GLADSTONE CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
May 10, 2016 – 6:30 PM

6:30 p.m.
CALL TO ORDER
ROLL CALL
FLAG SALUTE

AGENDA ADDITIONS OR CORRECTIONS

BUSINESS FROM THE AUDIENCE

Visitors: Presentations not scheduled on the Agenda are limited to three (3) minutes. Longer presentations should be submitted to the Assistant City Administrator two weeks prior to the Tuesday City Council meeting. Cards are available in the back of the room for anyone who wishes to comment on an item on the Regular Agenda.

CONSENT AGENDA

1. Approval of April 26, 2016 Minutes
2. Approval of Monthly Financial Reports

CORRESPONDENCE

3. Letter from Auditors, Merina & Company - Responsibilities

REGULAR AGENDA

4. Appointment of Police Chief
5. Council Liaison Appointments

BUSINESS CARRIED FORWARD

6. City Commission, Committee and City Council Liaison Roles & Responsibilities

ADMINISTRATIVE ACTION (Informational)

7. Draft City of Gladstone Personnel Polices

BUSINESS FROM THE AUDIENCE – This is the second opportunity for the Audience to address Council on any item not on the Agenda.

BUSINESS FROM THE COUNCIL

ADJOURN

EXECUTIVE SESSION #1: ORS 192.660 (2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

EXECUTIVE SESSION #2: ORS 192.660 (2)(h) To consult with counsel concerning legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

EXECUTIVE SESSION #3: ORS 192.660 (2)(a) To consider the employment of a public officer, employee, staff member or individual agent.

CONSENT AGENDA

GLADSTONE CITY COUNCIL MEETING MINUTES of April 26, 2016

Meeting was called to order at 6:31 PM.

ROLL CALL:
Councilor Sieckmann, Council President Mersereau, Councilor Johnson, Councilor McMahon, Councilor Reisner.

ABSENT:
None.

STAFF:
Eric Swanson, City Administrator; Jolene Morishita Assistant City Administrator; David Doughman, City Attorney.

AGENDA ADDITIONS OR CORRECTIONS:

None.

BUSINESS FROM THE AUDIENCE:

Bill King, Mayor of the City of Sandy and candidate for County Commissioner position #4, wanted to introduce himself and tell the Council why he is running for the position.

CONSENT AGENDA:

1. Approval of April 12, 2016 Minutes.
2. Approval of Special Event Brewery-Public House OLCC Application – Coin Toss Brewing Co.

Councilor Sieckmann made a motion to approve the Consent Agenda. Motion was seconded by Councilor McMahon. Motion passed unanimously.

CORRESPONDENCE:

None.

REGULAR AGENDA:

3. Gladstone Community Festival Agreement:
   Mr. Swanson briefly went over the staff report. Bob Everett and two other Rotary/committee members gave some additional information regarding the festival, which is taking place on August 5, 6, & 7. Mr. Everett thanked the City and Councilors for helping out and participating last year. He asked if the City could cover the costs of the flyers.

   Councilor McMahon made a motion to authorize the IGA with the Gladstone/Oak Grove Rotary Club, including an additional $1,100, making the total cost approximately $2,500-$2,600. Motion was seconded by Councilor Reisner.

   Discussion: Councilor Reisner said he thinks this is a great event and supports it. Councilor Johnson has concerns regarding costs creeping up, especially at the last minute. Councilor

Sieckmann said that any profits made are donated within the community. He spoke about the various events going on during the festival.

Motion passed unanimously.

4. Consideration of IGA with City of Oregon City for Right-Of-Way Management & GIS Services:
Mr. Swanson gave some background information on the process. He feels there is great potential in implementing the IGA.

Councilor Sieckmann made a motion to approve the IGA. Motion was seconded by Councilor Johnson. Discussion: None. Motion passed unanimously.

5. Zoned Parking Designations on Portland Avenue and W. Gloucester:
Jim Whynot, Public Works Director, gave background information. This is the recommendation from the Traffic Safety Committee. There was discussion regarding the possibility of having to change things later on.

Councilor McMahon made a motion to have City staff install the signage and striping designating seven parking spaces in total to 2-hour parking from 8:00 AM to 6:00 PM Monday through Friday at 820 Portland Avenue and 115 W. Gloucester, as indicated on the attached drawings. Motion was seconded by Councilor Reisner.

Discussion: Councilor Sieckmann asked if there was a downside to the changes, and he would like to see public notices in the future.

Motion passed unanimously.

6. IGA for Addie Street Improvements:
Mr. Whynot and Mr. Swanson gave information on the project and costs involved. There was discussion regarding the location, sanitary sewer, budget, conduit, etc.

Councilor Reisner made a motion to authorize the City Administrator to sign the IGA as presented with Clackamas County for the Addie Street improvements. Motion was seconded by Councilor Sieckmann.

There was no further discussion.

Motion passed unanimously.

7. Park Designation & Sale Ballot Initiatives:
Mr. Doughman gave an update regarding two prospective petitions to amend the charter. He explained the process and criteria involved.

BUSINESS CARRIED FORWARD – UPDATE:

8. TSP Update:
Mr. Swanson said he received correspondence from ODOT yesterday regarding a grant for the trolley bridge feasibility study. He shared information on a future IGA for consultant services on the TSP. Safety and connectivity will be the main focuses.

9. Website Discovery & Planning Communication Plan:
Mr. Swanson said they will be doing brainstorming, planning and research and looking for input from staff and citizens. There will be a meeting with Verve Northwest Communications on May 16th.

10. Appointment of Mayor and City Councilor:
Council President Mersereau explained the process.

Ms. Morishita took a roll call vote for Mayor: Councilor Sieckmann: Mersereau. Councilor Johnson: Mersereau. Councilor McMahon: Mersereau. Councilor Reisner: Mersereau. Thomas Mersereau was appointed as Mayor.

Ms. Morishita took a roll call vote for Councilor Position #6: Councilor Sieckmann: Kevin Johnson. Councilor Johnson: Kevin Johnson. Mayor Mersereau: Kevin Johnson. Councilor McMahon: Sandra McLeod. Councilor Reisner: Kevin Johnson. Kevin Johnson was appointed (4-1).

Ms. Morishita took a roll call vote for Councilor Position #2: Councilor Sieckmann: Linda Neace. Councilor Johnson: Linda Neace. Councilor McMahon: Sandra McLeod. Councilor Reisner: Linda Neace. Mayor Mersereau: Linda Neace. Linda Neace was appointed (4-1).

Mayor Mersereau, Councilors Kevin Johnson and Linda Neace were sworn in by Judge Beloof.

Councilor Reisner nominated Councilor Sieckmann for Council President. Seconded by Councilor McMahon. Councilor Sieckmann was elected with a unanimous vote.

BUSINESS FROM THE AUDIENCE:

None.

BUSINESS FROM THE COUNCIL:

Councilor Reisner:
He said there was discussion at the last Traffic Safety Committee meeting regarding signage changes to West Clackamas – it has been put on hold for now. There have been some signs that have been taken down that Public Works will look at getting put back up.

Councilor Johnson:
He congratulated Mayor Mersereau and Council President Sieckmann and welcomed the new Councilors. He thanked everyone for attending the meeting.

Councilor Sieckmann:
He will be meeting with the Chair from the Planning Commission regarding some concerns she has and he will report back to the Council. He attended the Gladstone Business Owners' meeting last month – they had an interesting talk regarding business and your presence on the Internet. He attended the Gladstone Fire Department awards banquet – they did a great job. He attended the Budget Committee meeting last week and thanked all the members. He, Mr. Swanson and Mr. Whynot have been working on getting the scope of work and consultant lined up for the Dahl Beach project for oversight. He attended the Coffee with a Councilor – there was a good conversation with four residents who attended – they discussed proclamations. He welcomed the new Councilors and Mayor.

Mayor Mersereau:
He also attended the Fire Department awards banquet – he felt it was very enjoyable. He attended the Budget Committee meeting also – he said all the Department Managers got involved in the presentation and they passed the budget in one night. He felt it was a very positive meeting. He attended a Waste Water Advisory Committee meeting – Councilor Johnson has been pushing a waste water treatment idea that falls well below the cost of what the Clackamas County Commission is proposing. He said that Councilor Johnson did a great job in presenting the idea. He attended the Charter Advisory Committee meeting - he is learning a lot and appreciates being involved.

ADJOURN:
Meeting adjourned.

Approved by the Mayor this _____ day of _____, 2016.

ATTEST:

_____ _____
Tom Mersereau, Mayor Jolene Morishita, Assistant City Administrator

Check Date	Check Number	Vendor	Amount	Line Item Description
4/7/2016	80826	Alexin Analytical Laboratories	288.00	Water tests - Public Works
4/7/2016	80827	American Public Works Assn	395.00	Job Posting - Public Works Director
4/7/2016	80828	Applied Concepts	4,143.50	Radar Unit - Police
4/7/2016	80829	Arbour & Associates	100.00	Parking at CC Courthouse- Police Dept
4/7/2016	80830	AXA RIA	426.45	AXA Retirement - Tabor final payment
4/7/2016	80831	Backflow Management Inc	1,050.00	WDM Review; Reports/letters mailed - PW
4/7/2016	80832	Baker & Taylor Inc	1,329.25	New Books - Library
4/7/2016	80833	Brown & Caldwell	2,474.50	MS4NPDES Permit assistance - PW
4/7/2016	80834	C-More Pipe Services	1,431.25	Labor and Equip to TV Sewer/Storm pipe - PW
4/7/2016	80835	Clackamas ESD	450.00	FY 2015-16 Network Access - IT
4/7/2016	80836	Clackamas County	9,079.08	Broadband, Inmate Crew, and Central Dispatch
4/7/2016	80837	Comcast Cable	135.49	Internet & Voice - Public Works
4/7/2016	80838	Community Classifieds	52.50	Mayor and City Council position ads - CC
4/7/2016	80839	Curtis, L.N. Co	434.80	Supplies - Fire Dept
4/7/2016	80840	Extreme Products	48.75	Quick Release Adapter - Police
4/7/2016	80841	Fowler, H., Inc	2,921.10	Materials - PW
4/7/2016	80842	Galls Inc	659.45	Uniforms - Fire
4/7/2016	80843	Gold Wrench	332.40	Vehicle Repairs & Maintanence - Police
4/7/2016	80844	Travis Hill	155.03	Meals and Travel Reimbursement - Police
4/7/2016	80845	Honey Bucket	419.20	Park Restrooms
4/7/2016	80846	Houston, Marc R	940.00	April 2016 Physician Advisor & EMS Lead - FD
4/7/2016	80847	Johnson, Robert C	140.00	Landscaping - Library
4/7/2016	80848	Wendy Leik, PC	500.00	Indigent Defense - Court
4/7/2016	80849	Maverick Welding Supply Inc	22.50	Welding Supplies - Public Works
4/7/2016	80850	Midwest Tape	668.21	CD, Audiobooks, and Movies - Library
4/7/2016	80851	Municipal Emergency Services	378.74	Lens Kit - Fire Dept
4/7/2016	80852	Northside Trucks	24,687.50	2016 Ford Escape - Public Works
4/7/2016	80853	NorthWest Natural Gas	1,255.57	March Bills
4/7/2016	80854	Oak Lodge Water District	1,486.66	Water Purchases - Public Works
4/7/2016	80855	Office Depot	190.91	Office Supplies - Police & Library

Check Date	Check Number	Vendor	Amount	Line Item Description
4/7/2016	80856	Office Max	464.45	Office Supplies - Fire & Admin
4/7/2016	80857	Oregon Patrol Service	420.00	March 2016 - Courtroom Security
4/7/2016	80858	Oregon, State of	300.00	Oregon Audit Filing fee - Admin Reissue
4/7/2016	80859	Pacific Mobile Structures Inc	2,584.00	Skirting Installation - PW
4/7/2016	80860	Paramount Pest Control Inc	356.00	Pest Control - SC & City Hall
4/7/2016	80861	Portland General Electric	5,388.94	March 2016 Invoices
4/7/2016	80862	Rawlings, Jack E Jr	211.20	Station Supplies - Fire Dept
4/7/2016	80863	RH Media Services LLC	6,704.28	March IT Support & Reimbursement
4/7/2016	80864	Sierra Springs	97.32	Water - City Hall & Library
4/7/2016	80865	Sisul Engineereing	2,277.25	Transue Prop & Arlington Retail Review - PW
4/7/2016	80866	Solutions Yes	129.98	Copier Usage - Admin
4/7/2016	80867	Stein Oil Co., Inc	731.70	Gasoline - Fire Dept, PW & Senior Center
4/7/2016	80868	Steve's Pump Service	125.00	Meldrum Bar Irragation - PW
4/7/2016	80869	Stitch n' Embroidery Inc	1,237.00	Shirts with embroidered names - Police Dept
4/7/2016	80870	US Bank	4,415.12	US Bank Purchasing Card- Police Dept
4/7/2016	80871	US Bank	212.97	US Bank Purchasing Card- Admin
4/7/2016	80872	Verizon	2,866.26	City Cell Phones
4/7/2016	80873	Joshua Welch	39.12	Replacement of lost check
4/7/2016	80874	West Coast Roofing LLC	8,850.00	New Roof MB Park RR - PW
4/7/2016	80875	Wilsonville Lock & Security	98.85	Cell Backup Monitoring - Police Dept
4/18/2016	80876	VOID - Misprint	0.00	VOID - Misprint
4/18/2016	80877	Accurate Electric of Oregon	4,760.50	Pump station, Connect trailer - PW
4/18/2016	80878	Adventist Health Occupational Medicine Clinic	938.00	Fire Chief Physical - FD
4/18/2016	80879	Airgas USA Inc	56.29	Supplies - FD
4/18/2016	80880	Lluvia Alcado	120.53	Mileage reimb to OACA Conference - MC
4/18/2016	80881	American Medical Response	200.00	Blood Draw - PD
4/18/2016	80882	American Messaging	140.37	Pager Service - FD
4/18/2016	80883	American Security Alarms	149.70	Monitoring - SC & PD
4/18/2016	80884	Beck Electric	125.50	Replace motor & fan assembly - PD
4/18/2016	80885	Beloof & Haines	3,000.00	Muinicipal Court Judge - MC

Check Date	Check Number	Vendor	Amount	Line Item Description
4/18/2016	80886	Justin Brenner	252.71	Reimb for Immunizations, Testing, & Classes - FD
4/18/2016	80887	Jeramy Brenner	89.69	Reimb for 55 gallon barrels - FD
4/18/2016	80888	Bud's Towing Inc	40.00	Dodge Charger - Lockout -PD
4/18/2016	80889	Cintas First Aid Lockbox	239.47	First Aid Supplies - City Hall
4/18/2016	80890	Clackamas Auto Parts Inc	372.37	Auto Supplies - PW & FD
4/18/2016	80891	Clackamas Barkdust Co	537.00	Screen Chips - Parks
4/18/2016	80892	CMT Surveying & Consulting Inc	2,075.00	Urban Renewal Map Update
4/18/2016	80893	Comcast	98.72	Internet & Cable - SC & FD
4/18/2016	80894	Cycle Express	17.00	Reflective "R" Sticker - FD
4/18/2016	80895	Daily Journal of Commerce	101.20	Bid pub - Downtown Revit Plan - City Hall
4/18/2016	80896	W.S. Darley & Co	349.24	Flashlights - FD
4/18/2016	80897	Day Wireless Systems Inc	181.50	Equipment - FD
4/18/2016	80898	Demco	57.01	Supplies - Library
4/18/2016	80899	Dorma USA, Inc	232.50	Door Replacement - SC
4/18/2016	80900	Jal Duncan Photography	17.00	Kassab portrait - PD
4/18/2016	80901	Exectutive Copy & Printing	547.88	Court Forms - MC
4/18/2016	80902	Extreme Products	291.45	Uniforms - PD
4/18/2016	80903	Ferrellgas Propane	78.41	Supplies - FD
4/18/2016	80904	Galls Inc	234.87	Uniforms - PD
4/18/2016	80905	General Tree Service	218.00	Tree Service - Pow Wow Tree - PW
4/18/2016	80906	Gladstone Chevron	500.00	Car Wash Coupons - PD
4/18/2016	80907	Gold Wrench	99.95	2009 Jeep Service - PD
4/18/2016	80908	Gresham Ford	28,065.50	Vehicle - FD
4/18/2016	80909	Home Depot	72.07	Supplies - FD
4/18/2016	80910	Independent Actuaries Inc	2,500.00	GASB 45 OPEB - City Hall
4/18/2016	80911	Melissa Jones PLLC	3,000.00	Prosecuting Attorney Services - MC
4/18/2016	80912	Keith's Sporting Goods	409.00	Glock & Supplies - PD
4/18/2016	80913	League of Oregon Cities	20.00	Employment Ad - PW
4/18/2016	80914	Wendy Leik, PC	500.00	Reissue lost check #80848
4/18/2016	80915	Life-Assist Inc	1,560.54	Supplies - FD

Check Date	Check Number	Vendor	Amount	Line Item Description
4/18/2016	80916	Mary Jean's Flowers	30.00	Fire Chief Welcome - FD
4/18/2016	80917	Midwest Tape	69.76	Non Print CD - Library
4/18/2016	80918	Murray, Smith & Associates	17,102.00	Sanitary Sewer Master Plan - PW
4/18/2016	80919	North Clackamas County Water Commission	16,138.69	Water Usage - 02/25-03/25/2016 - PW
4/18/2016	80920	Northwest Safety Clean	42.50	Name Plate - FD
4/18/2016	80921	One Call Concepts, Inc	106.64	Utility Notifications - PW
4/18/2016	80922	OR Homocide Investigation Assn	112.50	Registration fee for class - PD
4/18/2016	80923	State of Oregon, OFA Cashier	120.00	OHA Renewal, PW
4/18/2016	80924	State of Oregon, DMV	11.50	Suspension Package - PD
4/18/2016	80925	Our Designs Inc	36.35	Insignia Pin - FD
4/18/2016	80926	Pacific Mobile Structures Inc	431.00	Mobile Structure Rent - PW
4/18/2016	80927	Pacific Office Automation	707.87	Copier/Usage - Library
4/18/2016	80928	Portland General Electric	5,014.91	Street Lights - PW
4/18/2016	80929	Public Works Supply	683.22	Materials - PW
4/18/2016	80930	Rackspace Email & Apps	963.00	Monthly IT Fees - City Hall
4/18/2016	80931	Radar Shop	451.37	Radar Units Service - PD
4/18/2016	80932	Ricoh USA Inc	149.72	Copier/Usage - FD
4/18/2016	80933	Righteous Clothing	99.89	Business Cards - FD
4/18/2016	80934	SeaWestern	1,307.85	Supplies - FD
4/18/2016	80935	Service Master of Oregon	1,203.92	Janitorial Service -Library
4/18/2016	80936	Michael Seymour	79.00	SCBA eye glasses reimb - FD
4/18/2016	80937	Sierra Springs	6.57	Water Service - PD
4/18/2016	80938	Jeff Smith	453.85	Award Frames, Work Boots Reimb - FD
4/18/2016	80939	Star Cars LLC	3,891.08	Durango Finishing - PD
4/18/2016	80940	Star Engineering	132.00	Dishwasher Repair - SC
4/18/2016	80941	Stein Oil Co Inc	1,025.02	Gasoline - PD
4/18/2016	80942	Eric Swanson	1,494.50	Reimb Rent, Storage, Moving - City Hall
4/18/2016	80943	Team HR, LLC	500.00	Staff Meeting Presentation - City Hall
4/18/2016	80944	Tualatin Valley Fire & Rescue	3,637.25	Fleet Maintenance - FD
4/18/2016	80945	US Bank	224.46	Copier Lease - City Hall

Check Date	Check Number	Vendor	Amount	Line Item Description
4/18/2016	80946	Vision Marketing	37.95	Name Tags - FD
4/20/2016	80947	United States Post Office	1,209.95	Community Newsletters - City Hall
4/29/2016	80948-80968	Payroll Checks	11,167.61	April Payroll
4/29/2016	Direct Deposit	Payroll Direct Deposit	178,738.52	April Payroll
4/29/2016	80969	United States Post Office	963.42	Water Invoices
4/29/2016	80970	Amazon	1,027.57	New Books - Library
4/29/2016	80971	American Security Alarms	89.85	Alarm Service - FD
4/29/2016	80972	Axa Equi-Vest	7,805.00	April Deferred Comp
4/29/2016	80973	Axa EVLICO	141.00	April Retirement Payment
4/29/2016	80974	AXA RIA	1,697.86	April Retirement Payment
4/29/2016	80975	Baker & Taylor Inc	4,690.89	New Books - Library
4/29/2016	80976	Beery, Elsner, & Hammond LLP	15,555.58	Legal Fees - Administration
4/29/2016	80977	Jeramy Brenner	178.00	Reimbursement - SCBA Eye Glasses - FD
4/29/2016	80978	CIS/EBS Trust	60,670.88	April 2016 Insurance Premiums
4/29/2016	80979	Clackamas County Benevolent Foundation	50.00	CCPO Benevolent - PD
4/29/2016	80980	Clackamas Federal Credit Union	993.32	Gladstone Police Union Dues - PD
4/29/2016	80981	Comcast	257.78	Internet/Voice - Public Works
4/29/2016	80982	Community Classifieds	51.00	Employment Ad Seasonal Workers- PW
4/29/2016	80983	Demco	357.40	Supplies - Library
4/29/2016	80984	Mike Funk	39.16	Station Supplies - Fire Dept
4/29/2016	80985	Gladstone Fire Department	875.00	House Dues - FD
4/29/2016	80986	Home Depot Credit Card	522.02	Supplies - Public Works
4/29/2016	80987	Integra Telecom	1,111.90	Telephone Services
4/29/2016	80988	Local Government Personnel Institute	238.00	Background Checks - Adminsitration
4/29/2016	80989	Midwest Tape	1,243.12	New Books - Library
4/29/2016	80990	Motorola Solutions Inc	4,936.08	MHZ Mid Power Mobile - FD
4/29/2016	80991	MP Plumbing	177.50	Disposal Repair -Senior Center
4/29/2016	80992	Office of the Trustee	640.00	April Misc Payroll Deduction
4/29/2016	80993	Oregon AFSCME Council #75	913.73	April Union Dues
4/29/2016	80994	Pacific Office Automation	53.51	Copier Usage - PD

Check Date	Check Number	Vendor	Amount	Line Item Description
4/29/2016	80995	Pitney Bowes	813.38	Reserve Account - Postage Used
4/29/2016	80996	Satcom Global	42.75	Iridium SIM Card - PD
4/29/2016	80997	Sonetics Corporation	120.00	Supplies - FD
4/29/2016	80998	Union Security Insurance	307.56	April Life Insurance
4/29/2016	80999	WorkSAFE Service Inc	48.00	Drug Test - PW
		Total April 2016 Checks	**500,345.96**	
		Total Check Total	**500,345.96**	

Bank	Month Ending Balance									
	July 2015	August 2015	September 2015	October 2015	November 2015	December 2015	January 2016	February 2016	March 2016	April 2016
LGIP - Urban Renewal Agency #4650	4,878,658.34	4,884,147.81	4,888,946.25	4,893,483.85	5,398,393.61	5,638,945.04	5,652,522.01	5,660,975.45	5,691,226.89	5,696,706.34
LGIP - Water System #4811	908,936.29	909,243.11	924,474.60	924,888.60	925,289.09	925,741.48	926,239.12	926,732.99	927,311.69	927,871.76
LGIP -City Of Gladstone #4472	6,244,454.93	5,641,643.89	5,423,314.53	5,076,101.85	7,645,533.83	9,022,920.40	9,436,698.93	9,184,390.47	8,652,416.93	8,512,945.36
Checking Accounts:										
General Fund	270,113.34	228,471.07	332,685.35	198,361.15	889,419.24	130,356.05	232,313.58	208,971.64	493,861.89	245,111.39
Employee Pension Trust	7,658.17	7,658.17	7,658.17	7,658.17	7,658.17	7,658.17	7,658.17	7,658.17	7,658.17	7,658.17
Municipal Court	33,566.47	31,563.44	35,513.43	37,346.86	30,266.95	33,854.79	26,939.60	42,000.66	39,411.53	43,027.54
Urban Renewal	10,316.50	10,316.50	10,316.50	10,316.50	10,253.12	10,253.12	10,253.12	6,233.12	6,233.12	6,233.12
Totals	12,353,704.04	11,713,043.99	11,622,908.83	11,148,156.98	14,906,814.01	15,769,729.05	16,292,624.53	16,036,962.50	15,818,120.22	15,439,553.68

General Ledger
Year to Date Budgeted to Actual
July 2015 - April 2016

REVENUES Account Number	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
Fund 001	**GENERAL FUND REVENUES**	9,182,443.00	5,424,226.03	5,424,226.03	3,758,216.97	3,758,216.97	
	General Fund Revenue Totals:	**9,182,443.00**	**5,424,226.03**	**5,424,226.03**	**3,758,216.97**	**3,758,216.97**	**40.93%**
EXPENDITURES							
Dept 001-021	**GENERAL ADMINISTRATION**						
	Dept 021 Sub Totals:	**1,218,065.00**	**1,016,869.48**	**1,016,869.48**	**201,195.52**	**201,195.52**	**16.52%**
Dept 001-022	**MUNICIPAL COURT**						
	Dept 022 Sub Totals:	**251,183.00**	**179,611.73**	**179,611.73**	**71,571.27**	**71,571.27**	**28.49%**
Dept 001-024	**POLICE DEPARTMENT**						
	Dept 024 Sub Totals:	**2,210,143.00**	**1,570,722.04**	**1,570,722.04**	**639,420.96**	**639,420.96**	**28.93%**
Dept 001-025	**FIRE DEPARTMENT**						
	Dept 025 Sub Totals:	**1,713,249.00**	**669,449.27**	**669,449.27**	**1,043,799.73**	**1,043,799.73**	**60.93%**
Dept 001-026	**PARK DEPARTMENT**						
	Dept 026 Sub Totals:	**757,995.00**	**196,954.33**	**196,954.33**	**561,040.67**	**561,040.67**	**74.02%**
Dept 001-027	**RECREATION DEPARTMENT**						
	Dept 027 Sub Totals:	**59,661.00**	**43,434.33**	**43,434.33**	**16,226.67**	**16,226.67**	**27.20%**
Dept 001-028	**SENIOR CENTER**						
	Dept 028 Sub Totals:	**407,309.00**	**221,697.42**	**221,697.42**	**185,611.58**	**185,611.58**	**45.57%**
Dept 001-029	**LIBRARY**						
	Dept 029 Sub Totals:	**755,550.00**	**515,819.13**	**515,819.13**	**239,730.87**	**239,730.87**	**31.73%**
Dept 001-099	**CONTINGENCY FUNDS**						
	Contingency Sub Totals:	**400,000.00**	**0.00**	**0.00**	**400,000.00**	**400,000.00**	**100.00%**
	Unappropiated Ending Fund Balance	**1,409,288.00**	**0.00**	**0.00**	**1,409,288.00**	**1,409,288.00**	**100.00%**
	Fund Revenue Sub Totals:	9,182,443.00	5,424,226.03	5,424,226.03	3,758,216.97		40.93%

	Fund Expense Sub Totals:	9,182,443.00	4,414,557.73	4,414,557.73	4,767,885.27		51.92%
	Fund 001 Sub Totals:	**0.00**	**1,009,668.30**	**1,009,668.30**	**-1,009,668.30**	**0.00**	

Account Number	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
Fund 002	**URBAN RENEWAL DISTRICT**						
	REVENUES	5,770,874.00	818,314.48	818,314.48	4,952,559.52	4,952,559.52	
	URBAN RENEWAL REVENUE Sub Totals:	**5,770,874.00**	**818,314.48**	**818,314.48**	**4,952,559.52**	4,952,559.52	**85.82%**
EXPENDITURES	URBAN RENEWAL DISTRICT	53,500.00	6,158.38	6,158.38	47,341.62	47,341.62	88.49%
	RENEW PROJECT RESERVE	5,717,374.00	0.00	0.00	5,717,374.00	5,717,374.00	100.00%
	URBAN RENEWAL EXP Sub Totals:	**5,770,874.00**	**6,158.38**	**6,158.38**	**5,764,715.62**	**5,764,715.62**	**99.89%**
	Fund 002 Sub Totals:	**5,770,874.00**	**812,156.10**	**812,156.10**	**-812,156.10**	**5,764,715.62**	

REVENUES

Account Number	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
Fund 003	**SEWER FUND**						
	REVENUES	3,370,563.00	1,940,536.23	1,940,536.23	1,430,026.77	1,430,026.77	
	SEWER FUND Revenue Sub Totals:	**3,370,563.00**	**1,940,536.23**	**1,940,536.23**	**1,430,026.77**	**1,430,026.77**	42.43%
EXPENDITURES	**SEWER FUND**						
	Expense Sub Totals:	**3,370,563.00**	**1,634,292.01**	**1,634,292.01**	**1,736,270.99**	**1,736,270.99**	**51.51%**
	Fund 003 Sub Totals:	**3,370,563.00**	**1,634,292.01**	**1,634,292.01**	**1,736,270.99**	**2,373,406.60**	

REVENUES

Account Number	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
Fund 004	**WATER FUND**						
	REVENUES	2,585,093.00	1,243,637.80	1,243,637.80	1,341,455.20	1,341,455.20	
	WATER FUND Revenue Sub Totals:	**2,585,093.00**	**1,243,637.80**	**1,243,637.80**	**1,341,455.20**	**1,341,455.20**	**51.89%**
EXPENDITURES	**WATER DEPARTMENT**						
	Expense Sub Totals:	**2,585,093.00**	**749,740.17**	**749,740.17**	**1,835,352.83**	**1,835,352.83**	**71.00%**
	Fund 004 Sub Totals:	**2,585,093.00**	**749,740.17**	**749,740.17**	**1,835,352.83**	**1,835,352.83**	

REVENUES							
Account Number	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
Fund 005	ROAD & STREET FUND						
	REVENUES	1,051,119.00	645,731.15	645,731.15	405,387.85	405,387.85	
	ROAD & STREET Revenue Sub Totals:	**1,051,119.00**	**645,731.15**	**645,731.15**	**405,387.85**	**405,387.85**	**38.57%**
EXPENDITURES	STREET DEPARTMENT						
	Expense Sub Totals:	**1,051,119.00**	**522,754.84**	**522,754.84**	**528,364.16**	**528,364.16**	**50.27%**
	Fund 005 Sub Totals:	**1,051,119.00**	**122,976.31**	**122,976.31**	**-122,976.31**		
REVENUES							
Account Number	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
Fund 006	LIBRARY CAPITAL FUND						
	REVENUES	5,075,000.00	0.00	0.00	5,075,000.00	5,075,000.00	
	LIBRARY CAPITAL FUND Revenue Sub	**5,075,000.00**	**0.00**	**0.00**	**5,075,000.00**	**5,075,000.00**	**100.00%**
EXPENDITURES	LIBRARY CAPITAL FUND						
	Expense Sub Totals:	**5,075,000.00**	**0.00**	**0.00**	**5,075,000.00**	**5,075,000.00**	**100.00%**
	Fund 006 Sub Totals:	**5,075,000.00**	**0.00**	**0.00**	**5,075,000.00**		
REVENUES							
Account Number	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
Fund 008	POLICE & COMMUNICATIONS LEVY FUND						
	REVENUES	847,614.00	506,243.02	506,243.02	341,370.98	341,370.98	
	POLICE/COMMUNC LEVY Revenue Sub	**847,614.00**	**506,243.02**	**506,243.02**	**341,370.98**	**341,370.98**	**40.27%**
EXPENDITURES	POLICE/COMMUNC LEVY FUND						
	Expense Sub Totals:	**489,436.00**	**381,960.13**	**381,960.13**	**107,475.87**	**107,475.87**	**21.96%**
	Unappropriated Fund Balance	**358,178.00**	**0.00**	**0.00**	**358,178.00**	**358,178.00**	**100.00%**
	Fund 008 Sub Totals:	**847,614.00**	**124,282.89**	**124,282.89**	**233,895.11**		
REVENUES							
Account Number	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
Fund 009	FIRE& EMERGENCY SERVICES LEVY FUNI						
	REVENUES	534,013.00	231,811.56	231,811.56	302,201.44	302,201.44	
	FIRE/EMERG SERVICES LEVY Revenue Sub	**534,013.00**	**231,811.56**	**231,811.56**	**302,201.44**	**302,201.44**	**56.59%**
EXPENDITURES	FIRE/EMERG SERVICES LEVY FUND						

	Expense Sub Totals:	412,686.00	103,253.19	103,253.19	309,432.81	309,432.81	74.98%
	Unappropriated Fund Balance	121,327.00	0.00	0.00	0.00	121,327.00	100.00%
	Fund 009 Sub Totals:	534,013.00	128,558.37	128,558.37	-7,231.37		

REVENUES

Account Number	Description	Budget Amount	Period	YTD Amount	YTD Var	Available	% Available
Fund 010	STATE REV. SHARING						
	REVENUES	999,356.00	86,529.96	86,529.96	912,826.04	912,826.04	
	STATE REVENUE SHARING Revenue Sub	999,356.00	86,529.96	86,529.96	912,826.04	912,826.04	91.34%
EXPENDITURES	STATE REV. SHARING						
	Expense Sub Totals:	999,356.00	1,190.00	1,190.00	998,166.00	998,166.00	99.88%
	Fund 010 Sub Totals:	999,356.00	85,339.96	85,339.96	-85,339.96		

CORRESPONDENCE

MERINA
& COMPANY, LLP
Certified Public Accountants and Consultants

CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS

PARTNERS
KAMALA K. AUSTIN, CPA • TONYA M. MOFFITT, CPA

May 2, 2016

To the Honorable Mayor and City Council
City of Gladstone, Oregon

We are engaged to audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Gladstone, Oregon for the year ended June 30, 2016. Professional standards require that we provide you with the following information related to our audit.

