

CITY OF BEND

EMPLOYEE HANDBOOK

Revision Date:

Originally Adopted: 01/04/2013

**City of Bend
Employee Handbook
Table of Contents**

Chapter 1 – Introduction	1
1.1 Organizational Philosophy Statement	2
1.2 Equal Employment Opportunity	4
1.3 Americans with Disabilities Act	5
1.4 Form of Government	6
Chapter 2 – Program Administration	8
2.1 About this Handbook	9
2.2 Employment Relationship	10
2.3 Confidentiality	11
2.4 FLSA Classification	12
2.5 Work Hours	12
2.6 Employee-Incurred Expenses and Reimbursements	15
Chapter 3 – Recruitment & Selection	16
3.1 Recruitment and Selection	17
3.2 Orientation and Introduction	18
3.3 Types of Appointments	19
Chapter 4 – Classification and Compensation Plan	21
4.1 Position Designation	22
4.2 Classification and Compensation Plan	23
4.3 Pay Adminstration	24
4.4 Salary Administration	26
Chapter 5 – Standards of Conduct	28
5.1 Work Rules	29
5.2 Customer Service Standard	30
5.3 Ethics	31
5.4 Communications and Software Systems	34
5.5 Employment Recordkeeping	38
5.6 Harassment Policy	39
5.7 Substance Abuse Policy	42
5.8 Tobacco-Free Campus Policy	46
5.9 Vehicle Usage and Safety Policy	47
5.10 Workplace Violence Policy	52
5.11 Employee Health and Safety	55
5.12 Identification (ID) Cards	56
5.13 Travel Expenses	57

5.14	Identity Theft Prevention Policy	57
5.15	Social Media Policy	59
Chapter 6 – Performance Management	60	
6.1	Performance Evaluations	61
6.2	Corrective Action	62
6.3	Appeals and Dispute Resolution	64
Chapter 7 – Separation from Employment	66	
7.1	Separation from Employment	67
Chapter 8 – Employee Benefits	69	
8.1	Benefits Overview	70
8.2	Health Insurance Benefits	72
8.3	Life Insurance	74
8.4	Long-Term Disability	74
8.5	Section 125 Plan	74
8.6	Retirement Plan	75
Chapter 9 – Types of Leave	76	
9.1	Vacation Leave	77
9.2	Merit Leave	78
9.3	Sick Leave	78
9.4	Paid Holidays	80
9.5	Leaves of Absence Policy	81
9.6	Bereavement Leave	81
9.7	Civic Duty Leave	82
9.8	Family and Medical Leave	83
9.9	Workers Compensation Leave	90
9.10	Personal Leave	92
9.11	Administrative Leave	93
9.12	Uniform Services Leave & Re-Employment	93
9.13	Domestic Violence Leave	94
9.14	Lactation Leave	95
9.15	Religious Observance and Accommodation Policy	95
9.16	Crime Victim Leave Policy	95
Chapter 10 – Other Benefits	97	
10.1	Deferred Compensation	98
10.2	Wellness	98
10.3	Employee Assistance Program	98
10.4	Education and Training	98

10.5	Voluntary Supplemental Benefits	99
10.6	Alternative Commuting Incentives	99
Chapter 11 – Acknowledgement	101	
11.1	Handbook Receipt and Acknowledgment Form	102
	Appendix A – Substance Abuse Addendum for CDL Positions	103
	Appendix B – Employment Reference Release	128

Welcome to the City of Bend!

It is a pleasure to welcome you to the City of Bend. We are glad you have joined us. We take pride in selecting people, such as you, to join our organization. We feel that you will be a great complement to our team.

We hope that you will enjoy a productive career with us. To ensure that we do our part, we have created a work environment, compensation and benefits program, and an interactive culture that we believe fosters positive work relationships. We expect that you will do your part by contributing your best efforts.

We believe that you can contribute significantly to our success and want you to share in the growth of our future, but we feel you can only do that if you understand our organization and your role. This Handbook has been prepared as a guide to give you a better understanding of the organization's policies, procedures, and practices that guide your employment. The policies in this document are intended to guide and aid the City in achieving its goals through efficient utilization of staff. The Human Resources Director is responsible for ensuring fairness and equality in the interpretation and application of these policies. The City Council formally issues the policies as specified in the City Charter. We ask that you familiarize yourself with its contents, keeping it handy as a periodic reference source. You can always find the most recent revision of this Handbook on the City's intranet.

We encourage you to ask questions if there are policies and procedures you don't understand. We welcome your ideas and suggestions for ways to improve our operation and/or services.

Again, welcome to our team. Please accept our wishes for success in your new position. We truly value both you and the contribution you make through your employment with us. We sincerely hope you will enjoy your employment with the City.

A handwritten signature in black ink, appearing to read "E. King". The signature is fluid and cursive, with a distinct dot separating the "E" from the "King".

Eric King, City Manager

CHAPTER 1

INTRODUCTION

1.1 - Organizational Philosophy Statement

The City's goal is to provide municipal services to our citizens. We are committed to quality public service based on high ethical and professional standards. Courtesy, honesty, equity, and patience are characteristics that we strive for in our relations with the public. We also strive for open and honest communications with people in our community. Our business is public service and we're proud of it.

Vision, Mission and Values

The City of Bend will be renowned for its innovation and vibrant quality of life. The mission of the City is "to provide the right public services for the Bend way of life."

The City of Bend values:

- **Integrity:** We are honest and ethical in all actions taken, even when no one is watching.
- **Accountability:** We are accountable to the public and we take responsibility for the actions and decisions of the City.
- **Innovations:** We embrace change, are flexible, and do not hesitate to experiment with new ideas, programs or technologies to improve our effectiveness.
- **Communication:** We commit to the open, clear, timely, constructive, and collaborative exchange of information focused toward results.
- **Respect:** We are courteous and seek to understand and acknowledge the views and values of everyone.
- **Leadership:** We have the courage to go first, take risks, inspire others, and do the right thing.

Responsive and Responsible

As an organization, we are both responsive and responsible to the public we serve. We strive to provide leadership that is innovative and able to anticipate, accept, and adjust to change in a positive manner. Requests for our services get a prompt and courteous response. We welcome public suggestions about improving our services. We realize that we are an integral part of a unique community.

We are responsible in that our professional knowledge and ethics guide us, offering our best advice to City policy makers. We value and participate in the establishment of community goals. We recognize that community goal setting is a process requiring public involvement. Once community goals are established, our primary purpose is to effectively and efficiently work toward carrying out the adopted City policies and programs.

We accept our stewardship role and recognize accountability for our actions.

Respect for the Individual

The individuals within our organization are our most valuable resource.

We recognize our obligation to provide the best possible working environment. Toward that end, we shall assist individuals in their professional development and encourage and support them in their quest for self-improvement. We encourage physical and mental well-being of the individual. We are committed to offering support to our employees in return for their demonstrated commitment to the City of Bend.

By treating each other with mutual respect and encouragement, by recognizing individual performance, and by keeping a sense of humor, we create a supporting environment that will enhance our service to the public.

Commitment to Teamwork

We work as a team emphasizing:

- Communication – We value communication both within our organization and with the public we serve. Open, candid communication increases understanding and builds trust. Friendly, service-oriented employees are vital to our success.
- Fiscally Responsible Management – We act as stewards of the resources that we are entrusted to manage.
- Cooperation – We help each other. We demonstrate respect for co-workers by showing regard for their time, responsibilities, efforts, and feelings.
- Collaboration – We value the contribution of everyone involved in a project. Active participation of all team members' skills, diverse backgrounds, and aspirations leads to better results.
- Principle-Based Leadership – We provide direction and purpose in the achievement of the community's mission.
- Recognition – We believe in celebrating our achievements and those of others that support the goals of the community.

We are partners with the citizens and elected officials in the process of maintaining and improving the quality of life in Bend. We fulfill our portion of that partnership by providing high quality services through high quality individuals.

1.2 - Equal Employment Opportunity

The City is an equal opportunity employer and does not discriminate against qualified employees or applicants on the basis of race, color, religion, sex, pregnancy, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, veteran's status, medical condition, sexual orientation or gender identity, expunged juvenile record, genetics or other protected status. Equal employment opportunity will be extended to all persons in all aspects of the employer-employee relationship, including recruitment, hiring, training, promotion, transfer, discipline, layoff, recall, termination or any other term or condition of employment. Except to the extent that may be provided for differently by a collective bargaining agreement, employment opportunities are based solely on the abilities and capabilities of the individual to perform the essential functions of each job assignment. All employment requirements mandated by State and Federal regulations will be observed.

The City is committed to complying fully with state and federal disability discrimination laws. This commitment includes nondiscrimination against applicants and employees with disabilities, and compliance with reasonable accommodation obligations.

In keeping with our philosophy and Federal and State law, our advertising and recruiting material will contain the following statement to encourage qualified applicants to apply: "Equal Opportunity Employer." Our policy, as an equal opportunity employer, is to employ persons legally entitled to work in the United States without regard to citizenship, ethnic background, or place of national origin. However, our policy, in conformity with the Immigration Reform and Control Act of 1986 (IRCA), is to hire only those who are eligible to work in the United States. Verification documentation is required of all new hires.

Employment decisions shall be consistent with the principles of EEO. Selection decisions will rely on valid qualifications. Other personnel actions or programs including (but not limited to) compensation, benefits, transfers, layoffs, returns from layoff, City sponsored training, education, tuition assistance, social, and recreational programs will be administered in a nondiscriminatory manner.

Reporting Policy Violations

Employees or prospective employees who believe they (or a co-worker) have been denied equal employment opportunity; may have been the subject of unlawful discrimination; or may have witnessed some violation of this policy should promptly report the facts to their immediate supervisor.

An employee who is not comfortable discussing the matter with their immediate supervisor is encouraged to utilize other management representatives in the reporting structure or report it directly to the Human Resources Director. Human Resources will ensure that claims are investigated promptly and that appropriate corrective action is taken, including notifying the City Manager. Additionally, employees may utilize the City's ethics reporting system at <http://www.cibend.ethicspoint.com> to submit a complaint.

Any supervisor or other employee who, after appropriate investigation, is found to have engaged in unlawful discrimination will be subject to appropriate sanctions, which may, depending upon the circumstances, include termination.

Employees who report possible incidents of unlawful discrimination or EEO violations will be treated courteously and all such reports will be swiftly and thoroughly investigated in the most confidential manner possible under the circumstances. No employee will be discriminated or retaliated against in any way for bringing a question or complaint to the City's attention.

The City believes that fair treatment and respect are proper concerns of business and we encourage each employee to sincerely support this policy.

1.3 - Americans with Disabilities Act

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAA) are comprehensive federal civil rights laws that specifically protect individuals with physical and mental disabilities.

Individuals are protected if any of the following conditions exist:

- They currently have a physical or mental condition that substantially limits their ability to normally conduct a major life function (e.g., walking, seeing, hearing, breathing, etc.);
- They have a history of such impairment; and/or
- They are perceived to have such impairment.

These laws prohibit discrimination on the basis of an individual's relationship (parent, sibling, child, spouse/significant other, etc.) to someone with a disability.

We offer equal employment opportunities for qualified individuals who may have a physical or mental disability but are still able to perform the essential functions of the job. Essential functions are defined as the fundamental, non-marginal duties of the position held or being sought by a disabled individual. 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 the function is so highly specialized that an expert must be specially hired to perform it.

Reasonable accommodation is available to employees and applicants, as long as the accommodation doesn't cause undue hardship to the organization. Individuals protected by these laws should discuss their need for possible accommodation with their supervisor, manager, or the Human Resources Director.

The City of Bend will make reasonable accommodations for the physical and mental limitations that a qualified applicant or employee with a disability makes known to the City upon request, unless the accommodation would cause an undue hardship on the operation of the City's business. If you require workplace modifications or other assistance to accommodate your disability, it is your responsibility to contact the Human Resources Director to make sure we are aware of not only your disability, but also your need for accommodation. Not every physical or mental limitation qualifies as a

disability. Also, accommodations will not generally be made unless they are necessary to enable a disabled employee to perform his or her essential job duties without posing an undue hardship on the operation of the City's business, or if they are enacted as a temporary step to assist an employee who has a pending worker's compensation claim to return to productive employment.

If you advise us of a condition that you believe requires accommodation, we will analyze your medical condition to determine whether it constitutes a disability. If it does, we will enter into an interactive discussion with you to determine what, if any, accommodations can be made to enable you to perform your job duties in a safe and satisfactory manner. All employees are expected to cooperate with our requests for medical confirmation of the condition the employee believes constitutes a disability, as well as requests for medical confirmation of the current, precise limitations on their ability to perform their job duties.

The City will not, however, otherwise request information about the existence, nature or severity of a disability. All requests for medical examinations or inquiries of job applicants will be limited to determination of the ability of all applicants for a particular position to perform specific job functions and will be made only on a post-offer, pre-employment basis. The City will make an individualized assessment of whether a qualified individual with a disability meets selection criteria for employment decisions. In the event that the City's selection criteria disqualify an individual because of a disability, the criteria cited to disqualify the applicant will be job-related and consistent with business necessity.

The City maintains employee medical records in a separate, confidential file.

1.4 - Form of Government

City Manager:

The City of Bend operates under the Council-Manager form of government as created by the City Charter. The Council adopts policy and the Manager is charged with implementing it. The Manager functions similar to a CEO in carrying out the adopted policy set by the Council.

The City Manager is responsible for personnel administration, including adoption of this Employee Handbook. The City Manager may delegate responsibility for personnel administration to another City employee. For purposes of daily administration, the City Manager delegates responsibility in the following manner:

Human Resources Director:

- Organizational Performance Development
- Recruitment
- New employee orientation
- Classification and compensation
- Labor and employee relations
- Review and auditing of personnel actions

- Personnel records administration
- EEO compliance
- Leave Administration

Department Directors:

- Selection and appointment
- Performance management
- Creation of a positive environment
- Retention
- Corrective (disciplinary) action
- Personnel budgeting through the budget process

The City Manager reserves the right to modify the delegation of authority when operational requirements necessitate.

City Council:

The City Council is responsible to the citizens of Bend to provide policy direction and laws for the City. The Council consists of the Mayor and six Councilors, each of whom are elected to four-year terms.

The Mayor is a voting member of the Council. The Mayor represents the City at ceremonial functions, presides over Council meetings, consults with the City Manager on Council Agendas, appoints members to City boards and commissions as approved by the Council, and routinely discusses questions and concerns with the City Manager.

CHAPTER 2

PROGRAM ADMINISTRATION

2.1 - About this Handbook

This Employee Handbook replaces all previously adopted personnel policies. It is intended to help you understand the employment provisions and expectations of the City. This Handbook applies to all employees working for the City, regardless of representation or affiliation. If you are a member of a labor union, please refer to your current labor agreement for additional information regarding the terms and conditions of your employment. Though this Handbook applies to all employees, in the event of a conflict between this Handbook and a collective bargaining agreement or an individual employment agreement, the collective bargaining agreement or individual employment agreement will prevail over the provisions in this Handbook. If you are a new hire or if you accept a promotion, we may require you to sign an individual employment agreement.

References to “we” or “us” in the Handbook are references to the City as an organization. References to “you” are references to individual employees.

This Handbook contains general information and guidelines. It may not be comprehensive or address all the possible scenarios you may encounter during your time at the City. The policies outlined in this Handbook are based on the belief that common sense, good judgment, and consideration of the rights of others are paramount to our ability to serve the citizens of Bend and each other. We have tried to anticipate many of your questions, but in no way do we believe that this document will provide every answer. For that reason, if you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you, you should address your specific question to your supervisor or the Human Resources Director.

We recognize that employees differ in their skills, goals, perceptions, and values; because of this diversity, some conditions could arise which may not be sufficiently addressed within this Handbook or which may result in conflict. When these situations occur, the City will endeavor to make decisions that are fair and equitable, while ensuring that the best interests of the City are served.

The procedures, practices, policies and benefits described in this Handbook may be modified or discontinued from time to time. We recognize our responsibility to keep employees informed of changes that may affect them, and as changes are made to the Handbook, we will try to see that you are promptly informed. You may always review the most current version of the Handbook on the City’s intranet.

Some subjects described in this Handbook, including the benefit and retirement plan information are covered in detail in insurance policies and other documents. You should refer to those documents for specific information since this Handbook only briefly summarizes those benefits. Please note that the terms of the written insurance policies are controlling.

You are encouraged to offer suggestions for improvements to the policies, employment practices, and working conditions outlined in this Handbook. Please read through the Handbook carefully and share it with your family members so that they will also understand your work environment. Should you have additional questions, or need further detail, please talk with your supervisor or the Human Resources Director.

The City Manager is responsible for hiring, promotion, discipline and other aspects of personnel administration. The City of Bend is not bound by any oral promises.

The City Manager may vary or modify the strict application of this policy in any case where such application would result in practical difficulties or unnecessary hardship for you or the City, or in any case where it is deemed to be in the best interest of the City. In the event of an emergency, the City Manager may suspend or amend personnel policies as needed to deal with the emergency, including (but not limited to): policies related to hours of work, working out of class, and hiring qualifications and procedures.

We may change levels of service, methods of operation, and staffing levels; add or remove positions, lay-off, and transfer or promote; and establish work schedules and assign work.

This Handbook shall not be deemed to create a vested contractual right for you, express or implied, or to limit the power of the City to repeal or modify its personnel policies.

We recognize that you have the right to form, join, and participate in the activities of labor organizations of their choosing for the purpose of representation on matters within the scope of collective bargaining for the State of Oregon.

2.2 - Employment Relationship

At Will Positions

All new and promotional appointments made on or after the effective date of this Handbook at Salary Range M6 and above as well as any direct report to the City Manager will be considered "at will". Positions in the Police and Fire Departments are not considered "at will" unless specifically designated. In addition, other positions within the City's organizational structure may also be designated as "at will" through a written employment agreement. Existing employees as of the effective date of this Handbook at Salary Range M6 and above shall only be considered "at will" upon entering into a mutually agreed upon employment agreement.

"At will" employees may be terminated at any time, with or without cause and without right of appeal, and with or without notice. Employment for "at will" employees has no defined period of time and may be terminated at any time, regardless of the time and manner of payment of wages and salary. "At will" employees, whose positions are eliminated are deemed terminated from employment. "At will" employees will enter into written employment agreements with the City that contain specific, binding terms, which

prevail over any conflicting provisions in this Handbook, particularly related to corrective action. Please be aware that no statements to the contrary, whether written or oral, made either before or during an individual's employment can change your "at will" status, and no individual supervisor can make a contrary agreement.

In addition, temporary, intermittent, and initial probationary appointments to any position are "at will" as defined in this section, meaning that such employees may be terminated at any time, with or without cause, right of appeal, or notice.

All Other Employees

All other employees of the City who are not represented by a labor organization are subject to the Appeals and Dispute Resolution procedure and covered by the terms contained in Chapter 6 of this Handbook after successful completion of the Initial Probation; see Chapter 3, Types of Appointments.

2.3 - Confidentiality

You may have access to highly confidential and proprietary information, including information about our business plans and citizens. Our citizens trust us with confidential information. The unauthorized disclosure of confidential information would have a materially adverse effect on the integrity of the City and on our relationships with our customers. No employee should disclose any information pertaining to the organization or customers without prior explicit approval of the employee's manager/supervisor.

Except in the ordinary course of performing duties on behalf of the City, no City records and information including without limitation, documents, files, records, computer files or similar materials, may be removed from City premises without permission from the City Manager. Additionally, the content of the organization records or information otherwise obtained in regard to business may not be disclosed to anyone, except where required for a business purpose or in response to a public records request. For additional assistance concerning public records request, please contact the City Recorder.

We recognize your right to privacy. In achieving this goal, the City adopts these basic principles:

1. The collection of your information will be limited to information we need for business and legal purposes.
2. The confidentiality of all personal information in our records will be protected, except when disclosure is required by law.
3. Internal access to employee records will be limited to those employees having an authorized, business related need. We may authorize access to third parties, including government agencies, as a result of a court order, subpoena or District Attorney decision on appeal of a denial of a public records request.

4. We will refuse to release personal information to outside sources without your written approval, unless legally required to do so. Verifications of employment dates, position, salary, and title may be provided without prior approval of the employee.
5. You are permitted to see the personal information maintained in your personnel file, and may correct inaccurate factual information or submit written comments in disagreement with any material.
6. All employees involved in record keeping will be required to follow these policies and practices. Violations of this policy may result in corrective action up to and including termination.

2.4 - FLSA Classification

FLSA (Fair Labor Standards Act) Status

Employees of the City are classified according to Federal and State wage and hour laws into two categories: "exempt" and "non-exempt." Exempt employees are not entitled to overtime compensation; non-exempt employees are eligible to receive overtime compensation. Note that the actual classification is determined by federal regulations and court decisions. The Human Resources Director will make appropriate designation regarding the status of each City position or when a position changes substantially. If you are uncertain of your status, please contact the Human Resources Director. Also, if you believe your status has been incorrectly determined, please submit a request for review, accompanied by a written explanation of why you think the classification is erroneous to the Human Resources Director. We will provide a response within 30 days of receiving the request for reclassification.

2.5 - Work Hours

Specific workday and workweek schedules for each employee will be determined from time to time by your supervisor based on the operational needs of the City. We will attempt to notify you of any changes in workdays or workweek schedules two weeks in advance of the effective date of change. We reserve the right to modify schedules consistent with the needs of the City.

The normal workday is eight hours a day, five days a week. The normal workweek is Sunday through Saturday. Some positions may have different hours or designated workweeks. If you are a nonexempt employee, you should not begin work before your normal starting time nor continue working beyond the normal quitting time without advance approval from your supervisor. Working through a lunch or break period is also not permitted unless approval from your supervisor is obtained prior to the scheduled break.

If you are represented by a collective bargaining agreement, please refer to the specific language contained in it.

Overtime

You may be required to work overtime. Overtime hours will be paid to non-represented, non-exempt employees at one and one-half times the basic straight time hourly rate for all hours worked in excess of forty in a regular workweek, or as otherwise required by State and/or Federal laws. Paid leave will be considered in computing the forty hours after which overtime is paid, excluding sick leave. You may not start any overtime work without the approval of your supervisor. Supervisors are to ensure that no unauthorized overtime hours are worked. Working unauthorized hours in excess of 40 in the workweek may be grounds for corrective action.

Meal and Rest Periods

Meal and rest periods will be provided for you according to Federal and State law. Supervisors will review these and set scheduled times. Nonexempt employees are not permitted to work through a meal period unless approval from a supervisor is obtained prior to the scheduled meal break.

All nonexempt employees are entitled to a half-hour unpaid lunch break each day and a 20 minute paid rest period for each four hours worked. Employees are required to notify their supervisor in the event that they are unable to take their required 20 minute paid rest period.

Social and Recreational Activities

Participation in all off-duty social or recreational activities, such as City or Departmental picnics and Holiday parties, is entirely voluntary. Participation or nonparticipation will not have any effect on your wages, hours, working conditions, or present/future employment opportunities.

Work from Home

If you are a FLSA Non-Exempt employee, you are only permitted to work from home in two situations:

1. Long term/recurring schedule: You may work from home on a recurring schedule if approved for a telecommuting arrangement. The agreement must be in writing and approved by the Department Director and Human Resources Director prior to commencing work at home.
2. Short term/non-recurring: You may work on short term, non-recurring projects with prior permission from your Department Director.

If you are an FLSA Exempt employee, you may work from home at any time outside your normal working hours, and may work from home or other locations during normal working hours in appropriate circumstances.

Before granting permission for short-term work at home arrangements, supervisors should know the specific work to be performed and the projected amount of time expected. If working from home will cause a non-exempt employee to work enough hours per day or week to become eligible for overtime under federal and state law, then

the supervisor should consult the overtime policy before granting permission. Department Directors should also consult with the Human Resources Director regarding other issues related with work at home arrangements prior to the employee commencing work at home.

Working from home inconsistently with this policy may result in corrective action.

Emergency Closing

We will make every effort to maintain normal Departmental work hours during inclement weather. City employees, particularly those with emergency responsibilities, are expected to make every effort to come to work to serve the public. Department Directors are responsible for determining which positions are considered “emergency” and “non-emergency” during inclement weather events.

We reserve the right to determine whether or not an event qualifies as “inclement weather.” The City Manager is responsible for determining when to close specific City operations, or to allow employees to leave work early, due to inclement weather or in the event of a natural disaster. The City Manager will communicate operational closures for non-emergency staff.

It is the responsibility of the Department Directors to notify all personnel under their supervision of any operational or other work closure. Department Directors may reassign employees during times of hazardous environmental conditions that interfere with normal operations. Department Directors shall provide notice to the City Manager of weather or hazard related reassignments.

If you are working when departmental operations are suspended, you will normally receive your regular pay for the remainder of their scheduled shift, subject to approval by the City Manager. If you are on an approved leave of absence (e.g., vacation, personal holiday, compensatory time, sick leave, and unpaid leave of absence) you will not be eligible to receive regular pay for any hours that are deemed paid to employees who are at work when operations are suspended.

In the event of inclement weather without City closure, the following rules apply:

- **Reporting to Work:** You are encouraged to use your best judgment in determining environmental conditions related to your commute. Non-emergency personnel who decide that road conditions are a threat should contact their supervisor and notify them that they will be absent. In this event, the employee may charge time not worked to vacation leave, compensatory time off, or saved personal holiday. Exempt employees may work from home if they wish to do so, and shall take time off if required by the policies relating to time off for exempt employees.

