



# City of Sandy

## Agenda

### City Council Meeting

Meeting Date: Monday, January 3, 2022

Meeting Time: 7:00 PM

Page

#### **1. CITY COUNCIL REGULAR MEETING - 7:00 PM**

This meeting will be conducted in a hybrid in-person / online format. The Council will be present in-person in the Council Chambers and members of the public are welcome to attend in-person as well. Members of the public also have the choice to view and participate in the meeting online via Zoom.

To attend the meeting in-person:

Come to Sandy City Hall (lower parking lot entrance).  
39250 Pioneer Blvd., Sandy, OR 97055

To attend the meeting online via Zoom:

Please use this link: <https://us02web.zoom.us/j/84320676290>

Or by phone: (253) 215-8782; Meeting ID: 843 2067 6290

Please also note the public comment signup process below.

#### **2. PLEDGE OF ALLEGIANCE**

#### **3. ROLL CALL**

#### **4. CHANGES TO THE AGENDA**

#### **5. PUBLIC COMMENT**

The Council welcomes your comments at this time.

If you are attending the meeting in-person

Please submit your comment signup form to the City Recorder before the regular meeting begins at 7:00 p.m. Forms are available on the table next to the Council Chambers door.

If you are attending the meeting via Zoom

Please complete the [online comment signup webform](#) by 3:00 p.m. on the day of the meeting.

The Mayor will call on each person when it is their turn to speak for up to three minutes.

## **6. RESPONSE TO PREVIOUS PUBLIC COMMENTS**

## **7. CONSENT AGENDA**

- 7.1. **City Council Minutes** 3 - 13  
[City Council - 06 Dec 2021 - Minutes - Pdf](#)  
[City Council - 13 Dec 2021 - Minutes - Pdf](#)
- 7.2. **Sandy Transit ADA Policy Update** 14 - 26  
[Transit ADA Policy Update - Pdf](#)
- 7.3. **Personnel Policy Update** 27 - 186  
[Personnel Policy Update - Pdf](#)
- 7.4. **Update of Standard Procedures for City Boards** 187 - 193  
[Update of Standard Procedures for City Boards - Pdf](#)

## **8. NEW BUSINESS**

- 8.1. **Scope of Review for Deer Meadows Subdivision Appeal** 194 - 195  
[City Attorney Memo](#)
- 8.2. **Covered Structures Round 2 (General Fund) Application Review** 196 - 221  
[Covered Structures Round 2 Gen Fund Application Review - Pdf](#)  
[Staff Presentation Slides](#)
- 8.3. **362nd / Bell Street Extension Project Update** 222 - 229  
[Bell St. - 362nd Ave. Project Update - Pdf](#)

## **9. REPORT FROM THE CITY MANAGER**

## **10. COMMITTEE /COUNCIL REPORTS**

## **11. STAFF UPDATES**

- 11.1. [Monthly Reports](#)

## **12. ADJOURN**



**MINUTES**  
**City Council Meeting**  
**Monday, December 6, 2021 7:00 PM**

**COUNCIL PRESENT:** Stan Pulliam, Mayor; Jeremy Pietzold, Council President; Laurie Smallwood, Councilor; Richard Sheldon, Councilor; Kathleen Walker, Councilor; Carl Exner, Councilor; and Don Hokanson, Councilor

**COUNCIL ABSENT:**

**STAFF PRESENT:** Jordan Wheeler, City Manager; Jeff Aprati, City Recorder; David Doughman, City Attorney; Kelly O'Neill Jr., Development Services Director; Mike Walker, Public Works Director; Greg Brewster, IT/SandyNet Director; Tyler Deems, Deputy City Manager / Finance Director; and Ernie Roberts, Police Chief

**MEDIA PRESENT:** Sandy Post

- 1. CITY COUNCIL EXECUTIVE SESSION - 6:00 PM**  
The City Council met in executive session pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection.
- 2. CITY COUNCIL REGULAR MEETING - 7:00 PM**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Changes to the Agenda**
- 6. Public Comment**  
(none)
- 7. Response to Previous Public Comments**
- 8. Consent Agenda**  
**Councilor Hokanson** sought clarification regarding the proposed memorandum of understanding and stressed the importance of preserving alternative options for meeting the City's future water supply needs.
  - 8.1. City Council Minutes**

8.2. **Memorandum of Understanding - Water Purchase Agreement**

Staff Report - 0515

8.3. **Resolution 2021-34**

Requesting Transfer of Jurisdiction of SE Crescent Lane

Staff Report - 0514

9. **RESOLUTIONS**

9.1. **PUBLIC HEARING: Resolution 2021-33**

Adopting Changes to System Development Charges

Staff Report - 0508

The **Public Works Director** summarized the staff report, which was included in the agenda packet.

Public Testimony

(none)

Discussion points:

- The changes are necessary to keep up with inflation
- Regular incremental increases are preferable to the City's past approach

**Moved by Jeremy Pietzold, seconded by Carl Exner**

***Close the public hearing.***

**CARRIED. 7-0**

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,  
Richard Sheldon, Kathleen Walker, Carl Exner, and Don  
Hokanson

**Moved by Kathleen Walker, seconded by Richard Sheldon**

***Adopt Resolution 2021-33.***

**CARRIED. 7-0**

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,  
Richard Sheldon, Kathleen Walker, Carl Exner, and Don  
Hokanson

**10. OLD BUSINESS**

10.1. **SandyNet Business IGA with Clackamas Broadband eXchange**

Staff Report - 0510

The **SandyNet Director** summarized the staff report, which was included in the agenda packet.

Discussion points

- The method used for calculating overhead costs
- Thanks and appreciation for the **SandyNet Director's** efforts
- Potential cost increases related to insurance and potential liability risks
- Need for a new SandyNet master plan, and a comprehensive analysis of SandyNet costs including depreciation of vehicles
- Whether the proposed revenue division with Clackamas County is appropriate
- Cost recovery timelines for business customers versus residential
- Less extensive fiber maintenance needs for business customers relative to residential
- Concern that not all overhead costs have been accounted for

**Moved by Don Hokanson, seconded by Laurie Smallwood**

***Authorize the City Manager to enter into an intergovernmental agreement with CBX to provide ISP business service to customers in Clackamas County.***

**CARRIED. 6-1**

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,  
Richard Sheldon, Carl Exner, and Don Hokanson

Nays: Kathleen Walker

**11. New Business**

11.1. **Planning Commission Appointments**

Staff Report - 0513

The **Development Services Director** summarized the staff report, which was included in the agenda packet.

Discussion points:

- Recognition and thanks for long-serving outgoing members
- Balancing the value of retaining experience with the value of bringing in new voices
- The value of diversity on the Commission
- Acknowledgement of the steep learning curve required for new members

The Council also discussed the merits of establishing additional term cohorts, per the request of the Commission. They discussed whether new or returning members should be assigned the initial shorter terms that would be required to create three cohorts.

**Moved by Don Hokanson, seconded by Laurie Smallwood**

***Appoint the following individuals to the Planning Commission with the terms indicated below:***

- **Seat 1: Jerry Crosby**
  - ***Term: 01/01/2022 - 12/31/2023***
- **Seat 2: Darren Wegener**
  - ***Term: 01/01/2022 - 12/31/2025***
- **Seat 3: Breezy Poulin**
  - ***Term: 01/01/2022 - 12/31/2025***
- **Seat 7: Hollis MacLean-Wenzel**
  - ***Term: 01/01/2022 - 12/31/2023***

**CARRIED. 7-0**

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,  
Richard Sheldon, Kathleen Walker, Carl Exner, and Don  
Hokanson

11.2. **Comprehensive Plan Consultant Contract Approval**

Staff Report - 0509

The **City Manager** and **Development Services Director** summarized the staff report, which was included in the agenda packet.

Discussion points:

- 3J clearly took the time to understand the Sandy community and its needs
- An economic opportunity analysis will be conducted as part of the process
- 3J stated it has sufficient capacity to manage the project without any process interruptions
- Staff will provide a copy of the DLCDC technical assistance grant, in response to a question of whether it came with any conditions

**Moved by Carl Exner, seconded by Jeremy Pietzold**

***Direct the City Manager to enter into a contract with 3J Consulting to update the City's Comprehensive Plan, as recommended in the staff report.***

**CARRIED. 7-0**

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,  
Richard Sheldon, Kathleen Walker, Carl Exner, and Don  
Hokanson

**11.3. Police Body-Worn Cameras Update and Purchase Authorization**

Staff Report - 0507

The **City Manager** and **Police Chief** summarized the staff report, which was included in the agenda packet.

Discussion points:

- Timeline for camera acquisition and installation
- Advantages of cloud storage
- Features to ease redaction
- Impacts on evidence technician workload
- Questions about budget impact and how the higher cost will be paid for
- Upfront expenses versus ongoing storage costs
- Ability of the Police Budget to absorb the higher cost
- License plate recognition technology

**Moved by Carl Exner, seconded by Jeremy Pietzold**

***Authorize the purchase of body worn cameras and vehicle cameras, and the five year agreement for associated services and cloud based storage.***

**CARRIED. 7-0**

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,  
Richard Sheldon, Kathleen Walker, Carl Exner, and Don  
Hokanson

**12. Report from the City Manager**

- The Telecom Utility Worker recruitment is ongoing; interest has been limited thus far
- The Public Works Director recruitment is ongoing; alternative options are being explored in case a standard hire requires additional time
- The City received an award from the GFOA
- Senator Wyden and Representative Blumenauer have released legislative concepts regarding the Mt. Hood National Forest
- A work session on transportation will be held on December 13; the December 20 meeting is cancelled

**13. Committee /Council Reports**

**Councilor Hokanson**

- Thanks to everyone involved in the Holiday Tree Lighting; suggestion for improved audio amplification next year
- Recognition of the importance of downtown lighting
- PETF report and recommendation anticipated by the end of January
- Request for a demonstration of the City's new public engagement platform

**Councilor Exner**

- The TSP update is proceeding well
- Acknowledgement of Public Works for addressing an issue on Langensand Rd
- Acknowledgement of the new **Parks and Recreation Director**
- Discussion regarding his ongoing membership on the Economic Development Advisory Board
- Recognition of the importance of employee appreciation
- Recognition of the importance of volunteer appreciation

**Councilor Walker**

- Agreement on the importance of employee recognition
- Success of the recent Season of Giving event
- Suggestion that the Council require video recording of all advisory body meetings
- A project advisory committee is anticipated for community space planning at the Community Campus
- Caution regarding designating additional wilderness areas in the national forest



**Councilor Sheldon**

- Thanks to everyone involved in the Holiday Tree Lighting
- Agreement on the importance of employee recognition

**Councilor Smallwood**

- Concern regarding homeless individuals camping downtown
- Request for the City Manager to provide information regarding staffing needs
- Importance of Council liaisons at School Board meetings
- Suggestion of a Christmas or winter parade

**Council President Pietzold**

- Success of the recent Tickle Trot
- Success of Sandy High School's robotics team

**Mayor Pulliam**

- Success of the recent Tickle Trot
- Thanks to everyone involved in the Holiday Tree Lighting
- Acknowledgement of progress on the Comprehensive Plan Update
- Appreciation for the **SandyNet Director** and SandyNet staff
- Recognition of the one-year milestone for the current Council
- Suggestion for an update / check-in on Council Goals

**14. Staff updates**

14.1. [Monthly Reports](#)

**15. Adjourn**

---

Mayor, Stan Pulliam

---

City Recorder, Jeff Aprati



**MINUTES**  
**City Council Meeting**  
**Monday, December 13, 2021 6:00 PM**

**COUNCIL PRESENT:** Stan Pulliam, Mayor; Jeremy Pietzold, Council President; Laurie Smallwood, Councilor; Richard Sheldon, Councilor; Kathleen Walker, Councilor; and Carl Exner, Councilor

**COUNCIL ABSENT:** Don Hokanson, Councilor

**STAFF PRESENT:** Jordan Wheeler, City Manager; Jeff Aprati, City Recorder; Tyler Deems, Deputy City Manager / Finance Director; Kelly O'Neill Jr., Development Services Director; David Doughman, City Attorney; Andi Howell, Transit Director; Mike Walker, Public Works Director; and Greg Brewster, IT/SandyNet Director

**MEDIA PRESENT:** (none)

**1. ATTENDANCE NOTE**

Planning Commissioners Present:

- Jerry Crosby
- Hollis MacLean-Wenzel
- Chris Mayton
- Jan Lee
- Darren Wegener (term begins 01/01/2022)
- Breezy Poulin (term begins 01/01/2022)

**2. TRANSPORTATION SYSTEM PLAN UPDATE AND US26 BYPASS DISCUSSION**

**2.1. TSP and Bypass Discussion**

Staff Report - 0517

The **City Manager** provided introductory remarks and referenced the staff report, which was included in the agenda packet in addition to the consultant presentation slides and a draft of Technical Memo #7.