Our Responsibility under U.S. Generally Accepted Auditing Standards

As stated in our engagement letter dated April 26, 2016, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our responsibility is to plan and perform the audit to obtain reasonable, but not absolute, assurance that the financial statements are free from material misstatement. Our audit of the financial statements does not relieve you or management of your responsibilities.

Generally accepted accounting principles provide for certain required supplementary information (RSI), which includes the Management Discussion and Analysis, OPEB Schedule of Funding Progress, Schedule of the Proportionate Share of the Net Pension Liability, and Schedule of Contributions, to supplement the basic financial statements. Our responsibility with respect to the items listed above, and which supplements the basic financial statements, is to apply certain limited procedures in accordance with generally accepted auditing standards. However, this RSI will not be audited and, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance, we will not express an opinion or provide any assurance on the RSI.

We have been engaged to report on required supplementary information other than the items listed above, and other supplementary information, such as combining schedules and budgetary comparison schedules, which accompany the financial statements. Our responsibility for this supplementary information, as described by professional standards, is to evaluate the presentation of the supplementary information in relation to the financial statements as a whole and to report on whether the supplementary information is fairly stated, in all material respects, in relation to the financial statements as a whole.

We have not been engaged to report on the Introductory Section, which accompany the financial statements but are not RSI. Our responsibility with respect to this other information in documents containing the audited financial statements and auditor's report does not extend beyond the financial information identified in the report. We have no responsibility for determining whether this other information is properly stated. This other information will not be audited and we will

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not express an opinion or provide any assurance on it.

As part of our audit, we will consider the internal control of the City of Gladstone, Oregon. Such considerations will be solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control. We are responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures specifically to identify such matters.

We gave significant consideration to our assistance in preparing year-end closing journal entries and preparing the financial statements, which may reasonably be thought to bear on independence, in reaching the conclusion that independence has not been impaired.

Planned Scope and Timing of the Audit

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. We will generally communicate our significant findings at the conclusion of the audit. However, some matters could be communicated sooner, particularly if significant difficulties are encountered during the audit where assistance is needed to overcome the difficulties or if the difficulties may lead to a modified opinion. We will also communicate any internal control related matters that are required to be communicated under professional standards.

This information is intended solely for the use of the Honorable Mayor and City Council and management of the City of Gladstone, Oregon and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

Merina & Company, LLP
Certified Public Accountants and Consultants

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& COMPANY, LLP
Certified Public Accountants and Consultants

CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS

PARTNERS
KAMALA K. AUSTIN, CPA • TONYA M. MOFFITT, CPA

May 2, 2016

To the Agency Officials
Gladstone Urban Renewal Agency

We are engaged to audit the financial statements of the governmental activities and the major fund of Gladstone Urban Renewal Agency for the year ended June 30, 2016. Professional standards require that we provide you with the following information related to our audit.

Our Responsibility under U.S. Generally Accepted Auditing Standards

As stated in our engagement letter dated April 26, 2016, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our responsibility is to plan and perform the audit to obtain reasonable, but not absolute, assurance that the financial statements are free from material misstatement. Our audit of the financial statements does not relieve you or management of your responsibilities.

Generally accepted accounting principles provide for certain required supplementary information (RSI), which includes the Management Discussion and Analysis, to supplement the basic financial statements. Our responsibility with respect to the item listed above, and which supplements the basic financial statements, is to apply certain limited procedures in accordance with generally accepted auditing standards. However, this RSI will not be audited and, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance, we will not express an opinion or provide any assurance on the RSI.

We have not been engaged to report on the Introductory Section, which accompany the financial statements but are not RSI. Our responsibility with respect to this other information in documents containing the audited financial statements and auditor's report does not extend beyond the financial information identified in the report. We have no responsibility for determining whether this other information is properly stated. This other information will not be audited and we will not express an opinion or provide any assurance on it.

As part of our audit, we will consider the internal control of the Gladstone Urban Renewal Agency. Such considerations will be solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control. We are responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures specifically to identify such matters.

We gave significant consideration to our assistance in preparing year-end closing journal entries and preparing the financial statements, which may reasonably be thought to bear on

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independence, in reaching the conclusion that independence has not been impaired.

Planned Scope and Timing of the Audit

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. We will generally communicate our significant findings at the conclusion of the audit. However, some matters could be communicated sooner, particularly if significant difficulties are encountered during the audit where assistance is needed to overcome the difficulties or if the difficulties may lead to a modified opinion. We will also communicate any internal control related matters that are required to be communicated under professional standards.

This information is intended solely for the use of Agency Officials and management of the Gladstone Urban Renewal Agency and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

Merina & Company, LLP
Certified Public Accountants and Consultants

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REGULAR AGENDA

City of Gladstone
Staff Report

Report Date: May 2, 2016
Meeting Date: May 10, 2016
To: Mayor Mersereau and the Gladstone City Council
From: Eric Swanson, Gladstone City Administrator

AGENDA ITEM

Appointment of Interim Police Chief Jeff Jolley to permanent Gladstone Police Chief.

History/Background

Interim Police Chief Jeff Jolley has been acting as the Chief of Police since April of 2015. Chief Jolley has done an outstanding job leading the Gladstone Police Department and has the support of the Gladstone Police Association and the Chiefs of Police from Milwaukee, West Linn and Oregon City—see attached correspondence.

Proposal

City council approve the direct appointment of Interim Chief Jeff Jolley and suspend the recruitment process.

Options

1. City Council proceed with appointment
2. City Council direct City Administrator to proceed with advertising vacancy utilizing the services of a professional recruiter.
3. City Council direct City Administrator to advertise vacancy utilizing city staff.

Cost Impact

Option 1 would save significant time and the costs of advertising for a vacancy with either a professional recruiter (+$25,000.) or city staff which would equal as much or more than the cost of a professional recruiter. Chief Jolley is assisting with negotiating the collective bargaining agreement. The agreement is slated for 3 years and would be more effectively managed by Chief Jolley who was responsible for negotiating the agreement. Since Chief Jolley has been Interim Chief, the Lieutenant position has been vacant for over 13 months, leaving the department short staffed.

Recommended Staff Action

City Administrator recommends council proceed with direct appointment and suspend advertising for vacancy.

Recommended Motion

I move to appoint Interim Police Chief Jeff Jolley to permanent Police Chief and authorize the City Administrator to negotiate an offer within salary range 51 ($7,203.50-$8,755.89) and benefits accordingly within the budget.

Eric Swanson, Gladstone City Administrator
Date: 5-2-16

JEFFREY D. JOLLEY

GPD Cell (
Home (
n or jolley@ci.gladstone.or.us

PROFESSIONAL EXPERIENCE

Gladstone Police Department, Gladstone, Oregon, 9/2012-Present

- Currently serving as Interim Chief of Police, overseeing daily operations
- Firearms Instructor / Supervisor
- Served as Lieutenant in direct supervision of three sergeants and patrol operations
- Served as Sergeant, overseeing the delivery of police services for a city of 11,500 citizens

Bountiful Police Department, Bountiful, UT, 1990-2012

- Served as a patrol Sergeant/Watch Commander, overseeing the delivery of police services for a city of 45,000 citizens
- Firearms Instructor/Supervisor providing training to three local police agencies with 70-plus officers
- Bicycle Unit Supervisor involved in the establishment of unit and delivery of community-based policing strategies to the public
- Supervisor – Motor Unit and Honor Guard
- SWAT Team member for 16 years, actively engaged in progressive training and tactical processes including:
    - Development of Metro team relationships with Davis County Sheriff's Office and Salt Lake City PD designed to improve capabilities, share resources and ease budgetary concerns.
    - Design and implementation of Active Shooter tactics and procedures and instruction of those theories on a regional scale.
- Actively involved in the development of the School Resource Officer program and served as an SRO in the high school, junior high and elementary schools over a period of 15 years.
- Served as a Field Training Officer (FTO), having been actively involved in the training of one third of the current department members. Trained in the San Jose FTO model.
- Traffic School Instructor.

Utah Transit Authority (UTA) Police Department (part-time), SLC, UT, 2006-2011

- Patrol officer trained in homeland security preventative theories
- Trained in OpValTRV and the on-going risk assessment processes for a transit system that includes 800 buses, two light rail lines, commuter rail and extensive properties covering a five county area.

U.S. Navy (Reserve), SLC, UT, 2002-2013

- Served in the capacity of Master-at-Arms as a military police officer
- Served two deployments overseas in support of Operation Noble Eagle/Enduring Freedom
- Team leader for force protection team assigned to safeguard high value assets in high threat environments. Most recently oversaw the deployment of 22 personnel securing over $350 million in high value assets for the U.S. Navy Blue Angels.
- Anti-Terrorism officer

Corporation of the President/LDS Church Security, 1984-1990

- Trained in general security duties
- Control Center operator
- Personal Protection Specialist
    - Provided 24 hr. protection to President of the LDS Church
    - Multiple executive protection training courses

EDUCATION / PROFESSIONAL DEVELOPMENT

Columbia College, SLC, Utah and Missouri
Bachelors of Arts, Criminal Justice Administration, 2009

FBI National Academy, Quantico, VA, Graduate, 2015

University of Virginia, Quantico, VA
Criminal Justice Graduate Certificate, 2015

Oregon Executive Development Institute, Graduate, 2013

Utah State POST, Mid-Management Certificate, 2011

FBI Command College, Graduate, 2011

University of Utah, SLC, Utah
Law Enforcement Leadership Certificate Program, 2010

West Point Law Enforcement Leadership Program, SLC, Utah
Graduate, 2007

Department of Homeland Security, SLC, Utah
Operational Value, Threats, Risks, and Vulnerabilities, 2010
Certificate in Terrorism Prevention for Law Enforcement, 2010

Institute of Applied Technology, SLC, Utah
Advanced Crime Scene Workshop, 2006

Department of Navy, SLC, Utah and Okinawa, Japan
Leading Petty Officer Leadership Program, 2007, 2003

LICENSES / CERTIFICATIONS

- P.O.S.T. Certified Police Officer, Utah/Oregon, 1990-Present
- P.O.S.T. Certified Instructor, Utah/Oregon, 1995-Present
- P.O.S.T. Certified Firearms Instructor, Utah/Oregon, 2004-Present
- P.O.S.T. Radar certified
- Oregon State Driver License – no citations 20-plus years

ORGANIZATIONS

- Involved as an Instructor/Officer for U.S. Naval Sea Cadet Program, SLC, 2000-2009
- Utah Youth Village, provided therapeutic foster care for youth, 2002-2005
- FBI – Law Enforcement Executive Development Association, Member
- FBI NA, Member
- Fraternal Order of Police, Member
- International Association Chiefs of Police, Member
- Rotary Club – Gladstone, OR, Member

GLADSTONE POLICE DEPARTMENT

Community Involvement – Interim Chief

- Gladstone Rotary Club – member, very active in community affairs & fundraising
- Gladstone Community Festival – work and coordinate with both Rotary & GPD
- Shop with a Cop – in conjunction with Baskin-Robbins and CCSO, GPD raised donations to sponsor 25 children in need last Christmas
- Veterans Parade – worked with community organizations to facilitate this parade and provide clothing to veterans in need
- Senior Center Activities – have participated in fundraising events and serving meals
- Christmas Toy Drive – actively supported this GFD effort by delivering toys
- GPD Community Involvement – have fostered an environment that encourages GPD employee volunteerism within the community
- School Reading Program – participated in the Dr. Seuss birthday program – *Green Eggs & Ham*

Community Policing / Engagement

- July 4th BBQ – this event began last year at Max Patterson Park. The police department organized and cooked hotdogs for 200+ citizens. The police chaplains and GFD also participated and we look forward to this event in 2016.
- Drug Takeback & Shredding Event – the national drug takeback day has always been supported by GPD and last year we partnered with Rotary to include a paper shredding option and a Portland Ave. clean-up service. For 2016, the Kraxberger "Gear Head" club will provide an e-recycling service.
- Gladstone Community Festival – GPD has an active presence at this event and added an information booth last year.
- National Night Out Against Crime – GPD supports and actively participates in this national event in conjunction with GFD and city elected officials.
- Facebook – over the past year we have developed an active Facebook page that we are using as a springboard to engage the community and be more transparent. As our web-page continues to develop, we aim to find additional creative vehicles to serve the public.
- Daily Mission Briefings – using the concepts of problem-oriented policing (POP), we implemented these briefings last year that utilize real-time date-driven information in the decision-making process. Identifying core issues/problems is the driving force in order to effectively use our available resources to aggressively address problems within our community. We utilize the following:
    - Foot Patrols – to increase citizen contact and engagement, increase visibility, and serve as increased crime deterrence. We have focused on apartment complexes, public parks, 82nd Drive, and Portland Ave.
    - Decoy Cars – unused police vehicles strategically placed to increase visibility.

- Abandoned House Patrol – seek out and regularly extra-patrol these properties to prevent squatting and other crime-related issues.
- Targeted/Directed Patrol – to address any recurring issue, find solutions, and provide relief. Current projects include the Safeway area and a known drug house.

Department Operational Improvements

- New Scheduling System – have implemented a web-based scheduling system that incorporates time off requests and is available to an employee wherever they have web access. This has streamlined our cumbersome scheduling system and will provide future opportunities to improve our efficiency. This system is available to court personnel, which is ideal for officer testimony and court appearances.
- Uniform Issues – we have worked to update our appearance by introducing a training uniform, a class A uniform (for formal events) and higher duty appearance standards.
- Increased Training –We have taken great effort to identify needed training opportunities for line officers and provide them with training not previously available. Firearms training has been expanded and increased and a vibrant rifle program implemented. All officers will train in the less-lethal beanbag system this year and we have upgraded our Tasers. Training with Oregon City PD, West Linn PD, and CCSO has been put in effect and these relationships with neighboring agencies strengthened.
- Collateral Duties – many of these have been re-assigned from sergeants to line officers. This is in order to provide sergeants more road time and to provide officers with responsibilities that encourage ownership and professional development. One example is that a line officer now oversees the Field Training Program for new officers.
- GPA Relations – the administration has developed a good working relationship with the police association in an effort to move forward, together, in the same direction. While we won't always agree, it has been characterized as the best relations have been since GPA began.
- Enhanced Supervisory Training – a concerted effort has been taken to increase the depth of the skills sets of our supervisory level staff. We are taking advantage of training and professional development opportunities and facilitate mentorship for a stronger and better administration.
- Problem Oriented Policing (POP) – we are just beginning this journey of which community oriented policing is a primary component. It is the goal of this department to identify and eliminate threats to our community with the partnership of our citizens and other city departments.
- Sergeant Expectations – a monthly list of requirement for sergeants to accomplish has been implemented. They are held accountable to these expectations which will continue to increase in weight and responsibility. This will be a top/down project to increase responsibility and accountability department-wide.
- Working Admin / Chief – my philosophy is to have every badge wearer be a cop. In a small community with limited resources, I believe it necessary for our administration to be visible and approachable in the community while serving the patrol function.

- GPD Chaplain Program – we have expanded the community involvement of this program with our professionally-trained chaplains being involved in fundraising, counseling officers and citizens, BBQ's, NNO, Seaside officer's funeral and a host of other events. Currently in the process of evaluating having the chaplain program include GFD.

Future / Working Projects - 2016

Listed below are some of the projects and/or goals currently underway:

- HWY 99 – initial talks have begun with OSP regarding GPD taking over jurisdiction of this stretch of road within Gladstone. Evaluation is currently being conducted to determine the need for a photo radar van per the request of the Traffic Safety Committee. We are also evaluating if the 42 accidents per year in this area necessitate an additional traffic officer, as well as what equipment and/or technology would be of best use for safety.
- Tri-Met Officer – meetings have taken place with decision-makers involving placing an officer in this position. Tri-Met has been waiting for a full-time chief to be named before making any decisions. We would benefit by having this officer's entire salary paid by Tri-Met, but they would still be available to GPD for overtime and emergencies.
- Secure City Initiative – currently evaluating city-owned resources to determine availability of CCTV feeds into new police department. Also, are partnering with private businesses to determine feasibility of streaming CCTV feeds. These would provide a deterrent effect as well as a crime-solving component while enhancing citizen safety on city-owned property.
- Staff Alignment – assessing current staffing levels and deployments to determine if resources are being utilized most effectively and efficiently. One area being examined is to determine the need of a second detective's involvement in the county drug task force (ITF).
- Policy – we are in the middle of transitioning to LEXIPOL policy after not having a centralized, cohesive policy for several years.
- Emergency Response to Large Events – in the process of designing a program for a small city that would utilize all city resources during a large event such as an active shooter. This concept will pre-plan duties and assignments to engage the skills of our workforce. Meetings continue with agencies to hone a plan to our city's needs and resources.
- Emergency Preparedness – as part of our emergency management responsibility, we continue to hold events and educate the public regarding being prepared and self-reliant during a major event.
- Senior Citizen Awareness – in addition to officer interaction with our seniors, we are planning to bring the emergency preparedness issue to this group. Also in the near future, look for a Senior Center/Police department-sponsored educational program related to scams, fraud and the elderly.
- Planning for New Building – each GPD member has had opportunity to provide input as to what they see as needed &/or wanted in the new facility.

Gladstone Mayor and City Council
525 Portland Ave
Gladstone, OR 97027

Greetings -

I am writing to express my support to move forward making Interim Chief Jolley a full time permanent Chief of Police.

In working with Chief Jolly over the last year it is clear that he has a genuine interest in making the Gladstone Police a respected professional police department. He has sought input both internally and externally as to the things that need to be accomplished by the permanent Chief to move the Gladstone Police Department forward. I know that he has met with many of the leaders in Clackamas County Law Enforcement and has earnestly sought their insight and prospective about the issues. He has also developed relationships with these leaders that will afford him the support systems needed to maintain successful partnerships.

In talking with Chief Jolley I know that he has a real heart for his troops and a desire to see them grow and become successful police officers. He recognizes that one of the key components to the success of the agency is the need for quality front line supervision, including succession planning and the development of future leaders within the department.

Lastly, I think it is important to move forward with the appointment of a permanent Chief who can step in and immediately start the work that needs to be done. Chief Jolley has the institutional knowledge and relationships in place to do just that.

Sincerely,

Steven Bartol
Chief of Police – Milwaukie Police Department

CITY OF MILWAUKIE
10722 SE Main Street, Milwaukie, Oregon 97222
P) 503-786-7555 / F) 503-786-7528
www.milwaukieoregon.gov

POLICE 1800 8th Avenue West Linn Oregon 97068 telephone: (503) 655-6214 fax: (503) 656-0319

City of West Linn

April 26, 2016

City of Gladstone
Attention: City Manager Eric Swanson
535 Portland Avenue
Gladstone, Oregon 97027

Regarding: Letter of Recommendation for Jeff Jolley

Dear Mr. Swanson:

I am writing this letter to show full support for Gladstone Interim Chief Jeff Jolley to become the full time Chief of Police for the Gladstone Police Department. I have been the Chief of Police for West Linn now for over ten years, and I am well aware of what it takes to lead a small city police department. I believe Jeff has the required skills, commitment and work ethic to be very successful as the Chief of Police.

Since arriving from Utah law enforcement, Jeff has committed himself to developing relationships with law enforcement leaders throughout Clackamas County. I also believe he has developed relationships within the Gladstone Police Department as a leader the troops respect and will follow.

Jeff has the vision to see the big picture while not losing sight of the officer and sergeant perspective. This is rare in law enforcement leadership, and in my opinion a tremendous value to the citizens of Gladstone.

Jeff has worked closely with West Linn Police Lieutenant Mike Stradley who speaks highly of Jeff's leadership style and skill. They have worked together over the past several years on training concerns and other issues impacting both of our departments. All of the command staff at the West Linn Police Department strongly support Jeff Jolley being appointed as the Chief of Police for the Gladstone Police Department.

Please do not hesitate to contact me or my staff if we can be of service.

Respectfully,

Terry D. Timeus

Terry D. Timeus
Chief of Police

OREGON CITY

Police Department

320 Warner Milne Road | PO Box 3040 | Oregon City OR 97045
Ph (503) 657-4964 | Fax (503) 655-0530| Non Emergency Police Dispatch: (503) 655-8211

April 25, 2016

Gladstone Mayor and City Council
525 Portland Avenue
Gladstone, OR 97027

Greetings,

I am writing to offer my enthusiastic support and recommendation of Interim Chief Jeff Jolley to the permanent position of Chief of Police for the City of Gladstone.

I have known Interim Chief Jolley since his arrival at the Gladstone Police Department in 2012. Jolley instantly made strong connections to several members of our department and other neighboring agencies. The word on the street was that Gladstone Police had just hired a remarkable new sergeant and everybody was excited about his willingness and desire to work together as neighboring law enforcement partners. This first impression has held true and Jolley has been an ambassador and change agent for the Gladstone Police Department since.

The law enforcement community in Clackamas County works closely together and Interim Chief Jolley has always fostered strong relationships between the Gladstone Police Department and all other community partners. He is responsive to issues and concerns that come up. I really believe that he has the desire and ability to make the Gladstone Police Department the best police agency that it has ever been.

If you have any questions or would like any additional supporting information, please contact me through our office.

Respectfully,

Chief Jim Band

April 26, 2016

Eric Swanson, City Administrator
City of Gladstone
525 Portland Avenue
Gladstone, Oregon 97027

Sir,

On behalf of the members of the Gladstone Police Association, I would like to express our support for the selection of Interim Chief Jeff Jolley as the Chief of Police for the City of Gladstone.

Jeff Jolley has demonstrated his willingness to step up, and lead from the front. He has done so in a way that involves all stakeholders; identifying problems and collaboratively working on solutions that are suitable for all of those that will be affected. He has shown the members of the Gladstone Police Department that he is committed to making the City of Gladstone a safe place for the people that call Gladstone home, or work.

Interim Chief Jolley has sought input and feedback from officers and civilian employees within the department, and has worked to obtain quality training and equipment to ensure our members are safe, and well-trained to best serve the citizens. We look forward to continuing the joint-effort to make Gladstone a safer place.

The members of the Gladstone Police Association were recently polled regarding their support of Jeff Jolley as the next Chief of the Gladstone Police Department. An overwhelming majority of the membership has expressed their support for Chief Jolley.

Respectfully submitted,

Sean Boyle

Sean Boyle, President
Gladstone Police Association

Travis Hill

Travis Hill, Secretary
Gladstone Police Association

Gladstone Police Association
Executive Board

Sean Boyle, President
Eric Graves, Vice President
Matt Okerman, Treasurer

City of Gladstone
Staff Report

Report Date: May 3, 2016
Meeting Date: May 10, 2016
To: Mayor Mersereau and Gladstone City Council
From: Eric Swanson, City Administrator

AGENDA ITEM
Council Liason Appointments

History/Background
The Mayor appoints with City Council consent council liasons to the various citizen appointed city boards and commissions.

Proposal
Several liason vacancies exist due to the recent resignation of City Council members and the Mayor. Please find attached a listing of commissions, committee members and laisons.

Options
Follow process to make liason appointments. The City Council may want to also consider changing existing city council liason responsibilities.

Cost Impact
No cost Impact

Recommended Staff Action and motion
I move to appoint XXX to act as city council liason to the XXX committee or XXX Commission.

Department Head Signature	Date	City Administrator Signature	Date
			5-3-16

COUNCIL LIAISON APPOINTMENTS*
May 10, 2016

Volunteer Fire Department, (meets first Wednesday each month)	**Councilor Pat McMahon** **Mayor Thomas (Tom) Mersereau**
Senior Center Advisory Board, (meets quarterly, in the afternoon)	**Councilor Pat McMahon**
Park and Recreation Board, (meets infrequently)	**Councilor Steve Johnson** **Councilor Neal Reisner**
Traffic Safety Commission, (meets infrequently)	**Councilor Neal Reisner**
Library Board (meets first Tuesday each month)	**Councilor Steve Johnson**
Business & Civic Liaison	**Councilor Kim Sieckmann**
Public Works, Regional Issues	**Mayor Thomas (Tom) Mersereau** **Councilor Kim Sieckmann**
C-4, Clackamas County Coordinating Committee	**Council Kevin Johnson** **Mayor Thomas (Tom) Mersereau**
Emergency Management Committee	**Councilor Linda Neace** **Mayor Thomas (Tom) Mersereau**
Police Department	**Councilor Pat McMahon** **Mayor Thomas (Tom) Mersereau**
City Hall	**Mayor Thomas (Tom) Mersereau**
Planning	**Councilor Kim Sieckmann**
NCCWC	**Councilor Steve Johnson**
Metro	**Councilor Linda Neace** **Mayor Thomas (Tom) Mersereau**
Tri-City	**Councilor Steve Johnson**

*Does not preclude any City Council member from being involved in areas when they have an interest.

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BUSINESS CARRIED FORWARD

City of Gladstone
Staff Report

Report Date:	May 3, 2016
Meeting Date:	May 10, 2016
To:	Mayor Mersereau and the Gladstone City Council
From:	Eric Swanson, Gladstone City Administrator

AGENDA ITEM

City Commission, Committee and City Council Liaison roles and responsibilities

History/Background

The Mayor appoints with City Council consent, members to the six city Boards and Commissions. There are various documents that reference these issues;

1. **Gladstone City Code**
2. **Gladstone City Council Guidebook**
3. **Oregon Revised Statutes**

These documents outline the makeup, role and responsibilities of the various city commissions and committees. No definition of the role of the council liaison is referenced in these documents.

Proposal

This agenda item is informational only; no decision is expected at this time. It is requested that the council establish a process to establish an agenda for a future city council work study meeting to address these issues.

Options

City staff is requesting direction on how to prepare for the work study. Are there specific issues that the council would like addressed.

Cost Impact

No cost Impact

Recommended Staff Action

Direct Mayor, two city councilors and City Administrator to prepare work study agenda to address City Commission, Committee and Council Liaison roles and responsibilities.

Suggested Motion: I move to Direct Mayor, two city councilors and City Administrator to prepare work study agenda to address City Commission, Committee and Council Liaison roles and responsibilities and to recommend work study date/time within the next two months.

Department Head		City Administrator	
Signature	Date	Signature	Date

Note to City Staff: authorization by Administration required before releasing This personal information. Please do not use personal email addresses for routine city business.

CITY OF GLADSTONE
COUNCIL – COMMISSIONS – COMMITTEES – BOARDS
April, 2016

CITY COUNCIL

POS. #	NAME	ADDRESS	EMAIL ADDRESS	BUSINESS/ CELL PHONE	HOME PHONE	FAX NUMBER(S)	TERM EXPIRES
Mayor	Thomas Mersereau						12-31-18
#1 – Pres.	Kim Sieckmann						12-31-18
#2.	Linda Neace						12-31-16
#3	Steve Johnson						12-31-18
#4	Neal Reisner						12-31-16
#5	Patrick McMahon						12-31-18
#6	Kevin Johnson						12-31-16

PLANNING COMMISSION

Vice-Chair	Malachi de AElfweald						12-31-16
	Kirk Stempel						12-31-16
	Vacant						12-31-17
Chair	Tamara Stempel						12-31-17
	Les Poole						12-31-18
	Vacant						12-31-19
	Natalie Smith						12-31-19
CounRep	Kim Sieckmann						

BUDGET COMMITTEE

	Malachi deAElfweald						12-31-17
	David Sanders						12-31-17
	Doreen Utz						12-31-18
	Vacant						12-31-18
	David Kruse						12-31-16
	John Wohlwend						12-31-16
	Jerry Herrmann						12-31-16

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LIBRARY BOARD							
POS. #	NAME	ADDRESS	EMAIL ADDRESS	BUSINESS/ CELL PHONE	HOME PHONE	FAX NUMBER	TERM EXPIRES
	Beverly Chase						12-31-17
	Natalie Smith						12-31-18
President	Margaret Bertalan						12-31-19
Tresurer	Katie Lewis						12-31-16
Secretary	Steven Heckert						12-31-16
Coun.Rep	Steve Johnson						
TRAFFIC SAFETY COMMISSION							
V-Chair	Vacant						12-31-17
	Linda Cosgrove						12-31-17
	Kirk Stempel						12-31-17
	Kenneth Moore						12-31-18
	Yvonne McNeil						12-31-16
	Mary "Libby" Pace-Wentz						12-31-16
Chair	Michael Villanti						12-31-16
Coun.Rep	Neal Reisner						
PARK & RECREATION BOARD							
	Martha Wooldridge						12-31-17
	Stephen Dorner						12-31-17
	Michael Villanti						12-31-17
	Kelsey Proctor						12-31-18
Chair	Lee Wooldridge						12-31-16
ViceChair	Pete Tracy						12-31-16
	Linda Cosgrove						12-31-16
PC Rep.	Les Poole						
CounRep	Neal Reisner						
CounRep	Steve Johnson						

SENIOR CENTER ADVISORY BOARD

POS. #	NAME	ADDRESS	EMAIL ADDRESS	BUSINESS/ CELL PHONE	HOME PHONE	FAX NUMBER	TERM EXPIRES
	Elaine Hermens						12-31-17
	Katherine "Katie" Ellerby						12-31-17
	Colette Umbras						12-31-17
	Len Nelson						12-31-18
	LaBerta Boots Droz						12-31-18
	James Pritchard						12-31-18
	Niki Squires						12-31-18
	Noreda May						12-31-16
	Diane Berreth						12-31-16
CounRep	Pat McMahon						

This information is considered confidential as it contains both business and unlisted private phone numbers. If you receive any requests for this information, please refer them to city administration.

City Council Terms = 4 years	Meetings held 2nd & 4th Tuesdays – 6:30 p.m.
Planning Commission Terms = 4 years	Meetings held 3rd Tuesday – 6:30 p.m.
Budget Committee Terms = 3 years	Meetings held when called
Library Board Terms = 4 years	Meetings held 1st Tuesday – 6:30 p.m.
Traffic Safety Commission Terms = 3 years	Meetings held 4th Monday – 6:30 p.m.
Park & Recreation Board Terms = 3 years	Meetings held 1st Monday – 7:00 p.m.
Senior Center Board Terms = 3 years	Meetings held Quarterly – 3rd Tuesday – 3:30 p.m.

Council Liaison Appointments – May 2016 (elected every 2 years – odd number years)

Volunteer Fire Dept. – Pat McMahon & Mayor Mersereau
Park & Recreation Bd – Steve Johnson & Neal Reisner
Library Board – Steve Johnson
Public Works (Regional Issues) – Kim Sieckmann & Mayor Mersereau
Emergency Management Committee – Linda Neace & Mayor Mersereau
City Hall – Mayor Mersereau
NCCWC – Steve Johnson
Tri-City – Steve Johnson
Senior Center Advisory Committee – Pat McMahon
Traffic Safety Commission – Neal Reisner
Business & Civic Liaison – Kim Sieckmann
C-4, Clackamas Co. Coordinating Committee – Kevin Johnson & Mayor Mersereau
Police Department – Pat McMahon & Mayor Mersereau
Planning – Kim Sieckmann
Metro – Linda Neace & Mayor Mersereau

CITY OF GLADSTONE ADVISORY BOARDS & COMMISSIONS

Budget Committee:
The Budget Committee consists of the seven members of the City Council and an equal number of citizens at large. Appointments are made by the City Council for three year terms, which are staggered so that about one-third of appointed terms end each year (Chapter 294 of the Oregon Revised Statutes).