- Early Departure and Late Arrival: After receiving approval from your supervisor, you may charge any time not worked to vacation leave, compensatory time off, or saved personal holiday, at the your discretion.
- Unpaid leave is only available upon exhaustion of the above accrued leave balances (vacation, compensatory time off, or saved personal holiday). Sick leave may not be used for this purpose.
- Persons with Disabilities: Employees who have a disability pursuant to the Americans with Disabilities Act may require reasonable accommodations in order to help such employees get to work during periods of inclement weather or in the event of a natural disaster. If you feel you need this type of assistance, you should contact Human Resources to identify an appropriate manner in which we can assist you to get to work safely.

2.6 - Employee-Incurred Expenses and Reimbursement

We will pay all actual and reasonable business-related expenses you incur in the performance of your job responsibilities, but not exceeding the IRS per diem amount for meals. We will not reimburse the cost of alcoholic beverages. Reimbursement for personal vehicle use will be at the IRS per mile rate. All expenses incurred must be pre-approved by your Department Director before payment will be made.

To obtain reimbursement, you must submit a completed expense report form, approved by your supervisor and supported by evidence such as receipts and downloaded route maps.

Mileage Reimbursement

For additional information on mileage reimbursement, see Vehicle Usage and Safety, Section 5.9.

CHAPTER 3

RECRUITMENT & SELECTION

3.1 - Recruitment and Selection

It is the goal of the City to fill employment vacancies with the most highly qualified applicants, whether recruiting internally or externally. Job applicants will be considered on an equal basis for all positions without regard to race, color, religion, sex, pregnancy, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, veteran's status, medical condition, sexual orientation, gender identity, genetics, or membership in any other protected class.

Our policy is to always try to select the most qualified person for each available job, giving preference, whenever possible, to existing employees over outside applicants. We comply with national and state preferences for veterans. External recruiting may be initiated concurrently with the internal posting process.

Former employees and relatives of current employees will be considered for employment in the same manner as any other applicant. Employees may not make personnel decisions or other decisions relating to a relative or household member. Relative is defined as spouse, registered domestic partner, son, daughter, mother, father, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or equivalent relative of a registered domestic partner.

We retain the right to refuse to place an employee under the supervision of an immediate family member or to reassign job responsibilities to avoid having an employee supervised by a family member.

The Human Resources Director is responsible for the oversight and implementation of City recruitment and selection process. The Human Resources Director will determine when a recruitment period will be opened for application, and will work with the hiring Department to determine whether the recruitment will be limited to internal candidates or open to the public. If a recall list exists for a classification, it will be exhausted in compliance with any collective bargaining provisions or recall rights within this Handbook.

All regular vacancies will be posted for a specified period or application limit, during which time applications will be accepted. The Human Resources Director will develop a recruitment plan and ensure that a fair, valid, and competitive method of selection is utilized and documented. Recruitment efforts will incorporate the City's commitment to diversity, competitiveness, and organizational excellence. Recruitment practices will include a process whereby all applicants are aware of the requirements of the position and applicable deadlines. The Human Resources Director will determine the application requirements. All application materials will become our property. When recruitment is limited to internal candidates only, Temporary and/or Intermittent employees are eligible to apply, depending upon the nature of the applicant pool.

The Human Resources Director will be responsible for overseeing each phase of the selection process. The Human Resources Director may establish a hiring list of qualified applicants that can be used to fill other anticipated vacancies. The Human Resources Director will determine the duration of the hiring list, but no hiring list may be used for more than one year from the date it was created. The Human Resources Director may discontinue the use of an established list at any time; however all applicants on the list will be notified if the list is discontinued prior to the originally established expiration date.

Application, testing, and background documents will be deemed confidential and will not be open to inspection by the applicant, other applicants, or the public except as otherwise required by law or legal process.

All job offers in the City are contingent on a review of the applicant's driving record pursuant to Chapter 5, a criminal background check, and any other specific requirements of the position, including a pre-employment drug screen for certain positions.

Departments Directors may hire temporary and/or intermittent employees for positions which are seasonal, project oriented, designed to cover work for an absent employee, manage a temporary shift in workload, or for other business reasons. Temporary and/or intermittent employees will typically be utilized only when the need for the position is originally estimated to be twelve months or less, unless otherwise approved by the City Manager. Temporary and/or intermittent positions originally designated to exceed twelve months or which are extended beyond twelve months require the approval of the City Manager. Department Directors should seek consultation with Human Resources prior to recruiting for temporary and/or intermittent positions.

3.2 - Orientation and Introduction

In order to ensure a positive integration into the City's operations and get new employees started on a productive and satisfying employment relationship, you will be scheduled for a thorough orientation, administered by the Human Resources Director. This orientation will normally be conducted during the first month of work. You will receive detailed information about general policies, procedures and benefits and basic information on pay and leave policies.

Your Department Director is responsible to ensure that you are oriented to your specific Department, position, and work environment requirements and expectations.

As a new employee, you are hired on an initial probationary period of one year, unless otherwise specified in a collective bargaining agreement (see Chapter 3) or you are an "at will" employee. The initial probationary period is an extension of the employee selection process. During this period, you are considered to be in training and are under observation and evaluation by your supervisor. Evaluation of your adjustment to work tasks, conduct, and other work rules, attendance and job responsibilities will be

conducted during the initial probationary period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to see if your abilities and the requirements of the position match. It is also a chance to see if the City will meet your expectations as an employer.

Your performance will be evaluated at six months and at the end of your initial probationary period, and a decision about your employment status will be made. If you successfully complete the initial probationary period, you will be moved to regular status. If expectations, skills, or conduct are not satisfactory, it is unlikely that employment will be continued.

3.3 - Types of Appointments

Appointment Type

- **Volunteer**: An appointment, as defined in ORS 657.015, to which the appointee volunteers or donates services without receiving or expecting remuneration. Volunteer appointments are not eligible for benefits, except that the City Manager may authorize workers compensation coverage for specified categories of volunteers. Terms and conditions of volunteer appointments are contained within the City's Volunteer Policy.
- **Temporary**: An appointment which has duration of less than one year and less than 2,080 hours. This type of appointment is considered "at will" as described in Section 2.2.
- **Limited Term**: An appointment of more than one year but less than three years in which the term of the employment is limited to an established duration. Limited Term employees have no expectation of employment beyond the established end date.
- **Intermittent**: An appointment that does not require a regular work schedule and does not exceed 600 work hours in a calendar year.
- **Regular**: An appointment to a position that is intended to be ongoing, subject to the needs of the City, and does not have an established ending date. Employees who have successfully completed the Initial Probation Period, including all "at will" employees as described in Section 2.2 are considered in Regular status.
- **Retiree Rehire**: An appointment of a prior City of Bend Employee who is currently receiving PERS or other retirement benefits.

Any appointment other than an intermittent appointment may be to a full or part-time position. Please refer to Chapter 8 for benefit information; benefits may depend on the type of appointment and the hours worked.

Probation

- Initial Probation: All new employees, excluding “at will” employees listed in Chapter 2.2, shall serve an initial probationary period of 12 months. Employment during this initial probation period is considered “at will”. Represented employees should refer to your collective bargaining agreement.
- Transitional Probation: Employees who have completed their Initial Probationary Appointment and are subsequently promoted or who request a lateral transfer or reassignment will serve an additional transitional probationary period of 12 months in their new position.

Regular status is achieved at the conclusion of initial or transitional probationary period unless the Human Resources Director received written notification from the Department Director prior to the conclusion of the probationary period that the probationary period will be extended, or in the case of an initial probationary period, that the employee has not been successful in completing the probationary period.

If you are not successful in completing your transitional probationary appointment, you may, at the City's discretion, be transferred or reassigned to another vacant position. The Human Resources Director will be responsible for determining if you are qualified for the transfer or reassignment. You will serve an additional transitional probationary period of six months following transfer or reassignment.

When your position has been re-designated to a higher level position, and you are assigned to the position without a competitive recruitment process, you will not be required to serve a transitional probationary period.

If you are promoted or you request and are granted a transfer or reassignment while serving your initial probationary period, you will have the remainder of your initial probationary period run concurrently with the new transitional probationary period.

CHAPTER 4

CLASSIFICATION & COMPENSATION

4.1 - Position Designation

Position Designation

Every position in the City will be allocated to a classification and salary range. Each position designation has a position description containing the specific duties and responsibilities of the position. Position descriptions will include: the title of the position, a narrative on the duties required, the level and scope of responsibility, the minimum qualifications, and the knowledge, skills, and abilities required in order to successfully carry out the responsibilities. Position descriptions are intended to be explanatory and not prescriptive – you may be asked to perform tasks not specifically included in the position description, and in some cases you may not be asked to perform some of the tasks listed in the position description. Department Directors are responsible for the content of the descriptions and retain the ability to modify specific and/or daily tasks as required, including assigning employees' higher level duties for limited periods of time.

Except under exceptional circumstances as determined by the City Manager, no new Regular position will be filled until a position designation has been determined by the Human Resources Director. The Human Resources Director will maintain the official record of all active position descriptions and will ensure that you are notified of your position designation.

Department Directors are responsible for ensuring that the number of current employees does not exceed the number of budgeted positions.

Position Re-Designation

If you believe that your duties and responsibilities have changed significantly since your position was designated, you may request a review of your position designation by submitting a written request to your Department Director. The Department Director will forward the request to the Human Resources Director, who will then conduct an analysis of the duties and responsibilities of the position and determine the appropriate designation.

If a re-designation of your position results in a new salary range and your salary is higher than the top end of the new range, you may choose to remain in the position and accept the salary at the top of the new range or apply to transfer to an open position for which you are qualified within your existing salary range. If no other position is available and you do not accept the lower salary, you may accept a no-fault termination.

If your position is re-designated to a classification with a higher salary range, your Department Director will have the option of promoting you or conducting a recruitment process. Promotion is dependent on the Human Resources Director's determination that you meet the requirements defined in the new or revised position description.

For incumbents to be promoted without a recruitment process, the Department Director must demonstrate that the duties and responsibilities of the position evolved over a significant period of time, typically greater than 18 months. The Human Resources

Director will determine if the change in position designation is due to a gradual increase in duties and responsibilities over a significant period of time. If the Department Director conducts a recruitment for the re-designated position and the incumbent is not selected, and there are no other positions available, you may request a voluntary transfer into another vacant position for which you are qualified or accept a no-fault termination.

If a re-designation of a position is the result of a large scale classification study, the incumbent of the position may retain the position and any applicable compensation pursuant to policy as described in this Handbook.

Nothing in this section affects any rights under collective bargaining agreements.

4.2 - Classification and Compensation Plan

The City Manager is responsible for the creation and maintenance of a classification plan. The classification plan will consist of a comprehensive listing and definition of all classifications and salary ranges in City service. The purpose of the classification plan will be to:

- Establish qualification standards for employment eligibility
- Assess parity in compensation for similar positions
- Develop standards of work performance
- Establish job groups and career tracks
- Provide a framework for analysis of organizational relationships or position designations (see Position Designations, section 4.1)
- Assist in the budget development process
- Provide flexibility in the assignment of personnel

The Human Resources Director will administer a review of all City classifications and assigned compensation levels on a regular schedule. The Human Resources Director will submit findings to the City Manager for review. Compensation levels are typically reviewed every three years.

Compensation levels will be evaluated against the comparable current labor market. For purposes of this policy, compensation includes both salary and benefits. Compensation levels will be based on all relevant information including, but not limited to: internal equity, compensation provided by other employers for comparable work, the City's financial condition, and recruitment and/or turnover problems.

It is the Human Resources Director's responsibility to determine the comparable relevant labor market when conducting a review of compensation. The Human Resources Director will analyze classifications in terms of duties and responsibilities, knowledge, skills and abilities, minimum qualifications, changes in labor market forces and competition, geographic location, and other relevant factors.

In exceptional circumstances (e.g. rapid change in competition or labor market forces), the City Manager may initiate a review of compensation earlier than the three year schedule in order to meet immediate organizational needs.

4.3 - Pay Administration

We value our employees and we are committed to compensating you for your efforts and results. It is our intent to provide a competitive compensation package that will attract, retain, and motivate employees. It is also our intent that policies and pay practices be administered consistently throughout the City.

New employees are normally started at the beginning of the salary range for their position, but may be started at any point within the salary range based on previous experience and skills.

You will be eligible for pay increases based on your performance, contributions, and success.

Cost of Living Adjustments (COLAs)

Non-represented employees may be granted COLAs on an annual basis as a modification to base salary. The City is not obligated to provide COLAs.

Salary Increases

It is the City's policy to reward you with increases in pay for your dedication in your work, extra effort, and contributory performance. Management does not award increases on an automatic basis or at any preset interval. Your supervisor will determine if an increase is warranted at the time of your performance review. Salary increases will be awarded based on satisfactory performance as documented in your performance appraisal.

Limits on COLAs and Merit Increases

COLAs and merit salary increases may not result in a salary that exceeds the salary range for the position.

Paydays

You will be paid twice monthly, according to the City's payroll cycle. The payroll cycle may be modified at our discretion.

Payroll Deductions

Certain mandatory and elective deductions are made from your pay, and are noted on the paycheck stub. Only those deductions authorized by law and those you have authorized in writing are made.

Delivery of Paychecks

Your paycheck will be delivered to you each payday or directly deposited to your account as authorized. No paychecks will be delivered to any person other than you or a person designated in writing by you.

Method of Payment

A statement of earnings and deductions showing gross earnings, deductions, and net salary amount will accompany each paycheck or notice of direct deposit.

Employee Withholding Allowance Certificates Form W-4

You are required under Federal law to furnish the organization with an Employee Withholding Exemption Certificate (W-4) on the date of hire. You must file a new W-4 form at any time the number of entitled exemptions decreases to less than the number being claimed. New W-4 forms may be filed when the number of entitled exemptions increases if desired, but it is not required. You may increase withholding by claiming fewer exemptions than entitled or by requesting additional withholding to be made if you find that insufficient tax has been withheld to meet your year-end tax liability.

Time Records for Nonexempt Employees

The City uses an electronic timekeeping system. Your timesheet is a record of time worked and nonexempt employees must submit written electronic timesheets. The timesheets provide a permanent record of the time spent on the job and indicate the exact time worked. Nonexempt employee pay is calculated from the timesheets.

You should make sure your timesheets are complete and accurate. Time approvers will review and authorize timesheets each pay period. All corrections must be made, reviewed, and initialed by your time approver. Submission of a timesheet verifies that the times and dates are true and accurate to the best of your knowledge. Willfully falsifying a timesheet is grounds for corrective action, up to and including termination.

Time Records for Exempt Employees

Exempt employees must only report absences from work greater than four hours on their electronic timesheets. There will be no deduction to your pay unless you fail to work a minimum of four hours on a regularly scheduled workday. Though exempt employees are not paid by the hour, it is generally expected that the duties of their position will require a minimum of 40 hours per week to achieve optimal performance.

Improper Deductions for Pay for Exempt Employees

The City will reimburse any exempt employee whose pay is reduced in violation of this policy. If you feel your pay has been improperly reduced, please notify the Human Resources Director.

Final Paycheck

While we request that you give us at least ten days advance notice prior to departure when resigning from the City, if you provide us with at least 48 hours' notice (excluding holidays and weekends) you will receive your final paycheck on the last day worked. If

less notice is given, the final paycheck will be provided within five business days or on the next regularly scheduled payday, whichever occurs first. Final paychecks will include all wages earned through the last workday plus payment for any accrued and vested benefits that are due and payable at separation.

4.4 - Salary Administration

The Human Resources Director will provide consistency and guidance in the management of salary administration, including:

- The approval of beginning salaries
- Performance based salary adjustments
- COLAs
- Increases at time of promotion
- The provision of pay options in the event of a transfer, demotion, reassignment or leave of absence.

All salaries will be set within the adopted salary range. Payment of salaries for nonexempt employees (employees who are covered under the overtime provisions of the Fair Labor Standards Act or state law) will be for hours worked except where these policies and applicable law permit otherwise. Hours worked include holidays and any paid leave time, excluding sick leave.

Salaries for New Employees

You will normally be hired at the beginning of the salary range for your position. We may approve a higher starting salary based on your experience or qualifications. However, your beginning salary may not exceed the salary range for your position.

Salaries for Promotional Appointments

If you are promoted to a position with a higher salary range, your new salary will be above the old salary, and your exact place in the new salary range will be based on the factors considered for new employees.

After a promotion, you will be eligible for adjustments in your salary rate every 12 months on an annual basis.

Overtime & Compensatory Time

If you are a FLSA non-exempt, non-represented employee, you will be paid for time worked in excess of 40 hours in your designated workweek. Time worked will include any paid leave taken during the week in which the overtime is being calculated, excluding sick leave.

If you are not exempt under the provisions of the Fair Labor Standards Act, you are eligible to receive overtime pay and/or compensatory time. Overtime will be paid at the rate of one and one-half times your regular rate of pay. Time worked as overtime will not be considered when determining your eligibility for benefits, retirement, or completion of either an initial or promotional probationary period.

Non-represented employees who are eligible for overtime pay may, with the mutual consent of their supervisor, accrue compensatory time in lieu of overtime. Compensatory time will be earned at one and one-half times the number of hours worked and may be accrued up to a maximum of 80 hours. Compensatory time off will be considered the same as time worked when determining eligibility for benefits, retirement, or completion of either an initial or promotional probationary period.

Temporary, intermittent, and retiree rehire employees are eligible for overtime under the same conditions as regular employees; however, they may not earn compensatory time.

Salary Increases

All salary adjustments will be based on performance as documented in your performance appraisal. You will be eligible for consideration of an annual salary adjustment during the normal review period.

When you have performed at or above the satisfactory level, as determined by your supervisor, you may be granted a salary increase. Salary increases will be commensurate with performance ratings. However, in no case may an increase cause your salary to exceed the top of the salary range for your position.

The City Manager will have the authority to approve individual salary increases outside of the annual adjustment should special circumstances warrant such action.

Represented employees will receive annual salary adjustments in conformance with their collective bargaining agreement.

Higher Classification Work

If and when you are assigned, in writing, to assume the majority of the duties of a position in a higher pay range for a period of more than 8 continuous hours, you will be awarded higher classification pay. The premium will normally be five percent over the base rate of pay for all hours worked, but may be increased with the written approval of the Human Resources Director. This premium does not apply in situations where you are performing higher level duties for the purposes of professional development.

Transfers

If you are transferred to a position with the same salary range, there will be no adjustment of salary because of the transfer.

CHAPTER 5

STANDARDS OF CONDUCT

5.1 - Work Rules

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

1. You are expected to be at work on time, stay until your workday ends, and to do the work assigned or requested of you. If you are unable to be at work on time, you are expected to contact your immediate supervisor promptly. Please refer to your Department's attendance guidelines for additional information.
2. You are expected to regard your workplace with respect and attention. City of Bend records, equipment, and property are to be treated carefully and appropriately. You are responsible for those items in your custody and will be held accountable for their maintenance, appropriate use and/or accuracy.
3. You are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the City or outside regulatory bodies.
4. You are expected to conduct yourself in a professional manner and exhibit a high regard for our customers, vendors, business associates, and co-workers. No breach of professional behavior (i.e. abusive language, harassment, for-profit business during work time, etc.) will be condoned. This behavioral standard also applies to alcohol consumption when representing the City in a business or social capacity. For more information on the City's complete alcohol policy, see Chapter 5.7.
5. You are expected to maintain the confidentiality of organization information or customer information in your possession.
6. You are expected to be honest in all your actions as an employee. This applies to communications with other City employees and the general public.
7. Clothing you wear to work should be neat in appearance and be consistent with your job, keeping in mind the impression made on the public, visitors, and other employees and the need to promote organization and employee safety. Good individual judgment is the best guideline, but the City retains the right to decide what clothing is appropriate. Departments may have their own clothing standards which may include a uniform requirement or a need for safety equipment to be worn. Please speak with your supervisor for Department-specific dress standards.
8. Some City employees and visitors to City workplaces may suffer potentially serious health consequences from exposure to scented products. You are asked to refrain from the use of personal products that have the sole purpose of producing a scent, such as perfume or cologne, at work. If you are going to be in the workplace, please

choose personal hygiene products such as hair spray, deodorant and powder that do not have a strong fragrance.

If you experience health consequences or discomfort due to another employee's use of scented products, you should report the situation to your supervisor.

9. Public relations is an integral part of each employee's job. You represent the City to those with whom you come in contact or by whom you are observed. You should remain cognizant of this responsibility by performing your duties in a professional and efficient manner.
10. The City discourages romantic relationships, including dating or cohabitating, between all employees who report directly or indirectly to one another. However if a situation arises and this occurs, you should inform a supervisor to allow appropriate workplace procedures to be put in place.

In addition to heeding these rules, you are urged to use reasonable judgment at all times and to seek supervisory advice in any doubtful or unclear situation. If everyone does their best to meet both the spirit and intent of these guidelines, employee disciplinary issues should be minimal.

As a matter of policy, we seek to resolve conduct and performance problems in the most informal and positive manner possible. However, when someone does not conduct themselves in accordance with the intent of the work rules, we will take action to correct the situation promptly and completely. Outright violations of workplace rules will result in corrective action, up to and including termination.

We believe that you should be given an opportunity to be heard in matters involving discipline and we have adopted formal procedures, which are outlined in Chapter 6 of this manual. Employees who are covered under collective bargaining provisions are encouraged to refer to the specific language contained in their agreement.

Department Directors are responsible for the establishing rules and procedures to regulate the specific work activities and conduct of employees in their department. Department work rules may be more restrictive than City rules due to their specific operational requirements.

5.2 - Customer Service Standards

We are committed to providing outstanding customer service for our citizens, visitors, and colleagues, which we believe will improve the quality of the experience for the customer and the work environment for everyone.

All employees and volunteer staff members shall provide customers with responsive, consistent, and effective services. We will deliver quality public service with respect for the needs of the Bend community, visitors, co-workers, and community partners. To achieve the provisions of quality service, employees and volunteers shall:

- Provide services to the community in a fair and equitable manner with an

emphasis on problem solving and a teamwork-based approach to resolving issues.

- Deliver services and programs in a sustainable manner that balances the needs of the community now with the needs of future generations.
- Promote excellence in our organization.
- Identify creative, efficient, and innovative approaches to service delivery and customer services.
- Carefully consider the knowledge and perspectives of customers and respond to their ideas and concerns in a respectful and collaborative manner.

5.3 - Ethics

At the City of Bend, we believe in treating employees with respect and adhering to ethical and fair practices. We expect you to avoid situations that might cause your personal interests to conflict with the interests of our organization or to compromise our reputation or integrity. Employees who conduct themselves inappropriately or who create a detrimental impact on the City may be subject to corrective action up to and including termination.

You are responsible for carrying out your duties in a manner that contributes to a positive and productive work environment and further achieves our goals and objectives. Your behavior should reflect favorably on the City and serve the public interest as opposed to individual interest.

Supervisors, managers, and Department Directors are responsible for providing leadership that encourages high performance and good conduct and holds employees accountable for their actions.

Conflict of Interest

You may not solicit, obtain, accept, or retain any personal benefit from any supplier, vendor, customer/client, or individual or organization doing or seeking business with the City. This means you may not maintain an outside business or financial interest or engage in any outside business or financial activity that conflicts with the interests of the City or interferes with your ability to fully perform your job responsibilities. For example, if you have a financial interest in a company that is or may become a vendor of goods or services to the City, you cannot in any way participate in any purchasing decision related to those goods or services or in any evaluation of the goods or services. You may not benefit directly or indirectly from a third party who furnishes products, materials, or services to the City.

Endorsements

You may not endorse any individual or organization in your capacity as a City employee. If a supplier, vendor, customer/client, individual or organization wishes to list the City or one of its employees as a reference, this is allowed with the understanding that when asked to provide a reference, an honest opinion will be provided.

Misrepresentation

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

Gifts/Gratuities

You may not receive from our suppliers or agents, anything of value, whether cash or any other property. Even if the gift is not intended to, for the purpose of securing or appearing to secure preferential treatment, it will have that appearance. This includes any form of gratuity to employees from our suppliers or agents or members of their families. You may not attend a conference at the expense of an entity other than the City. However, you may participate in joint presentations with suppliers or contractors so long as there is no payment of your expenses by the supplier or contractor.

In the event that you are offered a gift, gratuity, recognition item, payment of expenses or other item of personal benefit, you must notify your Department Director. If the offer does not violate the spirit of this policy, we may accept it on behalf of the City as long as the item may be used for the public or the City's good. In no event may you accept gifts for your own use that total more than \$50.00 from a single source; accepting such gifts in that amount is a violation of state ethics rules. Small gifts that may be shared by a group of employees (a dozen donuts) may be accepted on behalf of the City so long as the gifts may be shared by all. You may not accept any alcoholic beverage from a supplier, contractor or other person or entity that does or may do business with the City.

Travel Awards

Travel awards, including frequent flier miles, compensation for being displaced, and related items accrued or earned by officials and employees on official City business, are considered to be part of the salary and benefits to which you are entitled. You should make decisions regarding travel arrangements and expenses in the best interest of the City rather than to maximize accrual of this benefit. Abuse of this benefit, including influencing travel arrangements so as to maximize accrual of awards to the detriment of the City or public is prohibited and is cause for discipline. You are responsible for ensuring that this compensation is reported as income for tax purposes to the extent required by law.