Reah Flisakowski (DKS) delivered the presentation. Other consultants and experts present included: Dock Rosenthal (DKS), Emma Porricolo (Angelo Planning), Darci Rudzinski (Angelo Planning), and Seth Brumley (ODOT).

Discussion ensued on the following topics:

Hwy 26 Bypass

- Application of alternative mobility targets
- Comparisons to the Bend Parkway
- Feasibility of roundabouts
- Consideration of full access intersections
- Escalation calculations in cost estimates
- Calculation of travel time value
- Travel time estimates in 2040, and concern that they do not properly account for the benefits a bypass would generate
- Benefits generated by the Dundee bypass and other bypasses
- Livability improvements generated by bypasses
- Calculation of the percentage of through traffic to all traffic, and questions on how the data were collected
- Extent to which heavy trucks would shift to a bypass
- Jurisdictional transfer considerations and future options
- Benefits of beginning the long regulatory approval process now, to benefit future generations
- Potential competition with other high-priority state transportation projects
- Sequencing of needed studies and potential strategies for success
- The need for a variety of funding sources
- Possibilities for breaking study efforts into smaller more manageable segments
- Cost of an environmental impact study
- Political support for the proposal
- Considerations regarding anticipated growth
- Prioritization of the bypass project relative to other transportation priorities
- Potential ownership of the project
- Desire to better understand potential roles and responsibilities among participating agencies
- Wisdom of diversifying investments

TSP Discussion

- Extent to which some survey results are counterintuitive
- Possibility of biking being more popular if investments are made first
- Importance of reducing traffic volume, rather than focusing only on travel time
- Need to reflect the community's priorities in this plan, especially congestion concerns

- Extent of the City's influence over traffic signals on Highway 26
- Explanation of mobility targets
- Concern that the Alt Ave. project description is incorrect
- Discussion of various safety improvement alternatives at the intersection of Hwy 211 and Dubarko, particularly given speed and slope factors in inclement conditions
- Possibility of more sidewalks on Bluff Rd
- Prioritization of trails within the TSP
- Impacts of bike lanes on street parking capacity
- Parking requirements for multi-family housing
- Need for more bike capacity
- Speed and safety considerations for road sharing between bikes and cars
- Possible code amendments to further these objectives
- Suggestion to remove the word 'typical' from the plan for clear and objective reasons
- Need for windshield surveys to ensure project feasibility
- Possibility of paving some trails to improve accessibility
- Considerations on fish passage re: Tickle Creek Trail crossing of Hwy 211 and 362nd.
- Note that the \$10M figure is independent of current projects that are already funded
- Importance of Safe Routes to School
- Importance of safety and efficient emergency vehicle access to all parts of town
- Discussion of financial forecasts, funding of new capacity through SDCs, and the need to recoup the City's investment into 362nd.
- Possibilities for separating Hwy 211 improvements into smaller manageable segments
- Need for further discussion on project priorities

**3. CITY COUNCIL EXECUTIVE SESSION (FOLLOWING WORK SESSION ADJOURNMENT)**

The City Council met in executive session pursuant to ORS 192.660(2)(f) and (2)(h)

**4. RESUMPTION OF CITY COUNCIL REGULAR SESSION**

**4.1. National Opioid Litigation Settlement**

**Moved by Richard Sheldon, seconded by Jeremy Pietzold**

***Authorize the City of Sandy to participate in the National Opioid Litigation Settlement and delegate authority to the City Manager to sign the release***

***and intra-state agreement, once they are final and contingent upon the review and approval of the documents by the City Attorney.***

**CARRIED. 6-0**

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,  
Richard Sheldon, Kathleen Walker, and Carl Exner

Absent: Don Hokanson

\_\_\_\_\_  
Mayor, Stan Pulliam

\_\_\_\_\_  
City Recorder, Jeff Aprati

Draft



## Staff Report

---

**Meeting Date:** January 3, 2022  
**From** Andi Howell, Transit Director  
**SUBJECT:** Transit ADA Policy Update

---

**DECISION TO BE MADE:**

Whether to approve an updated Transit American Disability Act (ADA) Plan.

**PURPOSE / OBJECTIVE:**

An update to the Sandy ADA Plan to reflect fare collection changes.

**BACKGROUND / CONTEXT:**

Transit agencies are required by federal regulation and by the Oregon Department of Transportation (ODOT) Rail and Public Transit Division to draft and maintain Americans with Disabilities Act (ADA) plans.

Sandy Transit originally enacted an Americans with Disabilities Act (ADA) Plan in 2010. The Plan was last updated in 2015.

**KEY CONSIDERATIONS / ANALYSIS:**

A primary change to this ADA Plan from the 2015 Plan is a fee requirement resulting in fee changes made in 2017 in which Sandy Area Metro (SAM) stopped charging an in-town fare. The Federal Transit Association allows transit agencies to charge up to 200% of a fixed route fare for para transit services (performed by Sandy rides, formerly known as STAR). However Sandy does not currently charge an in-town fare on the fixed route service, therefore the ADA ride must also be provided free of charge. Passengers qualify for ADA services if they live with a disability that prevents them from accessing the fixed route services and the ride originates or ends with 3/4 mile of the fixed route. Passengers must be enrolled in the ADA program by a Sandy staff member.

According to the FTA,

*"under the Americans with Disabilities Act (ADA), paratransit functions as a "safety net" for persons whose disabilities prevent them from using the regular fixed route system (bus or rail). It is not intended to meet all of the transportation needs of all persons with disabilities, all of the time. As such, the level of service provided is required to be comparable to that available on the fixed route system; the hours and days of operation must be the same, and service must be provided to origins and*

*destinations within three-fourths of a mile of a bus route (or between points within a three-fourths of a mile radius of different rail stations)."*

For Sandy services, this is within 3/4 mile of our fixed route which is defined as the service along Highway 26 from the Transit Center to 362nd Avenue. All other routes are designated commuter or deviated which do not require complimentary paratransit service.

The FTA also states:

*"there is no obligation to provide demand response service to points beyond this service area, or during times of day or on days of the week when the comparable bus route or rail line is not operating."*

However, Sandy Transit does provide service beyond this service area. Sandy Transit provides dial-a-ride service up to and within a 3 mile radius of the center of town (Community Center) as well as non emergency out of town medical rides for services that are not available in town. While these rides are available be for persons with a disability, they are not ADA qualifying because they are outside 3/4 mile of the fixed route. Additionally, persons do not have to be ADA qualified to use the dial-a-ride service. For example, someone may use the dial-a-ride service because they do not have access to a vehicle or are not comfortable driving. For these rides, Sandy will continue to charge \$1.00 in-town and \$2.00 out of town.

From 2013 - 2019 Sandy Transit provided tokens to anyone who had a disability or was over 60 for their return trip to reduce their costs of transportation. With the introduction of free ADA rides, Sandy will no longer provide the token for reduced fares. A reduction in fares can be obtained by purchasing a 24 trip pass (reducing the trip price to \$0.83 per ride) or a monthly pass providing unlimited rides each month for \$30.

**RECOMMENDATION:**

Approve the Sandy ADA Policy Update as written.

**BUDGETARY IMPACT:**

Based on October and November ridership, approximately \$97 per month. Although, the removal of the token program for all riders over 60 or with a disability regardless of ADA status will reduce the impact of lost fares.

**SUGGESTED MOTION LANGUAGE:**

"I move to approve the updated Transit ADA Plan, which will include a fee structure change as follows:

- Persons who are eligible will be enrolled in the ADA Program and fares will be free with an ADA pass.
- Tokens will no longer be issued for a return trip to persons over 60 or non ADA disabled."

**LIST OF ATTACHMENTS/EXHIBITS:**

- Resolution 2021-31
- ADA Plan
- October and November SAM *rides* data





NO. 2021-31

**A RESOLUTION ADOPTING THE JANUARY 2022 REVISED VERSION OF A DOCUMENT ENTITLED CITY OF SANDY TRANSIT AMERICANS WITH DISABILITIES (ADA) PLAN**

**Whereas**, the City of Sandy is required by federal regulation and by the Oregon Department of Transportation (ODOT) Rail and Public Transit Division to draft and maintain an Americans with Disabilities (ADA) Plan for its public transportation services; and

**Whereas**, the City Council most recently revised the City of Sandy Transit Americans with Disabilities (ADA) Plan in January 2015;

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy**

The document entitled City of Sandy Transit Americans with Disabilities (ADA) Plan (dated November 2021), attached hereto as Exhibit "A" and by this reference incorporated herein, is adopted by the Sandy City Council.

This resolution is adopted by the Common Council of the City of Sandy and approved by the Mayor this 03 day of January 2022

---

Stan Pulliam, Mayor

ATTEST:

---

Jeff Aprati, City Recorder

#2021-31

## EXHIBIT A



City of Sandy Transit  
AMERICANS WITH DISABILITIES (ADA) PLAN  
Original October 2010  
Revised January 2022  
By Resolution 2021-31

### Introduction

Public transportation is operated by the City of Sandy Transit Department (*Sandy Transit*), located in the City Operations Center at 16610 Champion Way, Sandy, Oregon 97055. The Transit Director, Andi Howell, can be contacted by phone at 503-489-0925 and by e-mail at [ahowell@cityofsandy.com](mailto:ahowell@cityofsandy.com).

*Sandy Transit* is committed to providing equal opportunity for persons with disabilities. This commitment includes complying with the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1993 including Section 37.173 of DOT's ADA regulations requiring transit operators to train their personnel to properly assist and treat individuals with disabilities with sensitivity and to operate vehicles and equipment safely. This includes training personnel to use the accessibility equipment and to accommodate all 3 or more wheeled mobility devices.

The purpose of this plan is to update the current ADA policy and document best practices developed while providing public transportation since January of 2000. These policies and service delivery systems were developed in regular public meetings with the integral participation of the Transit Advisory Board and governing body, City Council.

### Mission Statement and Goals

*Sandy Transit is dedicated to improving community livability by providing safe, efficient, high quality, affordable transportation alternatives for Sandy residents, workers, businesses and visitors.*

In working toward this mission, Sandy Transit will provide a continuum of quality transportation programs that allows for the integration of people of all abilities. Sandy Transit works in coordination with a network of regional transit options to offer an alternative to private automobile use, support efficient use of roadways and reduce air pollution and energy use. The use of integrated service programs strengthens the customer's sense of participation in the community, overall quality of service and is an efficient use of resources relevant to the size of the community. The following common practices create a seamless and user-friendly transit system:

- Transit familiarization assistance such as trip planning assistance and travel training are available for all passengers.

- All transit personnel are trained to properly assist and treat individuals with disabilities with sensitivity and to operate vehicles and equipment safely.
- All vehicles are equipped with wheelchair lifts or ramps as well as bike racks.
- Stops and service routes are announced on all runs, including exterior destination signs, automated announcement equipment and interior reader boards for vocal and visual announcements.
- Service animals trained to perform a task are accommodated on all vehicles.
- Personal Care Attendants (PCA) can travel free with a person with a disability on all services.
- Premium service exceeding ADA requirements is available, subject to program eligibility.
- Great care and assistance are provided at first contact to identify the level of service that is appropriate for the applicant's ability, including reasonable accommodations.

Transportation service is provided without discrimination against any person including any person with a disability. Discrimination on the basis of disability against any person by Sandy Transit employees or representatives will not be condoned or tolerated. The Sandy Transit Title VI Program Policy provides a comprehensive non-discrimination policy.

### **Description of Service Area and Transit Services**

The City of Sandy is located near Mt. Hood in Clackamas County surrounded by farmland and nurseries. According to the 2000 US Census, Sandy's population was 5,385. By the 2020 Census, Sandy's population had grown to 12,612. This is a growth of 134% percent in 20 years. In January 2015, the City of Sandy Planning Department developed population and employment forecasts as part of the *Sandy Urbanization Study*. The forecasts indicate a population growth of 74% for Sandy between 2014 and 2034, from 10,908 in 2014 to 18,980 in 2034. At a population of 12,612 in 2020, Sandy is well underway to reach that prediction or climb even higher.

The study also forecasts increased employment overall, but particularly in retail and services, which are expected to account for 75% of the employment growth in Sandy by 2034 (City of Sandy Urbanization Study 2015), with the addition of 2,789 retail and services jobs. A number of the demographic groups with a greater propensity to ride transit, including workers age 17-29, would likely be employed in these jobs. The areas slated for increased employment are centered around downtown Sandy and US 26, an area well-served by transit.

Sandy Transit plays an important role in providing transportation within Sandy and as a link in the regional multimodal transportation network. The connections to TriMet, Mt. Hood Express, bicycle and pedestrian networks allow for an increased level of mobility for people in and around Sandy, whether traveling to jobs, school, shopping, parks, or social and recreational events. Sandy Transit services also help support a growing local economy, providing easy access to Sandy businesses for both workers and shoppers.