Usually in early spring, the Budget Committee receives a copy of the proposed budget and the budget message. When the Committee is satisfied with the proposed budget, including any additions to or deletions from the one prepared by the budget officer, it is approved. The budget is then referred to the City Council and Urban Renewal Agency for Public Hearings prior to adoption, appropriations and levying of taxes. In recent years, the Budget Committee has discharged its duties in one Tuesday evening meeting, although additional meetings may be called.

Library Board:
The Library Board consists of five (5) members who are not officers or employees of the city and are appointed by the City Council to four (4) year terms. Members are eligible for re-appointment to a second four year consecutive term (Resolution No. 618.). The Board meets monthly on first Tuesday evenings.

Duties of the Library Board include:
- Advise the Library Director on policy matters pertaining to the Gladstone Public Library.
- Assist in the formulation of policies for the operation and development of library services and facilities to best meet the current and long-standing needs of the community.
- Make recommendations to the City Council regarding matters as outlined above.
- Recommend to the City Council prospective Board members based upon review of a standard application form and possible personal interview as Board vacancies occur.
- Serve as an autonomous body to represent the needs, interests, and desires of the entire service area of the library.

Planning Commission:
The Planning Commission consists of seven residents who are appointed by the City Council based on their qualifications. The Commission meets on most third Tuesday evenings of a month, which are usually attended by the City Attorney, who offers legal and procedural advice on relatively complex matters.

Planning Commission Members are appointed for four year terms. Considering qualifications for membership, Section 2.28.080 of the Municipal Code states:
"A. The City Council shall give preference to those individuals who possess a particular competence in the field of municipal planning by way of their profession, trade or prior or present governmental service.
B. No more than two voting members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling or developing of real estate for profit.
C. No more than two voting members shall be engaged in the same kind of business, trade or profession."

Park and Recreation Board:
The Park and Recreation Board consists of nine (9) members, one of whom is a City Council Member and one is a Planning Commission Member. The remaining seven (7) members of the Board shall are lay members who are residents of the city. Members are appointed by the Mayor with the approval of the Council for terms of three years (Resolution No. 603). Recently, the Park and Recreation Board has met infrequently, two or three times a year, largely because most parks in Gladstone have been developed. The Board typically meets on the fourth Monday evening of a month.

Duties of the Park and Recreation Board include:
- Maintain citizen and agency involvement in park and recreation.
- Serve in an advisory capacity to the City Council in matters pertaining to park and recreation programs, developing park master plans.

- Act as an advisory board regarding development of the Gladstone Comprehensive Plan and its periodic review and update (Resolution No. 438 and 556).

Senior Center Advisory Board:
The Senior Center Board of Directors consists of seven (7) voting members; the immediate past president and six (6) members at large, two thirds (2/3) of whom shall be fifty-five (55) years of age or older who are not officers or employees of the city; one (1) representative from each of the following groups shall sit on the Board but shall hold no vote: City Council, Loaves and Fishes, and Senior Center Staff. The Board is appointed by the Mayor with the approval of the Council for terms of three years (Resolution No. 624.) and is scheduled to meet quarterly, usually on a Tuesday afternoon.

Duties of the Senior Center Board of Directors include:
- Serve in an advisory capacity to the City of Gladstone, City Council, and Senior Center staff on matters affecting program and policy and to serve as the Loaves & Fishes Steering Committee.
- Provide for educational, recreational, nutritional, social and cultural needs, and promote mutual friendliness between individuals and groups who participate.
- Ascertain the needs of older persons, to coordinate and mobilize public and private resources at all levels, and to gain, build, develop and maintain such programs.
- Develop volunteer opportunities for all individuals to serve one another and their community.
- Cooperate with the city and other agencies to provide enhanced senior services for the center and its community.

Traffic Safety Commission:
The Traffic Safety Commission consists of seven (7) members appointed to a three year term by the Mayor with the approval of the City Council. One member is a City Councilor who has full voting rights on the Commission but is not be eligible for election as an officer. Applicants must be city residents. Recently the Traffic Safety Commission has met infrequently, probably two or three times per year, in large part due to use by the Police Department of a Speed Monitoring Awareness Radar Trailer that is placed on streets in response to complaints. The Traffic Safety Commission usually meets on the fourth Monday evening of a month.

Duties of the Traffic Safety Commission include:
- Researching, developing, and implementing coordinated traffic safety programs which meet local needs.
- Acting in an advisory capacity to the City Council and the City Administrator in the coordination of traffic safety activities of the official agencies and departments of the City of Gladstone.
- Upon request, providing research and furnishing information to other official agencies of the City of Gladstone.
- Promoting public acceptance of official programs proposed or instigated by the city.
- Fostering public knowledge and support of traffic law enforcement and traffic engineering problems.
- Coordinating with the public and private school systems of the city in promoting traffic safety aids in the schools and promoting the education of the public on traffic safety.
- Assisting in the overall reduction of traffic accidents, injuries, and deaths on the city's streets.

PARK & RECREATION BOARD

AGENDA

Monday, May 2, 2016

6:30 P.M. - City Hall Conference Room

1. Self Introductions. Current members of the Park and Recreation Board are: Lee Wooldridge (Chair), Linda Cosgrove, Martha Wooldridge, Michael Villanti, Stephen Dorner, Kelsey Proctor, Pete Tracy (Vice-Chair). City Council liaisons are Neal Reisner and Steve Johnson. Planning Commission Les Poole.

2. Approval of April 4, 2016 Minutes.

3. Wilderness International Work Projects Update – Bethany Wray and Chuck Whitley (information provided at meeting)

4. Nature Park Clean Up Update – John & Nancy (Pete Tracy - no attachments)

5. Posting Signs on Reporting Vandalism – Linda Cosgrove (no attachments)

6. Parking Permits at Meldrum Bar Park – This may be continued until additional information is received from all organizations involved in the fee system.

7. Plastic Fencing at Charles Ames Park, Maintenance, Repair, Replace – Michael Villanti (no attachments)

8. Dog Waste Bag Stations for Parks, Costs & Alternatives – Michael Villanti (no attachments)

9. *Our Big Backyard* – Metro Spring 2016 edition (provided at meeting)

10. Business from Staff

11. Other

PARKS & RECREATION BOARD MEETING MINUTES

MONDAY, APRIL 4, 2016, 7:00 P.M.

GLADSTONE CITY HALL MEETING ROOM

1. The meeting was called to order and self-introductions were made. Board members present in the room were Lee Wooldridge (Chair), Martha Wooldridge, Steve Dorn, Michael Villanti, Kelsey Proctor, Pete Tracey (Vice Chair), Linda Cosgrove, Neal Reisner (City Council), Steve Johnson (City Council) and Jim Whynot (Public Works Director). Our guests in the room were Robert Spurlock from Metro and Jenny Dezso from the Clackamas River Basin Council.

   Lee Wooldridge conducted the meeting.

2. The minutes from the 3-7-16 Board meeting were abridged and approved.

3. Jenny presented a sample of the signage to be posted at Dahl Beach representing her project. Suggestions were made and she will adapt her sign prior to the posting and return with the revised signage. She and Jim will determine the location of the sign posting. There will be a notice in the Gladstone Newsletter and the Clackamas Review regarding the closing of the beach during the work project. There have been volunteers from SOLV and the Gladstone High School planting over 4,500 species of native plants in the area. Kelly and Neal

will do letters of thanks for the volunteers. This project has also been presented in the Clackamas River Basin Council newspaper and the Metro paper.

4. Trail Trolley Update: Robert Spurlock from Metro presented samples of signage to be posted along the Trolley Trail from Milwaukie to the 82nd St. Bridge. Any existing signage will be removed and all will be matching and coordinating.

   He also stated that the grant money for the study of the construction of a pedestrian/bicycle bridge at the end of Portland Ave. (which was obtained by Tammy Stempel) has not been scheduled as yet.

   It is possible to apply for a grant for a study of a bicycle/pedestrian path under the 99 bridge. This decision is up to the City Government.

5. Park Rules. 12.12.030 (weapons). It was decided to use the same language as the library has used. "no carrying a weapon of any type unless authorized by law."

   12.12.050 (hours). River Parks to be open 3:00 am to 10:00 pm during fishing season. At all other times, they will be open 7:00 am to 10:00 pm. All other parks will be open 7:00 am to 10:00 pm. all year round.

6. Permitted Parking at Meldrum Bar Park. (Linda) A discussion was held regarding establishing a source of revenue at this site. City of Gladstone residents would receive a free pass for possibly 2 years to placed in the windshield of their automobiles. The general consensus was that it seems to be a good idea, but more research needs to be done before any decisions are made. All members interested in this proposal should make a list of suggestions and send them to Tami prior to April 22. Further discussion will be held at our next meeting.

   Pete reports that he witnessed men use their trucks to pull down the gate that was across the drive way to Meldrum Bar Park a number of years ago. As he recognized them, he reported them to the police.

   Pete also reports that he did an unofficial survey of the fishermen at the Park. Of the 66 people that he talked to, 10 lived within the City limits of Gladstone. The others lived elsewhere.

7. Per Jim the roof at the restroom has been replaced and the building is open for use. The dry rot and damage to the roof was severe. He is pleased with the quality of their work and the outcome.

8. Parks Master Plan. Jim reports that to date there has been one cost estimate submitted to the City for this project and a decision has not been made. Cost of survey is unknown.

9. Martha reports that she has been approached with concerns from residents regarding the possible sale of the Gladstone Nature Park. Neal reports that it is not known if the sale of the Park is possible, but it has been referred to legal for an opinion. A decision has not be made. Pete reports that there are homeless people living on the property and Neal will send an email to Lt. Jolley.

10. Martha previously inquired about rules involving the Parks Board. Neal has confirmed the Board is to be made up of 9 people, all of whom vote.
A minimum of 5 members must be present to hold a meeting. Neal is our liaison to the City Council and he has a vote. Although Steve is also Liaison to City Council, he does not vote.

11. Our meeting time will be changed from 7:00 pm. to 6:30 pm.

12. The meeting was adjourned. The next meeting is scheduled for Monday, May 2, at 6:30 pm.

To: Linda Cosgrove
Subject: Re: next parks meeting

Well done. Thanks Linda

Sent from my iPhone

On Apr 19, 2016, at 10:50, Linda Cosgrove <cosgrove.glad@outlook.com> wrote:

Good Morning Tami:

We ere asked to send our thoughts on establishing a positive revenue stream from parking permits at Meldrum Bar.

1. Parking permits fees would be for none Gladstone residents only. Residents of the community could go to the window at City Hall and obtain a 2 year pass to place permanently in the window of the vehicle that they drive into the park. Two permits per household sounds good.

2. I have contacted two venders of payment machines to to be placed in the Park. They would be for credit/debit cards only. In an effort to eliminate vandalism, there would not be any cash involved. Persons who wanted to pay with cash for a 2 year permit, could go to City Hall. I will bring two different packets to our next meeting for discussion. Both contacts agreed to do a walk through the park to discuss possibilities. I think that we should talk to three venders prior to any decisions.

3. We want to be assured that the permit system will result in a positive revenue for the City. We also want assurances that all proceeds would go directly back to the Parks and not be used for other projects in the City.

4. Should we try to do a survey on a busy day to determine where people live and why they are using the park?

Please add the above to our Parks packet for the next meeting.

Thank you,
Linda

PUBLIC RECORDS LAW DISCLOSURE

This email is a public record of the City of Gladstone and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

Tami Bannick

From: Lee Wooldridge <leeandmarthaw@yahoo.com>
Sent: Tuesday, April 26, 2016 1:31 PM
To: Tami Bannick
Subject: Re: Park & Recreation Bd Meeting

Tami. Lee and I think that any more discussion regarding fees at Meldum Bar should be put on hold until we have in put from all organizations that may be involved in the fee system
Can you please relay this to the park members. Many thanks.
Martha

On Apr 26, 2016, at 12:26 PM, Tami Bannick <bannick@ci.gladstone.or.us> wrote:

> Park & Recreation Board & Department Heads -
>
> Please advise if you have any items you would like included on the May 2, 2016 Park & Recreation agenda? If so, please submit agenda item along with any attachments to me by 5pm on Thursday, April 28th. I plan to email packets out on Friday, April 29th. Attached are minutes (thanks Linda) from last meeting. Thank you.
>
> Tami
> PUBLIC RECORDS LAW DISCLOSURE
>
> This email is a public record of the City of Gladstone and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.
>
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6-15

TRAFFIC AND SAFETY COMMISSION AGENDA

6:30 P.M., APRIL 25, 2016

GLADSTONE CITY HALL CONFERENCE ROOM

1. Members of the Committee: Linda Neace, Linda Cosgrove, Michael Villanti, Kirk Stempel, Libby Pace Wentz, Yvonne McNeil, Kenneth Moore. Councilor Neal Reisner.

2. Expansion of Traffic Safety Commission Duties & Possible Name Change to Public Safety Advisory Commission
   *Researching, developing & implementing traffic safety programs which meet local needs.
   *Acting in an advisory capacity to the City Council and the City Administrator in the coordination of traffic safety activities of the official agencies and departments of the City of Gladstone
   *Upon request providing research & furnishing information to other official agencies of the City of Gladstone
   *Promoting public acceptance of official programs proposed or instigated by the City
   *Fostering public knowledge & support of traffic law enforcement engineering problems
   *Assisting in overall reduction of traffic accidents, injuries & deaths on City streets

3. Approval of the March 28, 2016 Minutes (available at meeting?)

4. Signage – No school zone signage on Portland Ave for high School and no right turn only signs on 82nd southbound at Arlington – Ken Moore (no attachments)

5. Trucks and Truck Routes – Michael Villanti (no attachments)

6. Continued Discussion of W. Clackamas Blvd Becoming One-Way – Mike Funk

7. Business from City Staff

8. Other

City of Gladstone
Council Report

Report Date: April 18, 2015
Meeting Date: April 20, 2015
To: Traffic Safety Commission
From: Councilor Neal Reisner

AGENDA ITEM
Proposed expansion of the Traffic Safety Commission responsibilities and rename to the Public Safety Advisory Commission.

HISTORY/BACKGROUND
The public safety departments for the City are the two largest and have the majority of public contact but currently do not fall under a citizen advisory commission or board such as the Library or Parks. Though the Fire and Police Departments have liaison members from the City Council, I believe our two largest departments would benefit from additional citizen involvement. I introduced this concept to the City Council at its February Retreat and was asked to explore it with the Traffic Safety Commission. I then followed up and introduced it to you at our last meeting where the Commission expressed interest so I'm now returning with additional information.

PROPOSAL
The general purpose of this proposed revamping of the Commission would be to explore solutions to community issues, improve the delivery of fire and police services by assisting in the development of long-range plans and a public policy of public safety, establishing expectations regarding the types and levels of service and improving the relationship between the fire and police departments and the community.

This proposal would encourage addition citizen involvement as an advisory committee; however it is not a citizen review board. The creation of the Public Safety Advisory Commission would provide yet another valuable opportunity for citizen involvement and input, and would be a valuable tool of feedback for the Fire and Police Departments and their Chiefs.

There is information regarding the Traffic Safety Commission on the City's website (attached), but there is not any information establishing or setting requirements for the Commission in the Gladstone Municipal Code (GMC). This proposal also includes the establishment of the codification of the Public Safety Advisory Commission in the GMC. For additional information you will find enclosed copies of the City of Milwaukie's and the City of Sherwood's municipal code regarding this topic, plus copies from their websites.

OPTIONS

The Traffic Safety Commission can recommend approving this proposal as is to the City Council; make modifications before recommending approval to the City Council; create its own proposal; or deny this proposal.

COST IMPACT

There are no additional budgetary funds that would be needed for the proposed Public Safety Advisory Commission. Rather, current budgeted funds and staff time would be able to support the work of the Commission.

RECOMMENDED ACTION

I recommend the Traffic Safety Commission adopt this proposal with a recommendation of approval to the City Council.

City of Gladstone Municipal Code

Public Safety Advisory Committee

2.??.??? ESTABLISHED—PURPOSE

The Public Safety Advisory Committee is established for the purpose of advising and making recommendations to the City Administrator and the City Council regarding public safety needs in the City. The Committee shall be responsible for, but not limited to, the following activities:

(1) Review and make recommendations on community livability concerns related to fire/crime prevention and traffic safety issues that affect public safety and neighborhood livability in Gladstone.

(2) Review and make recommendations for police-community partnerships to mitigate the negative influence of crime and traffic on the community.

(3) Promote public education and awareness of the effects of fire, fire prevention, crime, and the fear of crime on the community.

(4) Coordinating with the public and private school systems of the city in promoting fire and traffic safety aids in the schools while also promoting the education of the public on being safe.

(5) Collaborate with Local, County, and State government agencies to develop strategies to mitigate negative community livability concerns by focusing partnership agency resources to reduce or eliminate specific crime, problem areas, or concerns.

(6) Such other activities as the Council may assign.

2.??.??? MEMBERSHIP—QUALIFICATIONS

(1) The Public Safety Advisory Commission shall consist of seven members to be appointed by the City Council. Each member shall be appointed with the concurrence of a majority of the City Council for three year terms.

(2) All members of the Public Safety Advisory Commission shall be residents of the city.

(3) A quorum consists of a majority of appointed members to the Public Safety Advisory Committee present.

2.??.??? Vacancies and removal

(1) Appointments to fill vacancies shall be for the remainder of the unexpired term. A member may be removed by the City Council after a hearing for misconduct, misfeasance, or nonperformance of duty.

Pat McMahon

10

This is a poll which is to help determine the support or "non support" of West Clackamas Blvd in Gladstone, Oregon between Barton and Portland Avenue becoming a one way street.

	Y	N	Name	Address	Direction East	Direction West
1	X		Alicia and Bruce Alley	220 W Clackamas Blvd	X	
2	X		Sara Ellen and Junior Ordina	200 W Clackamas Blvd	X	
3	X		Magdalena and Phillip Gagnier	205 W Clackamas Blvd	X	
4	X		Todd Anslow	215	X	
5	X		Robert Wilson	275	X	
6	X		Nancy/Stan Petroff	270	X	
7	X		Peggy and Tuble	288	X	
8	X		Rulinda Carlotti	315	X	
9	X		Bob Cindi Steimies	235	X	
10	X		Ken Moore	360 W Clackamas	X	
11	X		Ken Hass	195 W Clack Blvd	X	
12	X		Wayne & Kathy Logemann		X	
13	X		Paul Stone	250	X	
14	X		Melinda Beyers	390 W. Clackamas	X	
15	X		Richard Burke	365 W Clackamas Blvd	X	
16	X		Tamey Mathew	115 W. Clackamas Blvd	X	
17	X		Josh Stinson	340	X	
18	X		Duane Summit	201 W Clackamas	X	
19	X		Hardy Barnes	150	X	
20	X		Les Smelser	381	X	
21	X		Les Smelser	385	X	
22	X		Smith	203	X	
23						

ADMINISTRATIVE ACTION

(This is information only – no discussion will take place. If you have any questions, please contact City Administrator Eric Swanson)

Honorable Mayor and Members of the Gladstone City Council:

City Staff, in conjunction with the City Attorney's Office, has updated the Gladstone Personnel Handbook, last updated in 2013. Under Section 2.36.030 of the Gladstone City Code, the City Administrator shall adopted, administer and amendment personnel rules, therefore this information is advisory in nature.

The majority of the updates are to align the City's policies with changes in the law. In addition to those updates, the City is making the following changes:

- Changing the definition of temporary and seasonal employees from employees who work less than 600 hours per year to less than 1040 hours per year.
- Updating the cap for administrative time for exempt employees from 40 hours to 80 hours.
- Adding a cell phone agreement.
- Updating the City's electronic communication policy
- Resolving the conflicting language regarding the unexcused absence policy.
- Transferring employees must complete a background check if the new position requires it.
- The smoking policy is now the tobacco policy to include e-cigarettes.
- Meal and other travel expenses are now on a per-diem basis instead of reimbursements. If a conference provides a meal, the City will not provide per diem.
- Non-temporary part time employee who are schedule to work a full time for a calendar month will accrue vacation at the rate of a full time employee with their experience.
- Employees can accrue up to 940 hours of sick leave (up from 720).
- If the City reimburses the employee for educational materials, the employee shall return those materials to the City.
- Clarify that the drug policy applies to all state and federally controlled substances.
- The City is not required to re-post job announcement within two months.

Eric Swanson, City Administrator

Style Definition: TOC 1: Font: (Default) Arial, 12 pt, Tab stops: 5.99", Right,Leader: ...

INTRODUCTION

As you begin your employment with the City of Gladstone, we would like to welcome you and invite you to read and become familiar with the contents of this personnel handbook. We hope that you find it full of helpful and valuable information about the policies, benefits, procedures, and opportunities available to guide and assist you in performing to the best of your abilities and developing and realizing your potential as one of our valued employees.

Communication is the most important aspect of the employment relationship. This handbook is designed to improve your understanding of what we expect of employees. We have developed it to provide you with answers to questions that frequently arise about basic employment issues. This handbook is not intended to create any kind of contractual relationship and is subject to change at the City's discretion, with or without notice.

Your daily contact with the public has two effects: First, the perception the public gains from your appearance and behavior reflects on the City; second, what you see and hear can be very useful in improving the public's perception of our City. Improving the public perception of City services and how well we provide them is a goal we are striving to achieve. It is good business to exceed citizen expectations.

Please read this handbook carefully and retain it for future use. Try to familiarize yourself with its contents as soon as possible because it should answer many of your initial and ongoing questions about your employment with the City.

This handbook cannot anticipate every situation that may arise while you work here. However, it does address the most common issues and questions. It is implied throughout the following policies that employees will adhere to all policies or be faced with disciplinary action. If you have any questions about this handbook, contact the City Administrator.

Thomas Mersereau
Mayor

Eric Swanson
City Administrator

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1.0 OVERVIEW

1.1 Purpose

These rules provide systematic and equitable procedures affecting the status of employees of the City of Gladstone. It is important that you understand that this handbook is not intended to serve as a contract for employment or benefits. Because our ability to serve the public and provide employment depends on our ability to remain flexible, the City reserves the right to make changes in rules and practices that are believed necessary to ensure its efficient operation.

Nothing in this handbook should be construed as a guarantee of continued employment; employment with the City is on an at-will basis. This means that the employment relationship may be terminated by you or by the City at any time, for any reason not prohibited by law.

1.2 Application

These personnel rules apply to all City employees, and police reserves, but do not apply except as noted to elected officials, trainees, and independent contractors. These rules supersede all other personnel policies, memos of understanding, and past practices. If there is a conflict between these rules and an applicable collective bargaining agreement, individual contract, City ordinance, state or federal law, the terms and conditions of the agreement, contract, ordinance or law apply. In all other cases, these rules apply. It is implied that employees will follow all rules and policies or be faced with the appropriate disciplinary action. All references in these rules to the City Administrator also include a supervisor or other person designated by the City Administrator to act with the authority of the City Administrator.

1.3 Effective Date

This handbook is effective DATE~~January 1, 2013~~ and replaces all prior handbooks and employment rules, written and unwritten. We want to avoid misunderstandings. ~~Consequently, any future amendments or additions to these rules must be approved by the City Council to be valid.~~

1.4 Laws and Regulations

The City is committed to following all federal, state, and city laws and regulations as they pertain to employment obligations. Federal and state legal notices are posted on employee bulletin boards in City work places. Employees are encouraged to familiarize themselves with all postings and employer obligations found in this handbook.

2.0 EQUAL EMPLOYMENT OPPORTUNITY

2.1 Policy Statement

The City of Gladstone maintains a policy of providing equal employment opportunities to all qualified persons without regard to race, religion, creed, color, sex, national origin, sexual orientation, gender identity, age, marital status, military status, injured worker status, mental or physical disability, veteran's status or other protected status consistent with applicable law. We strive to make employment decisions based on our evaluation of an individual's qualifications, ability and contribution to the success of our City.

2.1.1 Genetic Information Non-Discrimination Act (GINA)

Neither applicants nor employees are discriminated against based upon either the employee's or the employee's family genetic information; the City does not use genetic information in employment decisions. Once a condition manifests itself, the GINA no longer applies. More detailed information about GINA is available on the EEOC poster which is posted at each City worksite.

2.1.2 American with Disabilities Act

The Americans with Disabilities Act (ADA) and the Americans with Disability Act Amendments Act of 2008 (ADAAA) are ~~is a~~ comprehensive federal civil rights laws that specifically protects individuals with physical and mental disabilities. Individuals still need to be "qualified" for the job, and not pose a "direct threat."

Individuals may be protected under the ADA/ADAAA if any of the following conditions exist:

- They currently have a physical or mental impairment that substantially limits a major life activity.
- They have a record of such an impairment, physical or mental, that substantially limits a major life activity; or;
- They are perceived to have such impairment.

Episodic or in remission conditions may meet the definition of a disability if it would substantially limit a major life activity when active.

Temporary, non-chronic impairments of short duration, with little or no residual effects usually are not considered disabilities under ADA/ADAAA. Examples of, but not limited to, impairments that typically would not meet

the ADA/ADAAA definition of a disability: common cold, seasonal or common influenza, joint sprain, minor and non-chronic gastrointestinal disorders or broken bones that are expected to heal completely.

The use of ordinary eyeglasses or contact lenses that are intended to fully correct visual acuity or eliminate refractive error, typically are not considered disabilities under ADA/ADAAA.

Pregnancy is not considered impairment under the ADA/ADAAA.

Individuals who currently engage in illegal use of drugs are excluded from ADA/ADAAA protection.

The ADA/ADAAA also prohibits discrimination on the basis of an individual's relationship to someone (parent, sibling, child, spouse/significant other, etc.) with a disability.

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The City offers 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 being held or 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 may be available to employees and applicants, as long as the accommodation doesn't cause undue hardship for the City. A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the City and which permits a qualified applicant or employee with a disability to participate in the job application process and to perform the essential functions of a job. Examples include but are not limited to: providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, making the workplace readily accessible to and usable by people with disabilities.

Individuals protected by the ADA/ADAAA should discuss their need for possible accommodation with their Department Head.

2.1.3 Religious Accommodation

Reasonable accommodation may be provided for religious observances or practices of employees, unless providing the accommodation would

impose an undue hardship on the City. With City Administrator approval, an employee may use vacation or other available leave for religious activities; if accrued leave is not available, then an employee may request to take unpaid leave.

2.2 Policy Against Harassment

2.2.1 General

All employees have a right to work in an environment where the dignity of each individual is respected. For that reason, we expect all employees to accomplish their work in a business-like manner with concern for the well-being of their co-workers. Any harassment of employees by fellow employees is not permitted, and will not be tolerated regardless of working relationship or supervisory status.

2.2.2 Specific Types

Harassment of a sexual (including sexual orientation), racial, ethnic, religious or disability related nature is specifically forbidden. This includes unwelcome sexual advances, innuendoes, unwelcome touching, dirty jokes, sexually explicit posters, and other oral, graphic or physical conduct of a sexual nature that has the purpose or effect of creating an offensive work environment. This also includes racial slurs, ethnic jokes, derogatory comments or gestures about a person's physical or mental limitations and other oral, graphic, physical or other conduct of a racial, religious, and ethnic or of a disability related nature that creates an offensive work environment.

2.2.3 Threats

No one should suggest or threaten that an employee's cooperation, tolerance or objections to unwelcome conduct of a sexual, racial, ethnic, and religious or disability related nature will have any effect on that employee's employment. The City does not condition nor condone employment decisions on such factors.

2.2.4 Reporting

If you are subjected to any type of harassment (particularly of a sexual, racial, ethnic, religious or disability-related nature) by either an employee or anyone you come into contact with through your job, you should promptly contact your supervisor or the City Administrator. Employees who, for whatever reason, feel uncomfortable reporting to their supervisor should promptly report the harassment to their Department Head, Assistant City Administrator or the City Administrator. We encourage employees to report complaints and work with us to informally resolve problems involving harassment. Our ability to resolve problems is

dependent on your cooperation in reporting incidents that create an offensive or hostile work environment for you. If an incident is reported, an investigation will be undertaken immediately. Violators are subject to appropriate disciplinary action including termination. Retaliation will not be tolerated.

2.2.5 Retaliation

Retaliation against you by your supervisor or fellow employees, for engaging in a protected activity such as filing a complaint or cooperating in an investigation, will not be permitted. Federal laws such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and t~~T~~he American with Disabilities Act, all prohibit an employer from retaliating against an employee engaged in a protected activity.

2.2.5.1 Protected Activity

A protected activity is defined as: opposing an unlawful practice prohibited by employment discrimination laws, or participating in any way in an investigation, proceeding, or hearing of an Equal Employment Opportunity charge.

2.2.5.2 Disciplinary Action

Any act of retaliation by a manager and/or coworker may result in serious adverse disciplinary action up to and including termination. Any staff member may file a complaint with their Department Head or the City Administrator if he/she feels that they have experienced retaliation in any form.

2.2.6 Whistleblower

The City does not discriminate against employees who report in good faith alleged violations of state or federal laws, rules, or regulations.

3.0 EMPLOYEE CLASSIFICATIONS AND DEFINITIONS

Like all employers governed by federal and state regulations, the City of Gladstone employees are classified as either non-exempt or exempt under federal and state wage and hour laws.

3.0.1 Exempt Employees

Positions classified as e~~E~~xempt, according to federal and state law, must be primarily engaged in specific duties and responsibilities, exercise discretion and independent judgment, execute special assignments and assist with management policies. Job titles alone do not determine

whether someone is an exempt employee, the actual work relationship is what determines the status. Most exempt positions are paid on a monthly basis with an annual salary and are not subject to some provisions of the ~~Fair Labor Standards Act~~federal and state wage and hour laws including those pertaining to overtime and record keeping. Exempt employees are expected to work the number of hours necessary to complete responsibilities, assignments and objectives as determined by their supervisor.

3.0.2 Non-Exempt Employees

Positions classified as n~~N~~on-exempt are subject to the Fair Labor Standards Act and applicable state wage and hour laws particularly those pertaining to overtime provisions, minimum wage, record keeping, and meal periods. Non-exempt positions are paid monthly. Job titles alone do not determine whether an individual is a non-exempt employee, the actual work relationship is what determines the status.

3.1 Probationary Period Employees

3.1.1 Length of Probation

The probationary period for new employees is six to eighteen continuous calendar months from the date of hire, depending on the employee's classification and department. During this period employees will have an opportunity to evaluate whether the work for which they were hired, the people with whom they work, and the general atmosphere and conditions at the City meet their expectations. At the same time, the City will evaluate performance and provide feedback. The attitude and aptitude shown in the employee's work habits during the probationary period, in particular, attendance, punctuality, ability to learn, and ability to get along with people, will be primary factors used in determining whether the employee will be assigned to regular employment status.

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3.1.2 Probationary Rights

This probationary service is merely an introductory period. ~~However~~The~~,~~ completion of this period of probationary service does not provide an employee with any particular job rights or guarantees. Probationary employees have no obligation to stay through the introductory period. The City has no obligation to retain probationary employees for this entire period if, in the City's view, the employee's performance or other business considerations warrant termination of employment. All probationary employees will receive performance feedback half-way through the probationary period and prior to the completion of the probationary period from their supervisor. The City may terminate ~~your~~an employee's probationary period at any time, for any reason.

3.1.3 Probation Period Conclusion

At the end of the probationary period, the employee's supervisor will either extend the probationary period (not to exceed an additional three months), terminate employment, or recommend designation as a regular employee.

3.1.4 Probation Period Extension

Any probationary employee who is absent for ten or more contiguous workdays during their probationary period may have their probationary anniversary date and corresponding salary review date lengthened to correspond accordingly.

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3.2 Regular Employees

3.2.1 Regular Employee Defined

Regular employees are employees who have completed their probationary period and have been appointed or hired for ongoing employment to a position established in the annual budget.