Examples of travel awards are coupons, discounts, credit card rebates, frequent flyer miles, and tickets and vouchers for being bumped from an airline flight. You should be aware of provisions of the Oregon public employee ethics statutes, discussed in ORS Chapter 244. This statute prohibits a public employee from using or attempting to use his/her official position to receive a financial gain or avoid a financial detriment that would not be available but for the person's employment by a public agency.

Outside Employment

While employed with the City, you may not engage in outside employment that conflicts with the City's interests. You may not engage in outside employment that would interfere with your ability to perform your work for the City. Outside employment is permitted only with the written approval of your supervisor and review by Human

Resources. You may be involved in a business that has dealings with the City only after full disclosure to your supervisor and written approval of your Department Director. You may not conduct business connected to outside employment during hours you are scheduled to work for the City.

Off-Duty Conduct

As a general rule, we regard most off-duty activities to be your own personal matter. However, certain types of off-duty activities are of concern because of the potential negative impact on our reputation or because they involve relations with other employees. For that reason, if you engage in or are associated with illegal or any other conduct that adversely affects us (including our public image or employee relations) or your own ability or credibility to carry out your employment responsibilities, you may be subject to corrective action up to and including termination.

Solicitation and Bulletin Boards

In order to ensure that you are not disturbed, interrupted, or disrupted while at work, we have the following no solicitation policy:

- Individuals who are not employed at the City may not solicit our employees or distribute literature to employees within City work areas at any time.
- If you wish to solicit or distribute literature to other employees by or on behalf of any individual, organization, club, or society, you may do so only during times when you are on a break or lunch period. You may solicit or distribute literature only to those employees who are also on their break or lunch period. The distribution of literature in work areas is prohibited at all times, but you may place it in established break areas or lunchrooms.
- You may not solicit, expect, or accept contributions from vendors, clients or anyone doing business with the City.
- You may not sell merchandise or collect funds of any kind without prior approval from your Department Director during your work hours.

Our bulletin boards are intended to keep you up to date on work-related notices and events, and are used to post information required by law. If you are covered by a collective bargaining agreement, there may also be union bulletin boards in your Department. Please refer to your collective bargaining agreement for additional details. Our bulletin boards are to be used only for posting or distributing notices or announcements of a business nature that are equally applicable and of interest to employees or are directly concerned with City business. The City may have bulletin boards open to employee postings in lunch rooms/break areas.

Political Activities

Our employees are entitled to exercise their rights to hold membership in or support a political party, to participate in political campaigns, to vote, and to privately express their opinions on political subjects or candidates. Any political activity is prohibited while on the job. This includes soliciting money, influence, service, or other things of value or otherwise aid or promote any of the following during working hours:

- Political committees
- Nomination or election of any person to public office
- Passage or defeat of any ballot measure

Additionally, we have determined that having you serve on or campaign for City Council would unnecessarily create the appearance of a conflict of interest, would create management difficulties in supervision, discipline and maintenance of confidentiality, and would cause governmental inefficiencies resulting from the above. Therefore, you are not permitted to be a candidate for, or serve on, the City Council during your employment with the City.

5.4 - Communications and Software Systems

We provide electronic communication systems to maintain efficient communication with internal and external customers. You are encouraged to learn more about these tools and how to use them. This policy provides directions for you regarding access and disclosure of information when using these communication systems. All employees are expected to be aware of and supportive of this policy.

The City's communication systems include computers, software, electronic mail (e-mail), copiers, fax machines, telephones, smartphones, voice mail, radios, communication tools, and other various on-line services and databases. All of these systems are operated and managed according to the guidelines set forth in this policy.

These systems and any other informational, storage, or retrieval services that we provide are organization tools and are to be used for business purposes only, unless specified within this policy.

The use of these systems is not private or confidential under any circumstances. You have no expectation of privacy in any communications or information on any electronic information or communication device we own. We may monitor, review, audit, intercept, access and search data and messages sent or received using City systems at any time for any reason without notice or other restriction. This includes live monitoring of telephone calls. Of course, we will comply with all applicable law in monitoring and reviewing messages. Messages created on or sent through the system remain our property and may be disclosed to the public.

As an employee, you must not permit any proprietary or confidential information to enter the public domain through electronic transmissions. Examples of our proprietary and confidential information are provided in the Confidentiality Policy, Section 2.3.

All messages and communications used through this system are subject to our harassment, EEO, workplace violence, and non-solicitation policies. You are expected to carefully compose and review the wording, tone and content of your communications prior to transmission. Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate may not be sent by e-mail or other form of electronic communication or displayed on or stored in our computers or other portable devices.¹ If you encounter or receive this kind of material, you should immediately report it to your supervisor.

¹ This prohibition does not apply to viewing, reviewing, copying or transmitting materials in the course of a criminal investigation or proceeding or a personnel discipline investigation or process when necessary for the investigation or process.

You should check with your supervisor if you have any questions about the proper use of communication or software systems. All system users who discover violations of this policy are expected to notify their supervisor or manager immediately. Improper use or violations of this policy can result in corrective action up to and including termination.

All electronic media is subject to the public records law and records retention schedule. If you have any questions about public records law, please contact the City Recorder.

Your network accounts and associated passwords may not be shared with any other person. You are responsible for protecting the confidentiality of network resources and preventing disclosure of account information including complying with the password rotation policies as requested.

Electronic Mail System (Email)

You are reminded to be courteous to other users of the system and 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. You should write e-mail communications with no less care, judgment, and responsibility that you would use for letters or internal memoranda written on organization letterhead.

E-mail communications must not be used improperly. Examples of improper use of the City email system include but are not limited to:

- Personal gain, personal business, or political ventures
- Soliciting junk mail, subscribing to newsgroups or other email subscriptions unrelated to City business
- Sending offensive messages
- Personal use (except in compliance with this Policy)

"Offensive" for the purposes of this Policy is broadly defined as containing information or images that would be considered inappropriate in our workplace or that would contribute to creating a hostile work environment. Examples include, but are not limited to, content which could make others feel uncomfortable because of their treatment of topics involving gender, race, disabilities, or sexual matters.

You should know that even when a message is erased through e-mail, it is still possible to retrieve and read that message. Even though we reserve the right to retrieve and read any email messages, those messages are to be treated as confidential by other employees and accessed only by the intended recipient. We expect that employees will respect others' privacy and, unless authorized to do so, will not retrieve or read electronic messages not intended for them. The use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to your Department Director upon request.

E-mail is now a popular way to spread viruses. If you have a concern about an email you have received, do not open it. Inform the Information Technology Department who will advise you of your next steps.

As stated previously, the use of e-mail through the City network is primarily for business

purposes. Incidental personal use of the electronic mail system is permitted. However, the personal use of e-mail should not interfere with City operations, nor should it cause any harm or embarrassment to the City. Any personal use of e-mail is expected to be on your own time, not to interfere with your job responsibilities, and be compliant with all City policies, including harassment, EEO, and ethics. We reserve the right to prohibit personal use if, in our sole judgment, your conduct or usage warrants. Please refer to "Personal Use of City Communication Systems" later in this section.

The communication system's ability to send a message to all staff or a group should only be conducted on a limited basis. Responses to broadcast messages should be directed to the source. When determining whether a message should be broadcast on a department-wide or City-wide basis, make sure that you know your audience. Avoid broadcasting messages to people with whom you do not ordinarily have direct contact. Each department is responsible for broadcast e-mails sent by employees of the department. Procedures regarding the approval of such e-mail will be left to the individual departments.

City Personal Computers

Only authorized IT employees may install software or hardware or make modifications to any city personal computers and/or networks. A virus check must be made of any disk originating or used on any computer outside the City, prior to use on City computers.

Use of Internet and Commercial Online Systems

Access to the Internet is provided as a tool in the conduct of City business. Many resources are available through Internet connections to assist you in performing your work in a more efficient and effective manner. Typical usage includes using a browser tool to conduct research or to find information and the communication or exchange of information with others for business purposes. You are encouraged to explore and use these resources when conducting our business.

Telephone Usage (including fax machine and cell phone usage)

We recognize that you must occasionally make and receive personal telephone calls. Such calls should be held to a minimum, and should impact your work as little as possible. Unauthorized use of our phone system, including charging long distance calls to the City, will result in corrective action, up to and including termination. You may carry and use your personal cell phone at work, so long as you keep calls to a minimum and do not disrupt work. Overuse of cell phones may result in corrective action. Receiving personal fax documents is prohibited unless reimbursement to the Department has been authorized by your supervisor.

You should normally turn off your cell phone or set it to silent or vibrate during meetings or in locations where your ring could disrupt the work environment.

Voicemail System

The voicemail system is our property and has been provided for use in conducting our business. All communications and information transmitted by, received from, or stored in this system are City records and property of the City of Bend. You have no right to personal privacy in any matter stored in, created, received, or sent over the voice mail system. In its discretion as owner of the voicemail system, The City reserves and may

exercise the right to monitor, access, retrieve, and delete any matter stored in, created, received or sent over the system, for any reason and without your permission. You are not authorized to retrieve or listen to any voicemail messages that are not sent to your personal attention.

Personal Use of City Communication Systems

We do not prohibit personal use of the communication system (*i.e.*, sending e-mail over the Internet, accessing sites on the Internet, typing a letter, or making a local telephone call), provided that the use is infrequent and brief. We recognize that you occasionally have a need to talk to family members, schedule service technicians, confer with children's schools, and take care of a variety of other matters during "regular" working hours. We believe that personal use of our electronic communication systems for these purposes during regular working hours is less disruptive than requiring employees to take formal breaks or leave work, provided that the use is brief, infrequent, and in compliance with the following guidelines and understandings:

1. There is no right of privacy for any electronic record or communication, whether personal or not.
2. The use of our phone system for personal long-distance communication is prohibited, unless placed by using a personal calling card or by calling collect. The calls must be infrequent and brief.
3. You must not use any components for illegal activities, engaging in profit making ventures, or personal business. An example of "personal business" for purposes of this Policy is on-line stock trading or subscribing to a financial newsletter for delivery via City e-mail.
4. You must not knowingly access sites containing pornographic or offensive materials, and if inadvertently connected to that type of site, shall immediately disconnect from the site.
5. Downloading software or any information, which requires storage on our equipment, not related to your assigned job responsibilities, is prohibited.
6. Unauthorized access to protected resources is prohibited.
7. You must not download music, videos or any other copyrighted material for personal use including streaming media. Downloads of such material for our use is allowed only if the appropriate permissions, licenses or other authorizations are obtained and an authorized supervisor approves the downloading. If you use the system to violate copyright laws, you shall be personally liable for any fines, penalties or other costs.
8. Any personal use must comply with all of our other policies.

Limited personal use of our communication systems is not anticipated to increase any hardware or software costs to us and should not result in any charges or costs provided this Policy is followed. However, if personal use results in an additional fee or charge to us, you must reimburse us for this additional cost. Printing a personal e-mail message or letter on a City printer are examples of actions which result in an additional cost.

You are encouraged to limit personal use of the communication systems and apply good judgment and common sense. You are specifically warned that, in addition to any potential violation of this Policy, routine use of our communication systems in order to avoid a financial detriment (including purchase of a computer or subscription to an Internet access provider) may be considered an ethics violation and subject an individual to penalties provided under State law, and/or corrective action up to and including termination. We reserve the right to prohibit personal use if, in our sole judgment, your conduct or usage warrant.

5.5 - Employment Recordkeeping

It is our policy to establish and maintain records of employment for you in all organizational units consistent with State and Federal regulations.

Your employee records are our property we will determine the content of the employment record. At a minimum, your employment record will contain legally mandated documents pertinent to pay, benefits, working conditions, performance, training and other terms and conditions of employment. A separate confidential file will be maintained to store medical records and information, compensatory benefits, worker's compensation, and other sensitive material, including background check information for applicable positions. Management of official employment records for employees of the City is centralized in Human Resources. Please contact the Human Resources Manager regarding employment records requests.

To the extent required for day-to-day management, your supervisor may keep files on your training, performance plans, and notes on counseling sessions, etc. This file is considered confidential and will be stored in a secure file. The Department file will not contain sensitive material, e.g. medical information. Performance management data, such as notes illustrating performance accomplishments or shortfalls, customer complaints or commendations, notations of verbal counseling sessions, etc., may be incorporated in the performance evaluation for the period to which it is applicable. Generally, discipline documents such as interview notes or other associated and relevant material will be sent to Human Resources Director upon disposition of the issue for review, retention or destruction as appropriate.

No material that can be considered derogatory may be placed in your personnel file unless you have been given an opportunity to read it and have been advised it will be placed on file. You will be asked to sign and date the file copy to acknowledge receipt of the material. Your signature does not indicate concurrence with the information presented, merely that you have had an opportunity for review. You may prepare written comments regarding the information believed to be derogatory, incorrect, or a misrepresentation of facts; your comments will be included as part of the file and retained until the referenced document is destroyed.

Though the confidentiality of personal information in your personnel file is recognized in state law, you are not guaranteed absolute protection for the contents of those files.

Contents of your record may be reviewed by you, your immediate supervisor, your Department Director and your designated representative. Authorized individuals should contact the Human Resources Director in advance to arrange a review appointment. You have the right to review and receive copies of the records maintained. You should be aware that the City may be required to disclose portions of your personnel files in response to public records requests.

Separated employees may request a copy of employee records for up to one year from the date of separation. We may charge a reasonable fee to defray reproduction costs.

Our recruiting supervisors are allowed to review your employee record in conjunction with internal reference checking. Again, contact the Human Resources Director to schedule an appointment for the review.

Your employee file contents will be minimally retained as provided for by laws governing retention of City government records, as they may be revised from time to time. We may elect to extend the retention period. The current retention schedule is available from Human Resources.

Public access to your records will be managed in accordance with State and Federal laws regarding the release of public information. All requests for employee data should be directed to the Human Resources Manager. Normally, Human Resources will confirm employment, dates worked, and eligibility for rehire by telephone. This will frequently meet the needs of other employers or lending institutions. All other requests for data must be submitted in writing with an accompanying employee release. While we recognize the confidentiality interests of employees, state law requires us to balance the public interest in disclosure with the privacy interests and may conclude that disclosure is required or may be ordered to disclose information from personnel files. Subpoenas will be honored consistently with the law as confirmed by our legal counsel.

You must notify Human Resources in the event that you have a change in your name, marital status, address, telephone number, dependents, emergency contact, or any job-related physical limitations or other limitations which would impact your employment.

It is our policy to release only a current/former employee's position title, dates of employment, and salary range to outside agencies when conducting reference checks. If you wish for us to release any additional information, please contact Human Resources and complete a Reference Release form (see Appendix B). We will maintain this form in your personnel file. By signing this form, you are authorizing the City to depart from our general policy and provide additional information. Employees should seek approval from their supervisor prior to responding to any reference request.

5.6 - Harassment

We recognize that our strength lies in our employees. It is our policy that all employees have the right to work in an environment where the dignity of each individual is

respected. For that reason, we expect you to conduct yourself in a manner that complies with our Harassment Policy. Any harassment of employees by fellow employees is not permitted, regardless of their working relationship or supervisory status.

The City will not tolerate conduct by any employee that harasses, disrupts, or interferes with another's work performance or creates an intimidating, offensive, or hostile environment. We desire to maintain a working environment free from all forms of harassment, whether based upon race, color, religion, ancestry, national origin, age, marital or family status, veteran status, sexual orientation, physical or mental disabilities, on-the-job injuries, sex, or any other legally protected characteristic or status.

Behavior such as telling ethnic jokes, making religious slurs, using offensive "slang" or other derogatory terms denoting a person's race, age, national origin, disability, or mimicking one's speech, accent or disability, are examples of prohibited conduct and will not be tolerated. You are also prohibited from retaliating against anyone who complains about harassment or cooperates in a harassment investigation. As an employer, we encourage you to report conduct that may violate our Harassment Policy so that concerns can be addressed and resolved as soon as possible.

Sexual Harassment

While all forms of harassment are prohibited, it is our policy to emphasize that sexual harassment is specifically prohibited. As a starting point, it is important for employees to understand what kind of conduct is prohibited "sexual harassment". Under the law sexual harassment includes any unwelcome sexual advances, requests for sexual favors or other verbal/physical conduct of a sexual or gender-based nature when:

- Submission to such conduct is explicitly or implicitly made a term or condition of employment
- Submission to or rejection of such conduct is used as the basis for making an employment decision
- Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

The types of conduct which qualify as sexual in nature take a wide variety of forms, ranging from overt serious harassment, such as sexual assaults, rapes and propositioning, to subtle harassment, such as unwelcome complimenting an employee on his/her physical appearance or flirting regarded as offensive, so as to create a hostile work environment.

Between these extremes, virtually any type of conduct that is sexual or gender-based in nature can become a form of prohibited sexual harassment. However, the most common forms of sexual harassment include:

- Dirty jokes
- Sexual innuendoes
- Talking about your sex life
- Sexual gestures
- Displaying printed materials of a sexual nature
- Making offensive or stereotypical comments about members of one sex or the other
- Making derogatory comments about gays or lesbians
- Using E-mail or other City communication systems to transmit information of a sexual nature
- Sexual touching, including any type of contact with intimate body parts
- Making graphic comments about another employee's physical attributes
- Making any type of comment that is sexual or gender-based in nature.

Even if this type of conduct occurs between employees off duty, it should be reported if it is offensive to you. This is because extreme or repeated sexually offensive conduct that occurs between employees off the job may "carry over" to the job environment.

Similarly, if a non-employee subjects you to this type of conduct during your working time and it is offensive to you, please report it. We will investigate during your working time and address sexual harassment concerns regardless of who is engaging in the reported behavior.

The second requirement is that the conduct in question must be "unwelcome" to you. Often a person can stop sexually offensive conduct (dirty jokes, sexual comments, etc.) by simply telling the person who is engaging in this behavior that it is offensive and requesting that they stop. We encourage you to take this approach. However, no employee is required to complain directly to the offending employee. If you are more comfortable reporting the offensive conduct to your supervisor, Department Director or the Human Resources Director, you should do so as soon as possible.

In the day to day social exchange between employees, individual tolerance for behavior may differ. As a practical matter, employees have a wide range of sensitivity levels; what one person considers offensive, another may not consider offensive. The best approach for any employee is to assume that sexual conduct, whether physical, verbal or otherwise, is likely to be offensive to someone. It is not necessary that the offensive conduct be directed at the particular person who raises a complaint. Often sexual harassment claims arise from one person overhearing or overseeing something not intended for them. The bottom line is that if you engage in this type of behavior you assume the risk that someone will be offended. Consequently, you assume the risk of being disciplined or discharged for violating the City's Harassment Policy.

It is your responsibility to act in a manner that is consistent with our harassment policy. This includes any messages or communications sent or received through our electronic communication systems. The use of information systems (including e-mail, Internet, and Intranet) for the display or transmission of sexually explicit images, messages, off-color jokes, or anything that may be construed as harassment or showing disrespect for others, is prohibited.

Reporting Harassment

It is also your responsibility to report conduct that you believe violates our Harassment

Policy. If you are subjected to any type of harassment by an employee or anyone you come into contact with through your job or you have observed behavior or overheard comments that raise concerns regarding compliance with this policy, you should promptly contact any one of the following people:

- Your supervisor or manager
- Your Department Director
- The Human Resources Director.

We encourage you to report claims and work with us to informally resolve problems involving harassment. Our ability to resolve these kinds of problems is dependent on your cooperation in reporting incidents that create an offensive work environment for you. We believe that all of our employees have an affirmative obligation to promptly report harassment.

In the event that an incident or complaint is reported, an investigation will be undertaken immediately. Investigations will be kept confidential to the extent we determine confidentiality can be maintained while allowing us to comply with our obligations. If you are not satisfied with the way a complaint is being handled or the action taken, you should bring the complaint to the next higher level of authority. Violators will be subject to appropriate disciplinary or other corrective action.

Each manager/supervisor has the responsibility to maintain a workplace free from any form of harassment.

Protection Against Retaliation

It is also important for you to understand that the City respects the right of its employees to raise harassment concerns and participate in investigations. We do not allow supervisors, managers, or employees to retaliate against employees who report harassment or cooperate with investigations. "Retaliation" is broadly construed and includes conduct such as giving an employee the cold shoulder, changing their duties, treating an employee rudely, etc. In short, we expect all employees to respect the right of other employees to raise harassment concerns and cooperate with investigations.

Any employee who feels they have been retaliated against should promptly bring complaints or concerns about retaliation to their supervisor, Department Director, or the Human Resources Director. These types of complaints will also be immediately investigated and violators will be subject to appropriate disciplinary or other corrective action.

5.7-Substance Abuse

We are committed to establishing and maintaining a work place free from the effects of alcohol or drug use and abuse. In support of this policy, our drug-free awareness program provides employees information about the dangers of alcohol and drug abuse. City employees may also have access to dependency and rehabilitation counseling through our employee benefits programs.

It is a condition of employment with us that you work drug and alcohol free. You must report any violations occurring on or off our premises while conducting City business.

You must report a criminal drug statute conviction to your Department Director and the Human Resources Director within five (5) days after the conviction. (This requirement is mandated by the Drug Free Workplace Act of 1988.) You are expected to report any employee whom you suspect has violated this policy to their Supervisor.

We recognize drug and alcohol use may escalate to a serious illness and will provide reasonable support to employees who are working to overcome their dependence. Employees suffering from alcohol and/or drug dependency or abuse are encouraged to seek substance abuse counseling and rehabilitation through the employee assistance program or health plan providers. All treatment information is confidential. The employee's voluntary disclosure of treatment will not be the impetus for corrective action nor will it absolve the employee from corrective action if the corrective action is based on a specific violation of this policy.

You may not knowingly be under the influence of drugs or alcohol while on the job during working hours.

This includes but is not limited to time off-duty when wearing a City uniform, or in conjunction with City-authorized activities except where the City Manager has authorized the moderate consumption of alcoholic beverages, such as after-work social events.

You may not possess on our premises, in our vehicles or when otherwise representing us any alcohol containers (e.g., cans, bottles, etc.) or drug paraphernalia. "Drug paraphernalia" is defined as equipment, products, and materials of any kind that are marketed, designed for use, or used in connection with anything from the planting to the manufacturing, packaging, selling, concealing, or introducing into the body any illegal drug.

Violations of this policy may result in corrective action up to and including termination and may result in legal charges.

We reserve the right to inspect or search your personal property on our premises, if you are reasonably suspected of having violated this policy. You do not have an expectation of privacy on our premises. Our areas subject to search include but are not limited to: desks, file cabinets, lockers, and offices spaces, whether or not you are afforded the ability to lock such spaces. All City employees are deemed to consent to a search made under this policy. Refusal to cooperate in any such inspection or investigation may result in corrective action up to and including termination.

If you are called to work in an emergency, you must notify your supervisor of alcohol consumption during off duty hours that could result in substance presence in your system when called to work. Your supervisor will determine your suitability for work. If approved by the supervisor to work, your assignment may be off the front-line and administrative in nature as to free other employees for the safety-sensitive assignments. A Public Safety employee authorized to work will not be deemed to have violated this policy.

The Chief of Police or designee may suspend any or all of the provisions of this Policy as required in order to accommodate an ongoing investigation or other authorized police

activity. Officers' party to such an investigation must secure policy suspension authorization in advance of the anticipated consumption.

Prescription medication or other therapeutic substances authorized for use in Emergency Medical Transport vehicles or storage in City facilities are exempted from this Policy.

Definitions

- *Alcohol*: ethanol, isopropanol, or methanol.
- *Conditional employment offer*: delivering an invitation to work for the City which conditions acceptance upon a negative drug test;
- *Drug*: substance(s) considered unlawful under Drug-Free Workplace Act of 1988 or the metabolite of the substance including but not limited to: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP.) Also includes:
 - Prescription or non-prescription drugs which may impair judgment or job performance.
 - Prescription drugs which are prohibited are those which have either not been prescribed for to you to treat an existing circumstance or those which, although prescribed for you, may impact your ability to function safely at work and have not been brought to the attention of your supervisor. Drugs for personal health management for which side effects are not the norm, such as vitamins or birth control pills, need not be disclosed. However, you are responsible for updating the supervisor if you experience a drug reaction that varies from the norm and has the potential for impacting workplace performance.
- *Drug Testing*: checking for drug or alcohol use.
- *Random*: scientifically valid method of selecting employees for drug testing that ensures all covered employees have an equal chance of being chosen.
- *Reasonable suspicion*: noticeable behavior or appearance that would lead a reasonable person to suspect drug or alcohol use or other activities prohibited by this policy that would warrant drug testing, work place search, EAP referral, or all of the preceding. Reasonable suspicion testing must be accompanied by identifiable conditions including but not limited to: unkempt or disheveled appearance, staggering, slurred speech, odor of alcohol or other controlled substance emanating from the employee or inadequate or inappropriate work performance.
- *Sample*: urine or breath specimen obtained from the person being tested.

Required Testing

We may require the collection and testing of a sample of an employee's or prospective employee's urine or breath for any job-related purpose consistent with business necessity and the terms of this policy, including:

- Pre-employment.
Conducting pre-employment drug tests, when required by state or federal law.
- Reasonable Suspicion
Drug and alcohol tests may be performed if there is evidence that would lead a reasonable person to suspect that the employee's ability to perform job functions is impaired or that the employee is otherwise engaged in the unlawful behavior defined in law or Policy. You will be given the opportunity to offer an alternate explanation if behavior triggers suspicion; however, we reserve the right to determine whether reasonable suspicion exists. Only supervisors trained in the signs and symptoms of drug and alcohol use may order reasonable suspicion testing.
- Post-accident.
Any accident in the workplace involving a City employee performing City business or driving a City vehicle may also be considered as constituting reasonable suspicion for testing.