### **Aging Population**

According to the 2020 U.S. Census of Population, 11.5% of the City's population was 65 or older. As baby boomers reach retirement age, seniors will account for a larger proportion of the population. This will inevitably create an increased demand for dial-a-ride and medical trips over the next twenty years. Elderly residents who are less confident in their driving abilities may also add to the increased demand for fixed route and dial-a-ride transit service. During the twenty years of

demand-response service, the percentage of ridership that is elderly or persons with disabilities has risen from 49% to 76%. This is partially due to the introduction of the Shopper Shuttle in late 2016, which allows more able-bodied passengers to use this flexible deviated route.

**Other Demographics**

Although the demographic profile of transit riders varies somewhat from one place to another, there are particular groups that are more likely to commute by transit than others. According to one study, the groups that are more likely to use transit include:

- Workers with no household car
- Workers with work or mobility limitations
- Women
- Hispanics
- Asians
- Immigrants (regardless of the number of years they have been in the United States)
- Workers with household incomes below \$20,000
- Workers age 17-29, and
- Workers age 60 and over

With the exception of low-income households, the study indicates that all of the other groups still had higher than average transit use to get to work even in higher-income groups. Of these groups, Hispanics in particular represent a growing sector of the community in Sandy.

**Current Fixed Route Service**

Sandy Transit provides service on one local fixed route. The SAM- Local route operates half-hourly Monday through Friday along the main corridor (US26) from the Centennial Plaza Transit Center on Hoffman Avenue to 362<sup>nd</sup> Avenue on the west end of town, making local stops.

**SAM - Local**

<i>DESCRIPTION</i>	<i>DAYS</i>	<i>HOURS</i>	<i>FREQUENCY</i>
<b>Fixed route service within Sandy</b>	<b>Monday-Friday</b>	<b>5:30 am - 9:55 pm</b>	<b>Half hourly</b>
	<b>Saturday</b>	<b>5:30 am – 10:25 pm</b>	<b>Hourly</b>
	<b>Sunday</b>	<b>7:00 am—9:55 pm</b>	<b>Scheduled</b>

In 2016, Sandy Transit added an in-town Shopper Shuttle. This service complements the dial-a-ride service and operates through the neighborhoods of Sandy to the main shopping centers. This route can deviate up to ¾ mile off route to serve any citizen unable to make it to a bus stop.

**SAM - Shopper**

<i>DESCRIPTION</i>	<i>DAYS</i>	<i>HOURS</i>	<i>FREQUENCY</i>
<b>An in-town fixed route</b>	<b>Monday-Friday</b>	<b>12:00 pm – 7:18 pm</b>	<b>Scheduled</b>

**Commuter (Inter-City) Service**

Sandy Transit operates commuter routes between two cities, Gresham and Estacada, which connects the communities to each other, to the regional transit service provider, TriMet, and to the mountain communities via Mt. Hood Express. The Estacada route also provides connections for Eagle Creek and parts of Boring. The Estacada route can also deviate up to ¾ mile from the route. The nature of peak times has become bi-directional, and the frequency of service is driven by the size of the communities served.

**SAM - Gresham**

<b>DESCRIPTION</b>	<b>DAYS</b>	<b>HOURS</b>	<b>FREQUENCY</b>
<b>Commuter service between Gresham and Sandy and connection to TriMet at Gresham TC, Connection to MHX at Sandy Transit Center</b>	<b>Monday-Friday</b>	<b>5:35 am - 9:55 pm</b>	<b>Half hourly</b>
	<b>Saturday</b>	<b>5:35 am – 10:25 pm</b>	<b>Hourly</b>
	<b>Sunday</b>	<b>7:05 am—9:55 pm</b>	<b>Scheduled</b>

**SAM - Estacada**

<b>DESCRIPTION</b>	<b>DAYS</b>	<b>HOURS</b>	<b>FREQUENCY</b>
<b>Commuter service between Sandy and Eagle Creek/ Estacada, connection to TriMet # 30 at Estacada City Hall, Connection to MHX at Sandy Transit Center</b>	<b>Monday-Saturday</b>	<b>7:00 am – 7:30 pm</b>	<b>Scheduled</b>

**Fares**

**FARES (per trip\*)**

*\*Trip is defined as one-way origin-to-destination*

**All in-town fixed route travel is fareless –  
SAM Gresham, SAM Estacada and SAM Shopper Shuttle**

<i>SAM Gresham and Estacada (Out-of-town)</i>	<b>\$ 1.00</b>
<i>SAM rides Dial-A-Ride General Public</i>	<b>\$ 1.00</b>
<i>SAM rides Dial-A-Ride ADA Eligible</i>	<b>\$ 0.00</b>
<i>ED (Elderly and Disabled Out-of-town Medical Rides, requires eligibility)</i>	<b>\$ 2.00</b>

**REDUCED FARE MEDIA OPTIONS**

Multi-Trip Pass (24 trips/12 ED trips)	<b>\$20.00</b>
Monthly Pass	<b>\$30.00</b>
SAM & Mt. Hood Express All Day Pass	<b>\$ 5.00</b>

All fares include free transfers on Sandy Transit Services.

**Fleet**

The vehicles operated to serve these routes are four (4) 35' Low-Floor transit buses for the local and Gresham routes and three (3) 19-26 passenger cut-a-ways for the Estacada and Shopper Shuttle route. The primary vehicles for the Shopper Shuttle and Estacada route are beautiful 25-foot low floor trolley style vehicles.

Our in-town SAM *rides* dial-a-ride service operates two (2) 16 passenger cut-a-ways and our ED *rides* service operates two (2) Ford Transit vans. All vehicles are ADA accessible and can accommodate two wheelchairs. In 2021, a third dial-a-ride vehicle, a Ford Transit Van was added to the fleet as a back up to either of the dial-a-ride programs as and where needed. Weight load ratings for vehicle lifts and ramps vary by vehicle between 600-950lbs. Passengers requiring the use of accessibility equipment will be accommodated subject to the load rating of the particular vehicle being boarded.

**Description of Complementary Paratransit (ADA) Services**

Complementary paratransit is available for individuals with a disability which prevents them from using or accessing the local fixed route bus. Upon enrollment, complementary paratransit is provided free of charge if the requested ride is within  $\frac{3}{4}$  mile from the fixed route service along Highway 26.

This service is provided during all hours of the local service route: 5:30am-9:55pm Monday through Friday; Saturday from 5:30am-10:25pm; and Sunday according to the schedule between 7:00 am-9 pm.

**Scheduling a Ride**

Once the eligibility process has resulted in certification (including any reasonable accommodations), ride reservations can be made by calling 503-668-3466 up to 30 days prior and by 5:00pm the day before any trip. Trip requests will be taken by voice mail when dispatcher/scheduler is unavailable. There are no restrictions on trip purpose and it is the practice of Sandy Transit that there are no capacity constraints. Most rides are shared with other passengers.

Subscription service (standing order) is available for riders who travel to and/or from the same location on a regular basis. No more than 50% of trips will be subscription service in order to maintain non-subscription capacity. A waiting list may be created for subscription service only.

**Other Useful Information**

Just as there are no restrictions on purpose of trip to ride **SAM**, there are no trip restrictions for complementary paratransit.

Reservation times may be negotiated to within one hour of requested time. There is a pick-up window of 15 minutes before or after scheduled time. Passengers should be ready for their ride, which may arrive up to 15 minutes prior to scheduled pick-up time. Driver will allow up to five (5) minutes for passenger to board.

Complementary paratransit service is curb-to-curb, however accommodations are made when door-to-door service is needed.

**Personal Care Attendant**

An ADA eligible rider may travel with a Personal Care Attendant (PCA) free of charge and one companion paying the appropriate fare; other companions may ride as space allows and pay the appropriate fare.

**Service Animals**

Service animals trained to assist passengers with a disability are permitted on all vehicles. The service animal must be under the owner’s control, on a leash or in a container.

**Temporary or Conditional Certification**

If eligibility is determined temporary, the ADA-qualified person is required to be re-certified at the end of the termed period, unless a longer period of time is recommended by the physician and approved by the Transit Director or Program Administrator.

If eligibility is determined conditional, the ADA-qualified person can request to have the status of eligibility reviewed should the conditions change.

**Fares**

To reflect free in-town fixed route travel, the fare for the ADA paratransit service is free. Non ADA rides on the dial-a-rides service, *SAM rides*, is \$1.00.

**Cancellations, Missed Rides, and No Shows**

Cancelled and missed trips are costly to taxpayers and inconvenience other passengers, so please contact the dispatch/scheduler as soon as possible when canceling a trip. Ridership privileges may be suspended due to a pattern of missed or no-show appointments (cancellations resulting in 10% of rides based on frequency of use). Ridership privileges can also be suspended due to controllable disruptive or unruly behavior, which causes a disruption to the driver or poses a threat to the safety of others.

**Other Transit Service**

General public demand-response service is provided by *SAM rides* within the city limits and up to three-miles outside the city limits subject to availability. This service is curb-to curb with accommodations made for trips requiring door-to-door service and acts as a feeder service to *SAM*.

***SAM rides-Sandy***

<b><i>DESCRIPTION</i></b>	<b><i>DAYS</i></b>	<b><i>HOURS</i></b>	<b><i>FREQUENCY</i></b>
<b>Demand-response within Sandy and up to 3-miles outside Sandy subject to availability</b>	<b>Monday-Friday</b>	<b>5:30 am – 9:00 pm</b>	<b>Reservation</b>
	<b>Saturday</b>	<b>10:15 am – 4:30 pm</b>	<b>Reservation</b>

**Fares**

The general public fare on *SAM rides* is \$1.00 (one way); children under six with adult ride FREE.

**Premium Special Services Exceeding the ADA Complementary Paratransit**

Transferless service, **Elderly and Disabled Non-Emergency Medical Rides (ED)**, is available subject to eligibility for frail elderly and persons with disabilities to out-of-area medical trips. These trips can be prioritized subject to capacity and are primarily for medical and life-sustaining medical appointments. If part of a medical plan, it can include nutrition/grocery shopping, work and socialization.

#### **Coordination with Other Public Transit Service Providers**

Sandy Transit's participation in regular coordinated planning with many public transit service providers includes the Clackamas County Consortium, the Regional Transportation Coordinating Committee, and the Special Transportation Funding Advisory Committee responsible for the development of the Coordinated Human Transportation Services Plan. Close integration of service is provided with the Sandy Senior Center and interline services are shared with the Mt. Hood Express service to the Mt. Hood communities. Sandy's commuter routes connect directly with TriMet in Gresham at the Central Transit Center and in Estacada at City Hall.

#### **Public Participation**

Subsequent to the adoption of the original ADA Plan in 2010, the Transit Advisory Committee (now Board) continued to convene quarterly to discuss the transit system. Public notice is posted on the website and in the local newspaper. The agenda on March 19, 2014, included amendments in the revised plan dated April 2014. A presentation was also held at the Sandy Senior Center on March 17, 2014, for public input.

The ADA Plan revision dated February 2015 includes additional Sunday service identified as a top priority during onboard, online and mail-in surveys performed in September 2014. Following the October 2014 Transit Advisory Committee meeting, Sunday service changes were implemented in December 2014.

The ADA Plan revisions were submitted to City Council for discussion, comment and approval by resolution on April 21, 2014, and February 2, 2015, respectively. The draft and final plans were available in accessible formats upon request.

ADA Plan revisions for July 2015 incorporate new guidance on reasonable accommodations which do not change the fundamental design of transit services. This guidance was discussed in a public meeting of the Transit Advisory Committee on June 17, 2015. The proposed revised ADA Plan was submitted to City Council for discussion, comment, and approval by resolution on July 6, 2015. The draft and final plans are available in accessible formats upon request.

ADA Plan revisions for January 2022 update the dial-a-ride availability to match that of increased service times due to additional runs funded through the Statewide Transportation Improvement Fund. Due to a change in fare structure, resulting in free in-town rides, the fee structure for qualified ADA individuals has been changed to fareless within  $\frac{3}{4}$  mile of the fixed route per ADA requirements. With the inclusion of free ADA rides, the token program which provided a free return trip for elderly and disabled has been eliminated.

The ADA changes were discussed with the Transit Advisory Board on September 18, 2019, at a public meeting. Due to the COVID 19 pandemic, fares ceased to be charged on all routes March 2020 and the ADA policy update to City Council was postponed. In August 2021, with fares returning October 1, 2021, letters were sent to all SAM rides passengers explaining the change to free fares within  $\frac{3}{4}$  mile of the route upon ADA enrollment. The proposed ADA Plan was



submitted to City Council for discussion, comment and approval by resolution January 3, 2022. The draft and final plans are available in accessible formats upon request.

