eligible employee for a qualifying reason that falls within FMLA and/or OFLA. If the employee's qualifying reason does not fall within FMLA and/or OFLA or the employee is otherwise not eligible for leave under these laws, the paid leave will not run concurrently.

Paid Leave Oregon provides a helpful chart discussing the overlap between paid leave benefits and FMLA, OFLA, and Oregon Sick Leave:

<https://paidleave.oregon.gov/Documents/Paid-Leave-OFLA-FMLA-Chart-EN.pdf>

Employees cannot receive PLO wage replacement benefits at the same time that they are receiving workers' compensation or unemployment insurance benefits.

Retaliation Prohibited (PLO)

Retaliation for applying for or taking PLO is prohibited. Any and all concerns about potential retaliation should be reported to Human Resources.

Healthcare Benefits

Employees who meet the definition of "benefit eligible" under both the City of Newberg policy and that of its health insurance provider are entitled to the benefit options offered by the City of Newberg. Generally speaking, that means the City of Newberg offers medical, dental and vision insurance for all of its regular employees working 30 or more hours per week unless otherwise established by law.

Those working less than 30 hours per week are not eligible for health-insurance coverage. The group insurance policy and the summary plan description issued to employees sets out the terms and conditions of the health insurance plan offered by the City of Newberg. These documents govern all issues relating to employee health insurance. As other employee benefits are offered by the City of Newberg, employees will be advised and provided with copies of relevant plan summaries. At the time of publication, the City of Newberg picks up the entire cost of employee healthcare benefits. The city reserves the right to change this policy if needed. In the event of such a change negotiation will occur with represented staff.

PERS (Public Employees' Retirement System) Benefits

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

The Newberg Employees Retirement Plan (NERPS) is closed to new applicants.

Tuition Assistance Program

The City of Newberg initiated a tuition assistance program on July 1, 2022. This program replaces any and all legacy tuition assistance programs that might have been active in the city at that time. The program allows staff to improve their credentials, hone career skills and become more effective employees of the city by following trade or academic courses. The course of study must be deemed to be relevant to an employee's job and job description. The relevant department head will have the final say on this applicability decision. Education costs incurred will be paid via reimbursement based on credits successfully obtained or similar course modules completed.

Reimbursement will be based upon the current Portland State University (PSU) undergraduate tuition rate for a two-credit class. This support is available each semester for a maximum of three times per year. If out-of-pocket expenses for a given semester unit are less than this two - credit per semester amount the city will pay the lower of the two values. Due to IRS regulations the maximum amount that can be paid under this program to one employee is \$5000 per calendar year.

For each semester unit or equivalent the applicant must fill out Part A of the application form to get approval before the course begins. After completing the course, the applicant fills out Part B for reimbursement. The form and supporting documents stay on file with the relevant department head, (blank copies of the forms can be obtained from the city intranet). Later a copy of the form and all supporting documents will be sent to Finance for disbursement. After disbursement the documents go to Human Resources for the employee's personnel file.

If the employee leaves the employment of the city for any reason before two years from the time of the last payment made under this program, the employee must re-pay the entire amount received to date for the entire course of study.

The city will not reimburse a student for a course that they have already failed. The City Manager and departments heads are not eligible to take part in this program. Here are other key points about the operation of this program:

- The supervisor will ensure that the course of study is relevant to the employee's current job description.
- The supervisor will track the total expenditure per year to ensure it falls at or below the IRS financial limit.
- The applications pass through your department head and will be approved or denied by them.
- At the end of a semester or block of study, the student must submit a copy of the registration for that course with the amount of tuition paid.
- The employee must submit proof of a passing grade.
- The employee must submit a copy of the current PSU undergraduate tuition rates.
- The employee must complete the finance's form for a check request - reimbursement. The amount must equal the tuition paid or two units (whatever is lower each semester unit).
- No employee is permitted to file more than three of these requests in a calendar year.
- The relevant department will draw upon its travel and training budget line item to pay for this assistance, so managers need to take this into account in their budgetary planning.
- The student's department head may grant regular time for required practicums or testing, if only a few hours are required. For longer practicums or testing vacation time may be used.
- The time used for this can either be vacation time or unpaid leave.

The tuition assistance program will utilize the employee tuition assistance reimbursement tracking form for the application stage and later for reimbursement. Please contact your supervisor or HR if you would like to see this form or discuss the program.



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7. SAFETY AT WORK AND WORKERS' COMPENSATION

It is the policy of the City of Newberg to protect the safety and health of our employees. Injury and illness losses from accidents are needless, costly, and often preventable. Our City has established a safety and health program in compliance with OSHA standards adapted to fundamental occupational safety and health concepts that will help us prevent injury and illness due to hazards. Employee involvement at all levels of the City of Newberg is critical for us to be successful in this effort.

Supervision (Safety)

Supervisors are directly responsible for supervising and training their workers. This includes proper procedures, work practices PPE, and safe methods to do the job. Supervisors must enforce City rules and take immediate corrective action to eliminate hazardous conditions and practices. They will not permit safety to be sacrificed for any reason.

Employee Obligations (Safety)

Each employee, regardless of their position within the City, is expected to cooperate in all aspects of the City's safety and health program. Some major points of our City safety and health program require that:

- Required, approved, personal protective equipment must be worn by all employees. There are no exceptions.
- Hazardous conditions or other safety and health concerns must be reported to your supervisor immediately.
- Employees participate in safety committee activities, and support safety committee membership.