3.2.2 Regular Employee Benefits

A regular full-time employee has completed the probationary period and regularly and consistently works at least 40 hours a week. Regular full-time employees are eligible to receive all the employee benefits outlined in this handbook if they meet the eligibility requirements.

3.2.3 Three-Quarter's Time

A regular three-quarter's time employee has completed the probationary period and regularly and consistently works from 30 to 39.9 hours a week. Regular three-quarter's time employees are eligible to receive employment benefits, as outlined in this handbook if they meet the eligibility requirements as determined at the time of hire.

3.2.4 Part-time

A regular part-time employee has completed the probationary period and regularly and consistently works from 20 to 29.9 hours per week. Part-time employees are eligible to receive employment benefits, as outlined in this handbook if they meet the eligibility requirements as determined at the time of hire. Part-time employees who work 19.9 hours or less per week are not eligible to receive employment benefits.

3.3 Non-Regular Employees

Non-regular employees are not eligible for employee benefits, except as set forth in this handbook or as required by law.

3.3.1 Temporary

A non-regular employee who is hired to work for a brief period of time to meet the work demands of the department, generally, not more than 1039 ~~599~~ hours per calendar year.

3.3.2 Seasonal

A non-regular employee who is hired to work for a brief, yet specified period of time, generally, not more than ~~599~~ 1039 hours per year.

3.3.3 On-call

A non-regular employee who does not have a set schedule and works when called upon as the work load demands.

4.0 WHAT THE CITY EXPECTS FROM YOU

4.1 Public Service, Teamwork and Excellence

4.1.1 Public Service

Service to the community is the primary responsibility of the City and all employees. Each employee must strive to provide the highest quality service in a caring, responsive, and effective way. All employees should remember that, to the public, each employee represents the City of Gladstone.

4.1.2 Teamwork

Every employee should keep in mind that each is a part of a team of City employees. A cooperative spirit and teamwork are essential to high morale, productivity and personal job satisfaction. Each employee should always strive to be a positive, constructive member of the City team.

4.2 Personal Conduct

4.2.1 Personal Conduct

All employees must conduct themselves in a manner that is appropriate for an employee in public service. Employees must be courteous, considerate, efficient, and helpful to everyone in their work and meet or exceed their job description duties. Each employee should strive to provide services that are a source of pride to the employee, fellow employees, elected officials and residents.

4.2.2 Public Relations

Public relations are an integral component of each employee's job. When answering the telephones or greeting the public, employees must be courteous, considerate, efficient, and helpful. In addition, each employee will listen to questions and concerns and respond to the citizen in a friendly, professional manner. Each employee should actively work to serve the public and demonstrate capability and willingness to help residents. Favorable impressions created by employees' public behaviors can help develop good will and support for City services.

4.2.3 Criminal Conduct

Employees are required to report to their Department Head if they are arrested of any misdemeanor or felony, including a DUII within two business days and submit any documentation concerning the arrest. Upon conviction, the employee must report the matter to their Department Head or City Administrator, within two business days and must submit documentation concerning the conviction.

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

Failing to report an arrest/conviction constitutes grounds for discharge. Furthermore, misrepresentation of the circumstances of the events surrounding the arrest/conviction can serve as grounds for discharge.

Employees who are unavailable to report for work due to incarceration may be subject to disciplinary action, including discharge.

4.3 Ethical Practices and Honesty

The City conducts its business affairs in compliance with applicable laws and rules. Oregon has ethical rules that apply to all public employees. The City expects its employees to understand the scope of those rules and what an employee can and cannot do. We expect all employees to strictly comply with these standards and to refrain from engaging in activities that are unlawful or unethical. If you have questions on what is covered by Oregon's Ethics Law (ORS 244.010 to ORS 244.040), you should talk to the City Administrator. If an employee feels that any City official or employee is engaging in unlawful business activities, we encourage them to immediately report the concern to the City Administrator. We respect the right of employees to raise such issues and will address any concerns reported immediately.

4.3.1 Gifts

Employees, volunteers, and elected officials (including members of their household, or relatives) may not accept anything of aggregate value in excess of $50 in a calendar year from a single source that may have a possible administrative interest/influence. ORS 174.109, ORS 244.025

4.4 Attendance & Tardiness

4.4.1 Dependability

Part of being a good employee is dependability. Punctuality and regular attendance are essential for efficient operations. When an employee is absent, co-workers often have to perform extra work.

4.4.2 Prior Authorization

If an employee knows they will be late or absent, the employee should clear the absence with their supervisor so that substitute arrangements can be made to cover work. Unavoidable lateness or absences should be communicated to the employee's supervisor at least one hour prior to the beginning of the employee's normal starting time, but no later than 15 minutes after the beginning of the employee's normal starting time.

4.4.3 Failure to Notify

Employees who fail to report to work or call in to their supervisor for one workday may be ~~terminated~~disciplined, up to and including termination, unless the City determines special circumstances existed to justify the lack of notice.

4.4.4 Communication during an Absence

Employees off work due to illness or injury, must keep their supervisor informed of their condition and anticipated date of return to work on a daily basis, unless the employee receives approval from the City Administrator to be absent until a specific date. This allows the City to make staffing arrangements to meet the City's needs. The reporting rule for employees on a medical leave absence, including employees off work on workers' compensation, is addressed under the Leaves of Absence section of this handbook.

4.4.5 Definition of an Absence

An excused absence is an arranged or authorized absence that an employee has cleared with their supervisor. An unexcused absence is one that has not been prearranged and which has not been authorized.

~~4.4.6 Unexcused Absence Policy~~

~~Employees are also subject to the City's Unexcused Absence Policy which is attached as Appendix E.~~

4.4.6~~7~~ Inclement Weather

4.4.6~~7~~.1 Procedure for Absence

If employees determine that they cannot safely travel to work or will be arriving late because of severe weather conditions, they must notify their supervisor (preferably before the start of their shift), and then must use vacation, compensatory time, or administrative leave (if eligible) for that time. If appropriate accrued leave is unavailable to an employee, the time off will be unpaid. If an employee feels that they must leave work early because of severe weather conditions, they must receive approval from their supervisor and then use vacation, compensatory time, or administrative leave (if eligible) for that time. If appropriate accrued leave is unavailable to an employee, the time off will be unpaid.

4.4.6~~7~~.2 Closure

If the City Administrator decides to close City Hall for nonemergency services during periods of severe inclement weather, employees will not be automatically released from work. On a case-by-case basis, employees may be reassigned to other duties, or released from work. Employees may use accrued vacation, holiday, comp time, or can make-up short periods of time with their supervisor's approval if it occurs during the same pay period, it does not conflict with a collective~~the~~ bargaining ~~contract~~agreement, or cause the employee to accrue overtime. Employees may also take the time as unpaid. Employees may not utilize sick time. In the event City Hall is closed during severe inclement weather, the City Administrator will contact each Department Head who will in turn contact the affected employees in their respective departments.

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4.5 Appropriate Dress & Grooming

City employees are representatives of the City and role models to the public. Although the City does not have a formal dress code, employees are required to be neatly groomed and wear clothing suitable for their work environment and activity as required by each department.

5.0 GENERAL EMPLOYMENT POLICIES

5.1 In General

5.1.1 General Requirements

City employees must use common sense, sound judgment, and conscientiously perform work duties. City employees must also follow the policies and procedures set forth in this document as well as all management directives. City employees should familiarize themselves with the rules. When new or revised sections of this handbook are issued, employees are responsible for inserting those sections into the handbook. Discard any sections that have been replaced and sign and return the acknowledgement.

5.1.2 Responsibility to ask Questions

Please discuss questions about position, employment status, job requirements or other matters with your supervisor. If your supervisor is not available, and it is a matter of urgent nature, discuss questions with your Department Head or, if not available, the City Administrator.

5.2 Use of Electronic Equipment:

5.2.1 Personal Business

Personal business should be conducted while on your breaks or during your meal period. This includes phone calls, emails, text messages, internet searches on personal equipment, etc. Personal long-distance telephone calls made on City phones must be approved prior to making the call and billed to your home or a credit card. City issued cell phones are to be used for City business purposes only. Personal phone calls or text messages are not approved for use on a City issued cell phone.

5.2.2 City Computers

The City's computers are only to be used for City business. Employees should not load personal software, change or delete current setup, programs or system files, download or use computers and related equipment for personal reasons without authorization from their supervisor. Firewalls (hardware/software security interfaces between the internal network and the outside Internet) and other methods may be used to control, filter and monitor Internet access. Subscriptions to services designed to block access to inappropriate web sites also may be used. City equipment may not be used at any time to access inappropriate sites or to transmit or receive inappropriate information. Pornography, hate groups, and gambling are examples of inappropriate sites and access to them is a misuse of City property. Information kept on the City's computers is not considered "private" or "personal" and as a result,

employees should have no expectation of privacy for any information that is stored or accessed through City owned electronic equipment.

5.2.3 Electronic Communication Systems Policy

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It is the policy of the City to provide employees with electronic communications systems, at the City's expense, to assist employees in carrying out business activities. It is also the policy of the City to ensure that these resources are used efficiently, professionally, and in the interests of the City at all times.

5.2.4 Application of Electronic Communication Systems Policy

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This policy applies to all forms of electronic communications systems maintained or provided by the City or located on City premises, including but not limited to telephones (including City provided mobile phones), voicemail, computer hardware, software and network systems, laptops, notepads or tablets, electronic mail, facsimile, video conferencing, and access to the Internet. This policy is applicable 24 hours a day, 7 days a week.

5.2.5 Intended Use

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All communications systems and equipment described above are provided by the City of Gladstone for the purpose of supporting and carrying out City business. Such electronic communication systems and equipment are, and at all times remain, the property of the City. This means that all electronic communications and other data that is created, stored, accessed, sent, and/or received on these systems is also the property of the City. Furthermore, because these communications are City property, they may not be deleted without authorization from your supervisor.

5.2.6 No Expectation of Privacy.

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Electronic communications on systems provided by the City (including any message composed, sent, or received) *are not private.* They may be monitored, reviewed, copied, and/or disclosed by the City for any business purpose the City deems necessary or appropriate, at any time without further notice or other restriction.

In addition to monitoring by the City, employees are reminded that information transmitted or stored on City computers and the City's email and voice mail systems may be subject to disclosure under Oregon's Public Records Law.

5.2.7 Permissible Use

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As stated above, the City's electronic communication systems is intended to be used only for City business. Electronic communications that support City business activities with outside professionals, colleagues, suppliers, etc. are permitted, provided they otherwise comply with City policies. Occasional personal use of City electronic communication systems by exempt employees is permitted, provided it does not interfere with work duties. Non-exempt employees are not permitted to engage in personal use of City equipment during work time, but may use computers for personal use during their break time.

As stated above, any information connected with an employee's personal use is *not private*, and the communications must comply with all applicable City policies, including Section 2.2 (Policy Against Harassment).

Additionally, employees who use social networking websites or media, whether on or off duty, are expected to use good judgment and avoid postings that could be damaging to the City's interests or reputation or offensive to others who may see your posts. In particular, employees are reminded that messages and images of a sexual, racial, ethnic, religious or other nature prohibited under the City's Equal Employment Opportunity policy that are shared with other City employees who are "friends" on those networking websites can be viewed as offensive by those employees and may be a violation of the City's harassment policy.

5.2.8 Expectation of Professionalism

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Electronic communications on City equipment and systems should be professional and businesslike at all times. No electronic communications using City equipment or systems may contain content that could reasonably be viewed as offensive, harassing, or inappropriate in the workplace.

5.2.9 Specific Uses Prohibited

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Each type of electronic communication system the City maintains represents a valuable resource for legitimate business uses, but it also presents an opportunity for abuse and potential liability for both the City and the employees who use those systems. Therefore, abuse or any other improper use of any City electronic communication system may result in the employee's access privileges being restricted or taken away, as well as disciplinary action up to and including termination of employment.

Prohibited uses include, but are not limited to:

- Sending, forwarding, accessing, or storing material that is sexual in nature, or contains discriminatory or derogatory content, or could reasonably be viewed as offensive or inappropriate in the workplace.
- Engaging in personal activities that result in financial or other costs to the City (e.g., incurring long distance charges by use of a phone or modem).
- Engaging in activities that interfere with an employee's work performance (e.g., personal use of the Internet during work time).
- Personal, profit-making ventures or political activities.
- Unlawful activities such as sending, receiving or copying copyrighted materials in violation of copyrights laws or license agreements.
- Sending or disclosing confidential information regarding City business, City employees, or members of the public.
- Sending, forwarding or responding to chain letters.
- Making any installation, upgrade, download, modification, repair or other change to City computer equipment or software, without written approval from your supervisor.
- Connecting any device or equipment to a City computer without written approval from your supervisor.
- Breaking into any system or making unauthorized use of a password or mailbox, or pretending to be another individual.
- Creating unauthorized passwords or sharing password information with others.
- Engaging in unauthorized destruction or deletion of electronic communications or electronically stored materials.

5.2.10 Appropriate use of disclaimers

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When the City's systems are used for electronic communications, the City's name is carried along with the communication. Therefore, whenever expressing opinions outside the assigned duties of an employee's job, the employee should include the following disclaimer:

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"Any ideas or opinions expressed here do not necessarily reflect the ideas or opinions of the City of Gladstone."

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This disclaimer generally should be placed at or with the employee's tag line at the end of the communication.

NOTE: This provision does not apply to patron access to computing equipment at the City library.

5.2.11 Duty to Report Violations

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Any employee who witnesses or otherwise becomes aware of any use of the City's electronic communication systems in violation of this policy is expected to notify his or her Department Director or the City Administrator.

5.2.12 Agreement to Comply with this Policy

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Access to the City's electronic communication systems is permitted subject to an individual's agreement to comply with this policy. Every employee will be required to sign an agreement stating that they have read this policy and will abide by it. The City reserves the right to limit and/or terminate any person's access to the City's electronic communication systems at any time.

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5.3 Political Activity

5.3.1 Rules

City employees may not hold a City elected position and work for the City simultaneously. State law restricts political activities and no City employee may use their employment to solicit any money, influence, service or other thing of value, or otherwise aid or promote any political committee, or the nomination or election of any person to public office, while on the job or during working hours.

5.3.2 Employee Rights

This does not restrict the right of City employees to express their personal political views, to vote in any election or to support candidates or ballot issues, as long as it is done outside of working hours. The City does not sponsor any meetings where political (or religious) matters will be presented.

5.4 Solicitation & Distribution

To prevent disruptions and interference with work, we have established the following rules to govern solicitations and the distribution of literature on City property. Nothing in this section is meant to limit the union's ~~PECBA~~ Public Employees Collective Bargaining rights to discuss union

activities, so long as they do not interfere with the employee's performance of his/her job.

5.4.1 Employees of the City

Solicitation by an employee of another employee is prohibited while either the person doing the soliciting or the person being solicited is on working time. Solicitations must be limited to meal and break periods. Also, employees may not distribute literature for any purpose during working time or in working areas.

5.4.2. 2 Solicitation

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Solicitation is verbal communication for the purpose of selling, political campaigning, organizing for civic activities or any other cause. Distribution is an exchange of printed materials such as handbills, letters, and pamphlets for any sale, candidate or any cause.

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5.5 Driving and Vehicle Policy

5.5.1 Essential Function

Employees in positions where driving is listed as an essential function of their job will be subject to the City's Driving and Vehicle Policy which is attached as Appendix A.

5.5.2 Automated Reporting System

All employees who are required to drive as part of their job duties for the City, are required sign a waiver participating in the City's Automated Reporting Service through DMV. Through this program, the Ceity is notified of any accident, conviction or suspension as it relates to the employee.

5.6 References

Employees who leave City employment have the option of signing a Reference Release Form authorizing the release of information regarding their work performance, attendance, inter-personal relations, or information limited to their length of employment, position and pay rate. When employees leave City employment without giving written authorization to release more detailed information, the City will release only information about length of employment, position and pay rate. All reference requests should be directed to the City Administrator for response. Employees are also advised to review the City's Reference Policy which is attached as Appendix FE.

5.7 Personnel & Payroll Records

5.7.1 Personnel Records

5.7.1.1 Files

The City maintains a central personnel file at City Hall for each City employee.

5.7.1.2 Content

The central personnel file shows the employee's name, employee number, home address, birth date, sex, title of position held, the department assigned, salary, change in employment status, emergency medical information, names of persons to contact in emergency, evaluations, training received, and other information relating to the employee's qualifications for employment, promotion, compensation, dismissal, or other disciplinary action, and any other information the City deems relevant to the employee's City employment.

5.7.1.3 Confidentiality

Personnel records are confidential and generally accessible only to the supervisor, City Administrator and others authorized by the City Administrator under Oregon law. Employees may examine their personnel records at a mutually convenient time, upon request to the City Administrator.

5.7.1.4 Review

Employees are permitted to review their personnel file, except for information marked confidential that was submitted as part of any background check that was conducted. Employees may correct inaccurate factual information or submit written comments in disagreement with any material contained in their personnel records.

5.7.1.5 Notification

Employees will be notified of any materials or adverse entries into the employee's central personnel file.

5.7.1.6 Notification of Changes

For each employee's benefit, it is important that all personnel records be kept up-to-date. If there is a change of name, address, telephone number, marital status, or number of dependents, the employee shall notify the supervisor or City Administrator within 10 calendar days of the event and complete and sign the appropriate authorization forms.

5.7.1.7 Safeguards

The City maintains reasonable safeguards to ensure the security, confidentiality, and integrity of personal identifying information stored by the City.

5.7.2 Time Records

5.7.2.1 Timesheet Completion

Timesheets must serve as an accurate record of the time for which each employee is paid. Each employee is expected to record accurately the time spent working on City business. Each timesheet must be signed by the employee, certifying that it is accurate in all respects and reflects all time worked during the pay period. The timesheet will be submitted to the employee's supervisor for approval at the end of each pay period. All timesheets will be retained with City payroll records.

5.7.2.2 Report of Hours

In fulfilling this responsibility you should report your hours starting from the time you begin working and ending when you stop working, excluding your meal period. Employees are expected to record their total hours worked on their timesheet by rounding up or down to the nearest quarter hour.

5.7.2.3 Working Rules

Non-exempt employees should not start working before their scheduled starting time or work beyond their scheduled quitting time. Similarly, non-exempt employees are fully relieved of all work responsibilities during their meal periods unless paid for the meal period. If you are a non-exempt employee, do not remain at work to perform even incidental duties, like telephone answering, during your meal period. Your lunch period is to be used only to eat or attend to non-work related matters.

5.7.2.4 Approval of Over/Extra Time

All compensatory time or overtime must be preapproved by an employee's supervisor. Employees should fill out a Time Report for their supervisor's signature for each such occurrence. All time should rounded up or down to the nearest quarter hour.

5.7.2.5 Completion of Absence Documentation

Employees who are not present during working hours are expected to complete an Absence Report for their supervisor's signature noting preapproval for scheduled absences or documentation of non-scheduled absences.

5.8 Outside Employment

5.8.1 General

Generally, the City does not object to employees holding other jobs or being self-employed as long as:

- Employees are able to meet the performance, attendance, overtime and other requirements of their job;
- Off-duty work activities do not constitute a conflict of interest, interfere with or negatively reflect on the interests and reputation of the City;
- Employees do not engage in off-duty work activities which directly compete with the City; and
- Employees do not borrow or utilize any City equipment (even during breaks or rest periods) for outside employment purposes.

5.8.2 Approval

Employees must obtain advance approval for outside employment from their Department Head. Employees are required to conduct only City business related activities during scheduled hours. Should the request for outside employment be denied, the employee can request that the decision be reviewed by the City Administrator.

5.9 Residency Requirements

Employees are encouraged to live within the City limits. However, residency is not a condition of City employment or continued employment.

5.10 Promotions

To be eligible for promotion, an employee must meet the minimum requirements of the higher level position, and must have a satisfactory performance rating in the present position. The final decision whether to promote a current employee or hire someone outside the City will be made solely by the Department Head with a recommendation to the City Administrator.

5.11 Transfers

Employees may be transferred from one position to another, with approval of the City Administrator, provided such transfer is at the same salary level and, minimum qualifications for the new position are met. Transferring employees must also complete a criminal background check if required by the new position.

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5.12 Temporary Assignment

The City has the right to temporarily assign an employee to any position, in any department, when it is deemed to be in the best interest of the City. The transferred employee must meet the minimum qualifications for the new position.

5.13 Job Description & Performance Reviews

5.13.1 Job Descriptions

A job description has been developed for each position at the City. These include the classification, duties and functions, to whom the position reports, and required qualifications. A list of specific duties may be assigned in addition to responsibilities in the basic job description.

5.13.2 Performance Reviews

Employee performance reviews are an essential tool for communication between an employee and their immediate supervisor. The goal of the employee performance review is to establish a pattern of expected work habits, give employees and supervisors an opportunity to review and reset goals, reward or acknowledge good performance, create incentives, and identify and correct behavior or activity that does not meet City work performance expectations.

5.13.2.1 Completion

Written performance reviews are to be completed on the form prescribed by the City Administrator. The supervisor will ensure that performance reviews are completed appropriately and by the scheduled due date. The original performance review will be placed in the employee's personnel file and the employee will be provided with a copy of the review. The employee may respond in writing to the performance review or any aspect of that review, and the response will also be placed in the employee's personnel file.

5.13.2.2 Probationary Employees

Probationary employees will participate in an initial goal setting interview and will receive a performance review half-way through their probationary period and prior to its conclusion. Thereafter,

regular performance reviews will occur annually on the anniversary of the date the employee becomes a regular employee.

5.13.3 Frequency

A supervisor may conduct more frequent performance or progress reviews. A supervisor may initiate a special written performance review whenever a special review is deemed necessary. Performance reviews will be discussed with the employee and signed by the supervisor and employee to acknowledge receipt and discussion.

5.13.4 Submittal

All performance reviews will be submitted to the City Administrator regardless of whether a pay increase is involved.

5.14 Layoffs

5.14.1 General Procedure

The City attempts to provide stable employment for City employees by operating effectively and efficiently. However, change of services by the City, lack of work, lack of funds, or other changes may affect City employment needs. If it is necessary to eliminate or consolidate jobs or otherwise curtail staff, layoffs may be necessary. The decision of which individuals to be laid off will be made by the City Administrator based on an evaluation of the comparative work performance of the employees affected, as well as the skills and abilities of' those employees to perform the work remaining.

5.14.2 Call Back

If the position from which the employee was laid off becomes available within 24 months after the effective date of the layoff, the employee who was laid off will be offered the position provided they are in good standing with the most recent performance evaluation grade of "satisfactory" and they accept the position within five days of notice by the City that the position is available. Notice of the position vacancy will be sent to the employee's last known address by certified mail, return receipt requested.

5.15 Voluntary Resignation

5.15.1 Expectation

To resign in good standing, employees must give their supervisors not less than 10 working days' prior notice of the resignation, unless the supervisor waives this provision because of extenuating circumstances.

5.15.2 Requirements

The notice of resignation must be in writing and contain the reasons for leaving the City's service. The notice of resignation will be placed in the central personnel file.

5.15.3 Non-Compliance

Failure to comply with this requirement will be entered in the employee's personnel record and may result in denial of future employment by the City.

5.16 Separation of Employment

5.16.1 Last Day

The last day and hour worked is the effective date of separation from the City of Gladstone. Employees cannot use vacation, compensatory, holiday, or unpaid leave to extend the date of their separation beyond the last date worked. Employees on approved sick or injury leave will have their documented last day when their approved leave expires, should they decide not to return to work.

5.16.2 City Property

Employees must return all City property in their possession by the last day of employment. City property includes (but is not limited to) credit cards, keys, ID cards, cellular phones, pagers, tools, software, computer, computer disks, and any other items belonging to the City.

5.16.3 Information Disclosure

Verification of employment dates, job title, and wages may be provided without written approval after employment separation.

5.17 Re-Employment

Employees with a satisfactory record of service who resign their positions in good standing will be allowed to apply for vacancies under the conditions stated in the application procedures section of this handbook.

5.17.1 Re-Hire Date

After this policy becomes effective, if an employee separates from the City and becomes re-employed at any time, they will be assigned a new anniversary/hire date. No credit will be given for any past employment time with the City for the purpose of calculating vacation accruals, career recognition, annual reviews, etc.

5.18 Employment of Relatives

5.18.1 General

The City will not refuse to employ nor discriminate against an individual in terms or conditions of employment because a member of the individual's family is a City employee. The City will not employ family members where an employee would be in a supervisory relationship over a member of that individual's family, or where there are other bona fide business reasons not to employ a member of an employee's family. The employment of relatives will be considered on a case-by-case basis, and will be submitted to the City Administrator for hiring approval. Whenever family members are employed, neither will be responsible for conducting performance evaluations for the other.

5.18.2 Definition of Family Member

For the purposes of this section, "a member of an individual's family" includes the spouse, domestic partner, children, parents, brothers and sisters, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent or step-child of the individual, and any person residing in the same household with the individual.

5.18.3 Family Member Supervision

If two employees become married and a supervisory relationship exists, they must disclose their marriage to the City. The City may choose to take appropriate action, including reassigning one of the employees.

5.19 Volunteer Services

5.19.1 General

Any services volunteered will be offered freely and without pressure or coercion, direct or implied, from any supervisor, the City Administrator, the Mayor or a Councilor.

5.19.2 Employees Volunteering

No employee will be allowed to volunteer services for the City for work that is related to, or is an extension of, the employee's regular duties for the City.

5.19.3 Employee Volunteering Hours

Any voluntary service performed by an employee must be outside normal or regular working hours.

5.19.4 Compensation

Volunteering must be performed without any expectation or contemplation of payment for work performed.

5.20 Personal Property

The City will not reimburse an employee for the loss or damage of personal property, including personal motor vehicles, brought to the work site by the employee except for preapproved and authorized police weapons. All other employees (other than preapproved police officers for their weapons) will be provided appropriate tools or equipment, as determined by their supervisor, to perform the duties of their job. Employees who choose to bring personal property and equipment into the workplace do so at their own risk. Precautions should be taken with all tools and equipment to place them in a secure location. Employees should report the loss of personal items to the City police department immediately.

5.21 Reporting of Vehicular and/or Occupational Incidents

All job related injuries must be reported to your manager within 24 hours, regardless of the severity. Whenever a vehicular accident occurs involving a City-owned vehicle or a personal vehicle, if the employee is using the vehicle while on City business, the accident must be reported immediately to the employee's supervisor, and to the City police department. Drug testing will be administered after any accident or when damage occurs to City property/equipment, regardless of the fault. Use of an employee's personal vehicle, even for work-related purposes is covered by the employee's personal insurance. All tickets or fines incurred will be the responsibility of the employee to pay and may result in disciplinary action.

5.22 Use of City Property & Information

5.22.1 City Property

All City property and information is to be used solely for job-related purposes and activities, except as specifically authorized by the City Administrator. Use of such property or information for personal purpose is strictly prohibited unless specifically authorized by City policy or the City Administrator. Employees should not have any expectation of privacy in the use of City property or any information contained therein at any time. For purposes of this rule, City property includes all equipment, information, materials and facilities owned, or property connected or reasonably related to the City of Gladstone. Examples include software, electronic equipment, information systems (including, but not limited to computers, cellular telephones, fax machines, copiers, voice mail, e-mail), all communications and information stored in the City's information systems and electronic equipment, passwords, codes and keys to gain access to such equipment, buildings, motor vehicles, lockers or desks.

5.22.2 Financial Benefit

Employees may from time-to-time receive financial benefit from the incidental and personal use of City resources and equipment. Any financial benefit from the authorized use of such resources and equipment is considered additional compensation and the employee is solely responsible for any resulting income tax consequences.

5.22.3 Monitoring

The City reserves the right to access all City property and may periodically monitor the use of such property. The City reserves the right to review or disclose all information contained in such property at any time and for any purpose.

5.22.4 Harassment

Employees are prohibited from using any City property to solicit other individuals for any purposes or to send messages that may be interpreted as harassing, discriminatory, obscene or defamatory. The City's anti-harassment policy fully applies to employees in this use of City property.

5.22.5 City Property

City property including but not limited to vehicles, tools, equipment, furniture, etc is to remain on-site and should not be borrowed or removed for any non-City function or activity that is not a job-related requirement.

5.22.6 Authorization

Employees may not use a code, access a file, or retrieve any stored information, other than where authorized. City property or information that is confidential and/or proprietary information cannot be shared with individuals outside of the City without prior clearance of the City Administrator. Any employee who leaves employment with the City is prohibited from taking or copying any City property or information unless specifically authorized by the City Administrator. City property that has been deemed confidential and not subject to disclosure shall not be removed without the City Administrator's express authorization.

5.22.7 Separation of Employment

On or before the separation of employment date, employees must return any City property in their possession. Failure to do so may result in prosecution.

5.23 ~~Smoking~~ Tobacco Policy

The City is committed to protecting the safety and welfare of its employees and the public. To that end the City is declaring its premises to be a totally ~~smoke~~tobacco-free environment and requires that all employees refrain

from ~~smoking~~ using tobacco products, including e-cigarettes, while employees are working and not on a scheduled break or while on City premises which includes any City-owned building, vehicle, lavatory, or parking lot. Failure to comply with this policy will result in disciplinary action.

5.24 Information Disclosure

All employees have a responsibility not to disclose information about other employees obtained through overheard conversations, mislaid documentation, faxes, emails, and hard copies of correspondence sent to a wrong designation. Unauthorized communication of confidential information is regarded as a serious matter.

6.0 HOURS & WORK SCHEDULES

6.1 Schedules

The City's workweek begins at 12:01 AM on Monday and ends the following Sunday at 12:00 Midnight. Employee work schedules are established on an individual basis. A normal workweek for full-time employees is 40 hours or more per week excluding meal periods. If you have any questions about your work schedule or meal and break periods, ask your supervisor for clarification.

6.2 Reporting for Work

Employees are expected to report for work in sufficient time to begin working at the scheduled starting time. Employees are also expected to continue working during your regular work schedule, except for required rest and meal periods, unless otherwise approved by the City Administrator. If it is necessary for an employee to leave work during working time, be sure to obtain prior approval. Employees are not classified as "on-the-job" until they check in at their worksite. Travel time to and from work at the start and end of a shift is not compensated. Travel time during an employee's shift from one jobsite to another is compensated and considered to be "on-the-clock."

6.3 Changes in Work Schedules & Hours

The City needs to remain flexible in order to respond to the changing public needs. Consequently, it reserves the right to change the schedules and hours of all or any part of the work force to provide for efficient and uninterrupted service. Although the City is interested in providing our employees with a stable work schedule, the ability to do so depends on assessment of work needs and financial conditions. Nothing in this

handbook is intended to be a guarantee of employment for a specified number of hours per day or week. Employee hours may be reduced if the City believes it is necessary due to lack of work, interruptions in work flow, or other business reasons.

6.4 Overtime/Compensatory time

6.4.1 Exempt Employees

Most exempt employees are paid a pre-determined amount and are not entitled to overtime pay. An employee who receives a pre-determined amount of compensation on a weekly or monthly basis is "salaried". Most exempt employees with the City are eligible to accrue administrative time for any time worked in excess of a 40 hour work week. ~~except for regular City Council Meetings.~~ Administrative time accrues at a straight hourly amount (one hour for one hour) ~~and has a~~up to a ~~40~~ 80 hour cap ~~limit~~. Exempt employees are not eligible to cash out their administrative time and the time will have no cash value at the time of separation.

6.4.2 Non-exempt Employees

Non-exempt employees are paid on an hourly basis and are eligible for overtime pay. Non-exempt employees will be awarded compensatory time at a rate of 1.5 hours for each hour worked in excess of 40 hours in a workweek. If you are a non-exempt employee and you are absent during the workweek, you will receive straight time pay until you have worked a total of 40 hours that week. Pay received for hours not worked is not counted toward the computation of overtime or compensatory time.

6.4.3 Holidays

Non-exempt employees who may be required to work on a recognized City holiday will be awarded administrative time at a rate of 1.0 hours for each hour worked on the holiday in addition to their regular salary for that time.

6.4.4 Compensatory Time

Eligible employees are allowed to carry over a maximum of 40 hours of compensatory time from one month to the next month, unless the City Administrator determines that conditions prevented use of accrued time above that limit.

6.4.5 Authorization of Overtime

All overtime must be authorized by the employee's supervisor before it is worked, unless emergency circumstances prevent prior approval. Unauthorized overtime will result in ~~a written warning or termination~~discipline as appropriate.