### **Comparison of fixed-route to complementary paratransit**

<b>Service Criteria</b>	<b>Consistent w/ Regulation</b>	<b>Comments</b>
Service Area	Yes	City limits
Response Time	Yes	30 days prior to day prior by 5 p.m.
Fares	Yes	Free
Trip Purpose	Yes	No Restrictions
Service Hours	Yes	Same—see Description of paratransit services
Capacity Constraints	Yes	None

2021 October and November SAM <i>rides</i>						
Per COVID No Fare Collection March 2020 - September 2021						
Month	Total Rides	Senior/Disabled	ADA Pass	Monthly or Punch Pass cards used	Fares Collected	Approximate Loss of Revenue*
October	744	514	<b>184</b>	292	\$144.77	<b>\$92.00</b>
November	705	526	<b>205</b>	333	\$146.90	<b>\$102.50</b>

\*\$0.50 is assumed as a token would have been provided for the return trip



## Staff Report

---

**Meeting Date:** January 3, 2022  
**From** Angie Welty, Human Resources Director  
**SUBJECT:** Personnel Policy Update

---

### **DECISION TO BE MADE:**

Whether to approve the new 2022 Employee Personnel Policies

### **BACKGROUND / CONTEXT:**

The City's personnel policies were last updated in 2017 ([January](#) & [July](#)). Since that time, staff has intended to do a comprehensive update to the policies to ensure compliance with all applicable state and federal laws. The City's insurance carrier, Citycounty Insurance Services (CIS), provides members with draft policies that include all required policies, as well as best practice policies to minimize exposure for employment claims. Staff reviewed the sample policies and implemented the required updates and new policies.

The updated policies have been forward to the Benefits Committee for review, and is recommending the proposed policy changes to Council based on modifications in state and federal law, mandates by our insurance company as well as updating best practices, as they relate to our employment policies. In addition, the Personnel Policies format has been updated to a new look to make it easier for employees to find the information that they need, when they need it. A listing and brief explanation of material changes and additions to the City of Sandy's Personnel Policies is provided below.

### **Updates to existing policies as required by federal and state law:**

#### Equal Employment Opportunities Policies

This section has been updated to include a wide range of policies, including no-discrimination/no-retaliation, DEI statement, pay equity, no-harassment, no-bullying, disability accommodation, pregnancy accommodation, and reporting improper or unlawful conduct policies. Some of these policies were previously implemented as stand alone policies, and have now been incorporated into larger personnel policy document.

#### FMLA/OFLA Policies

These policies were updated to reflect several changes in both the federal Family and Medical Leave Act (FMLA) and Oregon Family Leave Act (OFLA). As an organization that employs more than 25 employees, we are required to follow both of these acts for any employee who meets the requirements.

### Workers' Compensation

As an employer in Oregon, we are responsible to provide workers' compensation coverage to employees in the event of an on-the-job injury. This policy was updated to reflect some minor changes and provide additional clarity related to employee and employer obligations.

### **Updates related to internal policy and/or pay equity changes:**

#### Standby Pay

- Standby has been added to Telecommunication Utility Workers compensation to match the existing pay practice that has been in place for years for the Public Works Utility Workers. This change in policy updates the language to reflect what our current practice is.

#### Certification Pay

- Police Sergeants have received certification for a number of years, but the practice was not documented in our policies. This policy is now included to reflect our current practice.

#### Holidays

- Floating Holiday: This eight hour floating holiday has been loaded as 8 hours vacation in the past in a one-time action during February payroll. This has adversely affected any new employee that would be hired after that month. The proposed change would increase a full-time employee's monthly vacation accrual by 0.67 hours.
- Juneteenth Holiday: Staff is proposing to add the now federally and state recognized Juneteenth holiday in support of the Council's commitment to DEI.

### **Additions recommended by our insurance company as best practices (consistent with many of the other cities who use CIS for insurance services):**

#### Drug & Alcohol Policy

This policy clearly outlines the expectations the City has for employees in regards to drugs and alcohol and outlines a testing program and defines when testing is allowable. The intent of this policy is to ensure a safe and efficient environment for both employees and members of the public.

#### Social Media Policy

The addition of this policy is to ensure consistency of expectations for all employees and to provide a clear set of guidelines for social media use.

#### External Links Policy

As noted for the Social Media Policy, this addition is also intended to provide a clear set of guidelines for the use of external links and websites.

#### Fragrances in the Workplace

The addition of this policy into the Personnel Policies is to formalize a practice that has been ongoing for several years. The practice will now be formally documented.

#### Smoke-Free Workplace

This policy ensures that City of Sandy is a smoke and tobacco free work environment. A number of years ago the Council prohibited the use of tobacco in our parks. This policy is intended to build off that previous action and ensure that tobacco products are no longer used on city property.

#### Animals in the Workplace

This newly added policy is intended to allow only service animals in City of Sandy offices. The result of implementing this policy will mean staff will not have the ability to bring their pet to work without documentation that the animal is a service animal.

As previously noted, the Benefits committee was provided a copy and had a chance to provide feedback or ask for clarification of new policies. City staff will be notified of the changes after Council adopts these revised personnel policies. In addition, employees will be provided with a copy of the entire document the first week of January, and will be required to sign/acknowledge the receipt of the updated policies prior to the effective date of February 1, 2022.

#### **RECOMMENDATION:**

Staff recommends approving the comprehensive update to the personnel policy manual, effective February 1, 2022.

#### **BUDGETARY IMPACT:**

None.

#### **SUGGESTED MOTION LANGUAGE:**

"Motion to approve Resolution 2021-37, a resolution updating the City of Sandy's personnel policy manual."

#### **LIST OF ATTACHMENTS/EXHIBITS:**

- Resolution 2021-37
- Updated Personnel Policies (February 2022)
- Current Personnel Policies (July 2017)



NO. 2021-37

**A Resolution Adopting Amendments to the Personnel Policies for City of Sandy Employees**

**Whereas**, the City of Sandy Personnel Policies was last amended in July 2017; and

**Whereas**, the Personnel Policies should be reviewed and revised on a periodic basis to ensure compliance with employment laws and contemporary personnel management processes; and

**Whereas**, State and Federal laws and regulations, and employment best practices, continue to evolve, and the City Council is committed to keeping pace with these changes; and

**Whereas**, the amendments to the Personnel Policies has been presented to this meeting of the City Council.

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy**

1. Adoption of Personnel Policies. The City Council hereby adopts and approves the Personnel Policies and incorporates the changes herein by reference in Exhibit A. All previous personnel policies are hereby superseded.

2. Authorization to City Manager. the City Council hereby authorizes the City Manager to execute any further documentation in order to carryout the intent of this Resolution, and ensure that employees are provided a copy of, or access to, the Personnel Policies.

The proposed changes herein shall be effective for all employees as of February 1, 2022.

This resolution is adopted by the Common Council of the City of Sandy and approved by the Mayor this 03 day of January 2022

---

Stan Pulliam, Mayor

ATTEST:

#2021-37

---

Jeff Aprati, City Recorder

#2021-37

**EXHIBIT A**

**City of Sandy  
Personnel Policies**



Effective February 1, 2022





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

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between the City of Sandy and its employees, other than those found in applicable collective bargaining agreements. The policies stated in this handbook are subject to change at any time at the sole discretion of the City of Sandy with or without prior notice. This handbook supersedes any prior handbooks or written policies of City of Sandy that are inconsistent with its provisions. It does not, however, substitute for collective bargaining agreement provisions. To the extent that a provision in a valid collective bargaining agreement contradicts or is inconsistent with what is in this Employee Handbook, the collective bargaining agreement provision controls.

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

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

Sincerely,

City Manager

## Contents

I. Equal Employment Opportunity (EEO) Policies .....	1
A. <i>No-Discrimination, No-Retaliation Policy</i> .....	1
B. <i>Diversity Equity and Inclusion (DEI) Statement</i> .....	1
C. <i>Statement Regarding Pay Equity</i> .....	1
D. <i>No-Harassment Policy</i> .....	1
Sexual Harassment .....	2
Other Forms of Prohibited Harassment .....	2
Complaint Procedure.....	3
Investigation and Confidentiality .....	3
Protection against Retaliation .....	3
Other Resources Available to Employees.....	4
Other Employee Rights.....	4
E. <i>No-Bullying Policy</i> .....	5
F. <i>Disability Accommodation Policy</i> .....	5
Accommodations.....	5
Requesting an Accommodation .....	6
G. <i>Pregnancy Accommodation Policy</i> .....	6
Requesting a Pregnancy-Related Accommodation .....	6
No Discrimination, No Retaliation .....	6
Leave of Absence Options for Pregnant Employees .....	7
H. <i>Reporting Improper or Unlawful Conduct – No Retaliation</i> .....	7
Employee Reporting Options .....	7
Additional Protection for Reporting Employees .....	8
Policy Against Retaliation .....	8
II. Classification and Compensation .....	8
A. <i>Probationary Period of Employment</i> .....	8
B. <i>Employee Classification</i> .....	9
C. <i>Employment Changes</i> .....	10
D. <i>The Workweek</i> .....	10

<i>E. Meal Periods and Rest Breaks</i> .....	11
<i>F. Rest Breaks for Expression of Breast Milk</i> .....	11
Notice .....	12
Storage.....	12
<i>G. Overtime</i> .....	12
Time-and-a-Half.....	12
Assignment of Overtime Work.....	12
Supervisor Authorization.....	13
Compensatory (Comp) Time.....	13
<i>H. Standby Pay</i> .....	13
Public Works and SandyNet .....	13
Police .....	13
<i>I. Flexible and Telecommuting Work Schedules</i> .....	14
<i>J. Bilingual Pay</i> .....	14
<i>K. Timekeeping Requirements</i> .....	14
<i>L. Employee-Incurred Expenses and Reimbursements</i> .....	14
<i>M. Payroll Policies</i> .....	15
<i>N. Statement Regarding Pay Practices</i> .....	15
<i>O. Position Classification Policies</i> .....	16
<i>P. Reporting Changes to an Employee’s Personal Data</i> .....	16
<i>Q. Relatives in City Service</i> .....	17
<i>R. Performance Reviews</i> .....	17
<i>S. Reimbursement Pay for Public Works Education</i> .....	18
<i>T. Certification Pay for Police Sergeants</i> .....	18
<b>III. Time Off and Leaves of Absence</b> .....	19
<i>A. Attendance, Punctuality, and Reporting Absences</i> .....	19
<i>B. Vacation</i> .....	19
<i>C. Sick Leave</i> .....	20
<i>D. Leave Donations</i> .....	22
<i>E. Holidays</i> .....	23
<i>F. Family Medical Leave</i> .....	24
FMLA/OFLA Policy .....	24

- Definitions ..... 24
- Reasons for Taking Leave ..... 25
- Length of Leave ..... 26
- One-Year Calculation Period ..... 27
- Intermittent Leave ..... 27
- Employee Responsibilities — Notice ..... 27
- Certification ..... 28
- Medical Certification Prior to Returning to Work ..... 28
- Substitution of Paid Leave for Unpaid Leave ..... 28
- Holiday Pay While on Leave ..... 29
- On-the-Job Injury or Illness ..... 29
- Benefits While on Leave ..... 29
- Job Protection ..... 29
- G. *Bereavement Leave* ..... 30
- H. *Jury and Witness Duty* ..... 30
  - Jury Duty ..... 30
  - Witness Duty ..... 31
- I. *Religious Observances Leave and Accommodation Policy* ..... 31
- J. *Crime Victim Leave Policy* ..... 31
- K. *Domestic Violence Leave and Accommodation Policy* ..... 32
- L. *Military Leave* ..... 32
- M. *Other Leave* ..... 33
- IV. *Employee Benefits* ..... 33
  - A. *Insurance Benefits* ..... 33
  - B. *Employee Assistance Program (EAP)* ..... 33
  - C. *Workers' Compensation and Safety on the Job* ..... 33
    - Steps to Take if You Are Injured on the Job ..... 33
    - Return to Work ..... 34
    - Early Return-to-Work Program ..... 34
    - Salary Continuation ..... 35
    - Overlap with Other Laws ..... 35

D. Fringe Benefits and Additional Compensation .....	35
E. PERS (Public Employees' Retirement System) Benefits.....	36
F. Educational Opportunities.....	36
V. Miscellaneous Policies .....	36
A. Alcohol/Drug Use, Abuse and Testing .....	36
Prohibited Conduct.....	37
Prescription Drugs and Medical Marijuana.....	37
Testing .....	38
Search of Property.....	39
Employee Refusal to Test/Search.....	39
Crimes Involving Drugs and/or Alcohol.....	39
Drug and Alcohol Treatment .....	39
Confidentiality .....	40
B. Mobile Devices Policy .....	40
Cell Phones and Mobile Devices in General (both City of Sandy provided and personal cell phones/cellular devices).....	40
Employee Use of City of Sandy Provided Cell Phones/Cellular Devices.....	41
Cell Phones/Cellular Devices and Public Records.....	41
Cell Phone/Cellular Device Use While Driving.....	41
C. Use of City of Sandy Email and Electronic Equipment and Services .....	42
Ownership .....	42
Use.....	42
Inspection and Monitoring – No Right to Privacy .....	43
Personal Hardware and Software.....	43
Unauthorized Access .....	43
Security.....	43
Inappropriate Websites.....	43
D. Social Media .....	44
Prohibited Postings.....	44
Encouraged Conduct .....	44
Request for Employee Social Media Passwords.....	45
E. External Links.....	45

<i>F. Department Rules and Regulations</i> .....	46
<i>G. Confidential City of Sandy Information</i> .....	46
<i>H. Ethics</i> .....	46
<i>I. Open-Door Policy</i> .....	47
<i>J. Outside Employment</i> .....	47
<i>K. Criminal Arrests and Convictions</i> .....	47
<i>L. Political Activity</i> .....	48
<i>M. Inclement Weather/Emergency Closing</i> .....	48
<i>N. Driving While on Business</i> .....	48
<i>O. Workplace Violence</i> .....	49
<i>P. Workplace Inspections – No Right to Privacy or Confidentiality</i> .....	49
<i>Q. Workplace Safety</i> .....	50
<i>R. Fragrances in the Workplace</i> .....	50
<i>S. Smoke-Free Workplace</i> .....	50
<i>T. Animals in the Workplace</i> .....	50
<b>VI. Termination of Employment</b> .....	51
<i>A. Workplace Rules and Prohibited Conduct</i> .....	51
<i>B. Corrective Action/Discipline Policy</i> .....	52
<i>C. Grievance Policy</i> .....	52
<i>D. Retirement or Resignation from Employment</i> .....	53
<i>E. References</i> .....	53

## I. Equal Employment Opportunity (EEO) Policies

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

All employees are encouraged to discuss these EEO Policies with the HR Director at any time if they have questions relating to the issues of harassment, discrimination or bullying.