If everyone does their part by doing what is necessary to ensure workplace safety and health, we all benefit. No job is so important that we cannot take time to do it safely.

Safety Committee

The safety committee consists of management and employee representatives who have an interest in the general promotion of safety and health for the City of Newberg. The committee is responsible for making recommendations for improving safety and health in the workplace. They have been charged with the responsibility to define problems and remove obstacles to accident prevention; identify hazards and recommend corrective actions; help identify employee safety training needs and establish accident investigation procedures for the City.

Safety Committee Procedures

The committee's plan of action requires procedures by which the committee may successfully fulfill its role. Procedures developed should include but not be limited to:

- Meeting date, time, and location
- Election of chairperson and secretary
- Order of business
- Records
- Review of all accident and near miss events

Duties of each member must include, but not be limited to:

- Reporting unsafe conditions and practices
- Attending all safety and health meetings
- Recommending ideas for improving safety and health
- Working in a safe and healthful manner
- Observing how safety and health is enforced in the workplace
- Completing assignments given to them by the chairperson
- Acting as a work area representative in matters pertaining to health and safety
- Others as determined by City safety and health needs
- Perform quarterly worksite inspections

Only the planning and effective joint leadership of management and the safety committee can build a program that lasts. The safety committee shall be a constructive entity, providing guidance and leadership in matters pertaining to the overall health and safety of the City of Newberg.

Workers' Compensation and Safety on the Job

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

Steps to Take if You are Injured on the Job

If you are injured on the job, the City of Newberg needs to know about it as soon as is practicable, 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 call the CIS Toll Free telephone number (855-959-2741) to report the injury/illness 24 hours a day, 7 days a week.

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

Salary Continuation for Workers' Compensation

This policy outlines the treatment of compensation once your worker's compensation claim has been accepted by the insurance company.

Time Loss Waiting Period (if Injured on the Job)

The day of injury will be considered a normal, regular workday and will be paid by the City. In the event you are unable to return to your job for your next regularly scheduled work shift, and restricted duty is not advised or available, the city will initiate the Salary Continuation Plan for up to the next 180 days.

Time Loss Benefits (if Injured on the Job)

Your time-loss compensation is based on your wages on the date of injury. If your wages or hours vary, the average of your earnings for up to 52 weeks before your date of injury will be used to calculate your average weekly wage. (AWW). The insurer will pay the employee 66.67% of the AWW up to a maximum, determined by the State.

Employees who sustain an injury or illness compensable under Oregon's Workers' Compensation laws, and are eligible to receive time loss payments, will be paid the difference between their regular net wages and injury time loss payments for up to 180 days, unless state or federal law provides otherwise. The City of Newberg handles this by continuing to pay the employee their regular salary and then deducting the amount that the insurer pays the employee from future salary payments. Health insurance will be maintained, although the employee remains responsible for their portion of the premium. Retirement will be paid on injury leave as allowed by retirement plans.

The City of Newberg will pay the difference between workers compensation payment and normal net pay for a period of 180 days while you are unable to return to work. No duplication of payments between the City of Newberg's workers' compensation carrier and the City of Newberg will be allowed.

After 180 days of injury time loss payments are exhausted, employees may use available accrued paid time off leave for the difference between the employee's time loss payments and their regular gross wages. During this period employees may use available leave for the differential between the employees' time loss payments and their regular gross wages. Leave accruals will then be pro-rated based on leave hours used. Paid leaves will be used in the following order: Sick Leave; Holiday/Personal Leave; Compensatory Leave; Vacation Leave; until such time as you no longer have accrued leave for use.

Donated leave may not be used to supplement time loss payments for accepted workers' compensation claims.

Medical and Dental Insurance (Workers' Compensation)

When you are receiving workers' compensation benefits on an accepted claim, the City will continue to contribute to your medical and dental insurance subject to the City's health insurance carrier's eligibility rules. You are responsible for paying your regular insurance premium contribution. Employer contributions will end either when employee has exhausted all paid leaves or after the use of FMLA/OFLA leave, whichever is later. Thereafter, you may be eligible for COBRA participation at your own expense.

Time-loss benefits are not paid by the insurance company for medical appointments related to your work injury unless you are required to be away from work for the appointment for more than four hours. The City of Newberg requires that employees use their accrued leave banks for medical appointments related to an accepted worker's compensation claim for the initial 1040 hours of injury time loss.

Return to Work (Workers' Compensation)

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

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

Early Return-to-Work Program (Workers' Compensation)

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

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

If your doctor determines that you are able to perform modified work, the City of Newberg will attempt to provide you with a temporary job assignment for a reasonable period of time until you can resume your regular duties (except in cases of an accommodation for a disability). If, due to a work-related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect your compensation and employment with the City of Newberg. While you are on modified or transitional work, you are still subject to all other the City of Newberg rules and procedures.

Overlap with Other Laws (Workers' Compensation)

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

Alcohol/Drug Use, Abuse and Testing

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

The City of Newberg expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective, and efficient manner. An employee's on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others. This policy applies to all employees. This policy revises and supersedes all previous drug and alcohol testing policies and practices.