6.4.6 Required Overtime

Employees are expected to perform overtime work when it is required. If the assignment of overtime work presents a hardship, discuss concerns with your supervisor. The City will consider a particular employee's needs and desires to the extent the City believes it is practical and fair to co-workers.

6.5 Meals / Rest Periods

6.5.1 General

During any period in which you work six hours or more, an unpaid meal period of at least 30 minutes will be arranged by your supervisor. Your supervisor will make every effort to schedule your meal period so that you will enjoy a full uninterrupted 30 minute break. The meal period will be scheduled to not disrupt work or interfere with normal duties. If you are asked to perform work or return to duty during your meal period, you will be paid for that meal period. You should also report the occurrence and circumstances to your supervisor to ensure proper payment for your meal period and any necessary adjustments to scheduling.

6.5.2 Rules for Rest Periods

Oregon law requires the City give you a rest period of not less than 10 minutes without a deduction in pay for every four-hour segment, or major portion thereof in each work period. This time is to be taken in addition to and separately from the time allowed for the meal period. Insofar as possible these breaks should be taken approximately midway in each four-hour segment. Rest periods cannot be used to arrive at work late or leave work early. The City also complies with all other statutorily mandated rest periods. Rest periods must be taken in a continuous block of time.

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6.5.3 Expression of Breast Milk

Female employees breastfeeding a child 18 months or younger are allowed a 30 minute unpaid break during each 4-hour work period or major part of a 4-hour work period for expression of breast milk; the break should be taken by the employee approximately in the middle of the work period. If an employee takes the 30 minute break by adding time to a paid 10-minute rest period, ten minutes of the break will be paid, the remaining portion will not. With prior approval from her manager, an employee may choose to work before or after her normal shift to make up the amount of time used during the unpaid portion of the rest period. If the employee does not make up the unpaid time, the employee will not receive compensation for the breast milk expression time. The City will allow but

not require an employee to substitute paid leave for unpaid rest periods taken in accordance with this section. Employees cannot be required to make up the unpaid time.

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

An employee who intends to express milk during work hours must give her supervisor or Department Head reasonable oral or written notice of her intention to do so in order to allow the City time to make any preparations necessary to comply with this rule.

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6.6 Flex Time

Employees may vary their work schedule with the approval of their supervisor. Such decisions will be made based on the impact on other employees and the best interest of the City.

7.0 COMPENSATION

7.1 Paydays

Paychecks are issued on the last working weekday of the month. Full time regular hourly employees will have their base salary calculated to be paid in twelve equal installments. Overtime will be paid in addition to this amount and any days off without pay will be similarly deducted. If an employee wishes to use direct deposit or to have paychecks released to a spouse or other person, the employee must sign an authorization. Timesheets must be turned in according to the schedule provided by the payroll processor.

7.2 Salary Advances

The City does not permit pay draws/salary advances.

7.3 Payroll Deductions

Deductions from your paycheck fall into two categories: legally required deductions and voluntary deductions. Legally required deductions, such as federal and state taxes are automatically deducted. Other items you

wish to have deducted from your paycheck, such as insurance contributions, etc. will be deducted only upon written authorization from you.

7.4 Payroll Corrections

If you have questions or feel your paycheck is not accurate, promptly notify your supervisor. When mistakes are made by the City in paying an employee and the mistake amounts to greater than five percent (5%) less than the amount of money that is due, the City shall pay the employee the additional money due within three (3) business days after the City has been notified in writing by the employee of such deficient payment. If the underpayment is five percent (5%) or less the City shall pay the employee the additional money due at the next regular paycheck. When mistakes are made, by paying an employee more than the amount of money than is due, the City will deduct the overpayment from the employee's next regular paycheck, to a maximum of $500 per paycheck until paid in full.

7.5 Salary Increases

7.5.1 Review of Compensation

As needed, the City Administrator will analyze compensation policies, job requirements, cost of living, fluctuations in the personnel requirements of the City and salary range for each position to determine whether adjustments should be made in compensation either generally or in specific positions.

7.5.2 Increases are not Automatic

Increases are based on individual employee performance and annual evaluations which are reviewed and discussed with each employee and maintained in the employee's permanent personnel file. The availability of funds for salary increases will be determined by the City Council as part of its annual budget deliberations and decisions.

7.6 New Appointments/Hires

Normally new employees are hired at the entry level of the pay plan for their classification. However, in instances when a new employee has specific experience, educational background, or specialized skills which exceed those required for the position, such applicants may be hired in above the minimum or entry level salary with the approval of the City Administrator.

8.0 EXPENSES

8.1 Meal Expenses

When an employee is eligible for ~~reimbursed~~ per diem meal expenses, requests must be accompanied by the completed appropriate paperwork. ~~and an itemized receipt. Tips and alcohol are not reimbursable. Unless pre-authorized by the City Administrator, reimbursement of guest meals or entertainment meals is prohibited.~~

- The City will reimburse meals based upon a per diem schedule for employees traveling 50 miles per day or more. Per-diem rates are as follows for travel within Oregon:
  - Breakfast: $5
  - Lunch: $10
  - Dinner: $15
- For travel outside of Oregon, the City will following the rates according to the U.S. General Services Administration guidelines found here: http://www.gsa.gov/portal/category/100120
  - If a meal is provided as part of a conference registration or lodging accommodation no per diem or reimbursement will be granted for that meal.

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8.2 Travel Expenses

When employees are required to travel outside the City on City business, reimbursement for expenses incurred will be determined as follows:

- An employee must obtain prior approval for the trip expenses and the mode of travel from the supervisor or City Administrator. Employees will travel using the most economically feasible means possible.
- Hotel and motel accommodations should be appropriate to the purpose of the trip, authorized by the supervisor or City Administrator, and not exceed the amount established by the U.S> General Services Administration found here: http://www.gsa.gov/portal/content/104877 .
- Expenses for lodging must be supported by actual receipts in order to be reimbursed.
- If the employee is authorized to use a private vehicle, mileage will be paid in accordance with the IRS mileage reimbursement rate as of January 1 each year. This rate includes all travel and insurance of the vehicle. The City may reimburse for actual and reasonable parking expenses supported by actual receipts~~.~~
- Employees using personal vehicles for City business may be required to furnish the City proof of personal insurance coverage. The City Council may set the levels of such required coverage from time to time and will consider the financial burden on the employee.

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- When travel by City-owned vehicle is authorized, employees may not use such vehicles for personal reasons. Children, family, friends, etc. may not be transported in City-owned vehicles. Travel between home and work using City owned vehicles is prohibited unless authorized by the City Administrator.
- ~~The City may establish the maximum amount to be expended for daily meals and lodging, and may use per diem rates set by the federal or state government.~~ If air travel is required, reimbursement/payment will be made at the coach rate.
- Employees may travel with guests such as family and friends if the employee is not traveling in a City-owned vehicle. However, any additional costs or expenses (such as increased lodging expenses) incurred as a result of family or friends shall not be reimbursable.

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9.0 HOLIDAYS & LEAVE TIME

9.1 Recognized Holidays

The City observes the following holidays, as well as any other day designated a holiday by the President of the United States or the Governor. When a holiday falls on Sunday, the following Monday is observed as the holiday. When a holiday falls on Saturday, the previous Friday is observed as a holiday.

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving
- Christmas Day

9.2 Additional Holidays

Additional holidays may be declared from time to time by the City Council.

9.3 Working on a Holiday

Unless covered as overtime under Section 6.4, non-exempt employees who are required to work on a recognized city holiday will be awarded compensatory time at the rate of one hour for each hour worked on the holiday.

9.4 Floating Holiday

In addition to the recognized holidays listed above, each regular employee is eligible for 16 hours of floating holiday per calendar year (January 1 – December 31). If an employee does not use all 16 hours of floating holiday per year that floating holiday hours remaining will not carryover. Floating holidays have no cash value.

10.0 VACATION LEAVE

10.1 General

All regular full time and regular part time employees are eligible to receive vacation leave. Probationary period employees earn vacation leave during their probationary service period but are not entitled to begin using paid vacation until successful completion of six months of their probationary service period. Non-regular employees are not entitled to vacation leave.

10.2 Accrual

The amount of vacation leave a regular employee is entitled to receive depends on the negotiated contract (if applicable), the length of continuous service, and the number of hours the employee works during their vacation anniversary year, (A "vacation anniversary year" runs from an employee's date of hire to the same date the following year). The following chart shows the current vacation accrual schedule. Maximum vacation accrual is 320_hours. Any employee who has accrued 320 vacation hours as of any December 31 may not accrue additional vacation hours in excess of 320 hours.

YEARS WORKED	HOURS EARNED	DAYS PER YEAR
1-5 YRS	6.67 HRS/MO	10 DAYS/YR
5-10 YRS	10 HRS/MO	15 DAYS/YR
10-15 YRS	11.33 HRS/MO	17 DAYS/YR
15-20 YRS	13.33 HRS/MO	20 DAYS/YR

20+ YRS: 13.33 HRS/MO + .67 HR/MO for each additional year of service up to 16.67 HRS/MO MAX

Part-time regular employees who are scheduled to work full time (40 hours a week) for a calendar month shall be credited with vacation

leave at the rate of a full time employee with their experience with the City.

Temporary employees are not eligible for vacation leave accrual.

10.3 Using Accrued Time

Employees are not allowed to take paid vacation that has not been accrued. Vacation leave is considered accrued at the end of the month, and may not be used in the month in which it is earned.

10.4 Vacation Scheduling

10.4.1 Scheduling

Vacations must be scheduled in a way that allows the City to meet the needs of our operations. Consequently, requests for vacation time must be approved at least two weeks in advance by your supervisor and the City Administrator.

10.4.2 Approval

If vacation time is requested by two or more employees and it is determined by the City Administrator that approving the time off will result in under staffing, the employee with the most seniority will be given preference. The City reserves the right to deny any requests for vacation time if it is determined that time off will be disruptive to its operations.

10.5 Payment upon Termination

When an employee is discharged, resigns, or the employment relationship is otherwise terminated, the employee will be paid for all vacation benefits earned and accrued that have not been used or forfeited. Probationary employees who did not achieve regular employee status will not be paid for vacation benefits.

11.0 SICK PAY

11.1 Eligibility for Benefits

~~Regular~~ All employees ~~are entitled to~~ accrue sick pay ~~during~~ ~~after the first month of employment~~beginning on their first day of employment. Sick leave accrues at the rate of eight hours for each full month of service up to a maximum accrual of ~~720~~ 940 hours. ~~Part-time employees earn sick leave by pro-rating the actual number of hours worked over a 2080 hour year. If a current employee has already accrued more than 720 hours of sick leave, that amount will be capped at the current number of hours~~

~~accrued as of January 2012.~~ This cap will be reflected in individual employee's personnel files.

Employees are eligible to use sick leave after one month of employment with the City.

Part-time regular employees who are scheduled to work full time (40 hours a week) for a calendar month shall be credited with sick pay in an amount proportionate to that which would accrue under full time employment for that month.

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11.2 Accumulation and Payment of Unused Sick Leave

Sick leave benefits may be carried forward from one calendar year to the next. However, after an employee accumulates ~~720~~ 940 hours of sick leave, no further sick leave will accrue until total sick leave hours fall below 940~~720~~ hours.

11.3 Use of Sick Leave

11.3.1 Acceptable Uses

Sick leave will be used in amounts of 30 minute increments. All employees may use accrued sick leave when unable to perform work by reason of:

- Personal illness or injury.
- Personal medical or dental care.
- Exposure to contagious disease under circumstances by which the health of the public or fellow employees would be endangered.
- ~~.~~
- Caring for an injured or ill immediate family member.
- Any other reason as allowed under the state law.

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11.3.2 Workers Compensation

When an employee is absent from work because of an on-the-job injury, the employee will notify the City which system of time loss payments the employee chooses to receive as set forth below. Time off will not be charged to sick leave except as provided below. The employee may select one of the following options:

(A) The employee may elect to receive ONLY his/her workers' compensation payments and no sick leave will be deducted during the period covered by the workers' compensation payments; or

(B) The employee may voluntarily turn in their first and all subsequent workers' compensation payments and will, in turn, receive their regular paychecks and benefits.

(1) For the first twelve (12) months, no sick leave will be permanently deducted from the employee's accruals when the employee turns their workers' compensation payments over to the City. The City will restore the sick leave balance, temporarily deducted, after receipt of the employee's workers' compensation check.

(2) After the expiration of twelve (12) months,~~-~~only that portion of sick leave needed to make-up for the difference between the workers' compensation payments and the employee's regular paycheck will be permanently deducted from the employee's accruals when the employee turns their workers' compensation payments over to the City. The City will restore the sick leave balance, temporarily deducted, after receipt of the employee's workers' compensation check.

11.3.3 Family Members

For purposes of this section "family member" includes spouse, son daughter, parent, grandparents, grandchildren,~~-and-~~same-sex domestic partner and any other person included under state law. "Parent" includes custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, parent-in-law, parent of same-sex domestic partner, or person with whom the employee is or was in a relationship of "in loco parentis" (in place of a parent). It also includes the biological, adopted, or foster child or stepchild of an employee or the child of an employee's same-sex domestic partner.

11.4 Payment of Sick Leave

Sick leave benefits are paid only for the hours that an employee is assigned to work. Employees who are unable to report for work after depleting all accrued sick leave may be eligible for a medical leave of absence. For further information, refer to the Leaves of Absence section of this handbook.

11.5 Sick Leave Abuse & Verification

11.5.1 Abuse

Abuse of sick leave is considered a serious matter. Sick leave may not be used for more than three consecutive days without a written explanation from ~~the~~ a health care provider ~~attending physician~~ unless approved by the Department Head. If the City determines an employee has abused sick leave, the employee will be subject to discipline.

11.5.2 Certification

In some circumstances, a medical fitness for duty report may be required before an employee is allowed to return to work from an absence due to injury or illness.

11.6 Payment upon Termination

Sick leave benefits do not vest. There is no payment of unused sick leave benefits when employment with the City is terminated,

11.7 Leave-Sharing Policy

- The City has adopted a "Leave-Sharing Program" to give employees the ability to donate accrued or unused vacation or compensatory time - in one hour increments - to another city employee who needs leave as the result of a serious illness or injury suffered by them or a family member
- No more than a total of 96 hours of vacation or more than 16 hours of compensatory time may be donated by the donating employee to the recipient employee per year;
- After taking in consideration the amount of time donated, the donating employee must maintain at least 96 hours of vacation time in the donating employee's vacation account.
- The donated time has no cash value; the value of the time is what is donated for the use of the benefited employee.
- The donated time will be credited to the recipient employee's particular account only after that employee has exhausted all accrued vacation, sick leave and compensatory time and only for such period as the employee or the employee's family member remains seriously ill. It will be used on an as-needed basis and only during the serious illness. Any time not used will be returned to the particular donating employee and re-credited to the account from which time it was taken.
- An employee who wishes to donate time to another employee has to inform their supervisor in writing of their intent to donate time, the amount of time they wish to contribute and determine the account from which the donated time will be taken. The supervisor will determine whether the donating employee has sufficient hours remaining in the affected account to make the donation and, if so, inform the donating employee in writing of the hours remaining in the account. If an employee does not have sufficient time remaining in the account, the supervisor must so inform the employee in writing. In such a case, the employee may elect to forgo the donation entirely.

- If more than one employee wishes to make a donation of time, the City Administrator will determine from which accounts the time donation will come, in what order the donations will occur and whether the donations will be allocated between all employees who elect to donate. The City Administrator may consult with the affected donating employees to ascertain their desire and take those desires into account.
- The City Administrator may adopt additional procedures concerning this rule and its implementation.
- Employees are eligible to request donations of leave if they have been employed by the City for a period of not less than one consecutive year, completed a "Request for Leave" Form, and if they or a family member is experiencing a serious illnesses or injury. As used in this rule:
- "Family member" includes spouse, son daughter, parent, grandparents, grandchildren and same-sex domestic partner. "Parent" includes custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, parent-in-law, parent of same-sex domestic partner, or person with whom the employee is or was in a relationship of "in loco parentis" (in place of a parent). It also includes the biological, adopted, or foster child or stepchild of an employee or the child of an employee's same-sex domestic partner. "Serious illness or injury" means an illness, disease or injury of such character that it prevents an employee from working at their position with the City for not less than one week. The employee must provide the City Administrator with documentation from their treating physician that they are seriously ill.

12.0 INSURANCE

The City offers group health insurance plans which include medical, dental, vision and prescription drugs for employees in qualifying positions working the required FTE (40-20 hours per week), Employees working in seasonal, temporary, or on-call positions are not eligible to participate.

12.1 Eligibility Requirements

12.1.1 Eligibility

Regular employees become eligible to participate in the plan on the first day of the month following a full month of employment.

12.1.2 Enrollment

Eligible employees must sign and submit an enrollment form to the City before the first day they are eligible to participate in the plan to be eligible for coverage. It is an employee's responsibility to submit the fully completed enrollment card on a timely basis. Failure to do so could result in delays or denial of coverage by the City insurance carrier.

12.2 Termination of Coverage

12.2.1 General

The City's paid contribution toward employees' group health insurance plans will end on the last day of the month in which an employee resigns, is terminated, transfers to a non-qualifying position, laid off, or otherwise stops receiving compensation from the City. The City will continue to pay its portion of the premium for employees who have been off work and receiving workers' compensation time loss benefits for at least 30 days and up to six months. The City will resume its payment of contributions beginning with the first month following employee's return to work as a regular full time employee.

12.2.2 Reduction of Hours

Employees who lose their coverage may elect to self-pay the premium for continued coverage if permitted by the City's health insurance plan.

12.3 Changes in Status

Employees must advise the City's designated Plan Administrator if there is a change in family status to maintain the proper amount of health insurance coverage, including address changes.

12.4 Changes in Coverage

It may become necessary to change insurance carriers or plans at any time. Employees will be notified prior to any such change. Employees should also recognize that the City's obligation extends only to pay contributions to eligible employees after any necessary enrollment cards and eligibility requirements are submitted and satisfied. Disputes regarding scope of benefits should be directed to the provider of the specific benefit. Summaries of benefits are available through the City Administrator, and included in the plan summary provided employees.

13.0 OTHER BENEFITS/LEAVE

13.1 Retirement

All eligible employees who work 600 hours per year are eligible for the group retirement plan when they have completed six months of employment. See the employees' plan (PERS) description for details.

13.2 Supplemental Insurance

The City offers several supplemental insurance programs that are either statutorily required or paid by employees. Please contact the City Administration for additional information.

13.3 Industrial Accidents & Illnesses

The City provides insurance coverage for all employees through the Oregon Workers Compensation Board covering job related injuries and illnesses occurring during employment with the City. When an employee must take time off from work as a result of such injury or illness, the employee will receive compensation as scheduled by the State Compensation Board. In addition, employees who return to work early after a job-related injury will be subject to the City's Early Return to Work Policy which is attached as Appendix D.

13.4 Conferences & Conventions

Department Heads will decide when employees may attend conferences, conventions, or other meetings, at City expense. Permission may be granted on the basis of an employee's required participation in the meeting. Members of professional societies may be granted permission to attend meetings of their society, when such attendance is considered to be in the best interest of the City.

13.5 Educational Aid & Training

13.5.1 General

The City encourages training opportunities for employees so that City services may be more effective. At the discretion of the Department Head, training sessions may be conducted during regular work hours.

13.5.2 Reimbursement

The City will pay 100% of an employee's tuition cost upon successful completion of a job ~~related~~ required course. Written approval must be obtained from the Department Head before enrollment and the employee must be actively employed on the date reimbursement is to be made.

If the City reimburses the employee for educational materials, the employee shall return the materials to the City after the employee completes the course.

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13.5.3 Payment

When attendance is required by the City, 100% of the cost will be paid by the City. In such cases, all educational materials provided to the employee become the property of the City.

13.6 Family Medical Leave

13.6.1 General

The City provides eligible employees with unpaid family, parental and medical leaves of absence consistent with the Oregon Family Leave Act (OFLA) and the federal Family Medical Leave Act of 1993 (FMLA) on a calendar year basis. The employee is granted family, medical and parental leave under the law that provides the greatest benefit to the employee in his/her situation and each employee may use accrued sick or vacation leave while on protected family medical leave. Please see Appendix H for a more detailed explanation of the City's Family Medical Leave Policy.

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13.6.2 Qualifying Events

Employees may take OFLA and FMLA for the following reasons:

- Parental Leave: to care for a newborn, newly adopted or newly placed foster child;
- Serious Health Condition: to tend to the employee's own serious health condition which prevents the employee from performing the essential functions of their job; or
- To provide care for a family member with a serious health condition.

13.6.3 Definition of a Family Member

13.6.3.1 FMLA

Spouse, son, daughter, and parent. Son or daughter means a biological, adopted or foster child, stepchild, a legal ward or a child to who one acts in place of a parent "in loco parentis" (in place of a parent), who is either under age 18 or age 18 and older and incapable of self-care because of a mental or physical disability. Parent means a biological parent or an individual who stands or stood "in loco parentis" (in place of a parent). Parent does not include "in law".

13.6.3.2 OFLA

Spouse, son daughter, parent, grandparents, grandchildren and same-sex domestic partner. "Parent" includes custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, parent-in-law, parent of same-sex domestic partner, or

person with whom the employee is or was in a relationship of "in loco parentis" (in place of a parent). It also includes the biological, adopted, or foster child or stepchild of an employee or the child of an employee's same-sex domestic partner. OFLA does not have an age restriction for a child with a serious health condition.

13.6.4 Additional Leave under FMLA

13.6.4.1 Military Leave

Under FMLA an employee can take up to 26 weeks of leave in a 12-month period to care for a spouse, son, daughter, parent or next of kin (person most closely related to the employee) who is a member of the Armed Forces, including a member of the National Guard or Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or on temporary disability retired list, for a serious injury or illness. This leave is combined with all other FMLA leaves in a 12-month period, resulting in maximum total leave entitlement of 26 weeks.

16.6.4.2 Exigency Leave

Under FMLA an employee can take leave for any qualifying exigency (sudden and unforeseen emergency) that arises from a spouse, son, daughter or parent being on active duty or being notified of an impending call to order to active duty, in the Armed Forces in support of a contingency operation.

13.6.5 Additional Leave under OFLA

13.6.5.1 Pregnancy Disability

Under OFLA, a female employee may qualify for an additional twelve (12) weeks of leave for a disability resulting from pregnancy or childbirth. A female employee may take up to twenty-four (24) weeks for pregnancy disability and parental leave under OFLA. ~~(but is not eligible for an additional 12 weeks for parental or sick child leave).~~

13.6.5.2 Sick Child Leave

OFLA also allows an employee who has used all twelve (12) weeks of parental leave to take up to twelve (12) ~~consecutive~~ weeks additional sick child leave for a child (under the age of 18) who is ill and requires home care (non-serious health conditions) within the same leave year. If an employee does not take a full twelve (12) weeks of parental leave, he/she is only entitled to take sick child leave up to his/her basic twelve (12) week entitlement.

Sick child leave is only allowed under OFLA and does not count toward FMLA entitlement.

13.6.6 FMLA Eligibility

Employees must have worked for the City for at least twelve (12) months (not necessarily consecutive) and worked at least 1,250 hours during the 12 month period immediately preceding the leave.

13.6.7 OFLA

Employees must have worked for a period of 180 calendar days immediately preceding the date leave begins and worked an average of 25 hours per week during the 180-day period. Employees are eligible for parental leave after being employed for 180 calendar days without regard to the number of hours worked per week.

13.6.8 Duration of Leave

Employees are permitted to take a total of twelve (12) weeks of leave in any 12-month period for any qualifying event. When the leave qualifies for both FMLA and OFLA, the leave will be charged concurrently to OFLA and FMLA. The twelve (12) weeks of leave for the birth, adoption or foster care for the employee's child must be taken and concluded within one (1) year from the date of birth or placement. Parental leave must be taken in a consecutive period of time (not intermittently).

13.6.9 Conducting City Business While on Family Medical Leave

Employees on leave are not required or permitted to do work unless it is requested or performed on a brief, occasional basis for institutional information or is needed as a professional courtesy. Supervisors seeking more than occasional institutional information from an employee on leave should first inform the City Administrator or Human Resources of the need for and nature of, the proposed request to the employee and receive prior approval to go forward with the request.

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13.6.10~~9~~ Certification of a Serious Health Condition

The City may request medical certification of the serious health condition from a health care provider. The employee must respond to such request within 15 days or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial or continuation of leave. Certification of the serious health condition shall include the date when the condition began, its expected duration and a brief statement of treatment. For medical leave for the employee's own medical condition the

certification must include a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the position. For a family member, the certification must include a statement that the family member patient requires assistance and the employee's presence is beneficial or desirable. If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.

13.6.11~~0~~ Additional Medical Certification

The City can require employees to obtain a second medical certification from a health care provider that is selected and paid for by the City. If the City receives a medical certification from the second health care provider that is different from the employees' health care provider, the City can require employees to obtain a third medical certification from a third health care provider at the City's cost. The third health care provider's certification is considered to be the final medical opinion.

13.6.12~~4~~ Request Procedures

An employee requesting Family Medical Leave must give their supervisor thirty (30) days notice. If the reason for the leave is unforeseeable, the employee must give their supervisor oral or written notice as soon as practicable after the need for leave becomes known to the employee or within 24 hours of when the leave starts. Any person on behalf of the employee may give notice. When on leave, employees are requested to report periodically to the City regarding the status of the medical condition and their intent to return to work.

13.6.13~~2~~ Return to Work

When an employee takes leave for his/her own serious health condition, a fitness-for-duty certificate from the treatment provider must be obtained, releasing the employee to return to work. An employee shall be reinstated to the former job, if the job still exists, even it if has been filled during the employee's leave, unless the employee would have been displaced if the leave had not been taken.

13.6.14~~3~~ Workers' Compensation

OFLA's definition of "family leave" excludes leave taken by an employee who is unable to work because of a disabling compensable injury under workers' compensation. Therefore, a leave of absence which qualifies as an accepted disabling workers compensation claim shall not run concurrently with OFLA leave, but shall run concurrently with FMLA leave. However, if an injured worker refuses a bona fide offer of light duty or

modified duty work assignment, the leave will automatically be considered qualifying leave under OFLA which leave shall commence immediately with no required notice to be given by the employee.

13.6.154 Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- 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.

13.6.165 Enforcement

An employee may file a complaint with the U.S. department of Labor or may bring a private lawsuit against an 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.

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13.7 Oregon Military Family Leave

In addition to OFLA, an employee who is a spouse or same-gender domestic partner of a member of the Armed Forces including a member of the National Guard or Reserves who has worked for the City for an average of 20 hours per week on the date leave begins is eligible to take up to 14 days leave as military family leave for qualifying circumstances.

13.7.1 Qualifying Circumstances

The qualifying circumstances when an eligible employee may use military family leave are during a period of military conflict when the military spouse or same-gender domestic partner of an eligible employee:

- Has been notified of an impending call to active duty;
- Has been notified of an order to active duty;
- Has been deployed; or
- Is on leave from deployment.

13.7.2 Certification Requirement

The City may provide the employee with a written notice requiring the employee to provide a photocopy of the military order for verification purposes.

13.7.3 Rights

The 14 days is per deployment and may be taken intermittently.

13.7.4 General

Leave will be unpaid, but an eligible employee may use accrued paid sick leave, vacation or any other paid leave for military family leave purposes.

13.8 Military Leave

Upon entry into the U.S. Armed Forces, National Guard or Reserves, employees are granted a leave of absence for the period of their military services in accordance with applicable law.

13.9 Domestic Violence Victim Leave

Under Oregon state law, an ~~eligible~~ employee who is the victim of domestic violence, sexual assault or stalking, or an eligible employee whose minor child or dependent is the victim of domestic violence, sexual assault, or stalking shall be given reasonable leave for any of the following purposes:

- To seek legal or law enforcement assistance (including participating in protective order proceedings) relating to domestic violence, sexual assault or stalking.
- To seek medical treatment, to recover from injuries, or to obtain counseling.
- To obtain services from a victim services provider.
- To relocate for safety purposes.

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

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~~13.9.1 Eligible Employee~~

~~An eligible employee is an employee who has worked an average of more than 25 hours per week for at least 180 days immediately before the date the employee takes leave for the purposes set forth above.~~

13.9.2 Notice

Employees must provide reasonable advance notice, if feasible, of their intention to take leave and may be required to provide written certification of the need for the leave such as a police report, protective order, or other evidence of a court proceeding, or documentation from a law enforcement officer, attorney, healthcare professional, member of the clergy or victim services provider. If leave is needed for an unanticipated emergency, an eligible employee must give oral or written notice as soon as practicable.

13.9.3 Unpaid

Leave is without pay and such leave may also run concurrently with OFLA/FMLA to the extent the leave is covered by those Acts. The employee's leave may be limited if the City finds the employee's proposed absence will cause an undue hardship on the City.

13.10 Unpaid Personal/Administrative Leave

The City Administrator may grant an unpaid leave of absence at the request of an employee if the City Administrator finds that: (1) the employee's proposed absence will not cause a hardship to the City, and (2) a temporary employee, costing the City no additional or unbudgeted payroll, can perform the job in the employee's absence. The City Administrator may also impose unpaid administrative leave at their discretion.

13.1 Reinstatement

In order to have reinstatement rights when returning from leave, an employee must request reinstatement promptly upon the expiration of leave. If the request for reinstatement is timely and complies with other requirements, the employee will be reinstated to the former position. If the employee cannot be reinstated to the former position because that position no longer exists, the employee will be reinstated to an available equivalent position in accordance with applicable law. If there is not an available equivalent position, the employee must continue to submit written requests for extensions of leave until a suitable job becomes available. Otherwise, the City will assume that the employee is no longer interested in employment and employment will be terminated. Reinstatement rights expire after two years.

13.12 Jury Duty Leave

13.12.1 Wages

An employee will continue to receive regular wages to perform jury duty.

13.12.2 Verification

Employees who are required to be absent from work due to jury duty will, upon proper verification, be granted time off to serve. Documentation required is a copy of the summons as well as proof of attendance both of which will be provided to the employee's supervisor. Employees may keep any money paid by the court for jury duty services. Employees must notify their supervisor as soon as possible after receiving a jury duty summons.

13.12.3 Reporting to Work

If an employee is excused from jury service during working hours at a time that reasonably permits return to work, the employee is required to call their supervisor to see if they should report to work that day.

13.13 Bereavement Leave

13.10.1 General

Employees who have worked for the City for 180 calendar days, and averaged at least 25 hours per week, may take up to two weeks of bereavement leave per death of a family member up to a maximum of 12 weeks in a calendar year to make arrangements necessitated by the death, to attend the funeral or memorial service or to grieve.

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13.10.1 ~~Immediate~~ Family Member

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For purposes of this policy "family member" is defined to include spouse, same-sex domestic partner, child, parent, parent-in-law, grandparent, or grandchild, or the same relations of an employee's same-sex domestic partner or spouse. ~~If there is a death in the employee's immediate family, an employee may be granted a leave of absence with pay not to exceed five business days. "Immediate family" includes spouse, father, mother, children, brother, sister, father-in-law and mother-in-law.~~

13.13.2 Beyond Family Member~~Immediate Family~~

When possible, the Department Head may also grant vacation leave or unpaid leave for the funerals of other relatives or friends.

13.13.3 Requests

Requests for bereavement leave must be made to the Department Head within 60 days of receiving notification of a family member's death. Although prior notice is not required, oral notice must be provided within 24 hours of beginning leave. Employees are required to use any available paid leave during the period of bereavement leave. .

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13.14 Crime Victim Leave Policy

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13.14.1 General

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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 (defined below) has suffered financial, social, psychological or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

13.14.2 Definitions

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"Immediate family member" includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild or grandparent.

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13.14.3 Requirements/Notice

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Employees who are eligible for crime victim leave must:

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

13.14.5 Certification

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

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13.1~~5~~4 Miscellaneous Leave with Pay

A full-time employee, with approval, is entitled to leave without loss of time, pay, or other leave benefits for absence caused by employees who are requested by an appropriate agency to participate in a search and rescue operation or disaster relief assistance. These employees are eligible for leave with pay for a period not to exceed five regular work days for each such operation (incident), provided the employee fully complies with ORS 652.250.