### *A. No-Discrimination, No-Retaliation Policy*

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

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

### *B. Diversity Equity and Inclusion (DEI) Statement*

The City of Sandy is committed to integrating equity into the fabric of our organization and the delivery of public services, in pursuit of equal, fair, and just outcomes for all. The City of Sandy will work intentionally and collaboratively to eliminate racial disparities and address the long-term, systemic root causes of inequality and racial injustice.

### *C. Statement Regarding Pay Equity*

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

### *D. No-Harassment Policy*

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

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

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City of Sandy -related or –sponsored trips (such as conferences or work-related travel), and during off-hours when that off-duty conduct creates an unlawful hostile work environment for any of City of Sandy’s employees. **Such harassment is prohibited whether committed by City of Sandy employees or by non-employees, such as elected officials, members of the community, and vendors.**

#### Sexual Harassment

Sexual harassment has been defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is “welcome”), when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual’s body, sexual prowess, or deficiency; leering, whistling, touching, assault, sexually suggestive, insulting, or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; or discriminatory treatment based on sex. This is not a complete list.

#### Other Forms of Prohibited Harassment

City of Sandy policy also prohibits harassment against an individual based on the individual’s race, color, religion, national origin, age, sexual orientation, marital status, disability, protected activity, and any other status protected by applicable law.

Such harassment may include verbal, written or physical conduct that denigrates or shows hostility towards an individual because of any protected status, and can include:

- Jokes, pictures (including drawings), epithets, or slurs;
- Negative stereotyping;
- Threatening, intimidating, or hostile acts that relate to a protected class; or



- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

#### Complaint Procedure

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and bullying. Further, all employees are responsible for respecting the rights of other employees and strictly adhering to the letter and spirit of this policy. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or the HR Director, at any time if they have questions relating to the issues of discrimination, harassment, or bullying.

Employees are strongly encouraged to tell the harasser that the behavior is offensive and unwanted, and that they want it to stop. Employees who have experienced any harassment, discrimination, or bullying, are expected, and required to bring the matter to the attention of Human Resources or a supervisor or member of management as soon as possible.

In addition, any employee who observes any conduct that he or she believes constitutes harassment, discrimination, or bullying, or who receives information about these types of incidents that may have occurred, must immediately report the matter to the HR Director.

#### Investigation and Confidentiality

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

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

#### Protection against Retaliation

City of Sandy prohibits retaliation in any way against any employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith)

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

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

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

#### Other Resources Available to Employees

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

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

#### Other Employee Rights

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

The City of Sandy is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the City of Sandy to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City of Sandy regarding his/her experience and/or employment status, the employee should contact Human Resources. The employee's request to enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the City of Sandy and employee do reach an agreement, the City of Sandy will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about his/her experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City of Sandy or making comments that would lower the City of Sandy in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that the City of Sandy and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

### *E. No-Bullying Policy*

City of Sandy strives to promote a positive, professional work environment free of physical or verbal harassment, “bullying,” or discriminatory conduct of any kind. The City of Sandy, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, “bullying” refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s). Examples of bullying include:

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

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

### *F. Disability Accommodation Policy*

City of Sandy is committed to complying fully with the Americans with Disabilities Act (ADA) and Oregon’s disability accommodation and anti-discrimination laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

#### Accommodations

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

### Requesting an Accommodation

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, City of Sandy) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations, modifying training materials or policies, providing readers and interpreters, or making the workplace readily accessible to and usable by people with disabilities.

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made with the HR Director and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of his or her need for reasonable accommodation.

### *G. Pregnancy Accommodation Policy*

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact Human Resources to discuss their options for continuing to work and, if necessary, leave of absence options. The City of Sandy will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on the City of Sandy's operations.

Although this policy refers to "employees," the City of Sandy will apply this policy equally to an applicant with known limitations caused by pregnancy, childbirth, or a related medical condition.

### Requesting a Pregnancy-Related Accommodation

Employees who are concerned that their pregnancy, childbirth, or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made with Human Resources and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist the City of Sandy and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both the City of Sandy and employee must monitor the employee's accommodation situation and make adjustments as needed.

### No Discrimination, No Retaliation

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

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

#### Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under the Family Medical Leave Act. See policies later in this document or speak with the HR Director.

#### *H. Reporting Improper or Unlawful Conduct – No Retaliation*

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

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

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

#### Employee Reporting Options

In addition to the City of Sandy's Open-Door Policy (see section V, subsection I), employees who wish to report potential improper or unlawful conduct should first talk to his or her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the HR Director. Supervisors and managers are required to inform the HR Director about reports of improper or unlawful conduct they receive from employees.

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

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

#### Additional Protection for Reporting Employees

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

#### Policy Against Retaliation

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

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

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

## **II. Classification and Compensation**

### ***A. Probationary Period of Employment***

All new employees, including current employees who are promoted or transferred within the City of Sandy, are hired into a probationary period that generally lasts no less than six months. The probationary period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your manager. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job

responsibilities will be considered during the probationary period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City of Sandy meets your expectations of an employer.

At or before the end of the probationary period, a decision about your employment status will be made. The City of Sandy will decide whether to: (1) Extend your probationary period; (2) Move you to regular, full-time or regular, part-time status; or (3) Terminate your employment.

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

### *B. Employee Classification*

City of Sandy classifies employees as follows:

1. Regular Full-time: Employment in an established position requiring 35 - 40 hours or more of work per week. Full-time employees are eligible to participate in City of Sandy's benefit programs.
2. Regular Part-time: Employment requiring 20 - 34.99 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 40 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees are eligible to participate in the City of Sandy's benefit programs. Regular, part-time employees working less than 20 hours per week are not eligible for benefits, except those mandated by applicable law, (for example, sick leave)
3. On-Call: Employment which varies in nature and does not have a predetermined or predictable schedule. Occasional workweeks with a predetermined schedule will not constitute a change in status from on-call to part-time or full-time. On-call employees are not eligible for benefits other than those mandated by applicable law (for example, sick leave)
4. Temporary/Seasonal/Interns: Employment in a job established for a specific purpose or project, for a specific period (typically less than twelve months), or for the duration of a specific project or group of assignments. This category of employment can either be full-time or part-time. These employees are not eligible for benefits other than those mandated by applicable law (for example, sick leave).

Additionally, all employees are defined by federal and Oregon law as either "exempt" or "nonexempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a

promotion or demotion occurs. All employees, regardless of employment classification, are subject to all City of Sandy rules and procedures.

### *C. Employment Changes*

#### Transfers

Requests from employees for transfers from one department to another shall be made in writing and shall be directed to the employee's present department director and referred to the appropriate department director and the HR Director. Such requests shall be given consideration when a suitable vacancy occurs; however, no employee shall be transferred to a position for which she/he does not possess the minimum qualifications.

#### Promotions

All qualified vacancies shall, whenever possible, be filled by promoting qualified employees within City service. Notification of open positions will be made via email to all staff. Nevertheless, the City Manager may recruit from outside City service whenever it is reasonable to believe that better qualified candidates are available outside current employees. The appointment to fill the vacancy shall be made on a competitive basis, where qualifications and ability are relatively equal, seniority within City service shall be the determining factor.

#### Layoffs

If there are changes of duties in the organization, lack of work, or lack of funds, the City Manager may lay off employees; however, the City Manager shall first make every reasonable effort to integrate those employees into another department by transfer. When layoffs are required, the City Manager shall base the decision on relative merit and shall give due consideration to seniority in City service only where the employee's qualification and ability are relatively equal. Layoffs shall be for a period not to exceed six months. After six months, employees not reinstated will be terminated (see section VI, Termination of Employment).

#### Rehires

Temporary/Seasonal/Intern employees are eligible for rehire to the same or substantially similar position within twelve months of separating from service of City of Sandy. The employee must have separated from service in good standing to be eligible for rehire. The employee must express interest in the position in writing to the HR Director. The employee will be subject to all the same requirements of a newly hired employee, including but not limited to, background check, driving record check, and drug test, if required for the position. The employee will not need to re-start the probationary period if rehired in the same position.

### *D. The Workweek*

The workweek is a seven-day work period beginning Monday at 12:00 a.m. through Sunday at 11:59 p.m. Typically, business hours are from Monday through Friday 8:00 a.m. through 5:00 p.m. Departments may have different workweeks or business hours depending on their individual needs.



***E. Meal Periods and Rest Breaks***

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

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

Length of work period	Number of rest breaks required	Number of meal periods required
2 hours or less	0	0
2 hours 1 minute – 5 hours 59 minutes	1	0
6 hours	1	1
6 hours 1 minute – 10 hours	2	1
10 hours 1 minute – 13 hours 59 minutes	3	1

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

***F. Rest Breaks for Expression of Breast Milk***

The City of Sandy will provide reasonable rest periods to accommodate an employee who needs to express milk for her child eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, the employee is entitled to take reasonable time as needed to express breast milk.

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

Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time.

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

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

If a private location is not within close proximity to the employee's work area, the City of Sandy will identify a private location the employee can travel to. The travel time to and from the private location will not be counted as a part of the employee's break period.

#### Notice

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

#### Storage

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

### *G. Overtime*

#### Time-and-a-Half

The City of Sandy pays one and one-half times a non-exempt employee's hourly rate for all hours worked over 40 in any workweek. See "Employee Classification," above. Compensatory time cannot be used towards calculating hours worked.

#### Assignment of Overtime Work

You may be required to work overtime. When overtime work is required by City of Sandy on a particular job on a shift commencing on a day other than Saturday, Sunday, or a holiday, the non-exempt employee performing that job at the conclusion of his or her straight-time hours will normally be expected to continue to perform the job on an overtime basis.

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

### Supervisor Authorization

No overtime may be worked by non-exempt employees unless specifically authorized in writing by a supervisor or management. Employees who work unauthorized overtime may be subject to discipline up to and including termination.

### Compensatory (Comp) Time

Overtime hours can be paid or, at the employee's option with City of Sandy approval, accumulated at time and one-half up to a maximum of 240 hours and taken as comp time off. When an employee is separated from employment with the City of Sandy, any remaining comp time will be paid to the employee.

### *H. Standby Pay*

#### Public Works and SandyNet

At the discretion of the respective Director, the staff may be assigned to standby duty on weekends and after normal working hours on weekdays. Compensation for standby duty for a one-week period will be equivalent to ten (10) hours worked. Standby duty that falls on an observed holiday will be compensated at the equivalent to an additional 2.5 hours. Employees on standby duty will have no restrictions on their activities other than:

- Remaining within the metro area;
- Being reachable at all times; and
- Refraining from use of alcohol or other substances that would impair judgement or ability to perform work.

Employees assigned to standby duty will, when called out, be compensated based on the actual time worked, including travel time, with two hours minimum time credited. Employees called out who are not on standby duty (and, therefore, not receiving standby pay) will be credited for actual time worked, including travel time, with a minimum of two hours.

#### Police

Patrol Sergeants shall be assigned to Standby Duty as a regular function of their position. Compensation for Standby Duty for a one-day (24 hour) period will be equivalent to one (1) hour of time worked at their normal hourly wage. Standby duty that falls on a city recognized holiday will be compensated at the equivalent of one and one half (1.5) hours for a one-day (24 hour) period. Patrol Sergeants will have no restrictions on their activities other than:

- Remaining within the metro area;
- Being reachable at all times; and
- Refraining from use of alcohol or other substances that would impair judgement or ability to perform work.

When it is determined that a call out response is necessary, Patrol Sergeants will be compensated at their stand overtime rate based on the actual time worked in lieu of the standby duty pay, including travel time, with a minimum of two (2) hours credited.