Prohibited Conduct (Alcohol/Drug Use)

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

- Use or being under the influence of any alcohol while on the City of Newberg property, on the City of Newberg time, while driving the City of Newberg vehicles (or personal vehicles while on the City of Newberg business), or in other circumstances which adversely affect the City of Newberg's operations or safety of the City of Newberg employees or others.
- The conduct prohibited by this rule includes consumption of any intoxicating liquor within eight hours of reporting to work.
- The conduct prohibited by this rule includes consumption of any intoxicating marijuana/cannabis within twenty four hours of reporting to work.
- Use of alcohol or drugs is expressly prohibited while working. If the employee is exhibiting signs of impairment on the job they will be subject to Reasonable Cause Testing (as defined on page 52), and if after testing it is determined the employee's blood alcohol content exceeds .02 percent or that marijuana/cannabis was recently used, the employee will be deemed "under the influence" for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug, or other controlled substance while on the City of Newberg property, on the City of Newberg time, while driving the City of Newberg vehicles (or personal vehicles while on the City of Newberg business), or in other circumstances which adversely affect the City of Newberg operations or safety of the City of Newberg employees.
- The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree (see definition of "reasonable cause testing" on page 52), and if the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.
- As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington, or any other state's law.
- Bringing to the City of Newberg property, or possessing, items or objects on the City of Newberg property that contain any "controlled substance," including, for example, "pot brownies", "edibles" and candy containing marijuana. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to co-workers, members of the public, or elected officials while on work time or on /in the City of Newberg property.
- Bringing equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana or controlled substances, such as pipes, bongs, "vape" pens, smoking masks, roach clips, and/or other drug paraphernalia.
- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to the City of Newberg property. This prohibition does not apply to employees who possess such items in connection with law enforcement work.

Prescription Drugs and Medical Marijuana

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

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

The use of marijuana, which is a Schedule 1 controlled substance under federal law, is expressly prohibited under this policy within 24 hours of scheduled work, even if its use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with human resources other means of accommodating the disability in the workplace, as the City of Newberg will not agree to allow an employee to use medical marijuana as an accommodation. This cannot violate the law enforcement Code of Conduct.

(See *Disability Accommodations Policy*, on page 16.)

Testing (Drugs and Alcohol)

The City of Newberg reserves the right to:

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

Reasonable Cause Testing

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

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

1. The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood and urine. No testing shall be performed under

this rule without the approval of the HR department or contact with a department head or the City Manager.

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

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

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by the HR department. 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.

Searches

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

- Any criminal arrest or conviction for drug- or alcohol-related activity shall be reported no later than the next working day.
- Entry into a drug court or diversion program; or
- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

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

Drug and Alcohol Treatment

The City of Newberg recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. The City of Newberg is willing to help such employees obtain appropriate treatment. An employee who believes that they have a problem involving the use of alcohol or drugs should ask a supervisor or contact the HR department for assistance.

The City of Newberg will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem.

Although the City of Newberg 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 adversely affect your work performance or lead to disciplinary action. Once a violation of the City of Newberg policy is discovered, the employee's willingness to seek the City of Newberg or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

Discipline and Consequences of Prohibited Conduct (Substance Abuse)

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

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

Confidentiality (Substance Issues)

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 unless otherwise required by law. Disclosure of such information to any other person, agency, or the City of Newberg is prohibited unless written authorization is obtained from the employee.

Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the City of Newberg (see *Holidays and Floating Holidays* section, on page 30), the City of Newberg is open for business on Mondays through Sunday with schedules that vary by department (see section 5 on *Scheduling and Time Off*). If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the City Manager will decide if city facilities will close.

The closure will be relayed to all staff using the Everbridge alert system as outlined in the Weather Closure Standard Operating Procedure (SOP). If the closure is not weather related some steps will be skipped depending on the circumstance of the closure. Here is a summary of that SOP:

The Public Works Superintendent of Maintenance will check the area road conditions and local Weather & ODOT reports by 4:00 A.M. A status report will be given to the City Manager at approximately 4:30 A.M. regarding local road conditions, weather forecast report, and other area closures or considerations. The City Manager will determine if City offices will be closed for part or the entire day for non-essential employees.

If the City Manager is unreachable, the decision will be made by the following Leadership staff in order. If that person is unreachable, contact the next person on the list to make the decision:

1. Public Works Director/Public Works Maintenance Superintendent
2. Police Chief
3. Finance Director

If closures are elected the CM or designee will direct NDPD Dispatch to send out a message to all city employees via the Everbridge system, or its successor. The City Manager (or designee) will also notify Community Engagement or IT on-call to place notices on the city website and social media pages.

The Public Works Maintenance Superintendent will verify that the NDPD dispatch was instructed by the City Manager to issue the Everbridge Alert System to City employees and gather any information from on-call maintenance staff as appropriate.

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. Note that all Essential First Responder employees must still report for duty regardless of office closure notices. Lastly please note that employees who are on vacation or sick time when a weather closure is declared will not be impacted by a weather closure announcement; they will continue to use their time of as originally scheduled.



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8. TRAVEL AND TRAINING

The City of Newberg is committed to staff training and retention and the following details will explain how the city will deal with the expenses created by conferences, work-related courses and training events.