City employees holding a Commercial Driver's Licenses (CDL), as required for their work activity, shall be subject to random drug and alcohol testing as mandated by the U.S. Department of Transportation (USDOT).

In addition to tests, the City may require employees or groups of employees to undergo drug testing on a random or chance basis. For represented employees, this provision shall be subject to advanced bargaining with the union.

You shall notify your supervisor immediately upon beginning work when taking any medication (prescription or non-prescription) or other drugs that may interfere with performance and/or cause a safety hazard in operating our vehicles or equipment. Your supervisor will keep such information confidential to the extent possible. Management, Human Resources, or other appropriate parties may be consulted for guidance on leave and/or other employment concerns.

We will arrange and pay for the cost of testing. Sample collection shall be performed in a manner that guarantees your privacy to the maximum extent consistent with ensuring that the sample is not contaminated, adulterated, or incorrectly identified.

A USDOT drug test conducted under this Policy shall be considered to have yielded a positive result if the test establishes the presence of the drug at levels equal to or greater than the cutoff level prescribed by applicable legislation. Testing not subject to USDOT provisions shall be managed in accordance with cut off levels established by the U.S. Department of Health and Human Services for on-site testing.

We shall normally schedule a drug test or an alcohol impairment test of employees during, or immediately before or after, a regular work period. A supervisor shall accompany you to the test site. If necessary, a family member will be contacted to escort you home or another employee will do the same to insure your safe transportation.

Alcohol or drug testing required by the City is considered to be work time for the purposes of compensation and benefits for current employees.

Upon request, you have the right to obtain the written test results and we will comply

within five days after receipt of the written request, so long as the written request is made within six months after the date of the test.

You have the opportunity to explain a positive result in a confidential setting before we take adverse employment action.

A communication received by the City relevant to drug test or alcohol impairment test results and received through our testing program is a confidential and privileged communication and may not be disclosed except:

- To the tested employee, prospective employee or another person designated in writing by the employee or prospective employee;
- To individuals designated by the City to receive and evaluate test results or hear the explanation of the employee or prospective employee; or
- As ordered by a court or governmental agency.

Please refer to Appendix A for additional information on this policy.

5.8 – Tobacco-Free Campus Policy

We recognize the need for a well-defined and enforceable tobacco policy. The purpose of this tobacco policy is to reduce the risk associated with the use of tobacco. We are dedicated to providing a healthy, comfortable, and productive work environment for all employees. In this Policy, "tobacco" includes all products of the tobacco plant and all cigars, cigarettes and pipes of any type that produce smoke or fumes to be inhaled by the user, regardless of content or the source of the smoke or fumes.

General Statement

In 1993, the Environmental Protection Agency (EPA) classified environmental tobacco smoke as a Group A carcinogen, that is, a substance known to cause cancer in humans. The EPA recognizes no safe level of exposure for Group A carcinogens.

Smokeless tobacco, commonly referred to as 'spit' tobacco also poses a sanitation and health risk in the workplace due to the tobacco product's mix with human saliva and the customary methods of product disposal (in open containers or directly onto walking surfaces).

In light of these findings, all of our campuses are tobacco-free, effective on March 1, 2007.

Prohibited Conduct

Tobacco use is prohibited in all indoor and outdoor areas, including, but not limited to patios, entryways, and parking areas; there are no exceptions. However, tobacco use is permitted in personal vehicles.

All City-owned vehicles are designated tobacco-free, including rental cars used for our business.

Employee Responsibility

It is your responsibility to ensure that you and your visitors comply with all provisions of this policy.

Disciplinary Action

Violations of this policy will result in progressive disciplinary action.

Management and Supervisor Responsibility

Management and supervisory staff of the City will be responsible for ongoing compliance of the City of Bend Employee Tobacco Use Policy.

Educational Materials

Tobacco educational materials, including classes and other informational resources, are available to you through the Human Resources department.

5.9 - Vehicle Usage and Safety

The purpose of this policy is to provide guidance to employees regarding vehicles used to perform City business; to maximize the safety of drivers, passengers, and the public when vehicles are driven for our business; to ensure lawful, appropriate use of City-owned vehicles; and to comply with applicable tax regulations. Our vehicles are to be used by you only in the performance of official City business. Use of our vehicles for personal purposes is prohibited except as authorized in this policy.

General Information

This policy applies to all City of Bend elected officials, employees, individuals working at the City of Bend through an employment agency and other individuals authorized to use City vehicles.

Use of Vehicles by City Employees in the Performance of City Business

The provisions of this section apply those who operate City-owned or personal vehicles in the performance of official City business.

1. You must have a valid driver's license for the class of vehicle(s) you operate.
2. You are responsible for knowing and following all applicable motor vehicle laws, including the latest amendments applicable to the class of vehicle operated.
3. Firearms are not permitted in our vehicles while performing our work, except as authorized for public safety personnel conducting official business.
4. You are responsible for paying fines for parking and traffic violations if the fines are incurred during the operation of a vehicle on City business. We will not reimburse you for fines unless there are extenuating circumstances such as unknowingly driving a City-owned vehicle with defective equipment.
5. Employees who drive vehicles to perform City business must notify their supervisor within 24 hours or as soon as practicable about any of the following:
 - City vehicle damage

- Accident involving a City vehicle or personal vehicle used while engaged in City business
- Citation convictions or no contest pleas while operating City vehicles or personal vehicles engaged in City business
- Moving violation including but not limited to DUII
- No insurance or loss of insurance
- Driver's license suspension or revocation

Notice is required whether driving a City vehicle or a personal vehicle. The supervisor must forward the notice to the City Risk Management Department within 24 hours.

In general, only City employees may be passengers in City vehicles. However, non-City employees may be passengers in City vehicles if the vehicle is operated by a City employee and the transportation of non-City employee directly relates to City business and falls within the employee's job responsibilities. If a family member or friend is traveling with you on City business, you are to use your personal vehicle. The City Manager may authorize written exceptions to this general provision of the policy.

Vehicle Operation Requirements

No individual applying for a City job that involves operating a vehicle to perform City business shall be offered employment if the applicant does not meet the criteria listed in this section. The driver's license requirements in this policy are a condition of continued employment with the City for positions that require driving. You must not operate a City vehicle or any vehicle to perform our business unless you meet the following requirements:

1. No employee may operate a vehicle in the course of his/her duties without a valid Oregon driver's license. Persons who accept employment with the City and who possess a non-Oregon driver's license are required to obtain an Oregon driver's license within 30 days of employment.
2. You are expected to drive in a safe and responsible manner and maintain a good driving record. All employees who drive as a part of their employment will have their driving records monitored in compliance with the Department of Motor Vehicles' State of Oregon automated reporting system (A.R.S.). We may annually review driving records of employees who drive as part of their employment.

The City Risk Manager will review records, including accidents, moving violations, etc., in order to determine if your driving record is unacceptable. City employees who have a record or pattern of unsafe or irresponsible driving will be disqualified from driving City vehicles and may be disqualified from driving while on City business.

3. You must be at least 18 years old.
4. If you have been convicted of three or more minor violations within the most recent three year period, you shall not operate a City vehicle until your record has been reviewed by the City Risk Manager and your supervisor and you are authorized to continue operating a city vehicle. Minor violations include:
 - Speeding
 - Failure to yield
 - Improper lane change

- Suspension of driver's license
 - Running a red light or stop sign
5. Any Major violation (Traffic Crime) reported shall be reviewed by the City Risk Manager before you are authorized to drive a City vehicle. Major violations include:
- Driving Under the Influence of Intoxicants (DUII)
 - Failure to Perform the Duties of a Driver
 - Reckless Driving
 - Attempting to Elude a Police Officer
 - Commission of a vehicular felony, including vehicular manslaughter

If you have had any combination of three automobile accidents or moving violations within the most recent past three year period, your record shall be reviewed and you shall not be permitted to operate a City vehicle until the review has been completed and you have been authorized to do so.

Use of City-Owned Vehicles

The following conditions apply to employees who operate City-owned vehicles (not including take home vehicles):

City-owned vehicles are to be used only to conduct City business except as expressly provided in this policy. Travel to meetings and working meals, whether at City facilities or off site, are considered City business activities. Personal use of City-owned vehicles is prohibited except for the minimal uses expressly authorized by this policy.

In the unlikely event that there are no feasible alternatives to personal use of a City owned vehicle, employees shall notify their Department Director prior to use or as soon as practical afterwards.

The general rule is that employees operating a City vehicle, spending the majority of their work day away from a City facility should take meal and rest breaks in the area where they are working. Specific departments may further define the limitations of this policy. You may stop for meal breaks on the route of your travel on City business. "On the route" may include a slight deviation from the most direct route.

You must report any needed maintenance and leave vehicle clean and ready for use by the next city employee with adequate fuel.

All our vehicles shall be tobacco free. Tobacco use is not permitted in any of our vehicles.

If you are authorized to operate our vehicles, you must follow all traffic codes and regulations including, but not limited to, use of seatbelts, not driving under the influence, mobile communications, etc.

Overnight and Non-Local travel

Employees who use a City-owned vehicle on City business involving an overnight stay or travel outside the local area, will use the most direct route practical and will use the City vehicle only for business purposes including travel to and from food and lodging locations. If the employee wishes to travel for personal purposes while on a City business trip, means of travel other than use of the City vehicle shall be utilized.

Use of Personal Vehicle for City Business

Except for travel on City business to and from meetings and conferences, etc., you are encouraged to use City-owned vehicles to conduct authorized business.

When it is necessary for you to use a personal vehicle for performance of assigned duties or for travel on City business, you may request reimbursement for the use of the personal vehicle at the Internal Revenue Service (IRS) per mile rate. Use of the personal vehicle must be authorized by your department manager or his or her designee. If you use your personal vehicle to travel on City business, you must have liability insurance that complies with state law. Our liability coverage only extends to the City for liability that may arise as a result of an accident in excess of the employee's personal auto liability insurance limits. Damage to your vehicle (including the auto collision/comprehensive policy deductible) and injury to your passengers and/or third parties are your responsibility.

City-Owned Take Home Vehicles

The City Manager or designee is responsible for authorizing take home vehicle use. The Department Director is responsible for submitting a written request and obtaining approval before any vehicle can be assigned to an employee as a take home vehicle. Any person approved for a take home vehicle must agree to comply with all requirements in this policy.

Take home City-owned vehicles shall be used in accordance with the following guidelines:

City-owned or leased vehicles used for personal business, beyond a "*de minimis*" personal use, must have written authorization to do so. Employees must track personal use monthly and report to the Finance Department monthly for inclusion in their W-2 wage computation.

As a general rule, personal use of an employer provided vehicle (including commuting to and from home) can be included in an employee's gross income subject to taxation. Exclusions include *de minimis* personal usage of a City vehicle and use of a Qualified Non-Personal Use Vehicle, both of which are defined under the "definitions" heading later in this section.

City-owned vehicles are not allowed to be driven to your home unless the vehicle has been approved for take home use and at least one of the following apply:

- The vehicle is a Qualified Non-personal Use Vehicle
- You are subject to and experience frequent call outs for emergency response duties, outside normal working hours
- You are employed in a capacity that requires frequent evening meetings or engagements pertaining to City business

Exempt vehicles not subject to record keeping or taxation include Police, Fire and public safety officer vehicles, unmarked law enforcement vehicles, qualified specialized utility repair trucks, qualified specialized utility repair vans, and qualified specialized utility repair pickup trucks.

Details of the taxability of take home vehicle use and record keeping requirements are available in the Finance Department. If you use a City-owned vehicle for personal purposes (including commuting that does not qualify for exclusion), we will determine the value of the use and add the value to your wages as reported on your W-2 Form.

All departments with City-owned vehicles will produce and submit a current department vehicle inventory that includes the name of the assigned driver, take home status, and the type of vehicle being driven to the City Manager or designee. Pooled or shared vehicles will be listed as "pool" for assigned driver. Departments are responsible for keeping inventory current and submitting changes in a timely manner. A current inventory shall be submitted annually. Administration Departments may adopt procedures consistent with this policy. All such implementing policies and procedures shall be provided to the City Risk Manager.

The Finance Department is responsible for providing guidance for compliance with IRS taxability regulations such as forms and instructions for recordkeeping for use of City-owned vehicles.

Department Directors, division managers, and supervisors shall be responsible for enforcement of this policy.

You are subject to corrective or disciplinary action up to and including termination for violations of this policy. Corrective action may include removal from your driving responsibilities, which may result in a change in your classification and pay and/or removal of you from your position with the City.

Requests to deviate from this policy must be submitted in writing, reviewed and endorsed by the Department Director then forwarded for approval by the City Manager or designee. Exceptions to this may only be granted by the City Manager.

Definitions:

- Daily Use Record – Vehicle use records are required for all vehicle use that is considered a taxable benefit by IRS regulations. Daily use records (commute trips) are required for "qualified" vehicle use.
- "De minimis" Personal Use - As defined by IRS code. An essential element of a *de minimis* benefit is that it is occasional or unusual in frequency. It also must not be a form of disguised compensation.

De minimis fringe benefits include property or services, provided by the City or city-appointed contractors for you, with a value so small that accounting for it is unreasonable or administratively impractical. The value of the benefit is determined by the frequency it is provided to you, or, if this is not administratively practical, by the frequency provided by that employer to the workforce as a whole.

Examples of *de minimis* use of an employer-provided vehicle that can be excludable include:

- 1) a small personal detour while on business, such as driving to lunch while out of the office on business, or

2) infrequent (not more than one day per month) commuting in employer vehicle. This does not mean that an employee can receive excludable reimbursements for commuting 12 days a year. The rule is available to cover infrequent, occasional situations.

- Mileage Log - Vehicle use records are required for all vehicle use that is considered a taxable benefit by IRS regulations. Mileage logs are required for non-qualified vehicle use. Mileage logs may be manually maintained and must include your name and signature, work mileage, and actual personal use mileage or may consist of GPS generated reports that supply real time vehicle trip tracking and detailed daily reports containing the needed information.
- Qualified Non-Personal Use Vehicle– Clearly marked Police, Fire and public safety officer vehicles, unmarked law enforcement vehicles, qualified specialized utility repair trucks, qualified specialized utility repair vans and qualified specialized utility repair pickup trucks.

Monthly vehicle driver logs are not required for Qualified Non-Personal Use Vehicles.

- Taxable Benefit Vehicles – Other vehicles approved for take home vehicle status by the City Manager. The only personal use permitted for this category vehicle, unless specifically provided otherwise in writing, is a direct route between the employee's place of residence and daily work locations. The value of the transportation benefit of such vehicle is subject to federal and state income, FICA, and Medicare tax on the value of the benefit. This value must be considered as compensation for tax purposes, as required by federal tax laws.

Depending on the category of vehicle use, either daily use records or mileage logs must be maintained for all Taxable Benefit Vehicles.

5.10 - Workplace Violence

We understand the importance of a safe and secure environment for our employees and recognize the need to create a violence-free workplace for both you and the public. This policy is intended to prevent workplace violence from occurring and describes prohibited conduct, warning signs identified with potentially violent behavior, procedures for reporting violations of this policy, and other pertinent information that is necessary to help deter violence in the workplace.

We have a “zero tolerance” policy for any actions that threaten our employees or customers in the workplace. All violent behavior is considered inappropriate in the workplace, on both the part of employees and customers, and will not be tolerated. Violence is strictly and specifically prohibited. The use of appropriate force by police officers is not considered violence. No existing policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life threatening situation from developing.

The policy applies to all of our departments with respect to the conduct of all City employees. For the purpose of this policy, the term “employees” of the City includes volunteers in all of our departments but excludes all independent contractors and community service workers.

Weapons in the Workplace

Bringing a deadly weapon to City facilities or carrying a deadly weapon while at work is strictly prohibited. This prohibition does not apply to persons authorized to carry weapons as part of their job responsibility, such as public safety officers. For the purpose of this policy, “deadly weapon” means a device, instrument or object that is specifically designed for causing death or serious physical injury and does not include tools primarily used for construction, demolition or similar work. The prohibition applies even if you have a concealed weapon permit. Under no circumstances shall an individual who has not already been exempt from the prohibition have a weapon stored in a City-owned vehicle or facility. The prohibition does not apply to personal defense devices, such as personal attack alarms, nor to chemical defense sprays, such as Mace.

Reporting

You are responsible for notifying your supervisor if you become aware of any threat or violent act in the workplace or on our property. If and when a violent act occurs, your incident assessment report should be completed by your supervisor or the Human Resources Director. Under some circumstances, the Police Department may be informed of the contents of a report for the safety and well-being of employees.

Confidentiality

While we cannot promise complete confidentiality due to the potential need to investigate, information about any complaint will be treated as confidentially as possible, and will be handled consistently with proper investigation and responsive action. Generally, this means that confidential information will be shared on a need-to-know basis.

Police Intervention

The role of police officers is to enforce the law, and the Police Department will be asked to intercede in situations where criminal wrongdoing is evident or suspected. The City may also involve the Police Department in the event of safety threats.

Restraining Order

If you apply for or obtain a protective or restraining order which lists their place of work or makes a reference to a person not being within a certain yardage of you, you are encouraged to inform your supervisor so we may assist in eliminating any chance of this person causing you or any fellow employees harm at your workplace.

Searches

We reserve the right to search any property owned by the City. Therefore, you should have no expectation of privacy concerning our property, e.g., desks and lockers. This policy is for the welfare and well-being of our employees and to prevent any unauthorized persons from bringing a deadly weapon into the workplace.

Workplace Violence

For the purpose of this policy, “workplace violence” is defined as: any act of physical aggression by an individual or by a group that occurs in the workplace or arises out of work activities: any attempts at physical aggression: or verbal or physical threats of immediate harmful physical contact.

Warning Signs of Potentially Violent Individuals

There is no exact method to predict when a person will become violent. However, there can be clues based on an individual’s behavior change. One or more of the following warning signs may be displayed before a person becomes violent, but does not necessarily indicate that an individual will become violent. A display of these signs should trigger concern. The signs include, but are not limited to, the following:

- Irrational beliefs and ideas
- Displays of unwarranted anger
- Verbal, nonverbal or written threats or intimidation
- New or increased source of stress at home or work
- Fascination with weaponry and/or acts of violence
- Inability to take criticism
- Feelings of being victimized
- Expressions of a plan to hurt oneself or others
- Intoxication from alcohol or other substances
- Externalization of blame
- Unreciprocated romantic obsession
- Expressions of hopelessness or heightened anxiety
- Taking up much of supervisor’s time with behavior or performance problems
- Violence towards inanimate objects
- Productivity and/or attendance problems
- Reaction of fear among co-workers or clients
- Stealing or sabotaging projects or equipment
- Drastic change in belief systems
- Lack of concern for the safety of others

Results and Repercussions

We will take corrective action in response to workplace violence on a case-by-case basis. In determining the appropriate corrective action (if any), we will consider all of the circumstances, including the nature of the complaint and the context in which events occurred. If evidence exists to support the allegations, corrective action, up to and including discharge, will be taken against the offender and a record of any corrective action taken will be included in the employee’s personnel file. Anyone who lodges a good faith complaint, or who participates in our investigation, will not be retaliated against or otherwise treated adversely relating to the reporting of the situation or participation in an investigation.

5.11 - Employee Health and Safety

We are committed to providing you with a safe and healthy work environment. To accomplish this goal, both management and employees must diligently undertake efforts to promote safety.

We have established Safety Committees within the Departments to bring employees and management together in a non-adversarial, cooperative effort to promote safety and health. These Safety Committees have representatives and meet monthly to review workplace hazards and make recommendations for change.

The City, through its supervisory personnel, develops and implements safety rules and regulations. This process is ongoing and requires periodic safety audits. Safety audits are undertaken to determine the necessity and feasibility of providing personal protective equipment or safeguards to make the workplace safe and healthful. The organization also educates and trains all employees about workplace hazards and the proper and safe method to perform job tasks.

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

Safety rules and regulations will be issued or modified from time to time and shall be effective immediately. Rules and regulations will be distributed to you and posted on the safety bulletin board.

If you are injured on the job, you are required to:

1. Take remedial first aid actions
2. Report your injury as soon as possible
3. Seek emergency care if necessary
4. Fill out the appropriate accident form
5. Provide your supervisor with a medical release (if required)
6. Review the incident with your Departmental Safety Coordinator

Employee Right to Know/Hazard Communication Program

We provide a Hazard Communication Program so that you are aware of chemical hazards in the workplace. By becoming knowledgeable about this information, you can help prevent injuries and illnesses from chemical exposure. If you have any questions regarding chemical hazards, do not delay in asking your supervisor, the Safety Officer, or the Human Resource Director.

The following safety precautions have been taken to prevent injuries and illnesses from chemical exposure:

- Container Labeling: Each Department will verify that all containers received for use will be clearly labeled as to the contents, note the appropriate hazard warning, and list the manufacturer's name and address.

It is the policy of this organization that no container will be released for use until the above data is verified.

The supervisor in your section will ensure that all secondary containers are labeled with either an extra copy of the original manufacturer's label or with generic labels that have identification and hazard warning blocks.

- Material Safety Data Sheets

Copies of material safety data sheets for all hazardous chemicals that you may be exposed to will be kept in each Department. Data sheets will be available to you in your work area for review during each work shift. If data sheets are not available, or new chemicals in use for which you do not have Material Safety Data Sheets, you should immediately contact your supervisor before using the chemical or the machine containing it.

- Employee Information and Training

Prior to starting work, you will attend a health and safety orientation and will receive information and training about the following:

- An overview of the requirements contained in the Hazard Communication Rules;
- Location and availability of our written hazard communication program;
- Methods and observation techniques used to determine the presence or release of hazardous chemicals in the work area; and,
- How to reduce or prevent exposure to these hazardous chemicals through the use of control/work practices and personal protective equipment.

Prior to a new hazardous chemical being introduced into any section of the City, each employee of that section will be given information as outlined above. The Department Director is responsible for ensuring that Material Safety Data Sheets (MSDS) on new chemical(s) are available.

5.12 - Identification (ID) Cards

We issue ID cards to all employees. The ID cards also function as keys to City facilities. Your ID card may provide access to some, but not all, City buildings.

All ID Cards are the property of the City and are intended to provide official employee identification for access to non-public spaces. The ID card is not transferable. You will be subject to corrective action for any misuse, alteration, or fabrication of your ID card.

Your ID card will be presented and/or surrendered to us upon request.

5.13 - Travel Expenses

Meals Expense

If you are preauthorized and directed to be out of town for City-related duties, you will be provided meals at the IRS per diem rate. Per Diem payment for meals is preferred; however, Department Directors may authorize reasonable, actual reimbursement on an exception basis.

The purchase of alcoholic beverages and reimbursement for such is prohibited.

Mileage Allowance

If you are authorized and directed to utilize your own vehicle in the performance of your duties, you will be compensated in an amount equal to the maximum IRS rate per mile in effect at the time of travel.

Overnight Lodging Expenses

Lodging allowance for authorized official overnight trips will be compensated on the basis of reasonable actual expense.

Expense Reimbursement

Requests for compensation under this section shall show the dates upon which the expense was incurred, the destination, and the business reason for travel. Detailed receipts must be included with the request for compensation due to IRS requirements, unless per diem allowance is used. Requests for mileage reimbursement should be documented. Statements for compensation shall be approved by your Department Director or their designee before you submit your request for reimbursement.

5.14 - Identity Theft Prevention Policy

You are expected to comply with the Identity Theft Prevention Policy adopted by Council and set forth here for your convenience.

This policy is intended to outline procedures for compliance with Senate Bill 583 (ORS 646A.622), the Oregon Identity Theft Protection Act (OITPA) and to establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with Part 681 of Title 16 of the Code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACT Act) of 2003 and 2007.

It is our policy to protect personal information and comply with the OITPA and the Red Flag Program requirements of the FACT Act of 2003.

Definitions

- *Identify theft:* fraud committed or attempted using the identifying information of another person without authority.
- *Covered account:* An account that a financial institution or creditor offers or maintains that is used primarily for personal, family, or household purposes and

involves or is designed to permit multiple payments or transactions. Covered accounts include: credit card accounts, mortgage loans, automobile loans, margin accounts, cell phone accounts, utility accounts, checking accounts and savings accounts. Covered accounts also include any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

- *Red flag:* a pattern, practice or specific activity that indicates the possible existence of identity theft.

Safeguarding Personal Information

We implement and maintain reasonable safeguards to protect the security and confidentiality of personal information, including proper disposal of personal and confidential information. Personal information includes an employee or customer's name, phone number, social security number (SSN), Oregon driver's license or Oregon identification card, address, driver's license or identification issued by another state, or financial, credit, or debit card numbers with or without a security or access code.

Social Security Number (SSN) Protection

Unless specifically required, the City will only use the last four digits of a social security number for identification purposes. Publicly posting or displaying SSNs is prohibited, as is printing SSNs on any mailed materials not requested by the employee or customer unless redacted. We will not print SSNs on cards used to access products, services, or city buildings (such as ID cards).

Exemptions SSN protections are limited to: requirements by the State of Oregon; Federal laws, including statute, such as W2s, W4s, 1099s, etc.; records that are required by law to be made available to the public; records used for internal verification or administrative processes; and records used for enforcing a judgment or court order.

Notification of Security Breach

In the event that personal identifying information has been subject to a security breach, we will provide notification of the breach to the customer or the employee as soon as possible in writing, electronically if that is the primary manner of communication with the customer or employee, or by telephone if the person is contacted directly. There will be exceptions to this policy if a notification would impede a criminal investigation.