It is recognized that certain unforeseen circumstances (individual or family illness, emergency, etc.) can result in Patrol Sergeants who are on standby duty not being able to fulfill the duties listed. During these times, the Patrol Sergeant on standby will need to notify the Chief of Police or Lieutenant as soon as is possible of the circumstance so their duties can be reassigned. Standby Duty pay will resume for this member once they are able to take over the required duties.

#### *I. Flexible and Telecommuting Work Schedules*

At the discretion of an employee's supervisor, regular full-time employees may request flexible or telecommuting work scheduling of their work hours on a case-by-case basis. **Flexible schedules** allow for employees to work more hours than scheduled one day in exchange for working a lesser number of hours another day during a given seven- or fourteen-day work period. **Telecommuting** is defined as a process for eligible employees to establish a schedule that includes working from an alternative location other than the normal work location (typically a city facility). Employees must enter into a written agreement with the employee's supervisor stating the flexible schedule or telecommuting agreement. Some departments may be unable to offer flexible or telecommuting schedules for certain positions and/or during certain times of the year.

#### *J. Bilingual Pay*

Bilingual pay equal to 3% of an employee's base salary will be granted to employees who are bilingual. This pay incentive is only applicable to employees who are bilingual in a language that is used to serve the population in which their position works with. Competency, usage, and job requirements will be determined by the department director, who will recommend the pay increase to the City Manager for final approval.

#### *K. Timekeeping Requirements*

All non-exempt employees must accurately record time worked via electronic timecard for payroll purposes. Filling out another employee's timecard, allowing another employee to fill out your timecard, or altering any timecard will be grounds for discipline up to and including termination. An employee who fails to record his or her time may be subjected to discipline as well.

Salaried exempt employees are required to record their time away from the office (for example, sick, vacation, and holiday) via electronic timecard.

#### *L. Employee-Incurred Expenses and Reimbursements*

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

Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts) within one month of the expense being incurred or the employee risks forfeiting their payment or reimbursement. All reimbursements will be processed via monthly payroll as a non-taxable item.

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

- *Conferences or Workshops:* Employees will be reimbursed for authorized conferences or workshops directly related to their position with City of Sandy;
- *Education:* Employees will be reimbursed for authorized educational expenses directly related to their position with City of Sandy;
- *Meals:* Employees will be reimbursed for reasonable meal expenses incurred while conducting official City of Sandy business;
- *Mileage and Parking:* Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by City of Sandy.

#### *M. Payroll Policies*

All employees will be paid monthly. The pay period is defined as the 24<sup>th</sup> – 23<sup>rd</sup>. Payday is the last working day of each month for all employees.

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

Employees are eligible for a step increase annually, dependent upon the availability of such an increase in the current salary schedule. Step increases will take effect the first day of the pay period following their anniversary date.

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

#### *N. Statement Regarding Pay Practices*

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

### *O. Position Classification Policies*

The City Council is responsible for adopting and amending a position classification and compensation plan for all employees. This classification plan shall consist of all positions in City service defined by range specifications and identified by position title. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same range and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same range. Copies of this plan are available in the HR Director's office.

Positions may be reclassified whenever the duties of the position change materially, provided that the reclassification can be accomplished within the limitations of the current budget cycle. Reclassification of a position shall not be used to circumvent the effects of disciplinary action or to avoid restrictions concerning compensation.

The HR Director shall be responsible for keeping the classification current through periodic studies of positions within City service. Neighboring communities, as well communities of similar population size shall be used as comparators for salary and benefit purposes. The City Manager, with the help of the HR Director, shall examine the salary range for each class of position and determine whether the current minimum and maximum salaries should be maintained, increased, or decreased for the following year. Changes in cost of living, utilizing the CPI (Consumer Price Index) shall be considered during this evaluation.

Except in extenuating circumstances, all appointments will be made at the first step of the class for the position.

### *P. Reporting Changes to an Employee's Personal Data*

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

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

Employees may not intentionally withhold information from the City of Sandy about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, the City of Sandy may require employees to provide proof of marital

status/domestic partnership status. Employees who violate this policy may be subject to discipline, up to and including termination.

#### *Q. Relatives in City Service*

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

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

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

#### *R. Performance Reviews*

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

The City of Sandy's goal is to provide an employee with his/her first formal performance evaluation within six months to one year after hire or promotion. After the initial evaluation, the City of Sandy will strive to provide a formal performance review on an annual basis.

Reviews will generally include the following:

- An evaluation of the employee's quality and quantity of work
- A review of exceptional employee accomplishments

- Establishment of goals for career development and job enrichment
- A review of areas needing improvement
- Setting of performance goals for the employee for the following year.

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such a response must be filed no later than 30 days following the date the performance evaluation was received.

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

#### *S. Reimbursement Pay for Public Works Education*

Examinations must be taken during regular work hours and employees will be paid straight time for the examination and travel to and from the examination site. Employees using a personal vehicle to travel to and from the examination site may apply for mileage reimbursement per the City's standard policy.

The City of Sandy will pay application and examination fees for eligible employees with the following exceptions: The City of Sandy will pay for one application and examination fee and one certification preparatory class per employee per program (water, wastewater). After two failed attempts the City of Sandy will pay for the examination fee but will not pay for further preparatory classes. If the employee does not pass the exam(s) any additional attempts to apply for certification preparatory classes in the same calendar year or after two failed attempts will be at the employee's expense.

The City of Sandy will continue to pay certification renewal fees and relevant, required continuing education in order to maintain certification for employees.

#### *T. Certification Pay for Police Sergeants*

##### Advanced Certificate

An advanced certificate is a mandatory requirement prior to becoming a Sergeant, thus it is not eligible for Certification Pay. For example, if an internal Patrol Officer who currently has an Advance Certification is receiving a 4% certification pay added to their paycheck and is promoted into the position of Sergeant, that current 4% certification pay incentive would be removed.

##### Supervisory Certificate

A supervisory certificate is a mandatory requirement of the Sergeant position and must be obtained within 12 months of hire. Certification pay is equal to 4% of base pay in a fixed amount added to their paycheck monthly.



### III. Time Off and Leaves of Absence

#### A. Attendance, Punctuality, and Reporting Absences

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

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

#### B. Vacation

All Regular, full-time employees accrue vacation leave monthly. The amount of vacation to which an employee becomes entitled to is determined by the employee's length of service from their hire date. For Regular, full-time employees, vacation accrues as follows:

Length of Service (years)	Annual Vacation Accrual (hours)
0 – 3	88*
3 – 5	108*
5 – 10	128*
10 – 15	168*
15 & higher	168*, plus 8 hours for every year over 14

\*Prior to January 1, 2022, 8 hours of "Floating Holiday" was added to employee's vacation bank in February of each year. Effective January 1, 2022, the 8 hours of floating holiday will be included in the monthly vacation accrual (equal to an additional; 0.67 hours per month).

The maximum annual accrual of vacation leave is not to exceed 240 hours (six weeks).

Regular, part-time employees accrue vacation monthly in the proportion that their normally scheduled number of hours bears to 40 per week. For example, a regular, part-time employee

who usually works 20 hours per week would earn 44 hours of vacation during his or her first year of service.

Department Directors and the City Manager will accrue an additional 40 hours of vacation leave annually; the maximum annual accrual of vacation leave is not to exceed 280 hours (seven weeks).

Vacation may not be taken until it is earned. Vacation leave is not to be banked and then never used. Therefore, the total vacation accrual cannot exceed a maximum of 320 hours (eight weeks). Once this limit is reached, vacation leave will no longer accrue, until the balance is brought below the maximum.

Employees may sell back to City of Sandy up to 80 hours of accrued vacation annually, limited to the following conditions:

- A minimum of a like number of vacation hours are being taken as vacation within two weeks, and
- Vacation sell backs shall only occur once during any fiscal year, and
- City of Sandy shall receive two weeks' prior written notice from any employee requesting a vacation buy back; and
- The vacation buy back will be processed via the normal payroll process.

Employees who terminate employment during their probationary period shall not be entitled to pay out of their accrued vacation leave. Employees who have successfully completed their probationary period, gained Regular employment status, and separate from service in good standing (meaning not terminated for violation of City of Sandy policies, procedures, or performance issues) shall be entitled to payment of all accrued vacation leave. In the case of death of an employee, compensation shall be paid to the beneficiary in the same manner that salary due to the decedent is paid.

### *C. Sick Leave*

City of Sandy provides eligible employees with sick leave as required by Oregon's Paid Sick Leave Law. The City of Sandy's policy is more generous than the law requires. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law.

Employees with questions about this policy may contact the HR Director. Please also refer to the Oregon Sick Leave Law poster that is posted at City Hall.

#### **Eligibility and Accrual of Paid Sick Leave**

Under Oregon's Paid Sick Leave Law and this policy, "employee" includes full-time, part-time, hourly, salaried, exempt and nonexempt employees. Sick leave runs concurrently with Oregon Family Medical Leave, and other leave where allowed by law.

Employees begin to accrue paid sick leave on the first day of employment, but may not use paid sick leave until the 31st day of employment. After the 31st day of employment, paid sick leave may be used as it is accrued.

Full-time, exempt employees will accrue sick leave at a rate of 10 hours per pay period (prorated for any partial month worked); Non-exempt employees will accrue at the rate of 2.31 hours for every 40 hours worked. For purposes of calculating sick leave accruals, hours worked include regular, vacation, sick, overtime, comp time (when used, not earned), and worker's compensation leave. Paid sick leave shall be taken in hourly increments. Total sick leave accumulation shall not exceed 1,500 hours. Once the limit is reached, sick leave will no longer accrue until the balance is brought below the maximum.

#### **Pay Rate and Carryover**

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

Sick leave is meant to be used or carried over; any unused sick leave will not be cashed out upon separation from employment. If an employee leaves employment and is rehired within 90 days, the employee's sick leave balance will be restored. Unused sick leave is reported to PERS upon an employee's separation.

#### **Use of Sick Leave**

Accrued paid sick leave may be used for the following reasons):

1. For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her covered family member.
  - "Family member" means the eligible employee's grandparent, grandchild, spouse, or registered same-gender domestic partner, and the domestic partner's child or parent; the employee's stepchild, parent-in-law or a person with whom the employee was or is in a relationship of in loco parentis; and the employee's biological, adoptive or foster parent or child.
2. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
3. If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).
4. In the event of certain public health emergencies or other reasons specified under Oregon's sick leave law.

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

### **Employee Notice of Need for Sick Leave**

*Foreseeable Sick Leave.* If the need for sick leave is foreseeable, an employee must notify their supervisor as soon as practicable before the leave using the City of Sandy's notification procedures. Generally, an employee must provide at least 10 days' notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of the City of Sandy. Employees must notify their supervisor of any change in the expected duration of sick leave as soon as is practicable.

*Unforeseeable Sick Leave:* If the need for sick leave is unforeseeable, the employee must notify their supervisor as soon as practicable and comply generally with City of Sandy's notification procedures. Generally, an employee should notify his/her immediate supervisor of unforeseeable sick leave at least one hour prior to the beginning of his/her shift, unless physically unable to do so, at which time notice should be given as soon as possible.

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

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

### **Sick Leave Documentation**

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

### **Sick Leave Abuse**

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

#### *D. Leave Donations*

An employee may donate sick, vacation, and/or compensatory time to another employee who has exhausted all available earned leave (sick leave, vacation leave and compensatory time, etc.) before using any donated leave. The employee must be in documented need of sick leave and meets the eligibility requirement of FMLA/OFLA. The sick, vacation, and/or compensatory time will be valued at the donating employee's current rate of pay, and then converted to the appropriate amount of leave based on the recipients' rate of pay. Donated hours shall not be processed in an amount greater than that which is approximately necessary to cover the

employee's next occurring pay period. Donors must complete and sign the Sick Leave Donation form and turn into the HR department.

During a qualifying leave event, requests for donations may only be made once. The request shall be in writing to the HR Director, who will notify City of Sandy employees of the request and provide a specific time period for which donations may occur. Donations will be processed in the order that they are received. No employee shall receive more than twelve weeks of donated leave in any rolling twelve-month period. Employees may not donate more than 80 hours or fifty percent (50%) of their current sick leave balance, whichever is less. Employees cannot borrow against future accruals to donate. Employees who are currently on approved leave cannot donate time to another employee.

If an employee is otherwise eligible for paid health benefits, the employee will continue to receive those benefits while receiving donated leave.

#### *E. Holidays*

##### Holidays

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

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day

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

The City Manager has the discretion to authorize additional office closures based on operation needs.

To be eligible for holiday pay, an employee must have worked his or her regularly scheduled hours the workday before and the workday after the holiday or have been on an approved vacation day or any other excused absence under City of Sandy policy. If an employee is on vacation when a holiday is observed, the employee will be paid for the holiday and will be granted an alternate day of vacation at a later date.

Any hourly, non-exempt employee required to work on a holiday will receive overtime pay for the hours worked, in addition to their regularly entitled holiday compensation.