Employee-Incurred Expenses and Reimbursements

The City of Newberg will reimburse 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 Newberg will not pay for or reimburse the costs incurred by a spouse, registered domestic partner or travel companion who accompanies the employee on City of Newberg-approved travel. Per diem or meal reimbursements will not be provided for attendance of one day only conferences.

The City of Newberg does not pay based upon receipts of expenses incurred for travel and or training. Instead, the basis of the city's payments will be the applicable federal per diem value for the location where the training or travel took place. Per Diem is inclusive of gratuity.

The link below can be used to discover the relevant rate for many US locations:

<https://www.gsa.gov/travel/plan-book/per-diem-rates>

With an appropriate travel plan and requisition in our finance system these per diem and other allowed travel costs can be paid in advance. Please note that if lodging costs less than the delineated amount, this will not increase the meals portion of per diem. Similarly, if you select a hotel that is more expensive than the lodging allotment, this will require additional approval from the finance department.

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

- Conferences or Workshops: At the listed program price.
- Education: See *Tuition Assistance Program* on page 44.
- Meals: At the relevant Per Diem rate.
- Mileage: Use the Per Diem rate if a city vehicle is not available.
- Parking: Use the actual cost via purchase card.

For details connected to purchase card use please see the city purchasing manual in its latest edition. All purchases made on a city purchase card must follow Oregon Ethics Laws ORS 244. For details connected to a purchase card please see the city purchasing manual in its latest edition.

Transportation: Transportation costs may only be expensed upon prior approval. Transportation costs include such items as airfare, airport parking, hotel shuttles, automobile rental and fuel for such rental.

When renting an automobile for city business, please record the City of Newberg's name as part of the rental agreement to maintain insurance coverage.

Travel should be economy class unless the total flight time (not layover) of all segments of a one-way trip exceeds 7 hours. Personal airline miles or rewards should not be accrued on government-related travel.

Transportation expenses should be paid by a city purchase card when possible.

Non-exempt employees should record their hours-worked for travel or training by the following method:

- Record travel time from start point to destination if the travel to an alternate worksite or training is over 30 miles from your normal fixed work location or outside your normal working hours.
- Record all time for overnight trips, even on weekends that fall within your normal working hours. Do not record time outside normal working hours unless you are traveling or mandatorily attending a work-related function.

Voluntary participation in networking events where alcohol is served or consumed should not be recorded as work time and may not be covered by workers compensation.

9. THE DIGITAL WORLD

The following sections of the manual cover staff interactions and rules connected to cybersecurity, Personally Identifiable Information (PII), and staff use of social media.

Cybersecurity Policy

The focus of this policy is to help the City of Newberg define and meet cyber security objectives. We recognize that information and the protection of information is required to serve our employees and residents. We seek to ensure that appropriate measures are implemented to protect this information. The City of Newberg has a separate *Cybersecurity Procedure* document for IT and management that covers in detail threat detection, defense, and response. The IT department and the City Manager will have the leading roles if an incident occurs. If you desire to receive a copy of the *Cybersecurity Procedure* document let your supervisor or a member of management know. A copy of document is also stored in the city intranet.

Unacceptable Use (Cybersecurity Policy)

The following activities are, in general, prohibited. Under no circumstances is an employee of the City of Newberg authorized to engage in any activity that is illegal under local, state, federal, or international law utilizing City of Newberg owned resources. The list below is by no means exhaustive but attempts to provide a framework for activities which fall into the category of unacceptable use.

System and Network Unacceptable Activities

The following activities are strictly prohibited, except when conducted by law enforcement officers in the course of their duty:

1. Unauthorized access, copying, or dissemination of confidential information.
2. Installation of any copyrighted software for which City of Newberg or end user does not have an active license.
3. Installation of any software without preapproval and virus scan.
4. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, logic bombs, etc.).
5. Revealing your account password to others or allowing use of your account by others.
6. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For the purpose of this policy, “disruption” includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
7. Port scanning or security scanning is expressly prohibited unless prior notification has been given to City of Newberg IT Department.
8. Executing any form of network monitoring which will intercept data not intended for the employee’s host unless this activity is a part of the employee’s normal job/duty.
9. Circumventing user authentication or security of any host, network, or account.
10. Interfering with or denying service to any user other than the employee’s host.
11. Using any program/script/command or sending messages of any kind, with the intent to interfere with or disable a user’s terminal session, via any means, locally or via the Internet/Intranet/Extranet.

Cybersecurity Enforcement

Violations of this policy include but are not limited to: violations of the unacceptable activities on page 59; accessing data to which the individual has no legitimate right; enabling unauthorized individuals to access data; disclosing data in a way that violates applicable policy, procedures, or relevant regulations or law; inappropriately modifying or destroying data; inadequately protecting restricted data. Any violation of this policy may result in network removal, access revocation, corrective or disciplinary action, civil or criminal prosecution, and discipline up to and including termination of employment.

Technology and Data Security

All equipment supplied by the City must be maintained according to the City's policies. Employees working offsite must make any City equipment available for update as requested by a City IT representative. The employee must have appropriate internet connectivity. If using their own computer; have adequate operating systems and anti-virus as per criteria provided by IT. If using a personal computer, it must only be used for approved connection to the City's network where work will be performed, and not to directly store and work on City data. Poor internet connection or other issues are the employee's responsibility to resolve. The remote worksite must support the expected productivity of the employee to meet the "expectations" section of this policy.