Responsibilities

Information Technology is responsible for establishing technical controls to safeguard personal information stored in electronic format and to document safeguard practices. Human Resources is responsible to include this Identity Theft Protection Policy with other city policies at the time of the new employee orientation. Department Directors are responsible to assess compliance and document appropriate safeguard practices. Employees are responsible to comply with this policy and any internal processes.

Redacting Information on Public Records

All public record requests fulfilled by the City of Bend will redact the following information when the document is not requested by the individual or customer (unless otherwise ordered under law):

- Social Security Number
- Date of birth
- Home address and home telephone number
- Driver's license number or Identification Card number issued by Oregon or any other state
- Financial reports
- Security or access codes and passwords

Noncompliance

Noncompliance may result in formal disciplinary action up to and including termination of employment. You should contact your supervisor if you have questions about compliance with this policy.

5.15 – Social Media Policy

While you have a right to post on social media, you may be subject to corrective action if you create and post any text, images or other media that violate the City's no-harassment and no-discrimination policies. Examples of policy violations include discriminatory remarks, harassment and threats of violence.

You are expected to refrain from any postings that imply you are making a statement on behalf of the City or that disclose the City's confidential information.

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

CHAPTER 6

PERFORMANCE MANAGEMENT

6.1 - Performance Evaluations

To accomplish a meaningful performance evaluation system to continuously monitor the effectiveness of the organization and its operations, you will receive formal performance evaluations. Performance evaluations are required at least annually regardless of your eligibility for an increase in pay. New employees will be evaluated at least once during their initial probationary period, as outlined in Chapter 4.

The objectives of our Performance Evaluations and formal appraisal process are to:

- Ensure that you know how you are performing against established performance standards;
- Determine how well we are performing in assisting with your work performance and organizational objectives;
- Encourage communication and two-way feedback;
- Provide a consistent, objective, and fair method of making compensation decisions;
- Provide a tool for career planning; and
- Provide a permanent record of your performance and contribution.

Managers and supervisors are accountable for providing employee development actions designed to improve and enhance employee performance such as:

- Reasonable employee training;
- Assigning, directing, monitoring and reviewing employee work;
- Assisting employees in correcting deficiencies; and
- Objectively evaluating employee performance during the evaluation period.

Our performance appraisal program is intended to be participatory by involving your input as much as your supervisor's, thereby helping you to contribute to the growth and improvement of your career and the City. You are encouraged to:

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

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

6.2 - Corrective Action

We have high performance expectations because we strongly believe that everyone benefits when we all work together and conduct ourselves in a manner that mutually reflects the best interests of co-workers and the City. It is our philosophy to take corrective action measures when needed in order to correct areas of performance deficiency and/or to deal with violations of policies and work rules. The purpose of corrective action is to both correct the situation and avoid repetition.

You are expected to carry out your duties in a manner that contributes to a positive and productive work environment and supports our goals and objectives. Any action or behavior that detracts from this goal or from encouraging an environment based on professionalism and respect will be considered cause for corrective action.

Nothing in this chapter limits our ability to terminate at will employees or to take other action or follow different processes consistent with individual employment agreements. The City may terminate at will employees without cause and without providing a hearing or appeal. We may grant a hearing or provide another review process for a without-cause termination, but have no obligation to do so.

The provisions for corrective action are intended to be broadly construed, so as to give the City the greatest flexibility possible to discipline or terminate employees whenever necessary in the City's sole discretion.

Examples of cause for corrective action include, but are not limited to:

- Violation of any provision of ordinance, policy, procedures or rules adopted by the City Council, City Manager, or Department Director, including this Handbook.
- Performing any unlawful act while on or off duty.
- Indulging in offensive conduct or any conduct prohibited by City or department policies.
- The use of alcoholic beverages, illegal drugs or the misuse of prescription drugs while on duty, being under the influence of intoxicants or illegal drugs while on the job during working hours, or being under the influence of prescription drugs that affect the performance of your duties. (Please refer to sections 5.1 and 5.7 for more information about our drug and alcohol use policy.)
- Insubordination or failure to follow directions from your supervisor in situations where the directions are lawful and do not pose a risk of harm to you.
- Performing duties in an inefficient manner or intentionally wasting time in the performance of duties, inattention to duty, and/or failure to be productive.
- Inability to perform or intentionally failing to perform the duties and responsibilities of your assigned position.
- Failure to remain qualified to perform your job.
- Unauthorized use of, damage to, or negligence in, the care and handling of City property or equipment.

- Absence without authorization or justification, misuse of City leave, and/or repeated unexcused tardiness.
- Untruthfulness, whether verbal or written, regarding any employment matter related to your position or application for employment, including any untruthfulness to other employees related to your job, and/or falsification of City documents or records.

You will be informed if corrective action is necessary as soon as possible after any performance problem has been identified. Your manager or supervisor will discuss the situation with you, explain the policy and the necessity of corrective action to avoid other corrective actions, and ensure that the action is carried out in a manner that does not cause you unnecessary embarrassment.

Although one or more corrective action measures may be taken in connection with a particular performance problem, a formal order is not required. Corrective action may include any of a variety of actions depending on the circumstances and severity of the particular situation.

Any corrective action taken during a probationary period, whether initial or transitional, will not impact the right of the City to discontinue your employment in the probationary position.

Corrective actions may be taken at the discretion of management and include any of the following:

- Verbal counseling/oral reprimand
- Written reprimand
- Suspension without pay
- Limitations on conduct (last chance agreements)
- Demotion in position or salary
- Termination of employment

Each action will be documented in your personnel file. The corrective action process may not always commence with verbal counseling or include every step listed above. The corrective actions listed above are not a cohesive process in which one step always follows another. Some acts warrant more severe action because of the severity or intent of the action. A Department Director may immediately suspend or terminate you when necessary in his/her discretion without following these measures. Each situation will be evaluated given the nature and seriousness of the offense, your work history, intent, and the environment in which the offense took place. The purpose of this process is to inform you of behavior that needs to be corrected and to give you an opportunity to correct the situation. However, this corrective action policy does not guarantee any right to specific treatment or progressive discipline.

Prior to initiating any of the above actions or any other action impacting pay for a regular employee or an employee serving a transitional probationary period, the supervisor will:

- Provide you with proper written notification of the pending allegations;
- Provide a meaningful opportunity for you to respond orally or in writing to the allegations; and
- Give consideration to all relevant information prior to taking action.

If you are suspended without pay, you will not accrue leave during any periods in which you are not in pay status.

In cases where the Department Director determines that it is necessary to end the employment relationship between the City and a regular employee, the Department Director will review the facts with the Human Resources Director prior to action. If you are a regular employee, you will receive written notification of the cause for separation.

Exempt employees may be suspended without pay under this policy, but only in full-day increments. Their pay will be reduced in an amount that is proportionate to the number of days suspended.

You may request to have any letter of reprimand that is more than two years old removed from your personnel file. You may request to remove any letter imposing corrective action more severe than a letter of reprimand which is more than five years old. In the event there is more than one letter imposing corrective action which is more severe than a letter of reprimand, none of the letters may be removed until the most recent letter is more than five years old. The City Manager retains final authority over whether or not a record is removed from your file at his/her sole discretion in order to ensure that organizational performance is not jeopardized.

6.3 - Appeals and Dispute Resolution

We strive to create and sustain an environment where all employees feel respected and safe from reprisal in bringing forth issues relating to their employment. To that end, we will endeavor to resolve your concerns informally, at the lowest possible level, and in a manner that is fair and considerate of all those involved. When issues covered by this policy cannot be resolved informally through discussions with your supervisor, you may initiate an appeal. Any retaliation towards you for initiating an appeal is expressly prohibited and may be grounds for termination.

The following types of appeals are covered under this policy:

- Position designation (classification);
- Denial of reassignment or layoff during a reduction in force;
- Corrective Action (excluding oral & written reprimands);
- A perceived violation of City policy;
- A perceived improper administration of a City policy;

- Other work-related disagreements (excluding performance evaluations).

The deadline for initiating an appeal for any of the above issues will be seven calendar days from the date you first had knowledge of the issue, or when you were first informed of the intended corrective action. In cases of termination, the deadline for initiating an appeal is no more than seven calendar days after the notice of intended termination. Only a non-represented employee who has completed their initial probationary period is eligible to appeal corrective actions. At will employees are not eligible to appeal corrective actions. Represented employees may not use this process to address any subject that is covered under the terms of their collective bargaining agreement, but shall use the grievance or equivalent procedure described in the collective bargaining agreement. All management personnel are responsible to ensure that the appeal process is administered in a fair and consistent manner.

AppealSteps

- Step1–Immediate Supervisor: The appeal will be filed with your supervisor. The supervisor, or other manager or supervisor appointed by the Department Director, will respond to you in writing within seven days of receipt.
- Step2–Department Director: Appeals that are unresolved at Step 1 may be submitted to the Department Director within seven days of receipt of the response at Step 1. The Department Director will respond to you in writing within 14 days of receipt.
- Step3–City Manager: Appeals which are unresolved at Step 2 may be submitted to the City Manager within seven days of receipt of the response at Step 2. The City Manager will respond to you in writing within 14 days of receipt. The City Manager may support the Department Director's decision, reverse the decision, or modify it. The City Manager's decision is final and binding.

Issues relating to behavior that is perceived as unlawful harassment or the reporting of improper governmental action may be addressed through separate protocols, as the situation warrants.

CHAPTER 7

SEPARATION FROM EMPLOYMENT

7.1 Separation from Employment

Separation from employment with the City occurs when you voluntarily resign, are laid off, or are terminated by the City.

Resignation

In order to resign in good standing, we would appreciate receiving notification of your intent to resign at least fifteen working days prior to departure date, and at least thirty days prior to your intended departure date if you are a supervisor or manager.

Employees who resign from the organization in good standing may be eligible for re-employment consideration. Applications received from former employees will be considered and processed using the same procedures and standards that govern all other applicants. An employee who is reinstated to the same position within one year of separation shall be appointed at the same rate of pay, benefits, and seniority held at the time of resignation. All other rehires shall be considered to be new employees, and we will follow the hiring and new employee practices outlined in Chapter 2 of this manual.

Job Elimination, Reduction in Work Hours or Staff

The City's desire is to avoid circumstances that require a reduction in hours or staff, but we also recognize that situations may arise where we will need to reduce staffing levels. Depending upon the circumstances, we may respond in a variety of ways, including voluntary or mandatory reduction in hours or days of work, reducing expenses by other means, or by a reduction of the workforce. Among the factors we will consider in selecting employees for any reduced hours or reduction in force are:

- Your department, location, or job
- Your job knowledge, skill and ability to do the required work
- Your performance, attendance, safety and disciplinary history and records
- Your possession of licenses, registrations and/or certifications required by the job
- Your creativity and teamwork skills, if required for the job
- Your demonstrated willingness to go the extra mile for the organization, co-workers and customers
- The efficiency of our operation.
- The services the City is required to provide.

Evaluation of these factors is in our discretion. When we conclude that all the factors are substantially equal, we will reduce the hours of or lay off the employee with the least length of service. The immediate supervisor will personally notify employees of a layoff. After explaining the layoff procedure, you will be given a letter describing the conditions of the layoff, such as the effect of the layoff on benefits, the possibility of reemployment, layoff procedures, and any outplacement services.

Affected employees will be given two weeks' notice of lay off, during which time the employee shall be allowed reasonable time off with pay to pursue other employment.

We will prioritize laid off employees for rehire within one year following the layoff, if a suitable position becomes available. An offer of re-employment may be made orally or in writing to the last address reflected in your personnel records. It is your obligation to keep us informed of any changes in your telephone number and address. The offer will identify the available job and the date you are to report to work. If you decline reemployment or fail to report on the date specified, you will be deemed to have waived any reemployment privileges and will be treated according to the same procedures as a voluntary resignation.

Discharge

"At will" employees may be terminated at any time, with or without cause and without right of appeal. Please see Chapters 2 and 3 for more information about at will employees. A without-cause termination of an 'at will' employee is not subject to the provisions of this subsection.

All regular employees are hired at the City for an indefinite period of time and may be discharged with cause. However, our philosophy and general practice is to provide employees who have completed initial probation with an opportunity to correct minor performance and conduct problems before discharge is implemented.

The City has a corrective action policy found in Chapter 6 of this Handbook that describes action we may take, at our discretion, to correct performance infractions prior to discharging employees.

The decision to discharge employees for cause is based on the seriousness of the current performance infraction and on the individual's overall performance record, length of service with the City, and ability to be effective in their position.

We also believe that you should be given an opportunity to be heard in matters involving corrective action, including discharge, and we have provided a formal problem resolution procedure found in Chapter 6 of this Handbook for that purpose. You are encouraged to use the procedure to resolve any issues you may have that cannot be resolved by consulting with your supervisor.

Exit Interview

An exit interview will be scheduled with you when you leave the organization. This gives you an opportunity to address any unresolved issues before you leave the City. Exit interviews also allow us to solicit your honest opinions of us and hear any suggestions you have for our improvement. We encourage you to participate in an exit interview and we value your opinion and suggestions we receive in the process.

Return of Organization Property

Upon separation from your employment, either voluntarily or otherwise, you must return all organization property in your possession by your last day of employment. City property includes credit cards, organization vehicles, keys, ID cards, pagers, tools, software, computer disks, uniforms, parking permits, and any other items in your possession that belong to the organization.

CHAPTER 8

EMPLOYEE BENEFITS

8.1 - Benefits Overview

In recognition of the influence employment benefits have on the economic and personal welfare of our employees, we strive to provide the best, most equitable, and most cost-effective benefits for you. The total cost to provide the benefit program described in this Handbook and other documents amounts to a significant supplement to your pay and should be viewed as additional compensation.

The City shall comply with provisions of the Affordable Care Act (ACA) and policies, provisions, and procedures that govern our benefit program apply to the following unless otherwise provided in a particular benefit plan:

Appointment	Medical & Dental Insurance Eligibility?	Vacation/Sick/Holiday Accruals?	Other City-paid benefits? (Ex: Life/AD&D, LTD Ins.)
<u>Regular</u> : An appointment to a position that is intended to be ongoing, subject to the needs of the City, and does not have an established ending date. Appointments can be full or part-time regular positions. Part-time appointment benefits are cost shared and pro-rated.	Yes	Yes	Yes
<u>Limited Term</u> : An appointment of more than one year but less than three years in which the term of the employment is limited to an established duration. Appointments can be full or part-time limited term positions. Part-time appointment benefits are cost shared and pro-rated.	Yes	Yes	Yes
<u>Temporary</u> : An “at-will” appointment which has duration of less than one year and less than 2,080 hours. Appointments can be full or part-time temporary positions. Part-time appointment benefits as mandated by the ACA are cost shared and pro-rated.	As mandated by the Affordable Care Act (ACA)	No	No

Appointment	Medical & Dental Ins. Eligibility?	Vacation/Sick/Holiday Accruals?	Other City-paid benefits? (Ex: Life/AD&D, LTD Ins.)
<u>Intermittent</u> : An appointment that does not require a regular work schedule and does not exceed 600 work hours in a calendar year.	No	No	No
<u>Retiree Re-hire</u> : An appointment of a prior City of Bend Employee who is currently receiving PERS or other retirement benefits.	No	No	No
<u>Volunteer</u> : volunteers or donates services without receiving or expecting remuneration.	No	No	No

If you are covered by a collective bargaining agreement, please refer to it for information concerning your level of benefits, eligibility, and enrollment costs related to all fringe benefits.

Some benefits may earn credit during your new-hire introductory period, but in most cases, eligibility to use these benefits will not occur until you obtain regular status or meet other conditions of employment specified in this Handbook or contained in the benefit policy/plan booklets.

Benefit Pro-ration and Employee Cost of Sharing

Part-time appointment benefits are cost shared and pro-rated and are determined on a prorated amount of hours according to your benefit accrual rate or other formula. Your accrual rate is based on the number of hours your position is budgeted and/or the number of hours you actually work.

Discretionary employment benefits—benefits that are not mandated by state or federal law—are subject to change as we negotiate agreements with benefit providers. Decisions to provide and continue providing these benefits are based on considerations including cost, composition of our workforce, operational efficiency, and desirability of benefit provisions. Where costs of discretionary insurance benefit plans exceed our interest, ability, or willingness to pay the full premium rate to maintain the current benefit level, you may be required to share in the cost to continue the insurance plan coverage.

Benefit Design and Modification

We reserve the right to design plan provisions and to add, eliminate, or in other ways modify any discretionary benefits described in this Handbook or elsewhere in plan documents, where and when it is deemed in our best interest to do so. These benefits are subject to change depending on Council decision and available resources.

Benefit Plan Documents

You will be provided with summary plan descriptions upon eligibility and enrollment and when benefit programs change. The benefit programs are explicitly defined in legal documents, including insurance contracts, official plan texts, and trust agreements. In the event of a conflict between these documents and this policy, the plan documents will govern. All of these official documents are readily available from the Human Resources Director for your review. We ask that you refer any questions about this information to the Human Resources Department.

8.2 - Health Insurance Benefit

We currently provide health, dental, and vision insurance coverage for eligible employees as mandated by the Affordable Care Act (ACA) and their dependents. You will be provided with information about the plan at the time of you become eligible to participate in the plan. You are asked to review the summary plan description for answers to questions regarding coverage, eligibility, and cost. Any need for further information should be referred to the Human Resources Department.

Eligibility

This benefit is provided for all eligible employees as mandated by the Affordable Care Act (ACA) and their dependents. Full-time appointments may begin to participate in the plan the first of the month after your hire date or eligibility. Part-time appointments may begin to participate in the plan the first of the month after 60 days of hire or eligibility.

Plan Enrollment

Upon eligibility, you may complete enrollment forms. If you do not wish to enroll at the time of eligibility, and later decide to request enrollment, a verification of insurability form may be required from your physician, and your request for enrollment is subject to possible rejection by the healthcare plan insurance carrier.

Annually, an open enrollment period will be conducted during which times you may make changes to your elections and dependent coverage.

We pay a portion of the cost of the monthly premium for full time, regular employees and you are responsible for a share of the cost. Please contact the Human Resources Department for current premium costs.

If you choose not to enroll in the insurance plan, you are not entitled to any other form of compensation in lieu of coverage and will be required to sign a written waiver of participation.

Termination of Coverage

In the event that you or your dependents lose eligibility to participate in the health plan, you may have your health plan coverage extended for a period of time. Eligibility can be lost due to a prolonged absence from work or upon the occurrence of certain

"qualifying events," that would otherwise cause your group health coverage to terminate. Examples of qualifying events are termination of employment, reduction of hours, divorce or legal separation, entitlement to benefits under Medicare, a child dependent reaching majority age or a leave of absence.

You, your spouse, and/or your dependents are permitted to continue group health insurance for a certain period of time at your own expense. However, continuation does not occur automatically. You must notify us in writing within 60 days after the date a covered family member will lose coverage because of an event or the covered family member will permanently lose the right to continuation coverage. Election of coverage and payment of the premium must then occur within a specified time limit for coverage to continue. You and any covered dependent will be given a notice covering the provisions of the law at the time you enroll and again upon the occurrence of any qualifying event.

OPEB Insurance Benefits for Retired Employees Hired **After** December 31, 2010

We will provide access to the City's health care insurance plan for retired employees hired after December 31, 2010. This coverage will be made available to the retired employee until he or she becomes Medicare eligible; coverage will be available to the retired employee's spouse until the spouse becomes eligible for Medicare, and for the employee's child until the child no longer meets legal eligibility guidelines. The City shall not be responsible for any costs associated with retiree health insurance coverage including Medicare and supplement to Medicare insurance coverage.

OPEB Insurance Benefits for Retired Employees Hired **Prior** to December 31, 2010

Subject to the availability of a plan and the qualifications of a retired employee and their eligible dependents, we will provide access to the City's health care insurance plan for retired employees hired prior to December 31, 2010

Non-emergency employees (all employees except those defined by ORS 238.005 as police officers and firefighters) who have worked for the City of Bend for a minimum of 15 years will receive an amount equal to the monthly premium covering the employee only for a City of Bend-sponsored retiree group health and dental insurance plan or PERS-sponsored medical and dental insurance plan between ages 62 and 65, then the PERS-sponsored supplement to Medicare from age 65 until death.

Emergency employees (police officers and firefighters as defined in ORS 238.005) who have worked for the City of Bend a minimum of 15 years will receive an amount equal to the monthly premium covering the employee only for a City of Bend-sponsored retiree group medical and dental insurance plan or PERS-sponsored medical and dental insurance plan between the ages of 60 and 65, then the PERS-sponsored supplement to Medicare from age 65 until death.

Non-emergency employees who retire prior to age 62 and emergency employees who retire prior to age 60 shall be responsible for paying insurance premiums for themselves and their eligible dependents (if applicable) until qualified for City-paid insurance benefits. Employees

who allow a lapse in coverage (more than 62 consecutive days) will not be eligible for future City-sponsored insurance or City payment of premiums.

Definitions

- *Emergency employee* – An employee defined by ORS 238.005 as a firefighter or police officer.
- *Non-emergency employee* – An employee other than those defined by ORS 238.005 as a firefighter or police officer.
- *Retired employee* – An employee who is qualified to receive PERS retirement benefits and has elected to begin receiving PERS retirement benefits.
- *Spouse* – Spouse shall include an Oregon Registered Domestic Partner.

8.3 - Life Insurance

Group Life

We currently provide group life insurance coverage for regular full-time employees. You will be provided with information about eligibility in the plan at the time of your hire. The organization pays for the full premium. You may elect additional coverage at your own expense.

Dependent

You may elect dependent coverage and/or additional dependent coverage at your own expense.

8.4 - Long-Term Disability

We provide a Group Long-Term Disability plan. The plan provides compensation if you are unable to work due to injury or illness lasting 90 days or more. The insurance provides payment of two-thirds of your base salary at the time of disability. We currently pay for the full premium. If you start receiving long-term disability benefits, you will continue to receive them as long as you remain disabled, even if you cease to be an employee. If you are terminated because you are unable to work during a long-term disability, you will be eligible for rehire if you regain ability to work and a position for which you are qualified becomes available pursuant to the City's hiring policies

8.5 - Section 125 Plan

We provide Section 125 plans, including the Premium Only, Healthcare Flexible Spending Account, and Dependent Care Assistance plans as authorized by IRS code. These plans allow you to have group medical or dental costs deducted from your paycheck on a pre-tax basis.

The Premium Only Plan allows the employee portion of premiums to be deducted on a pre-tax basis, reducing payroll taxes for both you and the City.

The Healthcare Flexible Spending Account (FSA) is available for insurance co-payments, deductibles, and other eligible medical expenses not reimbursed by insurance as defined by IRS Section 213(d).

The Dependent Care Assistance Plan (DCAP) covers the cost of caring for a dependent while you and your spouse (if applicable) work.

Additional information is available during open enrollment or by contacting the Human Resources Department.

8.6 Retirement Plan

Employees are eligible for participation in the PERS retirement system according to applicable Oregon statutes and regulations.

CHAPTER 9

TYPES OF LEAVE

9.1 - Vacation Leave

All regular non-represented full-time and part-time employees are eligible for vacation based on the schedules below.

<u>Years of Continuous Service</u>	<u>Benefit</u>
0-2	12 days (96 hours) per year
3-10	15 days (120 hours) per year
11-15	20 days (160 hours) per year
Over 15	25 days (200 hours) per year

Continuous service means service unbroken by separation from City employment.

Regular, part-time employees' monthly and accrual limit is based on a pro-rata basis calculated on the work schedule established by your position. For purposes of vacation, continuous service will be calculated from your date of hire.

The purpose of vacation and personal time is to allow employees to enjoy periods of time away from work and have time available for personal use, rest, and recreation. Vacation time will be paid out at separation in accordance with applicable law.

Time is not to be banked and never used; therefore, your accrual limit cannot exceed 50 days (400 hours) worth of accrual. Any accrued vacation in excess of this amount will be forfeited on a pay-period basis. Upon separation, a maximum of 30 days (240 hours) of vacation will be converted to pay; any amount in excess of 30 days (240 hours) will be forfeited.

New employees will not be eligible to use accrued vacation until the employee has completed 6 months of service, unless otherwise approved by the City Manager. The City Manager may approve leave without pay during the first six months of employment if the new employee had previous commitments or plans and rescheduling would result in a financial or other serious impact on the employee.

"At will" employees are eligible to use vacation leave as it is accrued and may be granted an initial bank by the City Manager as a recruitment incentive.

Vacation leave is accumulated each pay period of the month and is available for use after it is credited to your leave bank. FLSA non-exempt employees must use vacation in no less than one hour increments. FLSA exempt employees are not required to use accrued vacation leave if they are absent for less than a half day. Vacation hours will not accrue when you are on an unpaid leave of absence, unless otherwise required under law.

If you wish to use vacation time, you should request vacation hours as early as possible so that arrangements for coverage can be made. Requests for vacation time are to be

made in writing and given to your supervisor. Every attempt will be made to grant each request; however, no guarantees can be offered. Different departments may have rules regarding scheduling vacation time. Make sure you comply with any departmental vacation bid schedules or notice requirements.

Use of vacation accruals in excess of two weeks immediately preceding a retirement date is not allowed.

To avoid disruption of City work, you should normally plan vacations of no more than three continuous weeks. However, Department Directors may approve vacations over three weeks.