#### *F. Family Medical Leave*

##### **FMLA/OFLA Policy**

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

Employees seeking further information should contact the HR Director. 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 building, 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 HR Director 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 a spouse, parent or a “son” or “daughter” (defined above).
- For purposes of OFLA, “family member” includes the definitions found under FMLA and also includes adult children (for “serious health condition” leave only), a parent-in-law, grandparent, grandchild, registered same-sex domestic partner, and parent or child of a registered same-sex domestic partner.

#### *Serious Health Condition*

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

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

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

- 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: For incapacity due to pregnancy, prenatal medical care or birth.
  6. Servicemember Family Leave: Eligible employees may take up to 26 weeks of leave to care for a "covered servicemember" during a single 12-month period. A "covered servicemember" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his/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.
  8. Bereavement Leave. This type of leave is addressed under OFLA; see the Bereavement Leave Policy for more information.
- Length of Leave

In any One-Year Calculation Period, eligible employees may take:

- Up to 12 weeks of Parental Leave, Serious Health Condition Leave (employee's own or family member), Sick Child Leave, or Call to Active Duty Leave;



- An additional 12) weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee; and
- Employees who take the entire 12 weeks of OFLA Parental Leave may be entitled to an additional 12 weeks of Sick Child Leave.

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

- One-Year Calculation Period

The “12-month period” during which leave is available (also referred to as the “One-Year Calculation Period”) will be determined by a rolling 12-month period measured backward from the date an employee uses any Family Medical Leave. Each time an employee takes Family Medical Leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

- Intermittent Leave

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

- Employee Responsibilities — Notice

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

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

Whether leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee must let the HR Director know as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown.

If circumstances change during the leave and the leave period differs from the original request, the employee must notify the HR Director 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 of Sandy's normal call-in procedures. Employees who fail to comply with City of Sandy'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 of Sandy 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 Call to Active Duty or Servicemember Family Leave.

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

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

Employees must furnish City of Sandy's requested medical certification information within 15 calendar days after such information is requested by City of Sandy. In some cases (except for leave to care for a sick child), City of Sandy may require a second or third opinion, at City of Sandy's expense. Employees also may be required to submit subsequent medical verification.

Employees will not be asked for, and they should not provide, any genetic information about themselves or a family member in connection with a FMLA/OFLA medical certification.

- Medical Certification Prior to Returning to Work

If Family Medical Leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification from his/her 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, including, 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. 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 or OFLA Leave, City of Sandy will continue the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. An employee wishing to maintain health insurance during a period of approved FMLA or OFLA leave will be responsible for bearing the cost of his/her share of group health plan premiums which had been paid by the employee prior to the OFLA/FMLA leave. Employees will not accrue vacation, sick leave, or other benefits (other than health insurance) while the employee is on a FMLA or OFLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in City of Sandy benefit plans.

- **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. If an employee does not return to work at the end of a designated Family Medical Leave period, reinstatement may not be available unless the law requires otherwise.

The use of Family Medical Leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Employees who work for other employers during a "serious health condition" leave may be subject to discipline up to and including termination. Additionally, all employees who use Family Medical Leave for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

#### *G. Bereavement Leave*

Employees who qualify for OFLA may take up to two weeks of unpaid bereavement leave per death of a Family Member (defined below). Employees who have worked for City of Sandy for more than 30 days may use up to 40 hours of accrued sick leave for bereavement purposes, and who have experienced the death of a Family Member (defined below). Employees who have worked for City of Sandy for fewer than 30 days or less may not be eligible for leave; see the HR Director for more information.

Bereavement leave may be used to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member. The two weeks of bereavement leave must be taken in the 60-day period following notice of death of a family member and will be deducted from the employee's available leave time under OFLA. For purposes of this policy, "Family Member" is defined to include the employee's spouse, same-sex domestic partner (registered), child, parent, parent-in-law, grandparent, or grandchild, or the same relations of an employee's same-sex domestic partner (registered) or spouse.

Employees who wish to take bereavement leave must inform City of Sandy as soon as possible after receiving notification of a Family Member's death. Although prior notice is not required, verbal notice must be provided within 24 hours of beginning leave. Written notice must be provided to the City of Sandy within three days of returning to work. Employees are required to use any available sick leave during the period of bereavement leave; vacation time will be used if the employee has no available sick leave.

#### *H. Jury and Witness Duty*

##### Jury Duty

The City of Sandy will grant employees time off for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's manager to verify the need for such leave. If an employee is called for jury duty, the employee should be granted leave with pay. Compensation received (except travel reimbursement) shall be remitted to the City. In cases where the compensation does not clearly distinguish the amount for travel, the employee may deduct mileage at the current IRS mileage rate.

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

### Witness Duty

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

Except for employee absences covered under City of Sandy's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work. If the employee does not have any available vacation time, the leave will be taken without pay. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

#### *I. Religious Observances Leave and Accommodation Policy*

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

#### *J. Crime Victim Leave Policy*

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his or her immediate family member (defined below) has suffered financial, social, psychological, or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

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

Employees who are eligible for crime victim leave must:

- 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 the HR Director as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

In all circumstances, City of Sandy 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.

### *K. Domestic Violence Leave and Accommodation Policy*

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

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

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

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

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

If more leave than originally authorized needs to be taken, the employee should give the City of Sandy notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give oral or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee's behalf.

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

### *L. Military Leave*

Employees who wish to serve in the military and take military leave should contact the HR Director for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

Further, eligible employees called for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, may be entitled to leave with pay for all regular workdays that fall within a period not to exceed 15 calendar days in any federal training year. Weekend drill obligations are not considered "federal active duty" for training under this policy; other requirements apply. Please contact the HR Director for more information and to make arrangements for this paid leave.

### *M. Other Leave*

Other types of leave without pay will be considered on an individual basis by the City Manager and HR Director, keeping in mind the individual department and overall City of Sandy's operational needs.

## **IV. Employee Benefits**

### *A. Insurance Benefits*

Employees who meet the definition of "benefit eligible" under both City of Sandy policy and that of its health insurance provider are entitled to the benefit options offered by City of Sandy. These benefits include medical, dental, and vision coverage in a cost share program. Additional information may be obtained through your HR Director. The City of Sandy will pay its share of health insurance costs to all employees who terminate employment in good standing; for three months after 10 years of service, and six months after 15 years of service.

City of Sandy will provide regular, full-time employees with \$50,000 of term life insurance coverage, as well as \$50,000 of accidental death and dismemberment coverage. These plans are paid for by the City of Sandy in full. Additional life insurance coverage may be purchased at the expense of the employee.

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

Additional insurance benefits and programs are offered to employees, including flexible spending account (FSA) and supplemental insurance. These offerings are at the employee's option. Any additional premium expense is the responsibility of the employee.

### *B. Employee Assistance Program (EAP)*

This free, confidential service is provided to all employees and their covered dependents who may be experiencing life problems. Information regarding this service can be obtained by contacting the HR Director.

### *C. Workers' Compensation and Safety on the Job*

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

#### Steps to Take if You Are Injured on the Job

To ensure that you receive any workers' compensation benefits to which you may be entitled, you must do all the following:

1. Immediately report any work-related injury to your supervisor. You must report the injury at the time it happens, and no later than 24 hours after injury.
2. If an emergency, seek medical treatment first and then do the following. Call the Rapid Care Hotline to report your injury. They will assist in completing the required 801 form and assist with any further medical steps.
3. Promptly complete an Incident Report and return it to the HR Director.

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

#### 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.

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

#### Early Return-to-Work Program

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

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

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



### Salary Continuation

City of Sandy adopts a policy of providing salary continuation in place of temporary disability for employees who are off work as a result of a compensable workers' compensation claim. Salary continuation will be at the same wage with normal deductions withheld (i.e. taxes, medical and other voluntary deductions) and same pay interval as the employee received at the time of injury. Additional information regarding this program can be received from the HR Director.

### Overlap with Other Laws

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

#### *D. Fringe Benefits and Additional Compensation*

ORS 244.040 prohibits a public official or a relative or member of the household of the public official from obtaining financial gain or avoidance of financial detriment, if that gain would not otherwise be available but for the public official's holding of the official position or office, except where the gift is part of an official compensation package, as determined by the public body that the public official serves.

Employees of City of Sandy receive certain and de minimis fringe benefits that are not available to the general public. The City of Sandy recognizes these benefits as part of the employee's official compensation package for the purposes of ORS 244.040. These fringe benefits include:

- Occasional, de minimis and infrequent use of City equipment and supplies such as pens, paper, office supplies, telephones, cell phones, copying machines, computers, tablets, software and email systems in a manner consistent with the applicable use policies for such City equipment;
- Employees who use personal credit cards and are reimbursed by the City in a manner consistent with applicable City policies may accept any benefits earned from using a personal credit card that offers incentives such as cash rebates or frequent flyer miles based upon the dollar amount of purchases provided that the value of the benefits earned does not exceed fifty dollars in any calendar year;
- Computers, tablets, or other electronic equipment sold at cost to SandyNet employees, provided that such equipment is no longer of use to City of Sandy as determined by the IT Director;
- A Gym Membership Reimbursement of \$45 per month (taxable benefit) is available to all active employees in the City of Sandy.
- A clothing allowance is available for certain positions. Talk to your manager directly to see if you qualify.
- Occasional, de minimis and infrequent use of City owned vehicles in a manner consistent with applicable policies for the use of City vehicles.

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. Notwithstanding this additional benefit, unless expressly authorized otherwise by the City Manager or the Manager's designee, 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.

#### *E. PERS (Public Employees' Retirement System) Benefits*

City of Sandy participates in the Public Employees Retirement System (PERS); therefore, your designation as a Tier I, Tier II, or Oregon Public Service Retirement Plan (OPSRP) member will depend on your prior PERS service and PERS rules. An employee's designation and eligibility for participation in PERS or the OPSRP are determined by law. For more information about these plans, please contact PERS at 1-888-320-7377 or visit their website at [www.oregon.gov/PERS](http://www.oregon.gov/PERS). For information about City of Sandy's contributions to employee PERS or OPSRP plans, please see the HR Director. The City of Sandy pays the employees' contribution (6% of subject salary) on behalf of the employee.

#### *F. Educational Opportunities*

City of Sandy shall pay the full cost of tuition for courses directly related to the employee's work and conducted outside the employee's regular working hours, provided that:

- a. Funds for such expenditures are available in the current budget;
- b. The employee has made application for approval of the course and tuition benefit to their department director at least ten days prior to the registration of such course;
- c. The employee submits evidence of satisfactory completion of the course;
- d. The employee is not receiving reimbursement for tuition from any other source;

The City of Sandy will pay the accredited educational institution upon successful completion of the course. Employees will be required to pay back City paid educational costs if the employee terminates employment with the City of Sandy within one year from the completion of the course.

Courses that are only offered during regular working hours may be approved by the department director, provided time off can be arranged conveniently and reasonable arrangements can be made to make up time off.

The costs of textbooks and technical publications required for such courses shall be the responsibility of the employee unless the course is required by the City.

## **V. Miscellaneous Policies**

#### *A. Alcohol/Drug Use, Abuse and Testing*

The City of Sandy works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both

to themselves and to everyone who comes into contact with or depends upon them and risks damage to City of Sandy's reputation.

The City of Sandy expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective and efficient manner. An employee's off-the-job as well as on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

This policy applies to all employees (except where noted in this policy or where it is inconsistent with applicable law and/or collective bargaining agreement principles). This policy revises and supersedes all previous drug and alcohol testing policies and practices.

#### Prohibited Conduct

The following conduct is strictly prohibited and will result in disciplinary action up to and including termination:

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

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

#### Prescription Drugs and Medical Marijuana

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

An employee who uses prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or that may affect the safety or well-being of others, must notify HR Director of such use immediately before starting or resuming work. The City of Sandy may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of

prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide The City of Sandy with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

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

### Testing

City of Sandy reserves the right to:

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

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

- A pattern of abnormal or erratic behavior;
- Information provided by a reliable and credible source;
- A work-related accident;
- Direct observation of drug or alcohol use;
- Presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
- Unexplained significant deterioration in individual job performance;
- Unexplained or suspicious absenteeism or tardiness;
- Employee admissions regarding drug or alcohol use; and
- Unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

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

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

#### Search of Property

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

#### Employee Refusal to Test/Search

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

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

#### Crimes Involving Drugs and/or Alcohol

Employees shall report:

- Any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction;
- Entry into a drug court or diversion program; or
- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

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

#### Drug and Alcohol Treatment

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

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

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

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

#### Confidentiality

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

#### *B. Mobile Devices Policy*

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

#### Cell Phones and Mobile Devices in General (both City of Sandy provided and personal cell phones/cellular devices)

Employees are allowed to bring personal cell phones and cellular devices to work with them. During working hours, however, employees should refrain from using them during working hours.

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

City of Sandy encourages nonexempt employees to not use their personal or City of Sandy provided cell phone/cellular device for work purposes outside of their normal work schedule without written authorization in advance from the HR Director. This includes, but is not limited to, reviewing, sending, and responding to emails or text messages, and responding to calls or making calls.