Employees working offsite shall maintain the same security and confidentiality required for work performed in the office. Employees shall take care to protect confidentiality, maintain restricted access or confidential material when working offsite, and they shall only take it out of the City's offices or access it through a computer as necessary to perform work. Employees working offsite must ensure that non-employees, such as other persons residing in the employee's home, do not access the City's data, either in print or electronic form.

Employees working offsite should make every effort to minimize use of paper documents that may contain restricted-access or confidential information. If the employee must use paper documents, they should maintain a secure, locked location for those documents when they are not in use. Destruction of confidential materials shall be done in a manner that meets the City's security and state document retention standards. This may require the employee to transport such documents to the City of Newberg for secure shredding.

Retention and Documentation

Records produced by City employees as part of their work function are public records that are retained in line with state retention requirements. The City uses Archive Social to capture social media posts, which are subject to retention and public records request policy of the City. For this reason, understand that there can be no expectation of privacy for any such staff created postings. Please contact the City Records office to learn more about our records retention schedule.

Workplace Security Cameras - No Right to Privacy or Confidentiality

This policy applies to security cameras installed by the City pursuant to policy or law unless otherwise modified by a different policy in this Handbook.

The primary purpose of utilizing security cameras is for monitoring or recording public areas for the purposes of enhancing public safety, discouraging theft and other criminal activities, and investigating

incidents. Cameras are installed in many public areas such as doorways, lobbies, asset storage, parking lots, cash handling and customer service areas. Cameras are not installed in areas in which a person has a reasonable expectation of privacy, including, but not limited to, bathrooms, shower areas, locker and changing rooms or designated lactation areas.

Video footage will be stored on a limited basis in compliance with Public Record Law and in accordance with vendor standards. Only designated City staff has access to review and disseminate stored video footage. It is not intended or expected that security cameras will be routinely monitored in real time.

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

Cell Phones and Mobile Devices

Employees are allowed to bring personal mobile devices to work with them. During working hours, however, employees should refrain from using them except in an emergency or during a meal period or rest break. Employee's may use these devices at work if it is an intrinsic part of their job for example a reference librarian helping a patron with a phone app, or a law enforcement officer checking a phone connected to a criminal matter.

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

Nonexempt employees must be paid for all hours worked and may not work overtime without advance permission of their supervisor who may call someone back to work if necessary. This includes, but is not limited to, reviewing, sending, and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination.

Employee Use of the City of Newberg Provided or Paid for Mobile Devices

Mobile devices are made available to the City of Newberg employees on a limited basis to conduct the City of Newberg's business. Staff using City of Newberg-provided mobile devices may receive or transmit occasional non-work-related messages. For example, to set a pickup time for a child after school. The playing of games or gaming applications are forbidden on City of Newberg-provided mobile devices.

Determinations as to which employees receive the City of Newberg-provided mobile devices will be made on a case-by-case basis; employees are not guaranteed a cell phone or cellular device.

Further, employees who receive a cell phone or mobile device from the City of Newberg must acknowledge and understand that because the mobile device is paid for and provided by the City of Newberg, or subsidized by the City of Newberg, any communications (including text messages) received by or sent from the mobile device may be subject to inspection and review if the City of Newberg has reasonable

grounds to believe that the employee's use of the cell phone violates any aspect of the Mobile Device Policy or any other the City of Newberg policy or if this is required for a public records request.

No Expectation of Privacy (Mobile Devices)

An employee who refuses to provide the City of Newberg access to their city-issued mobile device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination. Family and friends may not use an employee's the City of Newberg-provided mobile device.

Mobile Devices and Public Records

The City of Newberg-related business conducted on the City of Newberg-provided or personal cell phones/cellular devices may be subject to disclosure and production under Oregon's Public Records laws or in connection with litigation filed against the City of Newberg or individual employees. The use of a personal cell phone for required dual verification purposes does not subject that cell phone to Oregon's Public Records Laws or require disclosure.

Mobile Device Use While Driving

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

Employees are prohibited from using handheld cell phones for any purpose while driving on the City of Newberg authorized or the City of Newberg-related business. This policy also prohibits employees from using a cell phone or other mobile device to send or receive text or "instant" messages while driving on the City of Newberg 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.

Use of the City of Newberg Email and Electronic Equipment and Services

The City of Newberg uses multiple types of electronic equipment and services for producing documents, research and communication including, but not limited to, computers, software, email, copiers, telephones, voicemail, fax machines, online services, the Internet and any new technologies used in the future. There is an exception for law enforcement officers for many of these activities in the course of their duties.

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

All of the City of Newberg's electronic equipment and services are provided and intended for the City of Newberg business purposes only and not for personal matters, communications, or entertainment. Access to the Internet, websites and other electronic services paid for by the City of Newberg are to be used for the City of Newberg business only. This means, for example, that employees may not use the City of Newberg provided Internet, or the City of Newberg electronic equipment and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate the City of Newberg's no-harassment, no-discrimination, or bullying policies.
- Play games (including social media games) or to use apps of any kind unless connected to an authorized educational purpose.
- Engage in any activity that violates the rights of any person or the City of Newberg, 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 right to privacy, of protected healthcare information or otherwise, or other the City of Newberg-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. This includes, without limitation, YouTube videos, TikTok 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.