Vacation Buy-Back

Non-represented employees who have used 40 hours of vacation in a calendar year and who have at least 80 hours of vacation on the books at the end of that year are eligible for vacation buy-back. Vacation buy-back allows an employee to take pay for up to 80 hours of vacation. Vacation buy-back is subject to City Manager approval and must be requested in writing between January 1 and January 15.

9.2 - Merit Leave

In order to recognize individual efforts, performance, and achievements, and to compensate for times when you spend more hours at work than normal due to special projects or increased workloads, we have established a merit leave program for FLSA Exempt employees. If eligible, you may be awarded up to eighty hours of paid leave per calendar year.

The granting and use of merit leave and the amount of leave awarded is at the discretion of your Department Director, and is subject to review by the City Manager

Merit leave cannot be cashed out or carried over from year to year. The award of merit leave does not guarantee time off. Your use of merit leave must follow your department leave procedures.

Merit is used in blocks of four hours or more. An eligible employee who is authorized to work less than full-time shall be eligible to receive a pro-rated award of merit leave.

Exceptions to this policy can only be made with the written approval of the City Manager.

9.3 - Sick Leave

Sick Leave

All regular full-time and part-time employees are to use sick leave before using other leave when either the employee or a member of their immediate family is ill or requires medical or dental care or for Oregon parental leave. Immediate family is defined as spouse, registered

domestic partner, parents, children, children of the spouse or registered domestic partner, grandparents, grandchildren, or siblings. Sick leave may not be used for reasons other than injury, illness or medical or dental appointments. The City may require verification from a medical provider. The Human Resources Director may approve exceptions to or expansion of this policy on a case-by-case basis upon written request from the employee.

Regular, full-time employees accrue sick leave at a rate of eight hours per month. Regular part-time employees receive a prorated amount based on scheduled hours. Sick leave is accumulated on the last workday of the month and is available for use after it is credited to your leave bank. FLSA Non-Exempt employees must use sick leave for absences due to illness and medical or dental care. The sick leave must be used in no less than one-quarter hour increments. FLSA Exempt employees must use sick leave for absences due to illness and medical or dental care; however, no leave need be used for absences of less than four hours in one work day. If an employee has no sick time remaining, the employee may use vacation time or other appropriate leave. Sick hours will not accrue when an employee is in unpaid status. Sick time accumulated will not exceed 2000 hours.

It is in your best interest not to be at work when you are disabled due to illness or injury. It is your supervisor's responsibility to send you home if you are incapacitated or pose a threat to other employees' health and/or safety, and you are expected to cooperate with your supervisor's decision.

Time for routine doctor or dentist appointments for non-exempt employees should be charged to sick time unless other arrangements have been made with your supervisor. You are encouraged to make appointments before arriving to work or after work hours, if possible.

In the event of an extended leave for illness or injury, you must use accumulated sick leave in conjunction with income protection plans or other sources of disability income to achieve full pay for as long as possible. However, at no time can the combination of these benefits exceed normal earnings.

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

A medical release statement may be requested for review before you return to work in certain situations.

Unused sick leave is not paid at termination, but may be convertible to retirement benefits if eligible under PERS regulations. Additional information about sick leave conversion at the time of retirement is available from Human Resources.

In the case of a work-related accident or injury, you may use sick time to offset any days not paid through Workers' Compensation, or to offset the reduction in regular pay until accumulated sick time is used. However, at no time can the combination of these exceed normal earnings, nor can you use more sick time than you have accumulated.

Donated Leave Program

The City has implemented a leave donation program to assist regular employees who have, as a result of extended or catastrophic illness and/or injury, exhausted all accumulated leave (sick, vacation, personal, and compensatory time) and are not receiving workers' compensation, retirement or long-term disability benefits.

Employees may voluntarily donate vacation leave or compensatory time in increments of one hour or more to an eligible employee's sick leave account, based on the conversion of the donor's salary rate to sick leave hours at the recipient's salary rate.

Donors are prohibited from recovering any unused hours from the recipient's sick leave account once a donation has been credited. Donations are required to be documented and must include the donor's signature and verification of the employee's need to receive donations. The period of time during which an employee is eligible to receive donated leave will not exceed 90 calendar days, non-retroactive. The Human Resources director is responsible for establishing and administering the donated leave program and making final determinations regarding need. Request for donated leave must be made to the Human Resources Director.

Employees receiving donations must understand that the use of donated vacation leave or compensatory time as sick leave may offset disability payments.

9.4 - Paid Holidays

The City observes the following holidays each year. The organization is officially closed on these days, unless otherwise determined by the Department:

- New Year's Day
- Martin Luther King Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day*
- Thanksgiving Day
- Day after Thanksgiving
- Christmas
- One Floating Holiday
- Four hours of "Eve" leave to be used on either Christmas or New Year's Eve

*Veteran's Day - If an employee who is a Veteran as defined in ORS 408.225 is unable to take Veteran's Day off due to the City's operational needs, the employee, with the City's approval, may take a single paid day off within the year after the Veteran's Day on which the employee worked.

If a holiday falls on a Sunday, it will be observed on the following Monday. When a holiday falls on a Saturday, it will be observed on the previous Friday.

Regular full-time and part-time employees who work 20 hours or more a week are eligible for Holiday pay on a prorated basis. Full-time employees receive eight hours of holiday pay as paid time, regardless of the number of hours scheduled to work on the holiday. Part-time, regular employees will receive a pro-rated amount of paid time based on their regularly scheduled time. For instance, regular, part-time employees working 20 hours per week would receive 4 hours of holiday pay because they are working 50% of full-time.

To be eligible for holiday pay, the employee must be in pay status the regularly scheduled work day immediately preceding and immediately after the holiday.

Collective bargaining agreements may have specific language related to holiday pay, eligibility, and use.

9.5 Leaves of Absence Policy

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

- Bereavement Leave
- Civic Duty Leave
- Family & Medical Leave
- Worker's Compensation Leave
- Personal Leave
- Administrative Leave
- Uniformed Services Leave and Re-Employment
- Domestic Violence Leave
- Lactation Leave

The type of leave may determine which employees are eligible and what procedure is to be followed in requesting and obtaining the leave. The effect of the leave on benefit accruals, benefits and reinstatement rights also vary according to the type of leave you are requesting. Each of these leaves is discussed in the following pages. If you have any questions about your potential eligibility for a leave or your benefits and rights while on a leave, please contact the Human Resources Director.

9.6 - Bereavement Leave

Regular full-time and part-time employees are eligible to take a Bereavement Leave in the event of death of the following immediate family members:

Coverage

Immediate family is defined as spouse, registered domestic partner, parents, children, children of the registered domestic partner, siblings, grandparents, grandchildren, in-laws, parents of the registered domestic partners, and other close relatives who reside in the employee's household.

The Human Resources Director may approve coverage for the death of other family members on a case-by-case basis on written request from the employee.

Length of Leave

You are allowed up to five consecutive regularly scheduled working days away from work for a bereavement leave for immediate family members. Regular employees will receive pay for up to five days. Regular full-time employees will receive eight hours of bereavement leave per day as paid time, regardless of scheduled work shift. Regular part-time employees will receive a pro-rated amount of paid time based on their regularly scheduled work time. If you need additional time off for any bereavement purpose, you must use earned vacation, compensatory time, or apply for an unpaid personal leave of absence.

Eligible employees may use up to two weeks of leave entitlement under OFLA for the death of a covered family member if taken within 60 days of receiving notice of the death.

Request Procedure

You are expected to give as much notice as possible of the need for time-off so that we can make arrangements to cover your absence. Determination to grant the leave will be made by your Department Director. Verification of family relationship and death may be requested in limited circumstances.

Status of Benefits

Eligibility for benefits or continuance of benefit accruals are not affected by bereavement leaves. If the length of your absence extends beyond the five-day leave allowance and you are granted additional time off in the form of a personal leave, the effect of the additional leave on your benefits will be determined by the City's personal leave policy.

Funeral Leave

You are entitled to leave of four hours to attend a funeral at which you will serve in an official capacity, such as a pallbearer, eulogy-giver, etc.

9.7 - Civic Duty Leave

Jury or Witness Duty

If you are subpoenaed to serve as a witness or on jury duty you may obtain a leave of absence. If it is felt that your absence would create an undue hardship to you or the City, we may request, with your full agreement, that you be excused from jury duty.

Length of Leave

Jury or witness duty leave is available for the period of time covered by the initial subpoena or court order and any involuntary extensions.

Request Procedure

You must notify your Department Director as soon as you receive the notice or as soon as is practicable so that arrangements can be made to cover the position. You are expected to provide us with a copy of the subpoena or notice within five days after it is received.

Pay While on Leave

You will be paid your regular rate of pay, but shall provide to the City any compensation you receive as a witness or juror. You must remit to the City any remuneration received, less expenses, in order to receive your regular pay for the leave. Please speak with the Human Resources Director if you have any questions pertaining to the procedure.

Status of Benefits

Benefits are not affected by jury or witness duty leaves.

9.8 - Family and Medical Leave

It is the City's policy to provide eligible employees unpaid leave for childbirth, adoption, foster child placement, the care of a seriously ill spouse, child, grandchild, parent, or grandparent, the employee's own serious health condition, to care for a sick child, or to care for an injured service member in accordance with applicable federal and state legislation.

The Family and Medical Leave Policy (FML) covers employees including employees absent from work due to occupational related illness or injury, except to the extent provisions in applicable collective bargaining agreements, state or federal laws provide otherwise. Workplace injuries that qualify for family leave under this policy will not be counted against an employee's Oregon Family Leave Act (OFLA) entitlement.

The FML consolidates provisions of the federal Family and Medical Leave Act (FMLA), the Oregon Family Leave Act (OFLA), and the Oregon Military Family Leave Act (OMFLA). To the extent that provisions vary, this policy adopts the regulation more beneficial to the employee. To the extent the employee fails to qualify under this Policy, eligibility will be reviewed under leave laws individually to ensure employee rights are protected.

FML will run concurrently with other paid or unpaid leave for which the employee is eligible and qualifies, unless otherwise prohibited by collective bargaining agreement, state, or federal law.

Eligibility

To qualify for FML, including those engaged for limited duration, you must meet the following criteria:

- **FMLA:**
You must have been employed by the City for at least twelve (12) months, and worked at least 1250 hours during the 12-month period immediately preceding the leave.
- **OFLA**
You must have been employed by the City for at least 180 calendar days immediately preceding the leave and have worked for an average of at least 25

hours per week during the 180 days immediately preceding the leave. You are eligible for parental leave after being employed for 180 calendar days, without regard to the number of hours worked per week.

- **OMFLA**

You must have worked an average of 20 hours per week for the City preceding the date you take OMFLA leave.

In determining the 12 calendar months and 180 calendar days, the number of days an employee has been on the payroll are counted, including all paid and unpaid time. The 1250 hours, 25 hours per week, and 20 hours per week minimums are actual hours worked.

Purpose of Leave:

- **Parental**

Leave to care for an infant, newly adopted child or foster child, under the age of 18.. Parental leave must be taken within 12 months of the birth or placement of the child. Under OFLA, an employee who uses 12 workweeks of parental leave is entitled to take up to 12 additional workweeks of sick child leave.

- **Sick Child Leave**

Leave to care for a child who is suffering from an illness, injury or condition that is not a serious health condition but that requires home care. Sick Child Leave does not allow an employee to take leave for a child's routine medical or dental appointments. Sick Child Leave is not available if another family member is willing and able to care for the child.

- **Employee Medical**

Leave because of the employee's own serious health condition, which prevents the employee from performing at least one essential function of his or her job. This includes pregnancy-related disability and absences from work due to prenatal care. Under OFLA, a woman using pregnancy disability leave is entitled to up to 12 additional workweeks of leave in the same year for any qualifying OFLA purpose.

- **Family Medical Care**

Leave to care for an employee's family member with a serious health condition. Under the FMLA, covered family members include a spouse, child, or parent. Under OFLA, covered family members include spouse, child, parent, registered domestic partners, parents-in-law, grandparents and grandchildren of the employee, and parents and children of registered domestic partners.

- **Military Caregiver**

Leave to care for an injured recovering service member who is the employee's parent, child, or spouse or for whom the employee is the next of kin. Such leave may be taken for up to 26 workweeks in any single 12 month period. Leave to care for a military service member, when combined with all other FMLA leave may not exceed 26 workweeks in a single 12 month period. A covered service member 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 service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retired list. This is covered under the FMLA.

- Qualifying Exigency

Leave for a qualifying exigency arising out of the fact that the employee's parent, child or spouse is on active military duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

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 is covered under the FMLA.

- Oregon Military Family Leave Act

Leave for a spouse or registered domestic partner of a member of the Armed Forces, the National Guard, or military reserve who has been called to active duty or notified of impending call to active duty, or who has been deployed. An eligible employee may take a total of 14 calendar 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 spouse is on leave from deployment. An employee who intends to take OMFLA leave, must notify the City within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment. OMFLA leave runs concurrently with the 12-week leave entitlement under OFLA when the employee is eligible under both laws. If an employee using OMFLA leave is also FMLA-eligible, the OMFLA leave will run concurrently with FMLA's "qualifying exigency" leave entitlement.

Definition of a Serious Health Condition

Under FMLA, a serious health condition is an illness, injury, 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 you from performing the functions of your job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Under OFLA, a serious health condition is defined as set forth under ORS 659A.150(6).

Length of Leave

Eligible employees are permitted to take a total of twelve (12) workweeks of leave in a rolling 12-month period counted from the first day the employee begins leave for any qualifying event.

Parental leave must be taken in one contiguous block within the 12 months immediately following the birth or placement of a child, unless otherwise agreed to by the City. Leave required due to the serious health condition of you, your family member or child, or a relative or dependent covered under the Oregon Military Family Leave Act or Qualifying Exigency Leave may be granted on an intermittent or reduced hour basis. If appropriate, your request for intermittent leave will be considered as business requirements allow.

Exempt employees' salaries will be reduced proportionately by hours not worked.

With your concurrence, the City may temporarily transfer you (while you are on approved intermittent leave) to another position that can more easily accommodate recurring absence. In the case of a transfer, you will not suffer loss of pay or benefits and only that leave attributable to reduced hours will be counted against your leave entitlement. You will be returned to the regular position unless leave taken plus the period of time worked in the alternate assignment exceeds leave allowable by law, in which case the City reserves the right to replace your position.

Based on business demands, parents working for the same employer may be required to take leave consecutively instead of concurrently.

Whenever possible, absences for planned medical treatment or other appointments should be scheduled to minimize disruption in the workplace.

If you give unequivocal notice of intent not to return to work from FML, you are entitled to complete the approved leave, providing that the original need for leave still exists. You remain entitled to all rights and protections of law and Policy, including, but not limited to, the use of accrued leave and health benefits. However, under this circumstance, the City is relieved from job restoration obligations.

Counting Leave

FML leave is accounted for on the basis of the employee's usual workweek. For example, an employee normally scheduled for five, eight-hour work days would have one-fifth of one week or eight hours, counted as FML for each full day absence.

Pay

You will not receive regular compensation while on FML leave.

If you are absent from work but on FML due to a serious health condition for yourself or a qualifying family member, you will be required to use your available accrued sick, vacation, holiday leaves, or in the case of your own serious health condition, workers' compensation and/or Long-Term Disability benefits, in that order before going into authorized unpaid time.

If you are absent from work for parental leave, you will be required to use accrued time from accrued vacation, holiday and sick leave, as you choose, before going into authorized unpaid time.

You may choose to use accrued compensatory-time in lieu of accrued leave until it is exhausted.

Under specific conditions, an employee exempt from overtime under the Fair Labor Standards Act on reduced hours leave may have their pay reduced for less than full-time absences without jeopardizing their exempt status.

Benefits While on Leave

You will continue to receive group employee benefits if you make the required premium payments while you are on leave. In the case of premium payment default, the City will advance your cost share and recover the advance upon your return to work at the rate of 10% of your gross pay each pay period.

Under FMLA, taking leave cannot result in the loss of any employment benefit that you accrued prior to the start of your leave.

If the leave qualifies only for OFLA leave or the Oregon Military Family Leave Act, continued health care benefits may not be paid for by the City at its sole discretion.

You should check with Human Resources to resolve any questions regarding the continuation of health care benefits.

The City will terminate maintenance of your benefits coverage effective when employment would have terminated if you had not taken FML, or if/when:

- You fail to return from leave.
- Your leave entitlement under FML and other applicable leaves expire.
- The group health plan terminates.

Unpaid premiums are considered a debt that you owe to the City. The City will endeavor to collect the debt through whatever means practicable. The City may recover its share of the premium through deductions from any amount owed to the employee, such as unpaid wages, vacation pay, etc. Any deductions will be made in compliance with state and federal law.

Other Benefits While on Leave

While on FML, you will be eligible for paid holidays if in pay status the day before and the day after the holiday. Holiday hours will be counted toward your FML entitlement unless leave is taken on an intermittent or reduced hours basis.

As long as you are on FML, you will not accrue seniority-based benefits, such as sick or vacation pay while not in pay status, unless provided for otherwise by policy or collectively bargained agreement.

Any period of approved FML will be treated as continued service for retirement and savings plans vesting and participation purposes.

When you are reinstated after leave, you will be without loss of any employee benefit or right earned or accrued at the beginning of the leave. Some benefits may be reduced by the amount used during the leave, e.g. vacation hours, holiday hours, sick hours, etc.

Outside Employment

An employee on any type of leave discussed in this section is prohibited from taking outside employment unless prior written approval has been received.

Leave Application

In order to avoid business disruption, you must notify the City in writing of the request for leave at least thirty days prior to the beginning of a foreseeable need. You are required to complete a leave application form for all leaves. You must provide medical certification for leaves involving a serious health condition.

When the need for leave is not foreseeable, or its approximate timing uncertain (e.g., adoption placement, medical emergency), notice is required as soon as is practical given the particular circumstances. In this situation, you (or your representative if you are incapacitated), must notify your immediate supervisor as promptly as available means of communication permit. If an emergency occurs while you are at work, you must notify the immediate supervisor before leaving the workplace.

If you are seeking Oregon Military Family leave, you must provide notice of the intent to take leave within five business days of receiving official notice of an impending call or order to active duty, or for a leave from deployment, or as soon as practicable when official notice is provided less than five days from commencement of leave.

Certification Requirements

Your request for FML due to your or a qualifying family member's serious health condition requires written medical certification from a health care provider as soon as possible, but no later than 15 calendar days following a request for certification by the City. Certification of a serious health condition shall include the date when the condition began, its expected duration and a brief statement of treatment. For medical leave of your own medical condition, the certification must also include a statement you are unable to perform work of any kind or a statement that you are unable to perform the essential functions of the position. For a family member who is seriously ill, the certification must include a statement that the patient/family member requires assistance and that your presence would be beneficial or desirable.

For Sick Child Leave, certification will only be required after an employee has taken more than three days of Sick Child Leave during any one-year period. Any certification required will be paid for by the City. The opinion of a second health care provider will not be required for certification of Sick Child Leave.

If you are requesting Qualifying Exigency Leave, you are required to complete a Certification of Qualifying Exigency for Military Leave including written documentation confirming the military member's call to active duty. A copy of the military member's active duty orders is required as part of your request for leave.

If you fail to provide notice within two days after the need for leave becomes apparent, your absence may be deemed unexcused, and you may be subject to corrective action consistent with policy and/or your collective bargaining agreement.

We may require a second medical opinion by a health care provider designated by the

City, at the City's expense. If the second opinion conflicts with the first, you must work with us to designate a health care provider for a third opinion which will be final and binding. We will pay associated provider expenses, as well as reasonable "out-of-pocket" travel expenses.

If requested by the City, re-certification of a medical condition must be provided every 30 days for condition duration, unless waived by the City. Earlier confirmation may be required if:

- Significant changes impact the then current disability certification, e.g., complications, severity of condition necessitates more frequent absences; or,
- The City receives information that casts doubt on the stated reason for the absence.

When absent from work due to illness, injury, or other disability, you must refrain from engaging in activities that may impede a timely return to regular job duties without prior approval of the City and the attending practitioner.

Employer Notice

Under FMLA, we are required to inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employee's rights and responsibilities. If they are not eligible, we must provide a reason in writing for the ineligibility.

We also must inform you if your leave will be designated as FMLA-protected, and the amount of leave counted against the employee's leave entitlement. If we determine that the leave is not FMLA-protected, we will notify you.

Return to Work

You are expected to return to work as soon as medically able, as determined by a health care provider or, in the case of parental leave, as approved in advance of the leave start date.

Generally, you have two business days to inform your supervisor of the discovery that more or less time will be needed than originally agreed. Failure to provide such notice, especially for leave extension, may result in extension denial or corrective action up to and including termination of employment.

Return to work certification is required before you may return to work, as outlined below.

Return to work certification must be based on the health care provider's review of your essential job duties, as outlined in your job description. Information on the release should be limited to the condition that caused the leave.

Reinstatement will be delayed until a health care provider certifies that you are able to return to your former or equivalent job. Return to modified duty may be accommodated, but is not to exceed six-months unless approved in advance by the City Manager. Your employment may be terminated if you fail to provide this certification or a new medical certification for a serious health condition. We reserve the right to proceed with termination in the event all protected leave is exhausted, unless precluded by collectively bargained agreement.

Generally, upon returning from FML, you will be reinstated to your former or equivalent job unless you would not otherwise have been employed at the time reinstatement is requested. If, for business reasons, your former job and equivalent jobs have been discontinued during the FML period, you will be reinstated to an available and suitable position, if one exists. If one does not exist, you will be separated in accordance with policy and any other requirements under ADA law or collectively bargained agreement.

You may be required to periodically provide notice regarding your intent to return to work upon the conclusion of your approved leave. Your unequivocal decision to voluntarily separate releases the City from its reinstatement obligation.

Other details regarding this policy are available from the Human Resources Director.

FMLA Specific Provisions

Under FMLA it is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA, or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

You may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against your employer. FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

9.9 - Workers' Compensation Leave

The City will insure you for injuries you receive while at work as provided under Oregon Workers' Compensation law. The day of injury will be considered a normal workday and will be paid by the City.

All job-related injuries or illnesses are to be reported to your supervisor immediately, regardless of severity. In the case of serious injury, your reporting obligation will be deferred until circumstances reasonably permit a report to be made. You are expected to report all accidents, incidents, work-related injuries or illnesses to your supervisor immediately, whether or not medical care is anticipated. If your immediate supervisor is not available, you should report the incident to the next level supervisor or the Human Resources Director. After receiving medical care, you must provide a report of medical condition prepared by the attending physician within 24 hours of medical treatment to the Human Resources Director. Failure to report an injury or illness may preclude or delay the payment of any benefits to you and could subject the City to fines and penalties.

The City will pay any difference between workers' compensation payment and normal net pay for a period of up to 90 days while an employee is unable to return to work.

No duplication of payments between the City's workers' compensation carrier and the City will be allowed.

Return to Work of Injured Workers

It is our policy to return our employees with compensable work-related injuries or illnesses to an available and suitable position as soon as possible. To achieve this, we will provide, where possible, temporarily modified work (light duty) while you are recovering. Upon receiving medical treatment, you are expected to inform your physician that the City has a return-to-work program with light duty/modified work assignments available and review their current job duties and responsibilities with the physician. Your medical report(s) shall contain specific and objective information such as your post-injury capabilities, limitations and prognosis, so we may determine an appropriate work assignment or leave status. You will then provide the documentation requesting a light duty assignment including the tentative start date, duration, and specific limitations imposed by your physician, and prognosis for release to full duties. You will not be allowed to return to work without a signed release from your attending physician.

Light duty positions are not guaranteed in all situations. Any light duty work assignment must provide benefit to you and to the City. A light duty assignment may be modified based on revised limitations or restrictions imposed by the treating physician.

This policy applies to all City employees when appropriate. Departmental operating policies and/or City labor agreements may provide additional procedural requirements but do not alter the authority of this policy. We will determine appropriate work hours, shifts, duration and location of all work assignments and reserves the right to determine the availability, appropriateness, and continuation of all light duty assignments.

Returning to Work

Supervisors are required to review the injured worker return-to-work process with you. Supervisors must also complete an Injury Report Form 801 within 24 hours of your injury if an injury requiring medical treatment has occurred, then immediately forward their report to the Human Resources Director. Supervisors must also investigate and complete an Oregon Occupational Safety & Health Division (OR-OSHA) on-the-job injury incident report within 24 hours and send the report to the Human Resources Director. Your supervisor will ensure that you have a current copy of your job description, if requested by the physician, to aid the physician in the evaluation.

Your Department Director will offer you an available light duty work assignment, where feasible. The temporary assignment shall be in agreement with your physician's medical restrictions, be consistent with agency policies and collective bargaining agreements, and normally be limited to a 90-day period during which time interim evaluations shall be made. The assignment must accommodate your limitations while also providing benefit to the City. During this period of modified work assignment, you will maintain your regular position with regular salary, seniority and benefits, but may need to adjust your schedule according to the operational needs of the assignment. Upon release to regular duties, you will return to your regular assignment.

In the event that you are determined to have a permanent restriction and are unable to return to your original assignment, with or without a reasonable accommodation, you will be placed on leave status, consistent with applicable federal and state law. You may be entitled to benefits under state law, and we will provide you with information about possible benefits.

9.10 - Personal Leave

Regular full-time and part-time employees may be granted a personal leave of absence without pay under certain circumstances. A personal leave of absence is an approved period of time away from work for personal reasons that does not fall under the guidelines of the Family and Medical Leave policy, or other leave policy. A personal leave of absence is granted at the discretion of the City Manager and is normally granted to protect the length of service and benefit rights for an employee whose service might otherwise be terminated.