13.1~~6~~5 Other Leaves

The City will comply with other applicable laws regarding leaves of absence.

13.1~~7~~6 Payment for Spouse/Guest at Official City Functions

The cost of meal(s) at officially sanctioned or recognized City functions for the guest of employees will be deemed part of the City's compensation to those employees and a legitimate City expense in consideration of the services and contributions to the community made by these individuals. The payroll records will keep copies of the expenses related to this section.

14.0 SAFETY

Nothing is of greater concern to the City than the safety of its employees and the public. For the employee's protection, job-related injuries, accidents, vehicular accidents, illnesses, or unsafe conditions must be reported immediately. Employees are expected to use common sense and good judgment in work habits, to follow safe work practices, and to bring any unsafe condition to the attention of their immediate supervisor. Every employee is responsible for safety. Our goal is to have zero accidents and injuries. Only through your complete cooperation will we achieve this goal.

14.1 ~~Smoke Free~~Tobacco Free Work Environment

The City seeks to promote a safe, healthy and pleasant work environment for all employees and the public. City facilities, including city-owned buildings, vehicles, individual employee offices, and offices or other facilities rented or leased by the City will be ~~smoke free~~tobacco free, including e-cigarettes. Visitors to any of the City's facilities will be requested to comply with the City's efforts to maintain a ~~smoke~~ tobacco free environment.

14.2 Reporting Unsafe Working Conditions

It is the responsibility of all employees to report any unsafe working condition promptly to a supervisor or the City Administrator. We encourage our employees to work with us to maintain safety by alerting us to potentially unsafe conditions.

14.3 Reporting Injuries

14.3.1 Self Reporting

Work related injuries and illnesses must be reported to a supervisor or the City Administrator as soon as possible. This is essential. Even though a

work related injury may appear to be of little consequence, it is important that it be reported in sufficient detail to establish a claim should complications follow.

14.3.2 Other Reporting

All employees are also required to report any accident involving City employees and other persons. These accidents must be reported in sufficient detail to allow the City to respond. Employees are expected to cooperate fully with all accident investigations.

14.4 Safety Guidelines

14.4.1 Guidelines

The City has established safety guidelines that require all employees to work with management to prevent accidents and injuries.

14.4.2 Responsibility

All employees are expected to have an interest in the general promotion of safety and health for the City. Employees are responsible for making recommendations on improving safety and health in the workplace by:

- Identifying potential hazards and suggesting corrective actions.
- Maintaining and promoting the interest of all City employees in occupational safety and health matters.

14.4.3 Employee Input

Employees who have suggestions for improving work site health and safety should submit them to their supervisor. Employees should also be aware that the City has a designated Workplace Safety Committee as required under state law.

14.5 Emergencies

If there is a need to respond to a medical emergency that occurs at the office, an employee should first dial 911 and then notify a supervisor or the City Administrator.

14.6 Workplace Violence

14.6.1 Standards

The City is committed to the safety and security of employees, citizens and visitors. All employees are expected to maintain high standards of employee behavior, including respect for the dignity of all individuals. As a result, threats, threatening behavior, or acts of violence against or by employees, visitors, or guests on the City property will not be tolerated. Threats, threatening behavior, or acts of violence off City property by City

employees will also not be tolerated. Furthermore, employees shall not possess a dangerous or deadly weapon including firearms on City property or at City-sponsored events. This prohibition does not apply to employees whose job duties specifically require and authorize possession of such weapons. For the purposes of this section "dangerous" or "deadly weapon" has the meaning given in ORS 161.015.

14.6.2 Cause for Removal

Any person who exhibits threatening behavior or engages in violent acts on City property should be removed from the premises as quickly as reasonably possible, and will be required to stay off City property pending the outcome of an investigation into any incident. If an investigation discloses prohibited behavior, the City has the right to take any steps the City Administrator deems necessary. This response may include suspension or termination of any business relationship, reassignment of job duties, suspension without pay, termination of employment, and criminal or civil prosecution of the person or persons involved.

14.6.3 Emergency Situations

The need to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing supersedes any rule, practice, or procedure that may appear to prohibit taking action to avoid the violence.

14.6.4 Notification Requirements

All employees must notify their supervisors or the City Administrator of any threat that they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, employees should also report any suspicious behavior that relates to City property or City employees. If the supervisor is not available, employees must report the threat to the City Administrator. All supervisors are responsible for taking workplace violence issues seriously and following prevention policies and procedures as appropriate.

14.6.5 Copy of Certification Order

All individuals who obtain a protective or restraining order which lists the City property as protected areas must provide the City Administrator and Gladstone Police Department with a copy of the order. The City understands the sensitivity of the information requested and will recognize and respect the privacy of the reporting employees.

15.0 DRUG AND ALCOHOL POLICY

15.1 Introduction

The City is committed to a policy of maintaining high standards of employee safety, productivity and reliability. This policy promotes a safe and productive working environment, and prevents accidents, injuries and property damage that may result from drug and alcohol abuse. The purpose of this rule is to enforce this policy. Employees are also advised to refer to the City's Drug Testing Policy which is attached as Appendix B and C.

15.2 Prohibited Conduct

The following conduct by City employees is prohibited:

- Reporting to work or returning to duty following breaks or meal periods with any amount of drugs or alcohol in your system.
- Consuming, manufacturing, buying, selling, distributing or possessing drugs or alcohol on City property or while off City property doing City work. This rule applies regardless of whether you are on paid time. "City property" includes all property rented, leased, owned or controlled by the City, including parking lots and adjacent areas. It also extends to City equipment and vehicles on or off City property.
- Failing to fully cooperate with any aspect of the City's enforcement of this policy, including refusing to promptly submit to required testing; giving false, diluted or altered urine samples and failure to comply with rehabilitation conditions imposed by the City or rehabilitation counselors.
- Failure to promptly report conviction, arrest or plea bargaining for an alcohol or drug related offense. All drug and alcohol related convictions, arrests and plea bargaining arrangements must be promptly reported to the City Administrator. This obligation to disclose applies to all convictions, arrests or plea bargains which occur after the effective date of this handbook.

15.3 Definition

"Drugs" refers to all state and federally controlled substances and medication containing controlled substances, including "designer drugs" not approved for use by the U.S. Food and Drug Administration. "Drugs" also applies to prescription medication. For more detailed information on the requirements which apply to employees using prescribed medication, refer to the "Prescribed Medications" below.

15.4 Discipline

Employees who engage in any prohibited conduct will be subject to discipline, including termination of employment.

15.5 Mandatory Testing

Mandatory testing is required in the following circumstance

15.5.1 Reasonable Suspicion Testing

15.5.1.1 Testing

All employees will be required to immediately submit to alcohol and drug testing whenever the City has reasonable suspicion that the employee has been using drugs or alcohol before reporting to work or returning from breaks. Urine will be used to test for drugs; blood will be used to test for alcohol. Employees who are required to submit to reasonable suspicion testing are prohibited from transporting themselves to the collection site. A supervisor or the City Administrator will provide transportation by a third party.

15.5.1.2 Refusal to Test

Refusal to submit to a test or otherwise cooperate in City investigations and enforcement of this rule will subject an employee to discipline, including termination of employment.

15.6 Safeguards

15.6.1 Medical Personnel

The City recognizes the sensitivity of enforcement of this rule. The City will use qualified medical personnel and supervisory personnel to administer this rule.

15.6.2 Testing and Analysis

The City will use equipment, procedures and facilities that have a high degree of accuracy and integrity in testing and analysis.

15.6.3 Challenge

The detectable presence of any drug in the system will constitute a "positive" test. All positive test results will be confirmed using the GCMS testing method. Employees who wish to challenge a positive test result are required to notify the City Administrator of their doubts as soon as possible but no later than 10 days after notification of the test result.

15.6.4 Confidentiality

Test results and other information concerning drug and alcohol investigations will be treated confidentially and released only when there is a need-to-know.

15.7 Prescribed Medication

15.7.1 Reporting

Employees using prescribed drugs or non-prescription medications that have any side effects that could affect their ability to competently and safely perform job duties must notify their supervisor of the substance taken and its side effects before reporting for work. Medical verification of ability to competently and safely perform job duties may be required before the employee is allowed to continue a work assignment.

15.7.2 Failure to Report

Although the use of prescribed drugs or non-prescription medications that contain controlled substances as part of a prescribed medical treatment program is not grounds for disciplinary action, failure to report the use of such substances as set forth in Section 15.7.1 above, illegally obtaining the substance or use that is inconsistent with a prescription or label, will subject an employee to disciplinary action as determined appropriate by the City Administrator.

15.8 Rehabilitation Assistance

15.8.1 Voluntary Report

Employees who have alcohol or drug dependency problems, or feel they may have such problems, are encouraged to contact their supervisor or the City Administrator.

15.8.2 Procedure

When an employee voluntarily reports a drug or alcohol dependency problem and seeks assistance, the employee will be placed on a leave of absence or adjusted working hours to allow for in-patient or out-patient rehabilitation treatment. The employee will not be permitted to work until such time as a competent medical authority, approved by the City Administrator, has certified the employee has controlled the problem and is able to competently and safely perform the job assignment.

15.8.3 Medical Leave

The time an employee is off work undergoing rehabilitation shall follow the medical leave provisions as outlined in this policy.

15.8.4 Compliance

In order to continue working for the City, an employee seeking assistance must agree to all treatment, rehabilitation, after-care and follow-up testing as set forth in a written Rehabilitation to Work Agreement required by the City.

15.9 Safety Sensitive Functions

15.9.1 General

Employees performing safety sensitive functions are also subject to the Drug and Alcohol Policy and Procedures attached as Appendix B.

16.0 STANDARDS OF CONDUCT

16.1 Standards

The City believes most employees prefer to work in an environment in which serious or repeated violations of the City's standards are not permitted. With that in mind, the City has established standards of conduct that employees are required to obey. Aside from the City's right and your right to terminate our relationship at any time and for any reason, the City may issue oral or written warnings, suspend, demote, or take other disciplinary action against employees for violation of these rules, standards or procedures as the City Administrator deems appropriate.

16.2 Examples

The City has grouped examples of the types of conduct that are not acceptable into two basic categories: minor and major infractions.

16.3 Procedure

When a Department Head believes a regular employee has committed a minor infraction, the employee will generally receive a written warning prior to termination. Probationary period, temporary or casual employees will not generally be given a written warning prior to termination. However, each situation will be evaluated according to the facts and circumstances involved and the type of discipline administered may vary from that listed in each group based upon the Department Head's determination of the seriousness of the offense. Also, a warning for different minor infractions may be combined to determine the type of discipline administered. Employees may respond in writing to warnings that will be placed in the employee's personnel file.

16.4 Infractions

When an employee has committed a major infraction, the employee could be subject to immediate termination or suspension.

16.5 Minor Infractions

These types of infractions include the following but not limited to:

- Unsatisfactory attendance, including unauthorized or excessive absenteeism, tardiness, and failure to give notice of intended absence or tardiness, or failure to comply with other reporting rules.

- Careless, inaccurate, unreliable, or otherwise unsatisfactory work performance or productivity.
- Working overtime without prior authorization from the employee's supervisor.
- Interfering with or impeding any other City employee's work.
- Performing other than City work during work hours.
- Personal phone calls.
- Personal Internet usage.
- Failure to follow safe working practices. (Employees that commit serious safety violations are subject to immediate termination.)
- Failure to promptly report an accident or injury or cooperate in accident or injury investigations.
- Being rude or otherwise uncooperative in dealing with co-workers, supervisors or the public in the course of City business.
- Violating any City rule or practice that is presently in effect or subsequently adopted.
- Any other conduct that the City Administrator believes justifies discipline.

16.5.1 Discipline

Receiving three written warnings for minor infractions within a 12 month period may result in termination or suspension with or without pay.

16.6 Major Infractions

These types of infractions include the following but are not limited to:

- Threatening, intimidating, bullying, coercing or assaulting another employee, supervisor, or others in the course of City business.
- Fraudulent acts.
- Breach of trust.
- Violation of health/safety policy.
- Profane/abusive language.
- Any conduct that is illegal under state, federal or local law.
- Failure to notify supervisor~~,~~ when unable to report to work.
- Failure to obtain permission from supervisor to leave work.
- Sleeping on the job.
- Insubordination, including failure to follow any oral or written job instructions issued by the City Administrator or a person in the position of authority as determined by the City.
- Provoking or instigating arguments, dissension or fights during working hours.
- Engaging in horseplay which results in injury or property damage on City property.

- Deliberately delaying or restricting work, or inciting others to delay or restrict work.
- Discussing internal City matters or personal subjects that are not of public concern that would be disruptive to the City or may interfere with the regular operation of the City, or knowingly or recklessly making false statements about the City.
- Engaging in off duty conduct that is criminal or that the City Administrator reasonably believes affects your ability to effectively perform your job duties and responsibilities. Off duty conduct may also include participation in on-line activities.
- Any deliberate or reckless act of destroying or damaging City property or the property of others on City property.
- Falsifying any reports or records, such as applications, absence and sickness reports, or time records.
- Removing an item from a personnel file, without the approval of the City Administrator.
- Bringing discredit to yourself or the City.
- Dishonesty of any type.
- Conduct in the course of employment that could result in legal action against the City.
- Committing violations of safety rules or safe working habits that the City Administrator believes are repeated or serious.
- Engaging in discriminatory behavior or harassment of a sexual, racial, ethnic, or religious nature.
- Violation of our Drug and Alcohol rules.
- Unauthorized possession of firearms, weapons (as defined under Section 14.6~~8~~ above), or explosives on City property.
- Violating any City rule, state or federal law presently in effect or subsequently issued that the City Administrator believes is serious enough to justify immediate termination.

16.6.1 Discipline

Any conduct considered a major infraction by the City Administrator may result in suspension with or without pay or termination.

16.7 Explanation

The City believes these rules are clear and require little explanation; however any questions concerning the application or intent of these rules, should be communicated to your supervisor or the City Administrator. Rules cannot be listed to cover every situation. Conduct not specifically mentioned will be disciplined according to the standards followed for what the City feels is the most equivalent type of conduct listed.

16.8 Employee's Record

An employee's overall record may be considered in determining the appropriate degree of discipline to be imposed in a particular case. The City will determine what the facts are, whether discipline is warranted, how serious the violation is, and what level of discipline is appropriate. Rules will be enforced in a manner that respects employees' constitutional and statutory rights. If you feel you have been unfairly disciplined, the City encourages you to use the appeal procedure described below.

16.9 Appeals Procedures

Notwithstanding all of the above listings and other oral and written statements, employment may be terminated, with or without notice at any time and for any reason the City considers sufficient at its option or the employee's option. The above lists are intended to give you examples of some of the types of conduct that will lead the City to exercise its termination options.

16.9.1 Appeals Rule

All employees (ex~~in~~cluding probationary employees) may seek to have the City Administrator review any discipline or corrective action imposed on them by the City. In order to avail oneself of this review, an employee must present a written appeal to the City Administrator within five (5) days after the discipline that is the basis of the appeal has been imposed. The City Administrator will then meet with the employee within the next five (5) working days and attempt to resolve the issue. Within five (5) business days of that meeting, the City Administrator will prepare a written decision to the employee that addresses the appeal. The City Administrator's decision is final and binding.

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16.10 Problem Solving Process

Generally, a satisfactory solution to workplace problems can be worked out. Employees should first discuss their problem with their supervisor, then with their Department Head, and then if not resolved with the City Administrator as soon as possible after the event prompting the complaint.

17.0 RECRUITMENT, APPLICATIONS & SELECTION

17.1 Posting

All recruitment announcements will be initially posted in City Hall and at least two other locations. Position vacancies may also be advertised in the local newspaper or appropriate labor markets. Positions may be opened internally for City regular and temporary employees only or

externally for City employees, volunteers, and non-employees at the discretion of the City Administrator.

If positions are closed and then reopened within two (2) months, the City may, but is not required~~does not have~~ to, re-post recruitment announcements.

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17.2 Application for employment

All persons applying for employment with the City must fill out an employment application form. In addition, they may be requested in the recruitment announcement to provide a resume, letters of reference, or other appropriate information that fairly test and determine the qualifications, fitness and ability of a candidate to perform the duties of the City position.

17.3 Screening

All applications will be thoroughly screened for abilities and qualifications. Selection mechanisms may include performance tests, experience and education ratings, oral examinations, demonstrations of skill and tests of physical fitness and written examinations.

17.4 Verification

All statements on employment applications and application materials are subject to investigation and verification prior to appointment.

17.5 Appointment

17.5.1 Positions

The Mayor and City Council appoint the City Administrator. The City Administrator shall sit on a Hiring Committee tasked with making recommendations to the Mayor and City Council for the appointment of the Assistant City Administrator, and all department heads including Police Chief, Fire Marshal, Library Director, Senior Center Manager and Public Works Supervisor. The City Administrator appoints all other City employees.

17.6 Pre-Employment Requirements

17.6.1 Medical Examination

If required by the position, an applicant offered a position with the City is required to submit to a medical examination, and/or a drug test.

17.6.2 Background Investigations

Driving, criminal background checks, reference checks, job related credit checks, and fingerprinting also may be required based on an applicant's prospective position.

17.6.3 Payment

The City will pay for all testing required.

17.7 Archival of Applications

After a vacancy is filled, applications will be placed in an inactive application file and retained for three years. Application material will not be returned. A new application must be filed for each new job vacancy.

17.8 Acceptance of Employment Applications

The City will accept applications for employment only when a job vacancy exists and a job announcement has been posted. When no vacancy exists, unsolicited applications, letters, or resumes, will not be accepted by the City.

17.9 Veterans' Hiring Preference

Preference shall be given to eligible veterans and disabled veterans as set forth under Oregon state law, ORS 408.225 et seq.

APPENDIX A – DRIVING AND VEHICLE POLICY

City of Gladstone
Driving and Vehicle Policy

POLICY

Driving is among the most hazardous tasks performed by employees and volunteers of the City of Gladstone. Therefore, it is the policy of the City of Gladstone that employees and volunteers will follow safe driving practices. Safe driving practices include steps to ensure the driver's total concentration and safe operation of vehicles, such as determining clear directions before departing, refraining from operating equipment such as cell phones and radios while the vehicle is moving, and not operating a vehicle when the driver's ability to react is impaired. Drivers are expected to follow defensive driving principles, Oregon laws and regulations to prevent accidents in spite of unsafe driving by others and/or adverse driving conditions.

Managers are responsible for enforcing this policy, and shall ensure all employees and volunteers who drive are notified of this policy and the potential consequences of policy violations.

PROCEDURES

The City of Gladstone shall allow only drivers that meet the following eligibility criteria to drive on their behalf.

1. Job Applicants

   When any position is being filled for which driving is an essential function, the driving record for the previous five (5) years shall be evaluated according to the following procedure:

   a. Any certification of eligible applicants sent to department managers for selection processes shall contain a reminder to conduct a driving record check through DMV prior to finalizing an employment offer.

b. Hiring managers may offer employment contingent upon receiving a successful driving record check. However, it is suggested that the applicant's driving record is checked prior to a contingent hiring offer whenever possible.

c. If the applicant being considered for hire is from outside the State of Oregon, the hiring manager must request a copy of the applicant's driving record to be sent by fax or mail.

d. The Assistant City Administrator will complete the driving record check and send an email to the appropriate department manager with the results. If the driving record does not meet City of Gladstone standards, the recommendation not to hire the applicant, will be made.

e. If the Department Head requesting the hire wishes to contest this recommendation, an appeal may be made to the City of Gladstone City Administrator. A record of DUII, moving violations and/or accidents shall be considered in determining whether an applicant is acceptable (see Requirements of an Acceptable Driving Record).

2. The City of Gladstone Employee/volunteers

Any City of Gladstone employee/volunteer must meet the following criteria in order to be allowed to drive on City of Gladstone business:

a. Must possess a valid Oregon driver's license or provide an alternate means of transportation that is approved by the Manager/Administrator.

b. Be at least 18 years old.

c. Possess a valid Commercial Driver's License if driving a vehicle requiring such.

d. If involved in with an at-fault accident on City of Gladstone business, an employee/volunteer is required to complete a defensive driving course within six (6) months of the accident.

e. If in possession of an Oregon/Washington (or other State) driver's license, sign a release form allowing the City of Gladstone access to his/her motor vehicle records.

f. If driving their personally owned vehicle, provide proof of insurance at the inception of this policy or when driving responsibilities that are covered by this policy begin and at any time there is a change to the policy, to their department manager evidencing liability limits no less than the State required minimum of 25,000 single occurrence/50,000 annual aggregate for bodily injury and $10,000 for property damage.

g. In addition to the above requirements any City of Gladstone employee/volunteer holding a position that requires driving as part of the job duties (departments with a current process to do this (e.g., Public Safety, CDL drivers, etc.), shall continue and are exempted from this process) shall maintain an acceptable driving record, to be determined as follows:

> Upon assigning driving privileges or responsibilities to an employee/volunteer, the department shall provide pertinent information by e-mail (e.g., name, date of birth, driver's license number) to the Assistant City Administrator for "flagging" purposes. The City of Gladstone shall establish an account with DMV and monitor the employee/volunteer's driving record by reviewing any "flagged records". If a violation that occurs on work time falls into the categories noted in "Requirements of an Acceptable Driving Record," HR/Administration will inform the Department Manager and City Administrator. Violations falling into the categories noted in "Requirements of an Acceptable Driving Record," as well as a pattern of violations, along with other factors, if relevant, will be used to determine if the employee/volunteer has an acceptable driving record.

3. Discipline

Employee/volunteers who are found to have violated this policy or find any indications of misconduct involving vehicles may be grounds for disciplinary action up to and including termination. It is the intent of this policy that unsafe behavior be identified and corrected. Should discipline become necessary, it shall follow City of Gladstone Personnel Policy/Manual and union contracts, as applicable.

4. Other Drivers

   In addition to City of Gladstone employee/volunteers, the following people can be allowed to drive vehicles on City of Gladstone business:

   a. An officer or agent representing the City of Gladstone.
   b. Another person designated to act on behalf of the City of Gladstone.

   Drivers who are not City of Gladstone employee/volunteers must meet the following criteria in order to be allowed to drive on City of Gladstone business:

   a. Possess a driver's license valid in the State of Oregon; and
   b. Be at least 18 years old; and
   c. Possess a commercial driver's license if driving a vehicle requiring such; and
   d. If driving their personally owned vehicle, provide proof of insurance to the department manager of the department within which they work evidencing liability limits no less than the State required minimum of $25,000 single occurrence/$50,000 annual aggregate.
   e. Obtain permission from Manager/Administrator within the area they are assigned.

DRIVER RESPONSIBILITIES

The following responsibilities apply to anyone who drives any vehicle on City of Gladstone business:

1. Drivers and passengers are required to wear seatbelts at all times when the vehicle is in motion.
2. Drivers shall have the vehicle's lights on when driving.
3. Drivers shall inspect vehicles at the beginning of each shift or prior to each trip to ensure that the vehicles are in safe operating condition prior to their use. This should include tires properly inflated (i.e., not visibly deflated), clean windows, mirrors properly positioned and all lights in working order.

4. Drivers shall comply with all applicable state and local driving laws, parking regulations, and all City of Gladstone and departmental safety policies and rules.
5. Drivers will drive according to the road conditions during inclement weather. Drivers will know how and be prepared, in advance, of bad weather/adverse weather and road conditions.
6. Drivers shall be held personally responsible and liable for any tickets received while driving a vehicle on City of Gladstone business. All tickets for moving violations and/or parking fines received while driving City of Gladstone vehicles shall be paid or otherwise resolved promptly by the driver. Drivers shall notify their supervisor within 48 hours of receiving any citation while in a City of Gladstone vehicle.
7. For photo radar or other citations issued against the vehicle's registration, the employee/volunteer's department will complete the "Affidavit of Non-Liability" or similar document issued with the citation to identify the driver. The driver shall be personally responsible and liable for promptly paying the fine or otherwise resolving the citation.
8. In the event of an accident on City of Gladstone business, drivers shall immediately contact their supervisor, and, if driving a City of Gladstone vehicle, follow all City of Gladstone instructions/procedures for reporting accidents.
9. A driver whose license has been suspended or revoked shall immediately notify his/her supervisor.
10. For employees who are required to drive or maintain a valid driver's license as part of their official duties, driving record convictions may be considered as grounds for disciplinary action up to and including dismissal, whether the offenses and infractions occurred during or outside work hours. Volunteers with driving record convictions on or off the job may be subject to reassignment or removal from volunteer placement.
11. Drivers shall ensure that any passengers, who ride with them in a City of Gladstone vehicle or in any vehicle while on City of Gladstone business, other than those defined in the "Passenger" section of this Appendix A – Driving and vehicle policy, are authorized by their supervisor. Drivers shall not transport passengers unless the passengers are wearing safety

belts or other restraint devices in accordance with Oregon Revised Statutes.

12. In the event of a citizen emergency that requires the use of a City of Gladstone vehicle, managers can grant prior authorization under specific circumstances they establish. If an employee/volunteer on City of Gladstone business encounters a stranded motorist, please be aware: a.) there is no obligation for non-emergency personnel to stop and render assistance, b.) you should consider all objective circumstances regarding your own personal safety before choosing to stop, c.) the only authorized action is to help connect the motorist with appropriate roadside assistance.

13. Drivers shall not drive City of Gladstone vehicles or private vehicles for City of Gladstone business when they are required to take medication that may impair their ability to safely operate a moving vehicle. If in doubt, the employee/volunteer should first obtain approval from his/her physician that it is safe to drive while taking the medication. If the employee/volunteer comes to work but due to the medication cannot drive, the employee/volunteer shall immediately inform their supervisor and ask for an alternate work assignment. If there is no work available, the employee/volunteer may be assigned to another department or sent home.

14. Employees/volunteers are expected to use good judgment at all times while driving on behalf of the City of Gladstone. In circumstances where the employee/volunteer is uncertain if he/she should be operating or continue to operate a vehicle (such as prescription or over-the-counter medication, extended or continuous shifts, end-of-day long distance travel, fatigue, poor weather or road conditions) the employee/volunteer is expected contact their supervisor/manager to assist in making the safest determination, of whether to continue to drive or not.

~~14.~~15. City vehicles are for City-purposes only. No personal stops or errands permitted.

CELL PHONES

Driver inattention or distraction is a leading factor in a majority of motor vehicle accidents. Employees/volunteers who drive on behalf of the City of Gladstone

have their first responsibility to pay attention to the road. Talking or usingon a cell phone while driving, like adjusting the radio, eating, or writing a note, makes it difficult to concentrate on driving. Therefore, if the content of a call impairs concentration, postpone the call until you can stop. It is strongly suggested that employees/volunteers simply refrain from taking or making calls while driving. If an employee/volunteer absolutely must make or take a call, it must strictly follow the following:

1. Hands-free accessories must be used at all times if using a cell phone while driving on company business.
2. If an employee/volunteer needs to place or receive a call, and a hands-free accessory is not in use or available, it is mandatory for the employee/volunteer to pull off the road to a safe location and stop the vehicle before using a phone. If there is a passenger in the vehicle, the driver may ask the passenger to make or take a phone call, if a hands-free accessory is not in use or available.
3. The only exception to hands-free use is for calls placed to 9-1-1, law enforcement personnel, fire department personnel.
4. Absolutely NO texting or using smartphoneson cell phones or any other communication device while driving a vehicle on company business.

Definition: Hands-free accessory means an attachment or built-in feature for or an addition to a cell phone. Whether or not permanently installed in a motor vehicle, that when used allows a person to maintain both hands on the steering wheel.

LAPTOP USE

NO laptop computer usage while driving. (Exception: law enforcement, fire department and public works MDT's.)

VEHICLE USE

1. City of Gladstone-owned/supplied vehicles

   The City of Gladstone provides vehicles for use by qualified drivers to conduct official City of Gladstone business in the course and scope of their job and/or to maintain the ability to respond to City of Gladstone

business outside the employee/volunteer's normal work hours when special equipment or tools are available in or on the vehicle. City of Gladstone vehicles shall not be used for personal business. Use of City of Gladstone vehicles to commute to and from work, except as stated above, is prohibited, unless approved in advance by the City Administrator.

2. Privately owned motor vehicles

   The City of Gladstone allows use of privately owned motor vehicles to conduct official City of Gladstone business. A privately owned motor vehicle used for City of Gladstone business must be a conventional, at least four-wheel vehicle, and be in safe mechanical condition that is adequate to provide safe transport for the road and weather conditions. Vehicle equipment must conform to State of Oregon requirements. A motor pool vehicle or rental shall be used when a personally owned vehicle does not meet these standards. Vehicle registration and insurance must be current.

3. Insurance requirements

   a. The driver of a privately owned motor vehicle used to conduct official City of Gladstone business must be insured against liability (person and property) in an amount not less than the minimum requirements of the State of Oregon.

      Mileage reimbursement for the use of a privately owned motor vehicle is considered full payment (including deductibles, depreciation, insurance, maintenance, fuel and operating costs) for its use.

   b. The vehicle owner is responsible for any comprehensive and collision coverage the owner may elect to carry.

4. Out-of-State rental vehicles

   The City of Gladstone provides excess liability coverage to supplement the coverage automatically provided by car rental companies. However, the Oregon Tort Claims Act does not apply outside of Oregon. For that reason, drivers shall purchase the offered insurance through the rental company. Excess liability coverage, collision coverage deductibles, and other charges not covered by the car rental company insurance will not be paid by the City of Gladstone if an accident occurs when the vehicle is

used outside the scope of City of Gladstone business, (e.g., on an out-of-state trip where a rental vehicle is used for a non job-related side trip). Travelers are required to know the driving laws for any state they drive in, apply the criteria of common sense, propriety, and consider the relationship to business purpose to the use of rental vehicles and transporting passengers while on City of Gladstone business.

PASSENGERS

Only authorized passengers are allowed to ride in City of Gladstone vehicles and other vehicles while in use for City of Gladstone business. Authorized passengers are:

1. City of Gladstone employees conducting City of Gladstone business;
2. Officer and agents representing the City of Gladstone;
3. Volunteers acting on behalf of the City of Gladstone;
4. Vendors and contractors working on behalf of the City of Gladstone;
5. Participants in official City of Gladstone business, training, tours and programs;
6. Representatives of other governmental agencies working with the City of Gladstone;
7. Anyone with prior authorization by the department manager or with specific authorization by the City of Gladstone Administrator.

Requirements of an Acceptable Driving Record

These requirements become effective on the effective date of this policy.

1. No class "A" infraction convictions during the past thirty-six (36) months and no more than one (1) class "A" infraction conviction between the past (36) and (60) months.

2. No more than one (1) class "B" infraction conviction during the past twelve (12) months and no more than two (2) class "B" infraction convictions during the past thirty-six (36) months.

3. No more than two (2) class "C" infraction convictions during the past twelve (12) months and no more than three (3) class "C" infraction convictions during the past thirty-six (36) months.

4. Demonstrated ability to maintain a driver's license without suspensions for the past sixty (60) months.

5. No felony or misdemeanor driving convictions within the past sixty (60) months.

EXAMPLES OF VIOLATIONS LISTED BY CLASSIFICATION

CLASS "A" INFRACTION

- Failure to obey a traffic flagger
- Driving while suspended (infraction)
- Careless driving (accident involved)
- Speed racing
- Speeding (30+ MPH over posted limit)
- Failure to stop for school bus

CLASS "B" INFRACTION

- Passing in a no pass zone
- Failure to drive on right side of the road
- No operator's license
- Careless driving (no accident involved)
- Failure to obey a traffic control device
- Driving uninsured

CLASS "C" INFRACTION

- Failure to use traction devices
- Defective headlights
- Illegal U-turn
- Failure to yield to pedestrian in crosswalk
- Speeding (11-20 MPH over the limit)

CLASS "D" INFRACTION

- Impeding the flow of traffic
- Failure to signal lane change
- Failure to display license plates
- Speeding (1-10 MPH over the limit)
- Failure to use safety belts
- Failure to change information on driver's license

CLASS "A" MISDEMEANOR

- D.U.I.I.
- Reckless endangerment of a highway worker
- Providing false information to a police officer
- Hit and run (property damage)
- Reckless driving
- Driving while suspended

CLASS "B" MISDEMEANOR

- Providing false information regarding liability insurance
- Providing false information on accident report

CLASS "C" MISDEMEANOR

- Failure to display a driver's license
- Failure to return suspended license
-

CLASS "C" FELONY

- Hit and run (injury)
- Attempting to elude a peace officer
- Driving while suspended/revoked

APPENDIX B - ANTI-DRUG AND ALCOHOL POLICY AND PROCEDURES FOR SAFETY SENSITIVE FUNCTIONS

This policy is effective January 1, 2011, and will supersede, for all employees performing safety-sensitive functions, all prior policies and statements relating to alcohol or drugs.