You are reminded to be courteous to other users of the e-mail system and to always conduct yourself in a professional manner. E-mail messages are sometimes misdirected or forwarded and may be viewed by persons other than the intended recipient. Consider who should be the recipient of the email and do not copy unnecessary recipients. You should write e-mail communications with no less care, judgment, and responsibility than you would use for letters or internal memoranda written on organizational letterhead.

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

Organization-owned Personal Computers

To protect the integrity of our systems, all software used on our computers must be registered with the IT department. Personal or downloaded software may only be installed after written authorization from IT. A virus check of all such software must be made immediately before it is installed on any organization computer. A virus check must also be conducted on any electronic devices originating from or used on any computer outside of the organization prior to its use with an organization-owned computer. The copy or transfer of organization-owned software may occur only with the written authorization of IT.

Equipment Security

Laptops and other applicable equipment will only be replaced by the City of Newberg if the laptop and other equipment were secured in a secure place. Laptops stolen from vehicles will not be replaced at the City of Newberg's expense as this is not a secure place. This does not apply to police mobile data terminals (MDTs). Any theft of an electronic device must be reported immediately and if possible, a police report will be provided.

Employees should always follow City of Newberg guidelines in safeguarding equipment. If an employee has followed these recommendations, the laptop and other equipment will be replaced at City of Newberg's expense. Employees who have not safeguarded the City of Newberg's equipment will be subject to replacing the equipment at their own expense.

Inspection and Monitoring - No Right to Privacy

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

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

Unauthorized Access (IT Systems)

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

Security (electronic)

Many forms of electronic communication are not intrinsically secure. Employees who use cell phones, cordless phones, fax communications or email sent over the Internet should be aware that such forms of communication are subject to interception. These methods of communicating should not be used for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented. It is worth noting, however, that our internal communications are held to the high CJIS standard.

Inappropriate Web Sites

The City of Newberg's electronic equipment, facilities or services must not be used to visit Internet sites that in the opinion of a reasonable person, contain obscene, hateful, or other objectionable materials, or that would otherwise violate the City of Newberg's policies on harassment and discrimination. An exception exists for law enforcement purposes visiting such sites as part of an ongoing criminal investigation.

Confidential City of Newberg Information

Employees must not access, use, or disclose sensitive or confidential information or data except in accordance with the City of Newberg 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 the City of Newberg) may be removed from our premises without permission from the City Manager. Likewise, any materials developed by the City of Newberg's employees in the performance of their jobs is the property of the City of Newberg 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 Newberg's business may not be disclosed to anyone, except where required for a business purpose or when required by law.



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10. NON-WORK ACTIVITIES

Although the bulk of this handbook covers actions that occur in the workplace there are some classes of activities that occur outside of work that the city has an interest or a say in.

Social Media Policy

For purposes of this policy, “social media” includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else’s web log or blog, journal or diary, personal or commercial website, social networking web site, web bulletin board or a chat room, whether or not associated or affiliated with the City of Newberg, 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 is reported to harm our residents or people who work on behalf of the City of Newberg, or the City of Newberg’s legitimate business interests may result in disciplinary action up to and including termination.

Prohibited Postings

Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate any the City of Newberg policies, including the City of Newberg’s no-harassment and no-discrimination and workplace violence policies contained elsewhere in this manual. 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.

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

Appropriate Social Media Conduct

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

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*](#) (see page 8), 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 residents, co-workers, the City of Newberg employees or elected officials, that might constitute harassment or bullying, and/or that violate the City of Newberg policies. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual’s personal or professional reputation, posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or the City of Newberg policy.

You must maintain the confidentiality of the City of Newberg's confidential information. Do not post internal reports, policies, procedures or other City of Newberg-related confidential communications or information. (See the *Confidential City of Newberg Information policy*, page 64.)

Nothing in this policy is meant to prevent an employee from exercising their right to make a complaint of discrimination or other workplace misconduct, engage in lawful collective bargaining activity, or to express an opinion on a matter of public concern that does not unduly disrupt the City of Newberg operations. Employees are free to express themselves as private residents on social media sites.

Request for Employee Social Media Passwords

The City of Newberg'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 the City of Newberg.

11. IDENTIFICATION AND ACCESS

The City of Newberg requires that all employees carry a photo identification badge while on duty. If possible, the badge should be worn in a visible location. Employees are to ensure that the ID Badge is worn in a place that will not obstruct work or cause a safety issue. This badge will include, at a minimum, the employees' picture, full name, job title and department.

Every full time, part-time, temporary, volunteer, intern and contract employee who is scheduled to work for the City of Newberg for a period of thirty (30) days or longer will be issued a photo identification badge at the time of hire.

In the event an employee loses their photo ID badge, the employee must notify their immediate Supervisor, Department Director and/or the IT Department and Human Resource Department as soon as possible but no later than 24 hours. The employee should make every effort to replace the badge prior to their next scheduled shift.

Upon separation of employment, each employee shall return their ID card to Human Resources, or their immediate supervisor, no later than their last working day.

The City of Newberg may grant access to City facilities for contract employees or others utilizing City buildings and amenities.