Eligibility

You become eligible for a personal leave of absence after six months of service. If you desire to take a personal leave of absence, you must first gain approval of your Department Director.

Length of Leave

The leave may be requested for any amount of time. A personal leave of absence starts on the first regular workday following the last day worked.

Request Procedure

A written request should be submitted to your Department Director at least five working days in advance of any time not worked which exceeds ten days, except in cases of emergency. All leave requests must include an expected date of return. If you do not return within three days of that date, and no extension has been requested, you will be assumed to have voluntarily resigned.

Pay While on Leave

Personal leaves of absence are without pay.

Status of Benefits

Insurance coverage will not be maintained for you while on a personal leave of absence. You may continue insurance coverage by paying the full premium by the first of each month if continuance of insurance coverage desired. Benefits do not accrue during a leave of absence, but are retained at the same level.

9.11 - Administrative Leave

Investigations

The City Manager may authorize administrative leave with pay while disciplinary investigations are pending. Administrative leave will normally not exceed 30 consecutive calendar days.

9.12 Uniformed Services Leave and Re-Employment

Regular employees who require a leave of absence for service in the uniformed services are provided leave and will be re-employed at the end of the leave. Policies governing this leave are designed according to the Uniformed Services Leave and Re-employment Act and applicable state regulations. The policy covers all employees who enter active military duty voluntarily and extends to Reservists or National Guard members who are called to limited active duty or extended training duty, including regularly scheduled active duty for training.

Eligibility

All employees of the organization except those hired on a temporary basis are eligible for the leave.

Length of Leave

The length of the military leave is determined by the uniformed services organization calling you to duty.

Request Procedure

You must provide written notice of your obligation or intention to perform service in the uniformed services unless notice is precluded by military necessity or is otherwise unreasonable or impossible. Failure to do so may result in loss of re-employment rights.

Pay While on Leave

If you are a member of the Oregon National Guard or any reserve component of the armed forces of the United States, you are entitled to a paid leave of absence from duties for a period not to exceed 15 calendar days in any federal fiscal year (October 1 through September 30) for Active Duty Training (ADT) or Inactive Duty Training (IDT), provided you are employed at least six months prior to the leave.

Military leaves are without pay unless you elect to utilize vacation, compensatory time, or other benefits earned before commencement of the leave and are otherwise eligible to use such benefits. You must request and obtain approval to use leave accrual pay during military leaves of absence.

Status of Benefits

Reservists, National Guard members and veterans returning from military service in the Armed Forces have and retain rights with respect to seniority, vacation, compensation

and length of service pay increases. You may maintain health care insurance benefits for up to 18 months while on leave by paying the insurance premium through COBRA for any leave extending beyond 30 days.

The City will continue to credit your retirement account on your behalf during periods of active duty if you are currently an active member in the retirement plan.

Reinstatement

If you are returning from a Uniformed Service Leave, you must report to work or request re-employment within prescribed time limits, which are based on the length of the leave. Please refer to the guidelines below for your responsibility following Uniformed Services Leave:

- 1 to 30 days: You are expected to request reemployment on the first regularly scheduled workday following completion of training and you will be reinstated to the same position you held at the time the service leave began.
- 31 to 180 days: If you are returning from initial active duty for training you must request reemployment within 14 days after release from service. You will be returned to the same position held at the time the service leave began or other position mutually agreed to.
- 181 days or longer: If you are returning from active duty in the armed services, you must return to request reemployment within 90 days after completion of satisfactory service. You will be reinstated to an equivalent position. Time limits for return to work are extended for up to two years for disabled veterans.

Failure to return to work within the required time period indicates that you forfeit your right to re-employment.

9.13 - Domestic Violence Leave

If you are a victim of domestic violence, harassment, sexual assault or stalking, or you are a parent or guardian of a minor child or dependent who is a victim, you may be entitled to take unpaid protected leave from work to obtain services or treatment.

Eligibility

You will be eligible to take domestic violence leave if you have worked an average of 25 or more hours per week for at least 180 days immediately prior to the period of leave.

Types of Service/Treatment

You may take leave to seek legal or law enforcement assistance, to secure medical treatment, to obtain counseling, to relocate or to take other reasonable steps to ensure the health and well-being of yourself or your child or legal dependent.

If you are the victim of domestic violence, harassment sexual assault, or stalking, you may request a reasonable safety accommodation in the work place. A “reasonable safety accommodation” could include a transfer, reassignment, modified work schedule, unpaid leave, changed work telephone number, changed work station, installed lock, or any other adjustment to the job structure, work place facility, or work requirement in response to actual or threatened domestic violence, sexual assault or stalking. The reasonableness of the safety accommodation will depend on the particular circumstances at issue.

Length of Leave

The amount and length of time you may take is limited to that which does not create an undue hardship on the City. To the extent the employee's need for leave under this policy is also covered by OFLA, the City may run the two types of leave concurrently.

Request Procedure

Upon accessing this leave provision, you must request time off from Human Resources as far in advance as possible in order to aid in scheduling with your department. Any information you share is confidential unless otherwise required by law.

Pay While on Leave

Domestic Violence leave is unpaid; however eligible employees who take this type of leave are required to use any accrued paid time available to them.

9.14 - Lactation Leave

The City promotes and supports expressing breast milk on its premises, and will support employees' continuation of expressing breast milk upon return to work. Female employees may use up to 30 minutes of unpaid time during every four-hour work period to express milk until their babies are 18 months old. If the employee is entitled to paid rest periods, the breaks for expressing breast milk will be treated as a paid rest period up to the amount of time of the paid rest period. If the employee uses unpaid rest period time to express breast milk, the employee may request to work before or after her normal shift to make up the amount of time used during the unpaid rest periods.

9.15 – Religious Observance Leave and Accommodation Policy

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

9.16 – Crime Victim Leave Policy

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his or her immediate family member 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. An immediate family member for purposes of this policy includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild or grandparent.

Employees who are eligible for crime victim leave must use any accrued but unused vacation/compensatory leave during the leave period. Employees must also provide advance notice of his/her intention to take leave and must submit a request in writing indicating the amount of time needed, when the time will be needed, and the reason for the leave. The City may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that an employee receives from a law enforcement agency or district attorney's office or other similarly reliable sources. All records regarding leave under this policy or notices received from an employee are subject to the laws relating to confidentiality.

CHAPTER 10

OTHER BENEFITS

10.1 - Deferred Compensation

The City facilitates voluntary deferred compensation plan (457b) through multiple vendors. All contributions may be made pre-tax through payroll deduction and are made at no cost to us. Please contact Human Resources for additional information.

10.2 - Wellness

We recognize that the health and fitness of all employees contributes to a higher level of morale and performance. The City's Wellness Program is aimed at improving overall employee health and fitness through identification of risk factors, encouragement of physical fitness and lifestyle changes, and ongoing education.

Please contact the Human Resources Department for additional information about any of these services.

10.3 - Employee Assistance Program (EAP)

The City makes an Employee Assistance Program (EAP) available to employees. The EAP is designed to assist in the identification and resolution of concerns or problems (personal or job related), which may adversely affect an employee's personal or professional well-being or job performance. These personal concerns may include, but are not limited to, health, marital status, family, financial, substance abuse, emotional/stress and other personal matters. The Employee Assistance Program includes:

- A written directive describing program services and procedures for obtaining program services
- Confidential, appropriate and timely problem assessment services
- Referrals to services, either workplace or community resources for appropriate diagnosis, treatment, and follow-up
- Written procedures and guidelines for referral to and/or mandatory participation.

Your referral to the EAP may either be voluntary (in which you elect to participate in the program), or it may be a supervisory referral (in which a supervisor uses agency guidelines to refer you into the program.) Appropriate measures are taken to ensure confidentiality of records for all employees admitted to the program, according to established City policy and state and federal regulations.

10.4 - Education and Training

We support and advocate continued education and training for every employee to enhance his or her job performance and assist in the employee's potential career advancement within the City.

You may request reimbursement for the costs of college-level course work, seminars, and conferences relevant to your role in the organization. Such requests must be made in writing to your Department Director prior to your enrollment or participation in a class. You will be reimbursed for your classes if you produce a receipt indicating passage of the course.

10.5 - Voluntary Supplemental Benefits

The City currently offers three additional voluntary supplemental insurance plans for benefit eligible employees to consider:

- Voluntary short-term disability provides income protection during the first ninety days of a disability.
- Voluntary supplemental accident provides coverage for a variety of injuries and accident related expenses, including hospitalization, physical therapy, hospital intensive care, transportation, and lodging due to an on- or off-job accident.
- Voluntary critical illness supplements major medical coverage and group disability by helping employees pay the direct and indirect costs associated with a critical illness or event.

All of the supplemental insurances are offered to regular employees. Please contact the Human Resources Department for additional information about any of the supplemental benefits

10.6 - Alternative Commuting Incentives

If you are a regular City employee and you accumulate 20 trips (one day of travel to and from work constitutes a trip) by any mode of transportation other than a single-occupancy vehicle in one fiscal year, you are eligible to receive a pre-tax financial or vacation incentive on your paycheck. You may accumulate a maximum of one trip per day. You must accumulate a minimum of 20 trips in a fiscal year (July 1 to June 30) to participate in the program.

Eligible Activities

Eligible activities include walking, bicycling, carpooling and other authorized modes of commuting that prevent a trip in a single-occupancy vehicle.

Financial incentives

Employees who accumulate 20 trips by authorized mode(s) of transportation are eligible to receive a financial incentive in the amount \$3 per trip.

Vacation Incentives

Employees may take their incentive as paid vacation time. The amount of vacation time earned is equal to the dollar value of the financial incentive. The vacation entitlement will be calculated by dividing the amount of the financial incentive by the employee's

hourly rate at the time of conversion. This option is not available to employees who have reached their maximum vacation accrual.

Accumulation of Incentives

Payment or credit to vacation earned will be made upon accumulation of incentive for each 20 trips of eligible activities. There will be no award of incentive for accumulations of less than 20 trips.

Supervisor Approval

All requests for financial or vacation incentives must be approved by your supervisor. You may indicate a preference, but supervisors reserve the right to make the final determination on whether the incentive is taken as money or as vacation time.

Emergency Ride Home

In the unusual case of an emergency—an unanticipated incident or accident—for any employee eligible for the Employee Incentive Program who did not bring their personal vehicle to work, we will provide a city vehicle or a ride to the emergency or home to get a personal vehicle so that the employee can take care of the emergency. The ride must be approved by the employee's supervisor.

Reserved Carpool Parking

There are three reserved carpool parking spaces in the City Hall Parking Lot. These spaces are reserved for city employee registered carpools Monday through Friday from 7:30 am to 5:30 pm. A city employee carpool is defined as two or more city employees riding in the same vehicle to and/or from work.

Carpool Registration

Any city employee carpool that would like to use the City Hall Reserved Parking Spaces must complete a registration form and receive a permit. The permit must be displayed in the front window of the car when it is parked in the reserved parking space.

CHAPTER 11

ACKNOWLEDGEMENT

Handbook Receipt Acknowledgment Form

I acknowledge that:

1. I have received a copy of the Employee Handbook. I understand that the Handbook contains important information about the City's policies, work rules and my benefits. I also understand that the Handbook outlines my responsibilities as an employee of the City. I also understand that I have the responsibility to read and understand the information in the Handbook, and to ask my supervisor for clarification of any information I do not understand.
2. I understand that this Handbook is not a contract of employment or a guarantee of specific treatment in specific situations. Except for any supplemental safety policies and rules that apply to employees in certain jobs or work areas, or otherwise stated in a written employment contract, I understand that this Handbook supersedes all prior Handbooks, policies and understandings on the subjects contained in it.
3. I understand that unless stated in an employment contract, the City has the right to change, modify, add to, substitute or eliminate, interpret and apply, in its sole judgment, the policies, rules and benefits described in this Handbook. I understand that should the content be changed in any way, the City may require an additional signed acknowledgment from me to indicate that I am aware of the changes.
4. I am aware that I may be given confidential information during the course of my employment, such as customer lists or other information. I understand that this information is critical to the success of the City and I agree not to disseminate or use it outside of the workplace. In the event of my termination, either voluntary or involuntary, I agree not to use this information or communicate it to any other individual, organization or entity.

I also acknowledge that I understand the items listed in this acknowledgement form.

Print Name: _____

Signature: _____ Date: _____

APPENDIX A

DETAILED SUBSTANCE ABUSE POLICY

A.1 – Purpose

The City of Bend is subject to several United States Department of Transportation (DOT) laws and regulations, including but not limited to:

- Omnibus Transportation Employee Testing Act of 1991
- The Drug-Free Workplace Act of 1988
- Procedures for Transportation Workplace Drug and Alcohol Testing Programs (49 CFR Part 40 as amended)
- Prevention of Alcohol Misuse and Drug Use in Transit (49 CFR part 655)

This policy incorporates these requirements and City policy and, where the rules and regulations differ, adopts the more stringent policy.

All provisions, except those marked with (*), are adopted to comply with the requirements of 49 CFR Part 655 or Part 40. Provisions marked with (*) are adopted under the City of Bend's charter authority.

A.2 – Policy Statement

The City of Bend believes our employees are our most valuable resource and is dedicated to providing a safe working environment. This policy is intended to:

- Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner;
- Create a workplace environment free from the adverse effects of drug abuse and alcohol misuse;
- Encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform assigned duties; and,
- Fully comply with all federal and state laws and regulations including requirements of the Federal Motor Carrier Safety Administration (FMCSA) and the Federal Transit Administration (FTA)

Purpose of Employee Drug and Alcohol Testing

This policy provides a uniform procedure concerning the testing of employees or applicants for employment to detect individuals having drugs in their system. This policy also provides a uniform procedure concerning the testing of employees to detect individuals having alcohol in their system. The purpose of such testing is to provide employees, and the general public, work and service environments free from the effects of drug and alcohol abuse. The City of Bend is committed to providing a safe work place for its employees that is free of the effects of substance abuse. Since the City of Bend is involved in public service, the community depends on careful attention by all employees. Such attention cannot be affected by the use of drugs and/or alcohol. The use of any drug, including

alcohol, can interfere with the safe and efficient functioning of the City's personnel. Therefore, drug or alcohol abuse is a matter of City concern and will be dealt with in an appropriate manner.

A.3 – General Information

This policy applies to all applicants for positions and employees who perform one or more of the following safety-sensitive functions:

- Operation of a City revenue service vehicle (whether or not the vehicle is in revenue service);
- Dispatch and maintenance of a revenue service vehicle or equipment used in revenue service; or
- Operation of a commercial vehicle, which is defined as a vehicle used to transport passengers or property where the vehicle:
 - has a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
 - has a gross vehicle weight of at least 26,001 pounds;
 - is designed to transport 16 or more passengers, including the driver; or
 - is used to transport hazardous materials as defined in the Hazardous Materials Transportation Act.

Certain operators of commercial vehicles have been granted operational waivers per the Omnibus Transportation Employee Testing Act of 1991; for example, operators of medical transport vehicles and fire apparatus. Employees and applicants whose job functions meet the above criteria and are not specifically exempted are considered "covered employees" for the purposes of this policy. Supervisors are considered "covered employees" if they may be called on to perform the above listed safety-sensitive functions. A list of positions which currently include these functions can be found in Appendix A of this section. These positions are considered "safety-sensitive" as used in this policy.

Conditions of Employment

Participation in City of Bend Drug and Alcohol Testing program as detailed in this policy is a requirement of safety-sensitive employees and, therefore, is a condition of employment for all employees covered by this policy.

Prohibited Substances: Illegally Used Controlled Substances or Drugs

Any illegal drug or substance identified in Schedules I through V, Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR 1300.11 through 1300.15. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine. Illegal use includes the use of any illegal drug previously listed, misuse of legally prescribed drugs,

and use of illegally obtained prescription drugs. The use of the above drugs is prohibited at any time. Therefore, employees may be tested any time while on duty.

Medical Marijuana

Marijuana is a Class I controlled substance; its use is illegal under federal law, although Oregon law (ORS 475.300 to 475.346) exempts from criminal prosecution in state court those individuals who obtain a "registry identification card" from the Oregon Department of Human Services. Possession of a "registry identification card" will not be accepted as an explanation for a positive test.

Prescription Drugs

Employees who are taking prescription drugs that may affect the performance of their job duties must report such usage to their immediate supervisor before beginning their workday. Use of such drugs on the job may be allowable. The decision, once informed by the employee, as to whether or not the employee works their assigned duties shall be the responsibility of the supervisor. Clearance from the employee's physician may be required if there is a question regarding an employee's ability to safely perform assigned duties.

Information and documentation regarding this section shall be maintained in the employee's medical file by Human Resources in accordance with medical confidentiality and privacy regulations. All employees shall maintain the confidential nature of this information.

Alcohol

The use of beverages containing alcohol or other substances containing alcohol, including medication, mouthwash, food, candy, or other substance such that alcohol could be present in the body while performing City business, is prohibited.

Prohibited Behavior

Covered employees may not be under the influence of or in possession of controlled substances or drugs during assigned work hours, while on duty or representing the City, in uniform, or on City business. Covered employees may not be under the influence of alcohol during assigned work hours, while on duty or representing the City, in uniform, or on City business.* The following conduct is prohibited and may result in discipline, up to and including termination:

- Covered employees shall not report for duty or remain on duty while having an alcohol concentration of 0.02 or greater.
- Covered employees shall not consume alcohol while performing their safety-sensitive job functions.
- Covered employees shall not consume alcohol within four hours of reporting for work.

- The use of alcohol by covered employees within eight hours following an accident or before undergoing a post-accident alcohol test, whichever comes first, is prohibited.
- Reporting for duty, remaining on duty, or performing safety-sensitive job duties after having tested positive for a controlled substance is prohibited.
- Failure of a covered employee to report use of over-the-counter or prescribed medications that may affect the performance of job duties to his/her supervisor before start of the workday is prohibited.
- Refusal by a covered employee to submit immediately to a drug or alcohol test (reasonable suspicion, post-accident, and random) when directed is prohibited.

A.4 – Administration

Circumstances of Drug and Alcohol Testing

The City of Bend, in compliance with the testing regulations set forth under the DOT, shall conduct drug and/or alcohol testing at: pre-employment, post-accident, reasonable suspicion, random, return-to-duty, and follow-up situations.

Pre-employment Testing

All applicants for positions covered by this policy shall undergo urine drug testing following a conditional offer of employment or conditional offer to transfer into a safety-sensitive position. Receipt of a negative drug test result and a signed statement of release-consent from the prior two years of DOT-regulated employment (from the date of application or transfer) are required prior to start of work in a safety sensitive function.

Covered employees who have been off duty for more than 90 calendar days for any reason and have been out of the random pool must successfully pass a pre-employment drug test prior to the performance of a safety-sensitive function.

Post-accident Testing

Alcohol and drug testing is conducted after accidents on covered employees if:

- The accident results in a fatality, and the employee was performing safety-sensitive functions with respect to the vehicle;
- A person requires immediate medical treatment away from the scene;
- The driver receives a post-accident traffic citation; or
- A vehicle is towed from the scene.

Any other covered employee whose performance could have contributed to the accident, as determined by the City using the best information available at the time of the accident, will be given a drug and alcohol test.*

Covered employees will be tested using appropriate federal Alcohol Testing Forms (ATF) and federal drug testing Custody and Control Forms (CCF).

Post-Accident Alcohol Test Must Be Conducted As Follows:

- Every effort will be made to administer an alcohol test within two hours of the accident. If the test is not administered within two hours, the reason for the delay must be documented.
- If an alcohol test is not administered with eight hours following the accident, attempts to administer an alcohol test will cease and reasons the test was not administered within the eight hours will be documented.
- The regulations do not permit a waiver of the employer's obligation to test an employee after an accident, nor do they allow an employer to use the results of an alcohol test done by hospital personnel for treatment of an injury.
- The results of a breath or blood test for the use of alcohol, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this section.
- The involved employee must refrain from the consumption of alcohol until the test is completed or for at least eight hours, whichever is shorter.
- Every effort must be made to complete the alcohol test before performing the drug test collection.

Post-Accident Controlled Substance Tests Must Be Conducted As Follows:

- Every effort shall be made to administer a controlled substance test within 32 hours of an accident. If a test is not administered within 32 hours following the accident, attempts to administer a controlled substance test will cease, and the reasons the test was not administered within the 32 hours will be documented.
- The regulations do not permit a waiver of the employer's obligation to test an employee after an accident nor do they allow an employer to use the results of a controlled substance test done by hospital personnel for treatment of an injury.
- The results of a urine test for the use of controlled substances, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this section.

A covered employee who is subject to post-accident testing shall remain readily available for testing or will be deemed to have refused to submit to testing.

These testing requirements shall not delay necessary medical attention for injured persons following an accident or prohibit the covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

Reasonable Suspicion

All covered employees are subject to reasonable suspicion testing. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances that are consistent with the short-term effects of

substance abuse. Testing for alcohol must be conducted just preceding, during, or just after the performance of safety-sensitive functions. Testing for drugs may be conducted at any time while on duty performing safety-sensitive functions.

Physical signs and symptoms consistent with prohibited substance use are considered reasonable cause for DOT testing. Covered employees sent for reasonable suspicion testing based on the above will be tested using appropriate federal ATF and CCF forms.

Reasonable suspicion referrals must be made by two or more supervisors trained to detect the signs and symptoms of drug and alcohol use who reasonably conclude that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited abuse or misuse. These observations are independent of each other and based on the appearance, behavior, speech or body odor of the covered employee. The referring supervisors will document their observations, in writing, leading to the referral for testing. This documentation will become part of the confidential employee medical file. Some examples of symptoms include: slurred speech, uneven gait, inability to focus, dilated pupils, smell of alcohol or marijuana, excessive and/or unexplained workplace absences, negative performance patterns, etc. If referred testing is not administered within two hours of the referral, it must be documented as to the reason why. If an alcohol test is not administered within eight hours following the referral, cease attempts to administer an alcohol test and document the reasons the test was not administered within the eight hours.

If the employee is a CDL holder the DAPM/DER will report positive drug and/or alcohol test results to the state Department of Licensing/Motor Vehicles as required by state law.

Random Testing

All covered employees are subject to random drug and alcohol testing. A Random testing shall be conducted on covered employees for alcohol and drugs at or above the minimum annual rates established by the FMCSA. While the FTA and FMCSA have different minimum annual rates, the City has elected to use one random pool and test at the higher rate.

The selection of employees for random drug and alcohol testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employee Social Security numbers or other comparable identifying numbers. Each covered employee shall have an equal chance of being tested each time selections are made.

The number of employees to be tested is calculated on the total number of covered employees in the random pool. Random tests conducted under the regulations are unannounced until just prior to testing. The dates and times for administering random tests are spread reasonably throughout the calendar year

but at least quarterly. Each covered employee who is notified of selection for random testing must proceed to the test site immediately following notification.

Return-to-Duty Follow Up

A covered employee who has violated any of the provisions of this policy and is allowed to return to duty must successfully complete the SAP return-to-duty requirements in 49 CFR Part 40 and submit to a return-to-duty test before they may be returned to their position. The return-to-duty test may be subject to direct observation, and the result must indicate an alcohol concentration < 0.02 or a verified negative result on a drug test. The type of test administered is based upon the follow-up testing plan developed by the substance abuse professional (SAP). The SAP must direct at least 6 follow-up tests in the first 12 months after the employee returns to safety-sensitive duties.

Controlled Substance Testing Procedure

For all tests, a positive dilute result will be treated as a verified positive.*

A negative dilute result for any test will require the employee to undergo another test within 24 hours of the reported result.* This test will normally not be collected under a direct observation. If directed by the Medical Review Officer (MRO) because the sample was highly diluted, the employee will be required to undergo another test immediately under direct observation.

If the applicant or employee is a CDL holder, the Drug and Alcohol Program Manager (DAPM) or the Designated Employer Representative (DER) will report positive drug and alcohol test results to the state Department of Licensing/Motor Vehicles as required by state law.*

Substances to be Included in Drug Testing

Alcohol (Ethanol), amphetamines and methamphetamine, cannabinoids (marijuana), cocaine, opiates, phencyclidine (PCP), and their metabolites will be included in testing.

How the City Will Test (Drug testing Procedures)

The City shall identify and select only qualified facilities certified by DHHS/NIDA that can demonstrate experience and capability of quality control, documentation, chain of custody, technical expertise, and demonstrated proficiency in urine, blood, and breath analysis. Samples to be tested shall be obtained at facilities agreed upon by applicable bargaining unit(s) and the City. Appointments for urine collection for drug screens will be coordinated by the City of Bend Human Resources Department. The specimens will be collected at facilities that optimize confidentiality and observe DOT collection procedures. The collection facility must adhere to the collection provisions set forth in 49 CFR Part 40, as amended. A strict chain of custody will be maintained on the specimen as described in the DOT guidelines. Record keeping and reporting of all drug

testing and results shall be in strict accordance with federal guidelines to protect the confidentiality of the employees.