Objectives

The objectives of this policy are to:

- Provide and maintain a safe and healthy work environment for City employees;
- Maintain a safe and dependable transportation system for the public;
- Provide compliance with procedures required by the U.S. Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA) and Federal Transit Administration (FTA), 49 CFR Parts 40, 382 and 655;
- Set forth procedures for implementation of controlled substances and alcohol use and testing for covered employees as provided by FMCSA, and FTA;
- Describe circumstances under which employees will be tested; and
- Identify specific conduct, which is prohibited.

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These procedures are designed not only to detect violations to this policy, but to ensure fairness to each covered employee.

Neither this policy nor any of its terms are intended to create a contract of employment or to contain the terms of any contract of employment. The City of Gladstone retains the sole right to change, amend or modify any term or provision of this policy.

Attachment 1 provides Definitions; Attachment 2 lists Safety-Sensitive Positions; and Attachment 3 designates the primary alcohol and drug testing site.

Application

FMCSA regulations apply to all driver positions that require a Commercial Drivers License (CDL). FTA regulations apply to all covered employees: (1) in positions which operate, maintain, or control movement of transit vehicles; (2) in positions which supervise the operation, maintenance, or movement of transit vehicles when the supervisory responsibilities include performance of a safety-sensitive function; (3) contractors who perform routine, on-going repair or maintenance work on transit vehicles. (See Attachment 2.) Job applicants who have been offered employment in safety-sensitive positions may be subject to DOT rules or to the City of Gladstone's policies for drug testing. Job applicants may also be required, as a condition of employment, to give written consent to the disclosure of alcohol test records and results maintained by a current/former employer.

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Prohibitions

A. Alcohol Prohibitions:

The alcohol rule prohibits any alcohol misuse that could adversely affect performance of a safety sensitive function, including:

1. Use of alcohol on the job;
2. Use of alcohol during the four (4) hours before performing safety-sensitive functions;
3. Having a prohibited concentration of alcohol (0.04 or greater) in the system while performing safety-sensitive functions;
4. Use of alcohol during eight (8) hours following an accident, or until he/she undergoes a post-accident test; and
5. Refusal to take a required test.

NOTE: A driver found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall not be permitted to perform, safety-sensitive functions for at least 24 hours.

A covered employee, under the FTA regulation, found to have an alcohol concentration of 0.02 or greater, but less than 0.04 shall not be permitted to perform safety-sensitive functions for at least 8 hours or until an alcohol test has been administered with a result less than 0.02 concentration.

B. Drug Prohibitions:

The regulations for the City of Gladstone prohibit any drug use that could adversely affect performance of safety-sensitive functions, including:

1. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the driver or covered employee that the drug will not adversely affect the driver's ability to safely perform safety-sensitive functions;

2. Testing positive for drugs; and,

3. Refusing to take a required test.

4. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace.

Prescription/Over-the-Counter Drug Use

A driver or covered employee may possess and use medically authorized prescriptions or over-the-counter drugs at work as long as the prescription or over-the-counter drugs do not have disabling effects or otherwise adversely affect the employee's fitness for duty or job performance. Drivers or covered employees must report the use of the prescription or over-the-counter drugs, which could have a disabling effect or otherwise adversely affect the employee's fitness for duty or job performance to their immediate supervisor. It is the covered employee's responsibility to determine from the physician, pharmacist, or other health care professional whether or not the prescribed or over-the-counter drugs could adversely affect the employee's fitness for duty or impair job performance. Upon reporting the use of prescription or over-the-counter drugs, employees may be required to provide a written medical authorization to work from a City approved physician. Failure to report the use of prescription drugs or over-the-counter drugs which have disabling effects or otherwise adversely affect the covered employee's fitness for duty while at work, and failure to provide proper evidence of medical authorization to work, may result in discipline.

Workplace Drug Related Convictions

The Drug Free Workplace Act of 1988 requires covered employees, as a condition of employment, to report any criminal convictions of drug related activity in the workplace to the City of Gladstone no later than five (5) days after a conviction. The City of Gladstone shall inform its federal contracting agency of such convictions within ten (10) days of learning about a conviction. Covered employees convicted of workplace drug-related crimes will be subject to discipline.

Right to Inspection

When the City of Gladstone has reasonable grounds to believe a covered employee is in improper possession of drugs or alcohol during working hours or while on City property, that covered employee may be requested to permit an inspection of his or her person, personal property, clothing, or personal vehicle. The City of Gladstone will have at least one witness present when conducting an inspection of a covered employee or a covered employee's personal property, clothing, or personal vehicle. Refusal to submit to such an inspection may result in discipline, up to and including discharge. The City of Gladstone reserves the right to search City property (i.e., vehicles, desks, file cabinets, lockers) at any time, including when the policy is violated.

Training

All covered employees will receive at least 60 minutes of drug training regarding the effects and consequences of substance abuse on personal health and safety, and on the work environment.

All supervisors who will be responsible for determining when it is appropriate to administer reasonable suspicion drug and/or alcohol tests will receive a minimum of 2 hours training on the physical, behavioral, speech, and performance indicators that would constitute a reasonable suspicion of drug use and alcohol misuse.

Testing

Participation in the City of Gladstone's drug and alcohol testing program is a requirement of each driver or covered employee. Current drivers or covered employees in a position that requires the performance of a safety-sensitive

function and covered employees offered transfer into safety-sensitive positions are required to submit to drug and alcohol testing, as mandated by Federal regulations or by the City of Gladstone's policy, as a condition of employment with the City of Gladstone. Applicants for employment in safety-sensitive positions are also required to submit to drug testing, after a job offer has been extended. The FMCSA regulation Part 49 CRF Part 382 and the FTA regulation 49 CFR Part 655 prescribes the testing methods that will be used.

All drug and alcohol testing will be conducted in a manner which assures a high degree of accuracy and reliability by using the techniques, chain of custody procedures, and equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS) and the DOT. Breath alcohol testing will be performed by a certified Breath Alcohol Technician.

All drug and alcohol testing will be conducted in an environment that affords maximum privacy practicable for the covered employee being tested. Some drug testing may have to be "observed," as required by law. The City of Gladstone will strictly adhere to maintaining the confidentiality of the covered employee or applicant throughout the drug and/or alcohol testing process and releasing testing records and results only to those authorized to receive such information. The Assistant City Administrator, or his/her designee, is designated as the employer representative to receive and handle all test results.

Except as otherwise provided herein, the City of Gladstone shall be responsible for all costs directly associated with the drug and alcohol tests specified in this policy.

When an employee or applicant is sent for tests, the City of Gladstone will issue the person a Collection Site Registration Form. The individual must present this form at the collection site.

Types of Testing

All negative and dilute results from the types of testing listed below will be accepted as a negative result not requiring any additional testing unless determined by the MRO.

1. Pre-employment Testing

After an individual has been offered a safety-sensitive position, but immediately before the individual performs the safety-sensitive function for the first time, the individual will be required to submit to and pass a urine drug test as a condition of employment. This requirement applies to employees who are otherwise eligible for promotion or transfer into safety-sensitive positions (including Utility Workers to Senior Utility Workers). Failure of a drug test may disqualify an applicant or employee for employment in or transfer to a safety-sensitive position. A verified positive result on a drug test is considered to be failure of the drug test. Applicants will be informed in writing if they are rejected on the basis of a confirmed positive drug test result.

2. Post-Accident Testing

FMSCA Testing requirements:

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road, each surviving driver shall be tested for controlled substances and alcohol use. Drivers shall be tested in the following situations:

A FMSCA reportable accident includes all occurrences when:

- an individual dies; or
- an individual suffers a bodily injury requiring immediate transport to a medical treatment facility and the driver receives a citation for a moving violation; or
- one or more of the vehicles involved in the accident incurs disabling damage as a result of the occurrence which precludes the departure of the vehicle from the scene of the accident in its usual manner after simple repairs. This includes vehicles that could have been driven, but would have been further damaged by such movement (i.e. limped away) and the driver receives a citation for a moving violation.

FTA Testing requirements:

As soon as practicable following an occurrence involving a mass transit vehicle each surviving covered employee shall be tested for controlled

substances and alcohol use. Any other covered employee, whose performance could have contributed to the accident, as determined by the City of Gladstone using the best information at the time of the decision, shall be tested. Covered employees shall be tested in the following situations:

- an individual dies; or
- an individual suffers a bodily injury requiring immediate transport to a medical treatment facility; or
- one or more of the vehicles involved in the accident incurs disabling damage as a result of the occurrence which precludes the departure of the vehicle from the scene of the accident in its usual manner after simple repairs. This includes vehicles that could have been driven, but would have been further damaged by such movement (i.e. limped away).

A. Post-Accident Testing - Fatality:

Following a fatal accident, each surviving covered employee on duty at the time of the accident whose performance could have contributed to the accident must be tested.

B. Post-Accident Testing - Nonfatality:

Following a nonfatal accident, all covered employees on duty and involved in the accident, or whose performance could have contributed to the accident, will be subject to drug and alcohol testing unless the City of Gladstone determines, using the best available information at the time of the decision, that said covered employee's performance can be completely discounted as a contributing factor to the accident.

Post-accident drug and alcohol tests must be performed as soon as possible. Drug tests must be performed within 32 hours following the accident. Alcohol tests should be performed within two (2) hours following the accident and drug tests must be performed within eight (8) hours following the accident. If the driver or covered employee to be tested was injured in the accident, the requirement to test for drugs and alcohol

should not delay necessary medical attention, but testing could be administered simultaneously to the driver or covered employee receiving necessary medical attention.

Any driver or covered employee involved in an accident must remain readily available for drug and/or alcohol testing for up to 32 hours after the accident. The driver or covered employee is responsible for notifying the City of Gladstone of his or her location if he or she leaves the scene of the accident prior to submission to testing. Failing to remain readily available shall be determined to be a refusal to submit to testing and may result in discipline up to and including discharge.

When a driver or covered employee has been notified that he/she will be required to submit to post-accident drug and/or alcohol testing, he/she must report immediately to the collection site designated by the City of Gladstone. Transportation to and from the collection site will be provided by the City of Gladstone. Once notified, the driver or covered employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed.

Note: Post-accident drug and alcohol test required by this policy are in addition to and/or separate from any tests conducted for law enforcement purposes.

3. Random Testing

The City of Gladstone will randomly select drivers and covered employees at various times for unannounced alcohol and controlled substance testing as follows:

A. The City of Gladstone will use a selection process which assures that all drivers and covered employees have an equal chance of being tested. This process will select drivers and covered employees through the use of a computerized program, scientifically validated and maintained by the laboratory.

B. The annual random selection rate for alcohol tests will be at least 10%, or the rate determined by both the FMCSA and FTA regulations, of the average number of covered employees in the employee category; for drug testing the rate will be at least 50%, or

the rate determined by both the FMCSA and FTA regulations, of all covered employees in the employee category.

C. The random testing will be spaced over any 12-month period; the twelve-month period is measured from January 1st through December 31st.

D. Once notified, the driver or covered employee must proceed immediately to the collection site.

Drivers and covered employees may only be tested for the presence of a controlled substance while performing safety-sensitive functions; immediately before performing a safety-sensitive function; or immediately after they have ceased performing a safety-sensitive function. Random controlled substance testing may be conducted at any time the employee is on duty.

4. Reasonable Suspicion Testing

When a supervisor, who is trained to detect the symptoms of drug or alcohol misuse develops suspicion, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the covered employee, direct observation of drug or alcohol use, or indications of chronic and withdrawal effects of controlled substances, then the supervisor must require that covered employee to submit to a breath test and/or urine drug test. Reasonable suspicion testing for alcohol is authorized only if the observations are made during, just preceding or just after the period of the workday that the covered employee is performing a safety-sensitive function.

The following actions will be undertaken immediately.

A. Contact the driver or covered employee involved and keep under direct observation until the situation is resolved.

B. The driver or covered employee will be transported to the testing site for prescribed testing. Under no circumstances will the driver or covered employee be allowed to continue to drive a City of Gladstone vehicle or perform safety-sensitive functions until a confirmed negative test result is received. If the alcohol test results

are over 0.02 but less than 0.04, the driver will not be allowed to perform a safety-sensitive function for 24 hours, under the FMCSA regulations. The covered employee will not be allowed to perform a safety-sensitive function for 8 hours until a retest shows that the employee's alcohol concentration has dropped below 0.02, under the FTA regulations. If the alcohol test results are 0.04 or higher, the driver or covered employee will be removed from safety-sensitive functions until the driver or covered employee undergoes evaluation, and treatment, and a substance abuse professional (SAP) determines the employee has complied with treatment, and the employee passes a return to duty test.

C. The individual who observed the suspicious behavior must record the observations leading to the test within 24 hours, or before the test results are known. This record must be maintained for two years.

D. If tested positive for controlled substances, the covered employee is required to be evaluated by a SAP~~)~~ and pass a return to duty test prior to returning. Driver or covered employees may be retested at least six (6) times in the first twelve (12) months but no longer than 60 months.

E. The diagnosis and prescribed treatment of the driver or covered employee's condition will be determined by the SAP.

5. Return-to-Duty Testing

Prior to being permitted to return to duty, involving the performance of safety-sensitive functions, a driver or covered employee (who has previously had a verified positive drug test, an alcohol test result of 0.04 or greater, refused to submit to a test, or engaged in conduct prohibited by this policy) must be evaluated by a SAP to determine whether the driver or covered employee has followed the recommendations for action by the SAP and must pass a return-to-duty drug test and/or submit to a breath alcohol test with a result showing an alcohol concentration level of less than 0.02. This test may be done as an observed collection. The employee will be required to follow the observer's instructions to raise his/her clothing above the waist, lower clothing and underpants, and to

turn around to permit the observer to determine if the employee has any type of prosthetic or other device that could be used to interfere with the collection process.

6. Follow-up Testing

A driver or covered employee who has been permitted to return to duty, following a verified positive drug test, an alcohol test result of 0.04 or greater, or a refusal to submit to a test, and who has passed the return to duty test, may be subject to at least six (6) unannounced follow-up drug and/or alcohol tests in the first twelve (12) months. Any tests prescribed beyond the required six follow-up tests must be administered within 60 months of the employee's return to duty.

When a driver or covered employee has been notified for testing, he/she must report immediately to the collection site designated by the City of Gladstone. Transportation to and from the collection site will be provided by the City of Gladstone. Once notified, the driver or covered employee will not be permitted to use restroom facilities, consume beverages, or smoke until specimen collection is completed.

Follow-up testing is separate from, and in addition to, the regular random testing program. This test may be done as an observed collection. The employee will be required to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.

7. Covered On-Call Employee Testing

Any covered employee who is requested to report for duty when he or she is not regularly scheduled to work is considered an on-call covered employee. An on-call covered employee who is requested to report for duty less than four (4) hours prior to the requested report time must inform the City of Gladstone if he/she has consumed alcohol within four (4) hours of the requested report time.

If a covered employee informs the City of Gladstone of his/her use of alcohol and claims he/she has the ability to safety perform his/her safety-

sensitive function, the covered employee will be allowed to submit a breath alcohol test. If the covered employee's breath alcohol concentration level measures less than 0.02, the covered employee will be allowed to perform his/her safety-sensitive function.

An on-call covered employee who informs the City of Gladstone of his/her use of alcohol and fails the breath alcohol test will not be permitted to report for duty and will be considered to be in violation of this policy. If a covered employee does not inform the City of Gladstone of his/her use of alcohol and exhibits signs of alcohol misuse, he/she may be subject to a reasonable suspicion testing. If the test indicates a breath alcohol concentration level of 0.02 or greater, he/she will be in violation of this policy.

A covered employee or a regularly scheduled covered employee who is given more than four hours notice of the requirement to report for duty must not consume alcohol four hours prior to performing a safety-sensitive function. The option of claiming ability to perform a safety-sensitive function and being tested to provide the ability does not apply.

Drug Testing Procedures

Drug tests will be conducted using laboratory testing of urine specimens for the following drugs: Marijuana, Cocaine, Opiates, Amphetamines, and Phencyclidine. Drug testing will be conducted at a testing site which meets the guidelines established by the DOT.

The driver or covered employee will be required to urinate into a collection cup or specimen bottle, supplied by the collection site, providing at least 45 milliliters of urine, in a private restroom stall or similar enclosure so that the employee will not be viewed while providing the sample.

The collection site personnel will be responsible for recording temperature of the specimen. In addition, the collection site technician will visually examine the specimen for any unusual color or sediment and note the results on the custody and control form.

Collection site personnel will also be responsible for separating the specimen, in the presence of the covered employee, into two specimen bottles. One bottle shall contain thirty (30) ml of urine and will be used as the primary specimen.

The second bottle shall contain at least fifteen (15) ml of urine and shall be used as a split specimen. Both bottles must be sealed and labeled in the presence of the donor. The labels must be printed with the same specimen identification number as the custody and control form. The donor will initial the labels verifying that the specimen is his/hers.

If the donor is unable to provide at least 45 ml of urine, the covered employee will be permitted to drink not more than 40 ounces of fluids during a three hour period. If the donor is still unable to provide an adequate specimen, the testing will be discontinued, the City of Gladstone will be notified, and the MRO designated by the City of Gladstone will refer the donor to a physician approved by the City of Gladstone for a medical evaluation to determine whether the donor's inability to provide a specimen is genuine or constitutes a refusal to submit to a drug test.

Observed Collections

In the following circumstances, collection site personnel must observe a second urine collection immediately after the first collection:

1. The covered employee has presented a urine sample that falls outside the normal temperature range (90 to 100 degrees),

2. Collection site personnel observe conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample.

Collection site personnel will notify the City of Gladstone of the decision to conduct an observed collection.

In addition, the City of Gladstone shall require an observed collection in the following situations:

1. The laboratory reported to the MRO that a specimen is invalid, and the MRO reported to you that there was not an adequate medical explanation for the result;

2. The MRO reported to the City of Gladstone that the original positive, adulterated, or substituted test result had to be cancelled because the test result of the split specimen could not be performed; or

3. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL and less than or equal to 5 mg/dL and the MRO reported the specimen to the City of Gladstone as a negative and dilute and that a second collection must take place under direct observation.

In the following circumstances, as permitted by Federal regulations, the City of Gladstone may authorize an observed collection:

1. The driver or covered employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under the FMCSA or FTA regulations as a return to duty or follow-up test.

Direct observation of specimen collection will be made by a person of the same gender as the driver or covered employee being tested.

Return to Duty after Specimen Collection

A driver or covered employee who is required to submit to a random test or follow-up drug test may be returned to duty immediately following specimen collection. If the employee is also subject to random or follow-up alcohol testing, the employee's return to duty will be dependent upon the outcome of the breath alcohol test.

A driver or covered employee who is required to submit to a reasonable suspicion or post-accident drug test will not be permitted to return to duty and will be placed on a paid leave pending the receipt by the City of Gladstone of a verified test result.

Drug Testing Laboratories

Immunoassay screening will be used as the initial test for the testing of the primary specimen. If any prohibited drug registers at or above the cutoff level, designated in the Federal regulations (49 CFR Part 40), a confirmation test using gas chromatography/mass spectrometry (GC/MS) will be conducted.

Blind Performance Testing

The City of Gladstone requires the drug screening company to conduct blind sample proficiency testing, using blind quality control specimens which are not

distinguishable from an employee specimen, as a quality assurance measure of the testing laboratory.

Drug Test Results

All drug test results will be reported by the testing laboratory to a qualified Medical Review Officer (MRO) designated by the City of Gladstone. The MRO will be responsible for verifying and validating the drug test results. The MRO will review and interpret a driver, covered employee's or applicant's confirmed positive drug test by reviewing the individual's medical history and affording the covered employee or applicant an opportunity to offer any clarifying information that would explain a positive test result.

There are three circumstances under which the MRO may verify a test result as positive without having communicated directly with the employee or applicant:

1. The employee or applicant expressly declines the opportunity to discuss the test;
2. The Assistant City Administrator, or designee, has successfully made and documented a contact with the employee or applicant, has instructed the employee or applicant to contact the MRO, and more than five days have passed since the date the employee or applicant was so contacted; and
3. Any other circumstances provided for in DOT controlled substance regulations, or in the City of Gladstone policy

The MRO will report each verified test result to the City of Gladstone and will notify each driver, covered employee or applicant who has a verified positive test result.

Positive Drug Test Results

A driver or covered employee who has a verified positive drug test will be immediately removed from his or her safety-sensitive position and placed on an unpaid leave of absence pending final determination, advised of resources available to evaluate and resolve problems associated with drug abuse, and be evaluated by a SAP. The driver or covered employee may be subject to discipline, according to the City of Gladstone policy, up to and including suspension and/or discharge.

A driver or covered employee who has a verified positive drug test result will have 72 hours, including holidays and weekends, from the time of notification by the MRO, or the City of Gladstone, whichever occurs first, in which to request that the split specimen be analyzed at a different DHHS-approved laboratory. The split specimen will be analyzed, using GC/MS technology to determine the presence or absence of the drug(s) for which a positive result was obtained in the test of the primary sample. The driver or covered employee will be responsible for paying the cost of the split sample testing.

If the result of the test of the split specimen fails to confirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO will cancel the test, and report the cancellation and the reasons for it to the City of Gladstone, the driver or covered employee, and the DOT. The driver or covered employee will be returned to duty and will be compensated for the time or benefits lost as a result of being placed on an unpaid leave of absence.

The request by a driver or covered employee for an analysis of the split specimen will not delay the removal of the driver or covered employee from his/her safety-sensitive position.

Breath Alcohol Testing Procedures

Initial alcohol screening tests may be collected through the use of a non-evidential breath-screening device listed on the National Highway Traffic Safety Administration (NHTSA) conforming products list. An Evidential Breath Testing (EBT) device will be used for all confirmation tests and in the event that the initial screen cannot be completed using a non-evidential testing device. The breath alcohol tests will be conducted at a site that provides visual and aural privacy to the covered employee being tested to the greatest extent practicable.

Prior to specimen collection, the driver or covered employee and the breath alcohol technician (BAT) must complete, date and sign a breath alcohol testing form indicating that the driver or covered employee is present and providing a breath specimen. Failure to sign the certification is regarded as refusal to take the test and will be considered a violation of the policy and may result in discipline.

The BAT will require positive identification of the employee through either a photo identification card or identification by an employer representative. At the request of the employee, the BAT is required to provide identification to the employee.

The BAT will conduct an initial screening test. Following a valid test result of less than 0.02, no further testing is authorized.

If the result of the initial screening is an alcohol concentration of 0.02 or greater, a confirmation test will be conducted. The confirmation test will be conducted after 15 minutes, but not more than 30 minutes, after the completion of the initial screening test. If the 30-minute time interval is exceeded, the test should be conducted as soon as possible, and the BAT must provide an explanation for the delay on the Alcohol Testing Form. The driver or covered employee must remain in the presence of the BAT during the waiting period. A new mouthpiece will be used. Before the confirmation test is administered, the BAT will conduct an air blank test on the EBT. If a BAT other than the one who conducted the screening test conducts the confirmation test, the new BAT and the driver or covered employee will be required to sign and date a new breath alcohol testing form.

If the results of the initial screening test and the confirmation are not identical, the confirmation test will be deemed to be the final result.

Following the completion of a breath alcohol test, the BAT will be required to sign and date the breath alcohol testing form certifying that the results shown belong to the driver or covered employee being tested.

The BAT will be responsible for transmitting all test results to the City of Gladstone in a confidential manner.

Any action intended by the employee to circumvent the requirement that he or she provide breath, provide an adequate amount of breath, or otherwise not cooperate with the testing process, is considered a refusal to take the test. All such refusals shall be noted by the BAT and result in the same consequences as a test result of 0.04 or greater.

If a driver or covered employee alleges that, because of medical reasons, he or she is unable to provide an adequate amount of breath; the BAT will note this on the alcohol testing form and notify the City of Gladstone. The driver or covered employee will be required to submit to a medical evaluation, by a physician of the City of Gladstone's choice, concerning the covered employee's medical ability to

provide an adequate amount of breath. If no valid medical reason is determined, then the driver or covered employee's inability to provide an adequate amount of breath will be considered to be a refusal to submit to a test.

Breath Alcohol Test Results

If the results of the breath alcohol test are below 0.02, the driver or covered employee may be returned to work immediately.

A confirmed alcohol concentration of 0.02 or greater will be considered a positive breath alcohol test result and a violation of this policy. Employees who violate this policy will be subject to discipline, according to the City of Gladstone policy, up to and including discharge.

Upon determination that an employee has misused alcohol (a test result with an alcohol concentration of 0.04 or greater), the City of Gladstone must remove the employee from safety-related functions and impose the following:

1. The covered employee may not return to a safety-sensitive function until, at a minimum

    a) the employee undergoes evaluation, treatment; *and*

    b) a substance abuse professional determines that the employee has successfully complied with any recommended course of treatment; *and*

    c) the employee passes a return to duty test with an alcohol concentration of less than 0.02.

2. A driver, subject to the FMCSA regulations, with an alcohol concentration of 0.02 or greater but less than 0.04 is not permitted to perform safety-sensitive functions for a minimum of 24 hours.

3. A covered employee, subject to the FTA regulations, with an alcohol concentration of 0.02 or greater but less than 0.04 is not permitted to perform safety-sensitive functions for a minimum of 8 hours or until a retest shows that the employee's alcohol concentration has dropped below 0.02.

The diagnosis and prescribed treatment of the driver or covered employee's condition will be determined by health care professionals. Covered employees

who have violated this policy will be retested at least six (6) times in the first twelve (12) months, but not longer than 60 months. A substance abuse professional must oversee tests; determine the number of follow-up tests and duration of the follow-up testing program.

The employee will be advised of the resources available to evaluate and resolve problems associated with alcohol misuse.

The employee will be provided transportation to his/her residence. If the covered employee insists on driving, law enforcement personnel will be notified.

Refusal to Submit to a Test

A determination of a driver or covered employee's refusal to submit to a test includes:

1. Refusal to take a required test;
2. Refusal to sign the certification at Step 2 of the alcohol testing form;
3. An action intended by the employee to circumvent the requirement that he or she provide breath, provide an adequate amount of breath, or otherwise to cooperate with the testing process;
4. Tampering with or attempting to adulterate the specimen or collection procedure;
5. Using alcohol within eight (8) hours of an accident;
6. Not reporting to the collection site within the time allotted;
7. Leaving the scene of an accident without a valid reason before the tests have been conducted; or
8. Engaging in conduct that obstructs the testing process.

All such refusals shall result in the same consequences as a positive test result. A driver or covered employee who refuses to submit to a drug or alcohol test will be subject to discipline, up to and including discharge. The test results of a covered employee who refuses to submit to a drug or alcohol test will be a positive test result.

Discipline

Compliance with the City of Gladstone's Anti-Drug and Anti-Alcohol Policy is a condition of employment for all drivers and covered employees. For bargaining unit employees (see Attachment 2), a violation of any part of the City of Gladstone 's Drug and Alcohol Policy may result in discipline as provided in Article 18 of the collective bargaining agreement. For other employees, a violation of any part of the City of Gladstone's Drug and Alcohol Policy may result in discipline, according to the City of Gladstone policy, up to and including suspension and/or discharge. Factors which the City of Gladstone may consider regarding the severity of disciplinary action include, but are not limited to, the employee's conduct which prompted the application of this policy, the employee's work record, current job performance, the existence of past disciplinary actions, the degree of impairment, the potential for consequences arising from the employee's actions, and the drug and/or alcohol test results.

Right to a Hearing

All employees subject to discipline under this policy have a right to a hearing to review disciplinary action. Represented employees may follow the grievance procedure provided in the collective bargaining agreement. Non-represented employees will also be entitled to a hearing.

Required Treatment

In the event that a continuing driver or covered employee is referred for treatment by a SAP, the driver or covered employee may be required to satisfactorily complete an approved drug or alcohol treatment program and aftercare as a condition of continued employment.

Work absences for treatment purposes may qualify for available sick leave benefits and/or personal medical leave, provided the driver or covered employee is following the prescribed treatment program. The drivers or covered employees working under an agreement that they satisfactorily complete an approved program of drug and/or alcohol dependency treatment will be required to submit to follow-up drug and/or alcohol testing to verify abstinence from drugs and/or alcohol for at least 12 but not more than 60 months. The frequency and duration of the follow-up testing will be recommended by the SAP, with a minimum of six tests during the first 12 months after the driver or covered employee returns to duty.

Working Conditions

The presence of treatment of a substance abuse problem does not excuse a driver or covered employee from meeting performance, safety, or attendance standards or following other the City of Gladstone instructions. In no circumstances may a driver or covered employee invoke protection under this policy as a means to avoid disciplinary actions resulting from poor work performance or misconduct at work. A voluntary request for assistance will not shield a driver or covered employee from disciplinary action resulting from on-the-job conduct or work performance. A driver or covered employees remain responsible for their on-the-job conduct and work performance.

Confidentiality

the City of Gladstone will maintain all records regarding the drug and/or alcohol testing of drivers and covered employees and applicants in a secure manner so that the disclosure of information to unauthorized persons does not occur. Comment: Are the medical records kept in a separate file with controlled access? the City of Gladstone will only release information regarding the drug and/or alcohol testing of driver and covered employees under the following circumstances:

1. As required by law;
2. When such release is authorized and/or required under DOT regulations;
3. Upon request by a covered employee or applicant;
4. Any agency with regulatory authority over said records;
5. To the decision maker in a lawsuit, grievance, or other proceeding, including but not limited to a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.

Additional Information

For additional information regarding this policy or the City of Gladstone's testing program, contact the Assistant City Administrator.

APPENDIX B - ATTACHMENT 1

FTA Covered Accident:

An occurrence associated with the operation of a vehicle in which an individual dies, or an individual or passenger in any vehicle involved in the accident suffers a bodily injury and immediately receives medical treatment away from the scene of an accident, 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.

FMSCA Covered Accident:

An occurrence associated with the operation of a commercial motor vehicle in which an individual dies; or the driver received a citation for a moving violation, and an individual or passenger in any vehicle involved in the accident suffers a bodily injury and immediately receives medical treatment away from the scene of an accident; of the driver received a citation for a moving violation and one or more of the vehicles involved occurs disabling damage as a result of the occurrence and is transported away from the scene by a tow truck.

Alcohol:

Means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol's including methyl or isopropyl alcohol.

Alcohol Concentration (or content):

Means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

Alcohol Use:

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

Breath Alcohol Technician (BAT):

An individual who instructs and assists covered employees in the alcohol testing process and operates an EBT.

Chain of Custody:

Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition. These procedures require that an appropriate drug testing custody form be used at the time of collection to receipt by the laboratory and that upon receipt by the laboratory (an) appropriate chain of custody form(s) account(s) for the sample within the laboratory.

Collection Site:

Means a place where individuals present themselves for the purpose of providing breath, body fluid, or tissue sample to be analyzed for specified controlled substances. The site must possess all necessary personnel, materials, equipment, facilities and supervision for the collection, security, temporary storage and transportation or shipment of the samples to a laboratory.

Commercial Motor Vehicle:

Means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with gross vehicle weight rating of more than 10,000 pounds; or
2. Has a gross vehicle weight rating of 26,001 or more pounds; or
3. Is designed to transport 16 or more passengers, including the driver.

Controlled Substance:

In accordance with FMSCA and FTA rules, urinalysis will be conducted to detect the presence of the following substances: Marijuana, Cocaine, Opiates, Amphetamines, Phencyclidine (PCP).

Covered Employee:

Means a person, independent contractor, or person hired by an independent contractor who performs safety-sensitive services for the City of Gladstone under the FTA regulation requirements.

Dilute Specimen:

A specimen with a creatinine and specific gravity values that are lower than expected for human urine.

DOT:

Means the U.S. Department of Transportation.

Driver:

Means any person who operates a commercial motor vehicle that requires a commercial driver's license (CDL). This includes, but is not limited to: Full time and Part time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors, under the FMCSA regulation requirements.