1. Access may be restricted, revoked, or denied at the discretion of City Management.
2. Upon completion of business with the City, access cards shall be returned to appropriate
3. personnel (IT, or HR).
4. City property shall not be tampered with or removed from any City facility without express permission from City Management.
5. Access cards or codes to facilities must never be shared or given to unauthorized personnel.
6. Staff must not allow visitors or contractors to enter areas unaccompanied unless they have the appropriate identification and in some cases level of clearance (for example CJIS sensitive areas).

This Policy has been put into place to ensure proper security at all City facilities. Violation of this policy will subject the employee to discipline, up to and including termination.



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12. MISCELLANEOUS POLICIES

There are several policies that govern other specific situations that do not fall into the other categories listed elsewhere. They are gathered here.

Outside Employment

Generally, employees may obtain employment with an employer other than the City of Newberg 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 the City of Newberg time (including the employee's work time), the City of Newberg facilities, equipment and supplies, or the prestige or influence of the employee's position with the City of Newberg. In other words, the employee may not engage in private business interests or other employment activities on the City of Newberg's time or using the City of Newberg'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 Newberg.

The City of Newberg requires employees to report outside employment to the HR department and receive approval before the outside employment begins. Thereafter, an employee must provide an update to the HR department 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. Outside employment must be approved initially by the direct supervisor, then by the department head and finally by the city manager.

Related Parties and Conflicts of Interest

A conflict of interest is a situation in which personal and/or financial considerations actually have or may have the potential to influence or compromise professional judgment or actions. Conflicts of interest are challenging organizational concerns because they are subject to sensitivities based on perception. In order to manage the associated risks, real or perceived, it is the City's policy to address conflicts of interest through disclosure and recusal.

General Rules (for Related Parties)

Employees shall be proactive and transparent with any relationships that creates an actual or potential conflict of interest (also known as "related party" relationships). Employees shall avoid actions or conduct that they know, or should know, is likely to impact the personal or financial interests of:

- The employee.
- The employee's spouse, child, parent, or member of the household.
- A member of their household or close family member. If in doubt, please check with the city.
- An outside client or secondary employer of the employee.

- A client or employer of the employee's spouse, child, parent, or member of the household.
- An entity for which the employee serves as an officer, director, or policy maker.
- A board or committee to which the employee is appointed; or a person or entity with whom the employee or their spouse solicited, received, or accepted an offer of employment or business opportunity within the past twelve (12) months.

Disclosure and Recusal

Employees shall proactively report an actual or a potential conflict of interest by submitting a disclosure statement for any relationship that presents a potential conflict of interest as soon as they are aware of the conflict. Employees involved in the purchase of goods or services on behalf of the City who have an actual or perceived conflict of interest must submit a disclosure statement prior to the commitment of any funds to a vendor with the possibility of a conflict or possibly perceived conflict. Employees involved in a procurement solicitation must submit the required disclosure report before any solicitation material is shared with them. The disclosure will be reviewed by the Finance Director to determine if a conflict exists. If a conflict is identified, the employee will be recused from any decision-making, influence, commitment of funds, or solicitations that involve the vendor or individual(s) identified in the conflict.

Failure to disclose an actual or potential conflict of interest may result in corrective action, up to and including dismissal of employment.

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.
- None of our employees shall solicit any money, influence, service, or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.
- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.
- For further details see ORS 260.432.

Driving While on Business

Employees using a private vehicle to conduct the City of Newberg'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 Newberg business use should make any necessary arrangements with their insurance carriers. The City of Newberg 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 the City of Newberg business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a

vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within 72 hours of the change or new restrictions/limitations. See also, *Mobile Device Use While Driving policy*, page 62.

Conducting any city business while driving to work or driving home or at times outside the employee's regular work hours must be approved in writing in advance of the activity to make sure it is covered by workers compensation insurance. Verbal notification is not sufficient for this activity. Non-exempt employees must record all time worked while conducting any city business.

Employees who receive a ticket or citation while driving a City of Newberg-owned vehicle or while on the City of Newberg 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.

Workplace Inspections - No Right to Privacy or Confidentiality

This policy applies to inspections and investigations conducted by the City of Newberg pursuant to this policy or a potential breach of federal or Oregon law.

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 or valuable 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 Newberg; 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.

Smoke-free Workplace

The City of Newberg 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 vaporizers (often called "vapes" or vape pens), and the use of oral tobacco products or "chew/spit" tobacco. Marijuana is also prohibited under this policy. This policy applies to employees, volunteers, and any visitors to the City of Newberg property, vehicles, or facilities/buildings.

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

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

Hiring of Family Members

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

All employees shall avoid being in a position where they are subject to supervisory or oversight authority by a family member, member of their household, or a person with whom they have an intimate personal or financial relationship. If the relative relationship is established after employment as a result of organizational restructure, marriage, or a development of an intimate personal or financial relationship, the employees involved have an obligation to immediately inform their supervisor, or Human Resources. The employees and the City of Newberg will jointly make a good faith effort to find an alternative assignment for one of the two employees. Depending on business need, this may include, but is not limited to restructuring duties, assignment to another position, and assignment to another shift or change in supervision. If no alternative assignment is available, the two employees will have 30 days to decide who will resign. If a decision is not made within 30 days, the City of Newberg will make the final decision, based on the City of Newberg's operational and financial needs.