If there is concern about an individual's ability to function safely, that individual will be provided transportation to his/her home after completion of the drug and/or alcohol testing. Supervisors will always transport employees to the collection site for reasonable suspicion or post-accident testing.*

Drug Testing Cutoff Levels

Initial Test - The initial test shall use an immunoassay that meets the requirements of the Food and Drug Administration for commercial distribution. The most current Substance Abuse and Mental Health Services Administration (SAMHSA) cutoff levels shall be used when screening specimens to determine whether they are negative for these drugs. Current cutoff levels:

INITIAL TEST CUTOFF LEVELS (ng/ml)	
Marijuana Metabolites (cannabinoids)	50
Cocaine Metabolites	300
Opiate Metabolites	2,000
Phencyclidine	25
Amphetamines	1,000

Confirmation Test - All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques using the most current SAMHSA cutoff levels. The current cutoff levels are:

CONFIRMATORY TEST CUTOFF LEVELS (ng/ml)	
Marijuana Metabolite ²	15
Cocaine Metabolite ³	150
Opiates: Morphine	2,000
6-Acetylmorphine	10
Codeine	2,000
Phencyclidine :	25
Amphetamines:	
Amphetamine	
Methamphetamine ⁴	500

These cutoff levels are subject to change by the DOT as advances in technology or other considerations warrant.

² Delta-9 tetrahydrocannabinol-9-carboxylic acid.

³ Benzoyllecgonine.

⁴ Specimen must also contain amphetamine at a concentration equal to or greater than 200 ng/ml.

Split Sample Testing

The employee may request, within 72 hours of notification of a positive test by the MRO, that the split sample be tested at a separate certified laboratory. This request must be made verbally or in writing to the MRO. The results of the split sample test shall be the final test results that are reported to the employer by the MRO.

Alcohol Testing Procedures

Alcohol testing will be conducted without undue delay using evidential and non-evidential breath testing devices in accordance with 49 CFR Part 40. The alcohol testing will be conducted at a site that optimizes confidentiality. The collection site must adhere to the collection provisions set forth in 49 CFR Part 40.

Alcohol breath testing will be performed in the following manner in accordance with 49 CFR Part 40:

- Screening Test: The initial test shall be done in accordance with 49 CFR Part 40. If the initial test results are less than 0.02 alcohol concentration, the results are negative and will be reported by the Blood Alcohol Technician (BAT) as such. If the initial test results are 0.02 or greater, a confirmatory test must be conducted.
- Confirmation Test: The confirmatory test must be conducted on an evidential breath tester (EBT) in accordance with 49 CFR Part 40. Before the confirmatory test may be given, a minimum of 15 minutes and maximum of 30 minutes must have passed since the initial test was performed. During this period, the employee should avoid any actions that could increase mouth alcohol. The 15-30 minute wait period is to ensure that the presence of mouth alcohol does not artificially raise the test result.

Only the results of the confirmatory test shall be considered, irrespective of the results on the initial test. If the results of the initial and confirmatory tests are not identical, the confirmation test result is deemed to be the final test result.

If the result of the confirmatory test shows less than 0.02 alcohol concentration, a negative result shall be reported by the BAT.

If the results of the confirmatory test are 0.02 or greater but less than 0.04 alcohol concentration, the test is non-negative.* Employees are prohibited from performing safety-sensitive duties with a blood alcohol content (BAC) of 0.02 or greater.

If the results of the confirmatory test show an alcohol concentration of 0.04 or greater, the test is positive.

If there is concern about an individual's ability to function safely, the individual will be provided transportation to his/her home after completion of the testing. Supervisors will always transport employees to the collection site for reasonable suspicion and post-accident testing.*

Consequences of a Positive Test, Refusal to Test, or a Non-Negative Test Result

An alcohol concentration of 0.02 or greater or positive drug test is a violation of City policy.* An alcohol concentration of 0.04 or greater, or positive drug test result is a violation of DOT regulations.

An employee, who refuses to submit to a drug and/or alcohol test, will be treated as having a positive result for the test.

Employees who have a verified positive drug test result, or a BAC of 0.04 or greater on a DOT test, will be immediately removed from safety-sensitive duties and be provided with information on where to receive assistance for evaluation and counseling from a SAP.

Any employee who violates this policy is subject to discipline, up to and including termination. An applicant for employment who fails a pre-employment drug and/or alcohol test shall not be eligible for hire until 12 months following the date of the failed test.*

Behavior that Constitutes a Refusal to Test:

Employee behavior that constitutes a refusal to test includes, but is not limited to, the following:

- Failure to appear for any test within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer*;
- Failure to remain at the testing site until the testing process is complete*;
- Failure to provide a urine specimen for any drug test required by DOT regulations*;
- In the case of a directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of the provision of a specimen;
- Failure to provide a sufficient amount of breath or urine when directed; and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Failure or declination to take an additional drug test as directed by the employer or collector;
- Failure to undergo a medical examination or evaluation as directed by the MRO as part of the verification process, or as directed by the DER;
- Failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when directed by the collector, behaving in a confrontational

- way that disrupts the collection process, failure to wash hands after being directed to do so by the collector);
- For an observed collection, failure to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine any type of prosthetic or other device that could be used to interfere with the collection process.
 - Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process; or,
 - Admitting to the collector or MRO that the specimen was adulterated or substituted.

* For pre-employment tests, failure to appear or leaving prior to starting the collection process is not a refusal under federal regulations (but is a violation of City policy).

Test Results Reporting, Recordkeeping, and Confidentiality

Retention of Records

The City shall maintain all alcohol and controlled substance testing information, including test results and other appropriate records, in a secure manner to prevent the disclosure of such information to unauthorized personnel.

The DAPM/DER shall maintain a secured file system that will contain the alcohol and controlled substance testing records. Files shall be maintained as confidential. Employee files shall be handled on a strict "need-to-know" basis.

The following records must be maintained for a minimum of five years:

- Records of alcohol test results with results indicating an alcohol concentration of 0.02 or greater.
- Records of verified positive controlled substance test results.
- Documents sent by the Medical Review Officer to the employer.
- Documentation of refusal to take a required alcohol or controlled substance test (including substituted or adulterated drug test results).
- A copy of each annual summary report.
- SAP reports.
- Follow-up test results and schedules.

The records obtained from previous employers must be maintained for a minimum of three years (employee drug and alcohol test results).

The following records must be maintained for a minimum of two years:

- Collection log books, if used.
- Documents relating to the random selection process.
- Documentation of breath alcohol technician training.

- Documents generated in connection with decisions to administer reasonable suspicion alcohol tests.
- Documents generated in connection with decisions on post-accident tests.
- Documents verifying existence of a medical explanation for a covered employee's inability to provide adequate breath/urine for testing.
- Materials on alcohol misuse and controlled substance abuse awareness, including a copy of the Employer's policy on alcohol misuse and controlled substance abuse.
- Documentation of training provided to supervisors for the purpose of qualifying supervisors to make reasonable suspicion determinations concerning the need for alcohol or controlled substance testing.

Records of negative and cancelled drug test results and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one year:

- The employer's copy of the alcohol test form, including the results of the test.
- Documents related to the refusal of any covered employee to submit to an alcohol test required by this part.
- Documents presented by a covered employee to dispute the result of an alcohol test administered under this part.

Location of Records

All records shall be maintained in a secure location with controlled access and shall be made available for inspection at the City's Human Resources office after a request has been made by an authorized DOT representative. Any records held by the testing facility will be available for inspection at the testing facility after a request has been made by an authorized DOT representative.

Access to Facilities and Records

- Except as provided by law or expressly authorized by DOT regulations, the City shall not release covered employee information unless directed by the employee's specific, written consent authorizing the information release.
- Upon written request to the program manager, a covered employee may obtain copies of any records pertaining to the employee's alcohol or controlled substance tests.
- The City shall permit access to all facilities and records related to controlled substance and alcohol testing when requested by DOT authorized personnel or any state or local officials with regulatory authority.
- Records shall be made available to a subsequent employer upon receipt of a covered employee's written request.

Medical Review Officer (MRO) Notifications

Initial reporting of verified controlled substance testing by the Medical Review Officer to the employer will be accomplished using any communication device (i.e., telephone, secured fax, computer download).

A written notification of negative test results from the MRO to the employer, its agent or Third Party Administrator (TPA) will be provided to the employer within two business days of completion of the MRO's review; and, for all verified positive test results, results requiring an immediate collection under direct observation, adulterated or substituted specimen results, and other refusals to test, shall be provided on the same day or the next business day for all. The written report shall include the following information:

- Specimen ID number from the CCF and the donor SSN or employee ID number.
- Full name, as indicated on the CCF, of the individual tested.
- Type of test, if indicated on the CCF.
- Date of the test specimen collection.
- Date Copy 2 of the CCF was received.
- Name of the Medical Review Officer and the date the result was verified by the MRO.
- Verified results of a controlled substance test and the identity of the substance(s) that was/were verified positive. For cancelled tests, the reason for the cancellation; and for refusals to test, the reason for the refusal determination.
- As an exception to the reporting requirements above, the MRO may report negative results using an electronic data file.

Medical Review Officer (MRO) Record Retention

The MRO shall maintain all records related to verified positive results for a period of five years.

The MRO shall maintain all dated records and notifications (identified by individual) for a period of one year for negatives and canceled controlled substances test results.

The MRO must warn an employee who has a confirmed positive, adulterated, substituted or invalid test that they are required to provide to third parties drug test result information and medical information affecting the performance of safety-sensitive duties that the employee gives them in the verification process without the employee's consent as required in 49 CFR 40.327. This warning must be given to the employee before obtaining any medical information as part the verification process. Medical information includes information on medications or other substances affecting the performance of safety-sensitive duties that the employee reports using or medical conditions the employee reports having. The person to whom this information may be provided includes any federal or state agency as required by law.

Release of Test Information

Except as required by law or expressly authorized by the employee, as authorized in a signed statement of release, the City shall not release information that is contained in records required to be maintained under DOT regulations.

A covered employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of drugs and/or alcohol, including any records pertaining to his/her drug and/or alcohol tests. The City shall promptly provide the records requested by the employee. Access to an employee's records shall not be contingent upon payment for records other than those specifically requested.

The City shall permit access to all facilities utilized in complying with the requirements of this part to the DOT, any DOT agency with regulatory authority over the employer or any of its covered employees.

The City shall make available copies of all results for employer alcohol/controlled substances testing conducted under this part and any other information pertaining to the employer's prohibited drug use and alcohol misuse program, when requested by DOT or any DOT agency with regulatory authority over the employer or covered employee.

When requested by the National Transportation Safety Board (NTSB) as part of an accident investigation, the City shall disclose information related to the employer's administration of a post-accident test administered following the accident under investigation.

The City may release information pertaining to an employee's drug or alcohol test, without the employee's consent, in certain legal proceedings, to include: lawsuit, grievance, or administrative proceeding brought by, or on behalf of, an employee and resulting from a positive DOT drug or alcohol test or refusal to test (including, but not limited to adulterated or substituted test results). These proceedings also include a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information sought is relevant to the case and issues an order directing the employer to produce the information. Information may also be disclosed to a decision-maker in a proceeding only with a binding stipulation that the decision-maker to whom it is released will make it available only to parties to the proceeding. **The employer must immediately notify the employee in writing of any information released based on this section.**

The City shall release information regarding a covered employee's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only with the employee's express written consent.

Voluntary Rehabilitation

All regular City of Bend employees are eligible to participate in the City's Employee Assistance Program (EAP), which affords assistance with alcohol and drug problems and provides other types of counseling. An employee who feels they have developed an addiction to, dependence upon, or problem with alcohol and/or drugs, is encouraged to seek assistance.

An employee who self-discloses and voluntarily submits to alcohol and/or drug rehabilitation may be returned to duty provided they meet all the conditions and requirements for "return-to-duty/follow-up" provided in this policy. Voluntary disclosure must occur prior to selection for any DOT- mandated testing and will not have any impact on prior or pending disciplinary actions.

Self-Disclosure–Voluntary Rehabilitation

An employee self-disclosing an issue with alcohol and/or drugs shall be:

- Immediately removed from a safety-sensitive position.
- Immediately referred to Designated Employer Representative (DER).
- Placed on leave (pay dependent upon accrued time off available).
- Referred to SAMHSA certified Substance Abuse Professional (SAP) via the City EAP. Employee is responsible for treatment expenses not otherwise covered.
- (Upon receipt of the written recommendations from the SAP) either moved into a non-safety-sensitive position or placed on a leave, in accordance with applicable City policies and the association contract, while undergoing treatment. The maximum time limit for the leave of absence or temporary reassignment shall not exceed 120 days.
- (Upon notification from the SAP) eligible to return to a safety-sensitive position required to undergo a return-to-work-test for alcohol and/or drugs.
- (Upon notification that the return to work testing is negative, and in compliance with the association agreement) returned to the safety-sensitive position as soon as scheduling arrangements can be made.

Training

Each covered employee hired or transferred into a safety-sensitive position will be provided a copy of this policy and any related procedures or additional information deemed relevant.

The policy and informational materials provided to covered employees will also be made available to representatives of employee associations when requested.

Covered Employee Training

Training provided to covered employees will include 60 minutes covering the effects of controlled substance use on an individual's health, work, and personal life; signs and symptoms of a controlled substance problem (the employee's or

Co-worker's); and available methods of intervening when an alcohol problem is suspected.

Supervisor Training

All supervisors and personnel designated to determine whether reasonable suspicion exists and are required to send a covered employee in for testing for alcohol misuse and/or controlled substances use shall receive at least 60 minutes of training on alcohol misuse and receive at least 60 minutes of training on controlled substances use.

Training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances and available methods of intervening when an alcohol or a controlled substance problem is suspected, including confrontation and referral.

Other Conditions for Hire or Transfer to a Safety-Sensitive Position

The City of Bend is required to receive written consent from applicants and employees transferring to safety-sensitive positions requesting information from all other DOT-related employers for whom the applicant had worked within the previous two years. If the previous employer(s) do not have the requested drug testing information, the information must be sought from the applicant/employee. The City must not allow the applicant/transferee to perform safety-sensitive duties for more than 30 days unless receipt, or a documented effort to receive the information, has been completed. If the City finds that an applicant/transferee has a violation on his/her record and has not completed the return-to-duty process, the applicant/transferee must immediately stop performing the safety-sensitive functions, unless information is obtained on the applicant's/employee's full compliance with the return-to-duty requirements: SAP assessment, successful treatment, and negative return-to-duty and follow-up tests. Applicants/transferees must also disclose whether they have failed or refused a DOT drug or alcohol pre-employment test within the previous two years from employers who did not hire them. Refusal to provide consent will disqualify the applicant or employee from performing safety-sensitive functions.

Condition of Employment

Participation in the City of Bend Drug and Alcohol Testing program, as detailed in this policy, is a requirement of safety-sensitive employees and, therefore, is a condition of employment for all employees covered by this policy.

Employee Rights

The employee shall have the right to an association or union representative, up to and including the time the sample is given. However, this provision shall not cause an unreasonable delay in testing. Nothing herein shall restrict the employee's right to representation under general law.

If at any point the results of the laboratory testing procedures specified in this policy are negative, all further testing for the specific case at hand shall be discontinued. The employee will be provided with a copy of the results, and all documentation on the testing will be maintained in a secure place, but not in the regular official personnel file. All test results will be kept confidential by the City.

Upon request, an employee who tests positive shall be given access to all written documentation available from the testing laboratory that verifies the accuracy of the testing equipment used in the testing process, the chain of custody of the specimen, and the accuracy rate of the laboratory.

If the results of a reasonable suspicion test are negative, the employee shall have the right to grieve in accordance with applicable grievance procedures. If the results of the test(s) are positive, neither the association/union nor the employee shall have the right to challenge whether reasonable suspicion existed for the ordering of the test.

Changes or Modifications

The City of Bend reserves the right to change the provisions of this testing procedure. All covered personnel and labor associations will be notified prior to the effective date of the changes. Changes mandated by federal or state law will not require advance notification.*

Dissemination of Policy

This policy will be published and distributed to each covered employee within 30 days of adoption, and employees will be asked to acknowledge that they have received, read, understood, and agreed to abide by such policy. A New employee will receive a copy of the policy during the employee's orientation.

Contact Person

The contact person available to answer questions about the City of Bend Drug and Alcohol program is the Drug and Alcohol Program Manager, 541-388-5502.

A.5 – Definitions

Accident - An occurrence associated with the operation of a motor vehicle, if as a result: an individual dies, an individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident, the driver receives a post-accident traffic citation, or one or more of the vehicles involved incurs disabling damage as a result of the occurrence and is transported away from the scene by a tow truck or another vehicle.

Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol. References to use or possession of any beverage, mixture or preparation containing ethyl alcohol (including any medication containing alcohol).

Alcohol Test - A test conducted by a Breath Alcohol Technician (BAT), or other person approved by the DOT rules, using a Breath Testing Device to measure the amount of alcohol concentration in a volume of breath.

Alcohol Use - The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

ATF-Alcohol Testing Form

BAC-Breath Alcohol Concentration - A measure of the amount of alcohol contained in a subject's blood. BAC is frequently calculated by measuring the amount of alcohol contained in a set volume of air exhaled from deep in the lungs.

(BAT) Breath Alcohol Technician-An individual trained to proficiency and certified in the use of an evidential breath testing device (EBT).

CDL-Commercial Driver's License

CanceledTest - A test that has a problem identified that cannot or has not been corrected or has been declared invalid by a Medical Review Officer (MRO). A canceled test is neither a positive or negative test.

CCF-Federal Drug Testing Custody and Control Form

Confirmation Test - For alcohol testing, a confirmation test is a second test following an initial screening test which confirms the initial results by providing a quantitative measure of alcohol concentration within the subject. Confirmation must be by an Evidential Breath Testing (EBT) device listed on the National Highway Traffic Safety Administration's (NHTSA) Conforming Products List (CPL).

For drug testing, a confirmation test means a second analytical procedure to identify the presence and quantity of a specific drug metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas Chromatography/Mass Spectrometry (GC/MS) is the authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.

Controlled Substance/Drugs - For purposes of this policy, controlled substances or drugs are cocaine, marijuana, opiates, amphetamines, and phencyclidine, and any other drugs as may be added by federal regulations at a later date.

Controlled Substance (Drug) Test - A method for determining the presence of controlled substances in a urine sample using a scientifically reliable method performed in accordance with procedures specified in 49 CFR Part 40.

C/TPA-Consortium/Third Party Administrator - A service agent who provides or coordinates one or more drug and/or alcohol testing services for DOT-regulated employers.

(DER) Designated Employer Representative - An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Part 40, as amended.

DAPM-Drug and Alcohol Program Manager

DHHS-United States Department of Health & Human Services

Direct Observation Drug Test - A process of collection where a same-sex observer must view the sample leaving the donor's body and entering the collection container. Prior to providing the sample, the donor must raise and/or lower clothing to allow the observer to verify no prosthetic or other devices intended to thwart the testing process.

DOT - United States Department of Transportation

Dilute - The sample contains more than the normal amount of water contained in human urine.

Employee - Any person employed by the City of Bend, including part-time and temporary employees; excluding workers provided through employment agencies and working under outsider vendor contracts.

EAP-Employee Assistance Program - Provided by the City to assist its employees in dealing with drug or alcohol dependency or other personal problems.

EBT-Evidential Breath Testing Device - A device approved by the NHTSA and placed on NHTSA's Conforming Products List, used for the determination of concentration of alcohol contained in the subject's blood.

FMCSA -United States Federal Motor Carrier Safety Administration

FTA- United States Federal Transit Administration

MRO–Medical Review Officer - A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results, who has knowledge of and clinical experience in substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's positive chemical test results, together with his/her medical history and any other relevant biomedical information. Only a MRO can certify a DOT drug test.

Monitor - Someone who must be the same gender as the donor in a monitored collection procedure, who can observe sounds or other indications of an attempt to tamper with the collection process. A monitor who is not also the collector, does not handle the urine specimen.

Non-negative Test Result- An alcohol breath test result between 0.02 and 0.039 BAC. A BAC < 0.04 is not a violation of FTA or FMCSA requirements, but is a violation of City policy.

Safety-Sensitive Function - Any of the following duties: operating a revenue service vehicle, including when not in revenue service (drivers and others required to operate revenue vehicles as part of their job duties); operating a non-revenue service vehicle when required to be operated by a holder of a CDL; controlling dispatch or movement of a revenue service vehicle (dispatchers or those who as part of their job duties fill in for a dispatcher); maintaining a revenue service vehicle or equipment used in revenue service (mechanics, service mechanics, service helpers). Note: A supervisor is considered to be safety-sensitive if he/she performs any of the above safety-sensitive functions as part of his/her job duties.

SAMHSA–Substance Abuse and Mental Health Services Administration - A part of the United States Department of Health and Human Services.

Screening Test (also known as initial test) - In alcohol testing, a screening test is a procedure to determine whether an employee may have a prohibited concentration of alcohol in his/her system. In drug testing, a screening test is an immunoassay screen (or other DHHS-approved test) to eliminate negative urine specimens from further consideration.

Service Agent - An individual other than the employer who provides 49 CFR Part 40 drug and alcohol related services to employers, to include: Collectors, BAT, laboratories, MROs, SAPs, and C/TPAs. The service agent may perform tasks needed by the employer to comply with DOT agency drug and alcohol regulations and is subject to the requirements and limitations of 49 CFR Part 40, as amended.

Split-Sample - An amount poured off from the original specimen and split into two separate containers. The split specimen may be tested when directed by the MRO to verify the original test results.

SAP-Substance Abuse Professional - A licensed physician, a licensed or certified psychologist, social worker, employee assistance professional, addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) or licensed marriage/family counselor, with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders.

Validity Testing - Testing conducted by laboratories on specimens to detect test tampering.

Verified Negative (Drug Test Results) - A drug test chemical analysis result reviewed by a Medical Review Officer and determined not to be evidence of prohibited drug use.

Verified Positive (Drug Test Results) - A drug test chemical analysis result reviewed by a Medical Review Officer and determined to be evidence of prohibited drug use.

Addendum to Appendix A

Signs and Symptoms of Drug Use and Alcohol Misuse*

Marijuana and Hashish

It's possible to develop a psychological addiction to cannabis compounds, including tetrahydrocannabinol (THC) found in marijuana. People who have a marijuana addiction generally use the drug on a daily basis.

Signs of use and dependence can include:

- A heightened sense of visual, auditory and taste perception
- Poor memory
- Increased blood pressure and heart rate
- Red eyes
- Decreased coordination
- Difficulty concentrating
- Increased appetite
- Slowed reaction time
- Paranoid thinking

Amphetamines, Methamphetamines, Cocaine and Other Stimulants

This class of drugs includes amphetamines, methamphetamine and cocaine.

Signs of use and dependence can include:

- Euphoria
- Decreased appetite
- Rapid speech
- Irritability
- Restlessness
- Depression as the drug wears off
- Nasal congestion and damage to the mucous membrane of the nose in users who snort drugs
- Insomnia
- Weight loss
- Increased heart rate, blood pressure and temperature
- Paranoia

Methamphetamine, also known as "meth," is a particularly dangerous drug. It's highly addictive and causes a number of short-term and long-term health consequences.

Phencyclidine(PCP)

Signs of PCP use include:

- Hallucinations
- Euphoria
- Delusions
- Panic
- Loss of appetite
- Depression
- Aggressive, possibly violent behavior

Opiates(Narcotic painkillers)

Opiates are narcotic, painkilling drugs produced naturally from opium or made synthetically. This class of drugs includes heroin, morphine, codeine, methadone and oxycodone (OxyContin).

Signs of opiate use and dependence can include:

- Reduced sense of pain
- Sedation
- Depression
- Confusion
- Constipation
- Slowed breathing
- Needle marks (if injecting drugs)

Alcohol

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and symptoms of use:

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction time
- Slurred speech

(Note: Except for the odor, these are the general signs for any depressant substance.)

Health Effects: Chronic consumption of alcohol averages three servings per day of beer (12 ounces), whiskey (1 ounce), or wine (6 ounce glass), and over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54% of all birth defects are alcohol related)

Social Issues:

- Two-thirds of all homicides are committed by people who drink prior to a crime.
- 2% - 3% of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is seven times the average.
- 40% of family court cases are alcohol problem-related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol related.

Workplace Issues:

- It takes one-to-two hours for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is six times more likely to have an accident than a sober person.
- The legal intoxicated level for a person in Oregon is 0.08.

APPENDIX B

EMPLOYMENT REFERENCE RELEASE

Employment Reference Release

I acknowledge that I have been informed that it is the City of Bend's general policy to disclose in response to a prospective employer's request only the following information about current or former employees: (1) the dates of employment, (2) positions held, and (3) salary or wage rates.

By signing this release, I am voluntarily requesting that the City depart from this general policy in responding to reference requests from the management or Human Resource Department of any prospective employer that may be considering me for employment. I consent to and authorize the City to disclose to prospective employers any employment-related information that the City, in its sole discretion and judgment, may determine is appropriate to disclose, including any personal comments, evaluations, attendance and work habits or assessments that the City may have about my performance or behavior as an employee, including disciplinary history or reason for separation from employment. In exchange for the City's agreement to depart from its general policy and to disclose additional employment-related information pursuant to my request, I agree to release and discharge the City and successors, employees, officers, and directors for all claims, liabilities, and causes of action, known or unknown, fixed or contingent, that may arise from or that are in any manner connected to the City's disclosure of employment-related information to prospective employers. This release includes, but is not limited to, release of any claims of defamation, libel, slander, negligence, interference with contract or profession or prospective economic advantage.

I acknowledge that I have carefully read and fully understand the provisions of this release. I further acknowledge that I was given the opportunity to consult with an attorney or any other individual of my choosing before signing this release and that I have decided to sign this release voluntarily and without coercion or duress by any person.

This release sets forth the entire agreement between the City and me, and I acknowledge that I have not relied upon any representation or statement, written or oral, not set forth in this document.

Print Name: _____

Signature: _____ Date: _____