Drug:

Means any substance (other than alcohol) that is a controlled substance as defined above.

EBT:

Evidential breath testing device.

FMCSA:

Means the Federal Motor Carrier Safety Administration, U.S. Department of Transportation.

FTA:

Means the Federal Transit Administration, U.S. Department of Transportation.

GC/MS:

A gas chromatography/mass spectrometry test used to evaluate substance abuse.

Medical Review Officer (MRO):

A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test results together with his/her medical history and any other relevant biomedical information.

Over-the-Counter Drugs/Medications:

Those drugs/medications which are legally available without prescription.

Performing a Safety-Sensitive Function:

A covered employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Prescription Drugs/Medications:

Those drugs/medications which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner/physician or dentist.

Random Selection Process:

Means that alcohol and drug tests are unannounced; that every employee performing safety-sensitive functions subject to test is eligible at each selection. Tests conducted annually shall equal or exceed ten percent (10%) for alcohol tests and fifty percent (50%) for drug test of the total number of drivers or covered employees subject to testing. These rates may be amended annually by the FMCSA and/or FTA.

Reasonable Suspicion:

Means that a supervisor, who is trained to detect the symptoms of drug or alcohol misuse develops suspicion, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the covered employee, direct observation of drug or alcohol use, or indications of chronic and withdrawal effects of controlled substance.

Refusal to Submit (to an alcohol or controlled substance test):

Means that a driver or covered employee:

1. Fail 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. This includes the failure of an employee (including an owner-operator) to appear for a test when called by C/TPA;

2. Fail to remain at the testing site until the testing process is complete. An applicant who leaves the testing site, in the case of a pre-employment test, before the testing process commences is not deemed to have refused a test;

3. Fail to provide a urine specimen for any drug test required by 49 CFR Part 655 or DOT agency regulations. An applicant, in the case of a pre-employment test, who does not provide a urine specimen because he or she has left the testing site before the testing process commences is not deemed to have refused a test;

4. Fail to provide an adequate amount of saliva or breath for any alcohol test required by 49 CFR Part 655 or DOT agency regulations. An applicant, in the case of a Pre-employment test, who does not provide an adequate amount of breath or saliva because he or she has left the testing site before the testing process commences is not deemed to have refused to test;

5. In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen;

6. Fail or decline to take a second test the employer or collector has directed you to take;

7. Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;

8. Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;

9. Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER. In the case of a pre-employment drug test, the employee is deemed to have refused to test on the basis only if the pre-employment test is conducted following a contingent offer of employment; or

10. Fail to undergo a medical examination or evaluation, as directed by the employer as part of the insufficient breath procedures;

11. Fail to sign the certification at Step 2 of the alcohol testing form (ATF); or

12. Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).

13. For an observed collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.

14. Possess or wear a prosthetic or other device that could be used to interfere with the collection process.

15. Admit to the collector or MRO that you adulterated or substituted the specimen as an employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

FTA covered Safety-Sensitive Function:

1. Operating, maintaining, or controlling the movement of revenue service vehicles; including when not in revenue service;

2. First-line supervision of anyone operating, maintaining, or controlling the movement of a vehicle, if the supervisor's responsibilities include the performance of a safety-sensitive function;

3. Carrying a firearm for security purposes; and

4. Operation of a nonrevenue vehicle by a commercial driver's license holder

FMCSA covered Safety-Sensitive Functions:

1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.

2. All time inspecting equipment as required by 49 CFR 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

3. All time spent at the driving controls of a commercial motor vehicle in operation;

4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR 393.76);

5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in the readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Safety-Sensitive Position:

Means a position or job category that requires the performance of a safety-sensitive function. A list of safety-sensitive positions in the City of Gladstone, as defined by the Federal regulations, is attached as Attachment 2.

Substance Abuse Professional (SAP):

Means a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC); or by the International Certification Recipro the City of Gladstone Consortium/Alcohol and Other Drug Abuse (ICRC); or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC), a state-licensed or certified marriage and family therapist with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders. Additional credentialed personnel may be added to this individuals approved to perform the substance abuse evaluation as amended by federal regulations, 40.281.

Screen Test Technician (STT):

An individual who successfully completes a DOT modal course of instruction, or an equivalent, and who demonstrates proficiency in the operation of the testing devices. A Breath Alcohol Technician may act as a STT if they have demonstrated proficiency in the operation of testing devices.

APPENDIX B - ATTACHMENT 2

This policy shall be applied to include the following safety-sensitive positions, as defined in the Federal Drug and Alcohol regulations:

Maintenance Worker

Utility Worker

Water Works Worker

Public Works Supervisor

In accordance with federal regulations, the City of Gladstone will add positions to the list of covered employees whenever a position becomes covered by DOT regulations.

APPENDIX B - ATTACHMENT 3

Providence Willamette Falls	A Work Safe Services
Occupational Health	Providence Milwaukie Hospital
9775 SE Sunnyside Rd.	Emergency Room
Clackamas OR 97015	10150 SE 32nd Ave.
503-654-0051	Milwaukie OR 97222
	Pager: 503-942-2499

Hours:	8:00 am – 5:00 pm	Hours: 5:00 p.m. – 8:00 a.m.
	Monday through Friday	Monday through Friday
		24 hours Saturday and Sunday

In addition, the City of Gladstone has access to a 24 hour mobile unit for the purposes of drug and alcohol testing.

APPENDIX C – DRUG TESTING POLICY FOR ALL EMPLOYEES WITHIN NON SAFETY SENSITIVE POSITIONS

The City of Gladstone is a drug-free workplace. As such, we prohibit the use of nonprescribed drugs or alcohol during work hours. If the employee comes to work under the influence of drugs or alcohol or uses drugs or alcohol during work time, the employee will be disciplined in accordance to the policy up to and including termination.

Under the City of Gladstone's drug testing policy, all current and prospective employees (safety sensitive positions) must submit to the drug testing policy. Prospective employees will only be asked to submit to a test once a conditional offer of employment has been extended and accepted. An offer of employment by the City of Gladstone is conditioned on the prospective employee testing negative for illegal substances.

The City of Gladstone's policy is intended to comply with all laws governing drug testing and is designed to safeguard employee privacy rights to the fullest extent of the law.

Before being asked to submit to a drug test, the employee or prospective employee will receive written notice of the request or requirements. The employee or prospective employee must also sign a testing authorization and acknowledgement form confirming that he or she is aware of the policy and employee's or prospective employee's rights.

Any drug testing required or requested by the City of Gladstone will be conducted by a laboratory licensed by the state. All expenses related to the test will be incurred by the City of Gladstone.

If the employee receives notice that the employee's or prospective employee's test results were confirmed positive, the employee or prospective employee will be given the opportunity to explain the positive result. In addition, the employee or prospective employee may have the same sample retested at a laboratory of the employee's or prospective employee's choice (at employee or prospective employee's cost).

If there is reason to suspect that the employee is working while under the influence of an illegal drug or alcohol, the employee will be suspended with pay until the results of a drug and alcohol test are made available to the City of Gladstone by the testing laboratory. Where drug or alcohol testing is part of a routine physical or random screening, there will be no adverse employment action taken until the test results are in.

All testing results will remain confidential. Employee or prospective employees must sign a consent form prior to the release of results. Test results may be used in arbitration, administrative hearings and court cases arising as a result of the employee's or prospective employee's drug testing. Results will be sent to federal agencies as required by federal law. If the employee is to be referred to a treatment facility for evaluation, the employee's test results will also be made available to the employee's counselor.

APPENDIX D – RETURN TO WORK POLICY

For Work Related Injuries/Illnesses

It is the policy of the City of Gladstone to return employees to work as early as possible following a work related injury or illness. This policy is not intended as a substitute for reasonable accommodation when an individual also qualifies as an individual with a disability, nor is it intended to deny time off rights under our Family and Medical Leave Policy. **For law enforcement staff, please refer to Oregon Association of Chiefs Model Directive for Temporary light duty.**

Return to Work

If you require workers' compensation leave, you will – under most circumstances – be reinstated to the same position that you held at the time your leave began, or to an equivalent position, if available. However, you must first submit an approved medical certificate demonstrating your ability to return to work.

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

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Definition of Temporary Light Duty

To minimize disability payments due to on-the-job injuries, as well as reducing other workers' compensation costs, the City of Gladstone has developed the following procedures to manage temporary light duty job assignments. Temporary light duty jobs will be identified after the injured employee provides his/her supervisor with physical limitations or restrictions as outlined by the

employees' physician (See Release to Work Form attached). Temporary light duty may be any of the following:

- The worker's regular job with modifications; or
- A different existing position currently open/available; or
- Another job which is specifically designed around the worker's restrictions.
-

Offer of Temporary Light Duty

The temporary light duty job ends on the date the worker receives a regular release, or at any time if there is no longer temporary light duty work available. Each injured worker situation will be assessed on an individual basis, depending on the organizational needs. Temporary light duty positions will last up to 90 days and are not intended as permanently modified positions. Temporary light duty jobs may be extended if necessary.

Temporary light duty may not be available for every work related injury that requires job modifications. Although the City of Gladstone will attempt to keep wages at the employees regular rate while on temporary light duty, in some cases this may change do to the level/type of work being performed and the extent of the restrictions.

Acceptance of a temporary light duty job shall be voluntary for the employee. However, refusal may affect time loss compensation under workers' compensation.

Team Approach to Return-to-Work

A team consisting of the injured worker, his or her supervisor, the manager/administrator or designee, CIS Claims Examiner, and the injured worker's physician will work together to manage on-the-job injuries and occupational diseases. The team approach is the most effective method for transitioning the employee back to productive work at the earliest opportunity. Responsibilities of the injured worker, the supervisor, and the City of Gladstone manager/designee are outlined in the following pages.

To preserve the ability to meet the needs of the City of Gladstone under changing conditions, the City of Gladstone reserves the right to revoke, change or supplement guidelines at any time with written notice. The policies and procedures in this early return-to-work program are not intended to be contractual commitments and they shall not be construed as such by our employees. This policy is not intended as a guarantee of continuity of benefits or rights. No permanent employment for any term is intended or can be implied by this policy.

Supervisor Responsibilities: Work Related Injury or Illness

1. As soon as the supervisor is made aware of an on-the-job injury/illness, he/she will coordinate first aid efforts (if necessary), and then complete a written "Accident/Incident Analysis Report Form" (see attachment #1 - sample accident/incident analysis report form).

2. If medical treatment is required and/or time is lost from work, the supervisor will also complete an 801 claim form (see attachment #2 - 801 claim form) with the employee.

3. The supervisor will accompany the employee to the doctor, if practical to do so. If the employee does not express a physician preference (and he/she clearly does not need emergency room services), the employee should be taken to Willamette Falls Urgent/Occupational Health.

4. The supervisor will make sure a "Release to Return-to-Work" form is submitted to the doctor at the first medical visit and also require the employee to return the form the same day.

5. The supervisor shall notify the Assistant City Administrator of the work related injury on the same day it occurred. He/she will also provide a copy of the incident/accident report (and 801 claim form if medical treatment was sought) within 24 hours of the injury. The 801claim form will then be faxed to CIS Claims (Fax: 503-246-1581) by the Assistant City Administrator to expedite the set-up of the claim file. The original will be sent via U.S. mail. *(Failure to report a workers' compensation claim to CIS Claims within 5 days of the injury*

could result in a delay of time loss payments and possible penalty by the State).

6. If the employee is not available to complete their section of the 801 form, the supervisor will complete as much of the 801 claim form as possible and provide it to the Assistant City Administrator. This will be forwarded to CIS Claims to expedite the claims handling process. Once the 801 form has been completed by the supervisor and the employee, the completed version will be sent to CIS Claims.

7. The supervisor will conduct an accident / incident investigation to identify the root cause of the accident/incident, as soon as possible. The investigation will be documented and provided to the Assistant City Administrator within 5 days from the date of the accident/incident.

8. The supervisor shall follow up with the employee's physician as soon as possible after the first exam. The supervisor shall provide the information to the Assistant City Administrator and CIS Claims.

9. If the worker is off work, the supervisor will advise him/her that they are required to check in at least once a week to give the supervisor the most recent information relating to their medical condition, as well as projected return-to-work date.

10. The supervisor will then relay the new information as he/she receives it to the Assistant City Administrator and CIS Claims.

11. When the employee is ready to return-to-work, the supervisor will ensure that the employee has obtained a release to work from his/her physician.

12. If worker is on temporary light duty, the supervisor will ensure that he/she does not exceed his/her restrictions.

13. The supervisor will relay any change in restrictions to Assistant City Administrator and will discuss possible need for revising the temporary light duty job duties.

Employee Responsibilities: Work Related Injury/Illness

1. Report all injuries to your supervisor immediately. If medical treatment is necessary and you have no preference for a physician, you should go to Providence Willamette Falls Urgent Care/Occupational Health Clinic.

2. Take a "Release to Return-to-work" form with you to your first medical visit. Inform your doctor that the City of Gladstone may be able to place you in a temporary modified job if you cannot return to regular work. Return the form (completed by your doctor) to your supervisor or to the Assistant City Administrator the same day if possible.

3. You and your supervisor must complete forms as soon after your accident/incident as possible. If medical treatment was required, you will complete both an "Accident/Incident Analysis Report Form" and an 801 claim form.

4. If you are not released for regular work but are released for temporary light duty, discuss the possibilities with your supervisor and/or the Assistant City Administrator.

5. If you are taken off work completely, or if temporary light duty is unavailable, you must report your medical condition and your progress to your supervisor and/or the Assistant City Administrator at least once a week. Report in person if possible.

6. Furnish the supervisor or the Assistant City Administrator with your current mailing address and telephone.

7. Each time you visit the doctor, they should complete an updated "Release to Return-to-work" form, which you should immediately provide to your supervisor and/or the Assistant City Administrator

8. If you return to a temporary light duty job, you must make sure that you do not go beyond either the duties of the job or your physician's restrictions. If your restrictions change at any time, you must notify your supervisor at once and give your supervisor a copy of the new medical release. You may be required to complete a fit-for-duty exam prior to returning to work.

RETURN TO WORK: **Employee Acknowledgment Form**

- The Early Return-to Work Procedures have been explained to me.
- I have read and fully understand all procedures and my responsibilities.
- I agree to observe and follow these procedures.
- I understand that temporary light duty positions will last up to 90 days and are not intended as a permanent modified position.
- I understand that I will make the same wages this temporary light duty job however, in some instances, the City of Gladstone may adjust my wages due to the level/type of work being performed and/or where the extent of my restrictions do not allow the same wage scales to be paid.
- I understand that acceptance of modified work shall be voluntary. However, my refusal may affect the time loss compensation benefits under workers' compensation. .
- I understand my failure to complete my responsibilities may result in disciplinary action up to and including termination.
- I have been provided a copy of this policy and procedures and the "Employee's Responsibilities in the Event of a Work Related Injury/Illness".
- I understand that failure to follow these procedures may affect my right to reemployment, reinstatement, or possible future vocational assistance.

- I understand that I am responsible for providing updated work restrictions to my supervisor after each doctor visit.

- It is my responsibility to be aware of my work restrictions and adhere to those limitations.

- It is my responsibility to inform my supervisor of any duties that may be outside of those limitations to prevent further injury.

_____ _____

Worker Signature Date

~~APPENDIX E - UNEXCUSED ABSENCE POLICY~~

~~EMPLOYEE UNEXCUSED ABSENCE POLICY~~

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~~PURPOSE: IT IS THE INTENT OF THIS POLICY TO PROVIDE EMPLOYEES WITH A FAIR, CONSISTENT AND EASILY UNDERSTOOD POLICY WITH CLEAR EXPECTATIONS CONCERNING ATTENDANCE PRACTICES.~~

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~~POLICY: ATTENDANCE OCCURRENCES ARE BASED ON WHETHER AN EMPLOYEE IS AVAILABLE BUT NOT PRESENT FOR WORK AT THEIR NORMALLY SCHEDULED TIME. AN OCCURRENCE IS CONSIDERED A CONTINUOUS BLOCK OF TIME AND INCLUDES NOT BEING AT WORK AT THE NORMALLY SCHEDULE TIME BEYOND ONE (1) HOUR OR MORE, LEAVING EARLY MORE THAN ONE (1) HOUR, OR MISSING SEVERAL DAYS IN A ROW. EACH OCCURRENCE OF LESS THAN ONE (1) HOUR WILL BE CONSIDERED A HALF OCCURRENCE. ARRIVING MORE THAN ONE (1) HOUR LATE WILL BE CONSIDERED A FULL OCCURRENCE. EXCEPTIONS TO THE POLICY INCLUDE OCCURRENCES COVERED UNDER FMLA, OFLA, BEREAVEMENT (FUNERAL) LEAVE OR OTHER APPROVED LEAVES AND ARE SUBJECT TO THE "SICK LEAVE" PROVISIONS OF THE PERSONNEL HANDBOOK OR APPLICABLE COLLECTIVE BARGAINING AGREEMENTS. ATTENDANCE OCCURRENCES INCLUDE UNSCHEDULED ABSENCES WHICH OCCUR WITHOUT NOTICE AND PRIOR APPROVAL. PRE-SCHEDULED DOCTOR'S APPOINTMENTS~~

~~OR OTHER TIME OFF WITH YOUR SUPERVISOR'S APPROVAL WILL NOT BE CONSIDERED OCCURRENCES.~~

~~CONSEQUENCES OF ATTENDANCE OCCURRENCES: ATTENDANCE TRACKING WILL BE BASED ON A ROLLING SIX-MONTH CALENDAR PERIOD. EMPLOYEES WITH THE FOLLOWING NUMBER OF OCCURRENCES WILL BE SUBJECT TO THE STATE DISCIPLINARY ACTION LISTED BELOW:~~

~~3 OCCURRENCES = VERBAL WARNING OR CORRECTIVE WORK PLAN~~

~~4 OCCURRENCES = WRITTEN WARNING~~

~~5 OCCURRENCES = SUSPENSION OR PAY REDUCTION~~

~~6 OCCURRENCES = TERMINATION~~

~~EMPLOYEES RECEIVING DISCIPLINARY ACTION UNDER THIS POLICY, SUBJECT TO THE PRINCIPLES OF JUST CAUSE AS SPECIFIED IN COLLECTIVE BARGAINING AGREEMENTS WHERE APPLICABLE, ARE EXPECTED TO IMPROVE THEIR ATTENDANCE.~~

APPENDIX E~~F~~ – REFERENCE POLICY

Gladstone Employment Reference Policy

Purpose

The purpose of this policy is to outline the procedures for obtaining as well as providing employment-related reference information for the City of Gladstone and to establish the City's commitment to truthful, job-related reference information sharing and to inform employees how to respond to requests for references from prospective employers.

Policy

The City may disclose job-related information about current or former employees in response to reference requests from prospective employers only in accordance with the following procedures. **No employee is permitted to provide a reference regarding any former or current employees without following each of the procedures listed below.** Any release of information that is contrary to this policy may result in disciplinary action up to and including termination of employment.

Procedures for Providing Reference Information

All reference requests must be:

a. In writing;
b. On letterhead; and
c. Addressed to the Gladstone City Administrator.

1. Upon receiving a reference request, the Gladstone City Administrator, or designee, shall prepare a written reference based on the employee's personnel file. The reference letter may not include any information that is untruthful or not supported by the personnel file.

2. All references shall include:
   a. Employee name

   b. Employment status

c. Job title and description of duties

d. Salary range; and

e. Date and term of employment

3. A copy of all reference letters shall be included in the employee's personnel file.

4. No references shall be provided to prospective employers without the written consent of the employee for whom a reference has been requested. Current and former employees must consent to the provision of references in writing by signing an Authorization to Release Information form. This Form should be provided to each employee during their exit interview.

Procedures for Obtaining Reference Information

1. At least three job-related references must be conducted before any employment offer is made to an applicant. References may be obtained in any one of a variety of formats including face-to-face, telephone, e-mail, etc. However, any reference that is obtained face-to-face or via telephone must be documented in writing for the applicant's file. If the individual has limited work experience the City Administrator may determine that less than three references is sufficient.

2. Reference checks should attempt to obtain information including but not limited to:
   - Employment dates
   - Position title
   - Position duties
   - Beginning and ending salaries
   - Training completed
   - Job performance, including performance strengths and weaknesses
   - Whether the employer would rehire the applicant
   - Verification of any required license, degree or certification
   - Reasons for the candidates' leaving his/her current employment

3. Written consent to obtain references should be obtained from the applicant before any references are contacted.

4. When conducting reference checks, questions should be phrased in a manner that will solicit objective and job-related information only. Any information supplied that is not directly job related shall be disregarded. The objective of the reference is to gather information that is open, truthful (or documented) and job-related.

APPENDIX ~~G~~ F – REFERENCE RELEASE

City of Gladstone
Authorization to Release Information

I, _____, authorize the release of information related to my job performance as an employee of the City of Gladstone to prospective employers upon their request for an employment reference.

I understand that the information released will be honest, accurate, and consistent with written performance evaluations. I also understand that I am not obligated to authorize the release of this information

_____ _____
Employee Signature Date

_____ _____
Witness Signature Date

APPENDIX ~~H~~G – FAMILY MEDICAL LEAVE POLICY

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

Employees seeking further information should contact the Assistant City Administrator.. Please also refer to the "Employee Rights and Responsibilities Under the Family Medical Leave Act" and "Oregon Family Leave Act" notices posted in each City Department, which are incorporated here by reference.

Definitions

Child/Son or Daughter

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

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

Eligible Employee

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

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

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

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

Family Medical Leave

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

Family Member

- For purposes of FMLA, "family member" is defined as spouse, son, daughter, and parent. Son or daughter means a biological, adopted or foster child, stepchild, a legal ward or a child to who one acts in place of a parent "in loco parentis" (in place of a parent), who is either under age 18 or age 18 and older and incapable of self-care because of a mental or physical disability. Parent means a biological parent or an individual who stands or stood "in loco parentis" (in place of a parent). Parent does not include "in law".
- For purposes of OFLA, "family member" includes spouse, son, daughter, parent, grandparents, grandchildren and same-sex domestic partner. "Parent" includes custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, parent-in-law, parent of same-sex domestic partner, or person with whom the employee is or was in a relationship of "in loco parentis" (in place of a parent). It also includes the biological, adopted, or foster child or stepchild of an

employee or the child of an employee's same-sex domestic partner. OFLA does not have an age restriction for a child with a serious health condition.

Serious Health Condition

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

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

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

Reasons for Taking Leave

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

1. Call to Active Duty Leave: Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the regular Armed Forces, National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain "qualifying exigencies." "Qualifying exigencies" may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. This type of leave is available under FMLA only; however, under OFLA, specifically under the Oregon Military Family Leave Act, during a period of military conflict, as defined by the statute, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed

Forces, National Guard, or military reserve forces of the U.S. and who has been notified of an impending call or order to active duty, or who has been deployed, is entitled to a total of 14 days of unpaid leave per deployment after the military spouse or registered same-sex domestic partner has been notified of an impending call or order to active duty and before deployment and when the military person is on leave from deployment.

2. Employee's Serious Health Condition Leave: To recover from or seek treatment for an employee's serious health condition, including pregnancy-related conditions and prenatal care.
3. Family Member's Serious Health Condition Leave: To care for a family member with a serious health condition.
4. Parental Leave: For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
5. Pregnancy Disability Leave: . Under OFLA, a female employee may qualify for an additional twelve (12) weeks of leave for a disability resulting from pregnancy or childbirth. A female employee may take up to twenty-four (24) weeks for pregnancy disability and parental leave under OFLA
6. Military Family Leave: Eligible employees may take up to 26 weeks of leave to care for a "covered servicemember" who is an employee's spouse, son, daughter, parent or next of kin (person most closely related to the employee) during a single 12-month period. A "covered servicemember" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Under some circumstances, a veteran will be considered a "covered servicemember." This type of leave is available under FMLA only.
7. Sick Child Leave: To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick child leave is not available if another family member is able and willing to

care for the child. This type of leave is available only to employees who are eligible under OFLA and who have used all twelve (12) weeks of parental leave. If an employee does not take a full twelve (12) weeks of parental leave, he/she is only entitled to take sick child leave up to his/her basic twelve (12) week entitlement.

8. Bereavement Leave: OFLA provides two (2) weeks of leave to any eligible employee to deal with the death of a covered family member, including grieving the death of the family member, attending the funeral or alternative, making arrangement necessitated by the death of the family member. Bereavement leave must be completed within 60 days of the date on which the employee receives notice of the death.

Length of Leave

In any One-Year Calculation Period, eligible employees may take:

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

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

Conducting City Business While on Family Medical Leave

Employees on leave are not required or permitted to do work unless it is requested or performed on a brief, occasional basis for institutional information or is needed as a professional courtesy. Supervisors seeking more than occasional institutional

information from an employee on leave should first inform the City Administrator or Human Resources of the need for and nature of, the proposed request to the employee and receive prior approval to go forward with the request.

One-Year Calculation Period

The "twelve month period" during which leave is available (also referred to as the "One-Year Calculation Period") will be determined by the calendar year (January 1-December 31). Each time an employee takes Family Medical Leave, the remaining leave entitlement would be any balance of the twelve weeks which has not been used during that calendar year.

Intermittent Leave

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

Employer Responsibilities – Eligibility Designation

After receiving notice of potentially qualifying leave, the City will provide eligible employees with a Form WH-381 which provides a notice of eligibility for family medical leave and also includes applicable rights and responsibilities.

Employee Responsibilities – Notice

Employees must provide at least 30 days' advance notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned treatment for a serious injury or illness of a covered servicemember. If 30 days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in

circumstances, or a medical emergency, notice must be given as soon as practicable after the need for leave becomes known to the employee or within 24 hours of when the leave starts. Any person on behalf of the employee may give notice. When on leave, employees are requested to report periodically to the City regarding the status of the medical condition and their intent to return to work.

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

Whether leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee must let the City know as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown.

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

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

Certification

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

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

1. Employees requesting serious health condition leave for themselves or to care for a covered family member will be required to provide certification from the health care provider of the employee or the covered family member to support

the request. The employee must respond to a request for certification within 15 days or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial or continuation of leave. Certification of the serious health condition shall include the date when the condition began, its expected duration and a brief statement of treatment. If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule. For a family member, the certification must include a statement that the family member patient requires assistance and the employee's presence is beneficial or desirable.

2. Employees requesting sick child leave under OFLA may be required to submit, at a minimum, a note from a doctor if the employee has requested to use more than three days (i.e., one three-day occurrence or three separate instances) of sick child leave within a one-year period.
3. If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.

Employees must furnish a copy of the applicable Form either WH-380-E or WH-380-F within 15 calendar days after such information is requested by City. In some cases (except for leave to care for a sick child), City may require a second or third opinion, at City's expense. If the City receives a medical certification from the second health care provider that is different from the employees' health care provider, the City can require employees to obtain a third medical certification from a third health care provider at the City's cost. The third health care provider's certification is considered to be the final medical opinion.

Employees will not be asked for, and they should not provide, any genetic information about themselves or a family member in connection with a FMLA/OFLA medical certification.

Fitness-for-Duty Certification

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

Substitution of Paid Leave for Unpaid Leave

Employees are required to use accrued paid leave, vacation, compensatory time, and sick leave prior to a period of unpaid leave of absence on Family Medical Leave. Use of accrued paid leaves will run concurrently with Family Medical Leave. Represented employees may reserve accrued leave and compensatory time if provided by their collective bargaining agreement. If the employee has no accrued paid leave, vacation, compensatory time, or sick leave available to use during a Family Medical Leave, the leave will be unpaid.

Holiday Pay While on Leave

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

On-the-Job Injury or Illness

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

OFLA leave will not be reduced by and will not run concurrently with any period the employee is unable to work because of a disabling compensable on-the-job injury; however, if the injury or illness is a "serious health condition" as defined by Oregon law and the employee has refused a bona fide offer of light-duty or modified employment, OFLA leave will commence.

If the employee's serious health condition is the result of an on-the-job injury or illness, the employee may qualify for workers' compensation time-loss benefits.

Benefits While on Leave

If an employee is on approved FMLA Leave, City will continue the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work.

If an employee is on approved OFLA Leave, City will continue the employee's health coverage under any "group health plan" through the end of the month in which the leave began. Employees wishing to maintain health insurance during a period of approved OFLA leave will be responsible for bearing the cost of coverage.

Job Protection

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

Employees are expected to promptly return to work when the circumstances requiring Family Medical Leave have been resolved, even if leave was originally approved for a longer period. With the exception of employees on leave as the result of an on-the-job injury or illness or otherwise required by law, reinstatement shall not be considered if the leave period exceeds the maximum allowed.

The use of Family Medical Leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Employees who work for other employers during a "serious health condition" leave may be subject to discipline up to and including termination. Additionally, all employees who use Family Medical Leave for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- 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

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an 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.

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APPENDIX G: CELL PHONE AGREEMENT

The City of Gladstone recognizes that certain job functions require an employee to be accessible when away from the office or during times outside of his/her scheduled working hours. For this reason, the City will provide cell phones or a cell phone allowance to select employees.

Cell phones or stipends will be provided to City employees for the purpose of conducting City business for which it would be inefficient to use a land-line telephone. Cell phones or stipends are only assigned to employees that meet at least one of the following two criteria and must have supervisor's approval. Simple convenience is not considered a criterion for cell phone need. It is the responsibility of the supervisor to make the determination as to if a City-issued cell phone or cell phone allowance is warranted. Criteria used:

- The job function of the employee requires a significant amount of time spent away from their assigned office or work area and it is important to the City that they are accessible during those times, or it's important that they have access to phone service, applications, their work calendar or email for work related activities.
- The job function of the employee requires them to be accessible outside of scheduled or normal working hours, or that the employee has access to phone service for work related matters, their calendar or email while away from their assigned office or work area.

If determined by the supervisor that the need is warranted to conduct City business, then at the employee's option they may either use a City issued cell phone, or request the cell phone stipend.

Stipends will be paid on a bi-weekly basis through payroll and shall be effective the first of the month following authorization and submittal to payroll. The cell phone stipend is a taxable benefit and will be paid through payroll. In order to receive this benefit one of the following options must apply:

1. $35 monthly stipend
   - Employee shall provide and carry a cell phone as needed to conduct City business, and

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- Employee's personal cell phone shall include voicemail features, text messaging, and
- Respond to City business calls and texts in a timely manner.

2. $75 monthly stipend
   - Employee shall provide and carry a cell phone as needed to conduct City business, and
   - Employee's personal cell phone shall include voicemail features, text messaging, and
   - Employee agrees that the cell phone shall be used for City business and respond to City business calls and texts in a timely manner, and
   - Employee agrees to have access to City email, social media, and/or website administration on their personal cell phone, for purposes of conducting City business.

REQUEST FOR CELL PHONE PROVISION

☐ I request a Cell Phone Stipend of $35
☐ I request a Cell Phone Stipend of $75
☐ I request a City-issued cell phone

☐ I acknowledge that I have read and will abide by the City's Electronic Communications Policy

_____ _____

Employee Name (Please print) Cell Phone Number (if requesting the stipend)

_____ _____

Employee Signature Department Head

_____

_____

Date _____ Date

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EMPLOYEE HANDBOOK ACKNOWLEDGMENT OF RECEIPT

I acknowledge that I have received a copy of the Employee Handbook of the City of Gladstone that is effective January 1, 2013, and that I am covered by all City rules contained in this Handbook.

I understand that the City reserves all rights necessary to the efficient and orderly management of its business. The handbook is intended to guide City practices; it is not a contract between the City and any employee. It may become necessary for the City to change its rules, practices and this Handbook from time to time as it deems necessary for the management of City business.

I have carefully read and understand the rules and procedures stated in this Handbook. I recognize and understand that my employment and compensation may be terminated with or without notice at any time at the discretion of either the City or myself.

I also understand that no one other than the City Administrator and the City Council has any authority to enter into any contract or agreement for employment for any specified period of time, to assure me of any future position, benefits, or terms or conditions of employment, or to make any promises contrary or in addition to this Handbook. Any past or future promises contrary or in any way different from this Handbook, including my right and the right of the City to terminate our relationship at any time must be in writing, signed and dated by the City Administrator and me.

I understand this handbook replaces all previous handbooks, rules and procedures.

Employee Signature	Date
Employee's Name (Print Name)	Date
Supervisor	Date