Policy violations including, but not limited to, failure to disclose a family relation, or an intimate personal or financial relationship, will be investigated by the City of Newberg. Policy violations may result in progressive discipline of employees, up to and including termination of employment. Supervisors and lead workers may be disciplined for taking employment actions based upon the relationship.

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

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

13. SEPARATING FROM THE CITY

The following rules list both the normal (voluntary) ways of separating from the city and details of serious violations of our work rule, applicable laws or STRIVE culture that could result in discipline up to and including termination.

Workplace Rules and Prohibited Conduct

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

The following violations are examples of grounds for discipline up to and including termination:

- Falsification of employment or other the City of Newberg records.
- Recording of work time of another employee or allowing any other employee to record your work time or allowing falsification of any time entry (your own or another employee's).
- Theft or the deliberate or careless damage or destruction of any the City of Newberg property, or the property of any other employee, resident, vendor or third party.
- Unauthorized use of the City of Newberg equipment, materials, or facilities.
- Provoking a fight or fighting during work hours or on the City of Newberg property.
- Carrying or possessing firearms or any other dangerous weapon inside City of Newberg facilities at any time unless you are a sworn police officer.
- 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 Newberg property.
- Insubordination, including but not limited to failure or refusal to obey the lawful directives, orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another employee, customer, or vender.
- 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.
- Willful or repeated violations of the rules contained in the current City of Newberg purchasing manual.
- Excessive personal telephone calls during working hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City of Newberg.
- Misrepresentation of the City of Newberg policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City of Newberg. Employees may not use the City of Newberg's name, logo, likeness, facilities, assets, or other resources of the City of Newberg for personal gain or private interests.
- Violations of the Ethics Policy or Oregon's Ethics laws.
- Violation of any City of Newberg safety, health, security policy, rule, or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the City of Newberg or outside regulatory or legislative bodies.
- Harassment, retaliation or discrimination that violates the City of Newberg policies or state or federal law.

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

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 the City of Newberg standards, the City of Newberg will determine whether it will terminate the employee's employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline (such as - in no particular order, verbal warnings, written warnings, suspensions without pay, and demotions). The corrective action process will not always commence with a verbal counseling or include a sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offense.

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

In all cases, the City of Newberg will determine the nature and extent of any discipline based upon the circumstances of each individual case and, where applicable, collective bargaining agreement provisions. The City of Newberg may proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when the City of Newberg deems such action appropriate. The City of Newberg 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).

Retirement or Resignation from Employment

If you choose to resign or retire, it is anticipated that you will give the City of Newberg as much notice as possible — preferably a minimum of two weeks. When giving your two-weeks' notice, vacation, personal, or sick days should not be used in lieu of notice. If you do not give two-weeks' notice of your intent to leave the City of Newberg, you will not be eligible for re-employment at a later date. Employees who miss three or more consecutive workdays without contacting their immediate supervisor are considered to have voluntarily resigned their employment.

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

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

References

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

By policy, the City of Newberg 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 to HR, and this must additionally be approved by the City Manager.

Workback Process

Under the terms of Oregon HB 2296 (from session 2023) provisions for retired employees to be re-employed under the “workback” program was extended to 2034. The following details explain how the city will deal with requests for work back.

Each application to workback will be reviewed on a case-by-case basis to determine if the person possesses skills deemed to be critical to the city. The City of Newberg will consider, among other factors, the uniqueness of the employee’s skills or experience, the needs of the City of Newberg, and the ability of existing employees to perform the work of the retiring employee. Approval by the City Manager is required before any work-back arrangement is agreed upon with the employee.

Ideally the person will have 15 or more years of experience with the City of Newberg in the role for which they are applying. The City Manager will have the ultimate authority to approve or disapprove the workback arrangement but will first require a recommendation from the relevant Department Head. In extraordinary circumstances with a proven history of failed recruitment efforts, the city will consider workback offers from employees from other agencies. This will be reviewed on a case-by-case basis.

The employee will lose seniority when accepting a workback arrangement unless this rule is pre-empted by the details of a current collective bargaining agreement.

- Employees will remain union members if they already are members.
- Full-time or part-time employment will be permitted.
- Job posting qualifications may need adjustment on a case-by-case basis to include a reference to the city’s workback policy.



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ACKNOWLEDGEMENT OF RECEIPT OF THE CITY OF NEWBERG 2024 HANDBOOK

I acknowledge that I have received and have read a copy of the City of Newberg's 2024 Employee Handbook. I also understand that a copy of the Employee Handbook is available to me at any time to review in the HR office and the city Intranet.

I understand that the City of Newberg has adopted the Employee Handbook only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in the City of Newberg's sole discretion. I also understand that the Employee Handbook rules are preeminent over any other contradictory policies, other than those found in applicable collective bargaining agreements. I acknowledge that the Employee Handbook is 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 the City of Newberg or I may terminate my employment relationship at any time, for any lawful reason, with or without cause, and with or without notice, unless my employment is covered under a collective bargaining agreement. Other than promises that may be found in that collective bargaining agreement, I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement.

During my employment with the City of Newberg, I understand that it is my responsibility to remain informed about the policies as revisions, updates and new policies are issued, and to ask questions about any interpretation of any of the policies or for clarification if there is anything that I do not understand. I have read this acknowledgement carefully before signing.

Employee Signature/Name

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.





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