#### Employee Use of City of Sandy Provided Cell Phones/Cellular Devices

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

Employees who receive a cell phone or mobile device from City of Sandy must agree to not use the cell phone/cellular device for personal use except in emergency situations and must abide by all aspects of the Cellular Device Policy. Further, employees who receive a cell phone or mobile device from City of Sandy must acknowledge and understand that because the cell phone/mobile device is paid for and provided by City of Sandy, or subsidized by City of Sandy, any communications (including text messages) received by or sent from the cell phone/mobile device may be subject to inspection and review if City of Sandy has reasonable grounds to believe that the employee's use of the cell phone violates any aspect of the Cellular Device Policy or any other City of Sandy policy. **Employees should have no reasonable expectation of privacy in a City of Sandy provided or paid for mobile device.** An employee who refuses to provide City of Sandy access to his/her personal cell phone/cellular device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

Family and friends may not use an employee's City of Sandy -provided cell phone/cellular device.

#### Cell Phones/Cellular Devices and Public Records

City of Sandy related business conducted on City of Sandy provided or personal cell phones/cellular devices, may be subject to disclosure under Oregon's Public Records laws. City of Sandy employees may use text messages to communicate factual and logistical information that is not part of or related to conducting official City business, unless that information has been documented elsewhere, or will be documented and retained as a separate public record according to the City's authorized record retention schedule. In the absence of separate documentation, City of Sandy employees are not to use text messages for official purposes other than for routine communications that do not meet the definitions of a "public record." Questions related to what is and is not a public record should be forwarded to the City Recorder.

#### Cell Phone/Cellular Device Use While Driving

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

Employees are prohibited from using handheld cell phones for any purpose while driving on City of Sandy authorized or City of Sandy related business. This policy also prohibits employees from

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

### *C. Use of City of Sandy Email and Electronic Equipment and Services*

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

#### Ownership

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

#### Use

All of City of Sandy’s electronic equipment, facilities and services are provided and intended for City of Sandy business purposes only and not for personal matters, communications, or entertainment. In addition, access to the Internet, websites and other electronic services paid for by the City of Sandy are intended to be used for City of Sandy business. Incidental use is acceptable under specific circumstances. See “Fringe Benefits and Additional Compensation” policy above. This means, for example, that employees may not use the City of Sandy provided Internet, or City of Sandy electronic equipment and services to:

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



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

#### Inspection and Monitoring – No Right to Privacy

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

All information and communications in any format, stored by any means on City of Sandy's electronic equipment or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect City of Sandy's ownership of the electronic information, electronic equipment, facilities, or services, or City of Sandy's right to inspect such information. City of Sandy reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail, and other such material to monitor the use of all of City of Sandy's electronic equipment, facilities and services, including all communications and internet usage and resources visited. The City of Sandy will override all personal passwords if it becomes necessary to do so for any reason.

#### Personal Hardware and Software

Employees may not install personal hardware or software on City of Sandy's computer systems without approval from the department director and IT Director. All software installed on City of Sandy's computer systems must be licensed. Copying or transferring of City of Sandy owned software may be done only with the written authorization of the City Manager.

#### Unauthorized Access

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

#### Security

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

#### Inappropriate Websites

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

#### *D. Social Media*

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

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

##### Prohibited Postings

Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate City of Sandy’s no-harassment and no-discrimination policies and that include discriminatory remarks, harassment, or threats of violence or similar inappropriate or unlawful conduct.

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

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

##### Encouraged Conduct

Always be fair and courteous to coworkers, the citizens we serve, City of Sandy’s employees and elected officials, and suppliers or other third parties who do business with the City of Sandy. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open-Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, City of Sandy employees or elected officials, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City of Sandy policy.

Maintain the confidentiality of City of Sandy’s confidential information. Do not post internal reports, policies, procedures or other internal, City of Sandy related confidential communications or information. (See “Confidential City of Sandy Information” policy, below.)

### Request for Employee Social Media Passwords

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

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

#### *E. External Links*

City of Sandy only allows hyperlinks in its website if the links connect to websites that fall into one of the following categories:

- The website is owned by an organization that is parented with, sponsored by, or supported by City of Sandy;
- The website is educational in nature;
- The website is a governmental website or is sponsored by a state or local government.

City of Sandy will not allow any hyperlinks to any websites that advocate hate, bias, or discrimination, extremism or which contain information or hyperlinks associated with partisan political activity.

The links to websites that are external to the City of Sandy may provide additional information that may be useful or interesting and are being provided consistent with the intended purpose of the City of Sandy website. These external links are not endorsements of the organizations nor do they ensure the accuracy, relevance, timeliness, or completeness of the information. Further, the inclusion of links in hypertext on the City of Sandy web site are not intended to reflect their importance, nor are they intended to endorse any views expressed or products or services offered by the author of the reference or the organization operating the server on which the reference is maintained.

Links may be made to our website from personal and organizational web pages. We request that you link to our website rather than downloading portions of it to another web server, so that viewers will see the most up-to-date information.

Every effort has been made to provide accurate and complete information. However, we cannot guarantee that there will be no errors. City of Sandy does not assume any legal liability for the accuracy, completeness, or usefulness of any information, product, or process disclosed herein, or represents that use of such information, product, or process would not infringe on privately owned rights.

#### *F. Department Rules and Regulations*

Each department of the City of Sandy is encouraged to establish departmental rules, regulations, and procedures. Such rules, regulations, and procedures shall be in harmony with the provisions of these personnel rules and regulations and shall be binding on the employees of that department.

#### *G. Confidential City of Sandy Information*

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

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

#### *H. Ethics*

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

Employees are expected to model and reinforce ethical behavior in accordance with our policies. This includes, but is not limited to, maintaining the privacy and confidentiality of information protecting the assets of the organization, conducting business with honesty, following through on commitments, admitting mistakes, and showing consistency in words and actions.

We at the City of Sandy are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. If you are coming to the City of Sandy from work in the private sector, you may find that some activities that are common business practices in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

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

*I. Open-Door Policy*

City of Sandy's Open-Door Policy is based on our belief that open, honest communication between managers and employees should be a common business practice. City of Sandy's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are surfaced early and shared without the fear of retaliation (when the employee provides the input in good faith). If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in the City of Sandy, please raise them first with your immediate supervisor. If you are not satisfied with the response from your immediate supervisor, or if your issue involves your immediate supervisor, request to have the facts/situation reviewed by the HR Director.

*J. Outside Employment*

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

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

Employees may not accept outside employment that involves:

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

The City of Sandy requires employees to report outside employment to their Supervisor and the HR Director on an annual basis, or sooner if any changes in outside employment occurs.

*K. Criminal Arrests and Convictions*

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

1. All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on City of Sandy property, or in an City of Sandy vehicle (see "Alcohol/Drug Use, Abuse and Testing" policy above);

2. All arrests, citations, convictions, guilty pleas, or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or
3. If you are arrested, cited, or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

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

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

#### *L. Political Activity*

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

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

#### *M. Inclement Weather/Emergency Closing*

Except for regularly scheduled holidays identified by the City of Sandy (see “Holidays” section) City of Sandy is open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the City Manager (or his/her designee) will decide whether to and to what extent the City of Sandy will close. In the event of a closure, employees will be notified via email, sent to their City of Sandy provided email address. In addition, closure information will be posted on the City of Sandy website.

In the event of extreme bad weather, we recognize that each employee’s ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you should contact your manager. Essential staff are expected to report to work for the overall safety of the city and citizens. If nonessential staff cannot reach the office and are able to serve the City of Sandy from home, you should do so subject to approval by your manager or supervisor. If the city is open but a nonessential employee cannot safely report to work, the employee may use vacation leave and notify their supervisor.

#### *N. Driving While on Business*

Employees using a private vehicle to conduct City of Sandy’s business must possess a valid driver’s license and must carry auto liability insurance. Employees who use their own vehicles for

authorized City of Sandy business use should make any necessary arrangements with their insurance carriers.

The City of Sandy may verify the validity of your driver's license and/or your driving record at the time of hire and at any point during your employment. While on City of Sandy business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within 72 hours of the change or new restrictions/limitations.

#### *O. Workplace Violence*

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

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with the City of Sandy, or that threaten the safety, security, or financial interests of the City of Sandy. Employees should make such reports directly to the HR Director.

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

#### *P. Workplace Inspections – No Right to Privacy or Confidentiality*

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

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

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

### *Q. Workplace Safety*

In addition to defined working conditions and physical requirements detailed in each position description, employees are accountable for working safely, following established policies and procedures, utilizing all designated personal protective equipment (PPE) and/or safety equipment assigned for each task, and reporting all injuries and hazards to their supervisor immediately. Supervisors and Managers are accountable for ensuring the safety performance of employees, applying consistent practices in compliance with federal, state, and local regulations, and providing guidance to maintain a safe and healthy work environment. Concerns related to workplace safety should be brought to the attention of the HR Director.

### *R. Fragrances in the Workplace*

The City of Sandy strives to ensure the comfort and safety of staff and visitors by encouraging employees to be mindful of the scented products that they use. Many City of Sandy offices are small, enclosed spaces. City of Sandy requests that all scented products be used in a manner which is courteous and respectful of those around you. If you are experiencing issues related to scented products in the workplace, please contact the HR Director for assistance in finding a solution that is mutually agreeable to all employees.

### *S. Smoke-Free Workplace*

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

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

If you wish to smoke, you must do so outside of City of Sandy's facilities/buildings, and out of visitor view. Smoking and the use of tobacco is not allowed on city property.

### *T. Animals in the Workplace*

Employees are not allowed to bring pets or other animals into the City of Sandy facilities or City owned vehicles, and any other building, site or vehicle owned, controlled, or operated by the City of Sandy. City owned parks and greenspaces are excluded from this definition only when the employee is not working for or performing any duties on behalf of the City of Sandy.

In certain circumstances, the City of Sandy may be willing to accommodate service or working animals for employees with known disabilities. Please see the HR Director for further information.



## VI. Termination of Employment

### A. *Workplace Rules and Prohibited Conduct*

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

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

situations where the employee writes a check to the City of Sandy that is refused for payment due to non-sufficient funds.

- Harassment or discrimination that violates City of Sandy policy.

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

### *B. Corrective Action/Discipline Policy*

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

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

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

### *C. Grievance Policy*

The City of Sandy shall promptly consider and equitably adjust employee grievances relating to employment conditions and relationships. Furthermore, the City of Sandy desires to adjust the causes of grievances informally; both supervisors and employees are expected to resolve problems as they arise. In the event that problems are not resolvable through an informal process in the course of daily departmental practices, a formal grievance procedure may be initiated by the aggrieved employee(s).

The following steps shall be followed in submitting and processing a grievance:

1. The aggrieved employee(s) shall present their grievance in written form, including any substantiating evidence or documentation, to the department director, or immediate supervisor, if appropriate. The grievance should be signed and dated by all aggrieved parties and presented to the department director or supervisor within ten (10) working days of the occurrence, not including the date of the occurrence. The aggrieved employee(s) shall acknowledge receipt of the response with their signature(s) and date received.
2. If the grievance is not settled in Step One, above, the written grievance shall be presented along with any substantiating evidence or documentations in its original form to the City Manager within ten (10) working days after the department director's or supervisor's response is presented, not including the date of the response. The City Manager may meet with the aggrieved employee(s), the immediate supervisor, if appropriate, and the department director. The City Manager shall reply to the grievance in writing within ten (10) working days of the date of the presentation of the written grievance, not including the date of the presentation. The decision of the City Manager shall be final and binding.

If the aggrieved employee(s) do not initiate and follow the grievance procedures as established by this section, the grievance shall be considered not to have existed.

Any grievance not taken to the next step of the grievance procedure shall be considered settled on the basis of the last reply made and received in accordance with the provisions of this section. Following the settlement of a formally presented written grievance, the department director shall document the terms of the settlement, including any action to be taken. Both the department director and the aggrieved employee(s) shall sign the written report and include the date of signature.

#### *D. Retirement or Resignation from Employment*

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

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

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

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

#### *E. References*

All requests for references or recommendations must be directed to the HR Director. No manager, supervisor or employee is authorized to release references for current or former

employees. Managers and supervisors are expressly prohibited from providing LinkedIn “recommendations” or using a website on the internet to discuss a current or former employee’s performance or termination of employment.

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



## Employee Acknowledgement

City of Sandy Personnel Policies, February 1, 2022

I acknowledge that I have received and will read a copy of the City of Sandy's Personnel Policies. I also understand that a copy of the Personnel Policies is available to me at any time to review in the Human Resources Department, or on-line via the Employee Intranet.

I understand that the City of Sandy has adopted the Personnel Policies only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in City of Sandy's sole discretion. I also understand that the Personnel Policies control over any other contradictory statements, other than those found in applicable collective bargaining agreements. I acknowledge that the Personnel Policies are not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

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

I have reviewed or will review the City of Sandy's policies regarding equal employment opportunity and provides a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment to my supervisor, the HR Director, or any trusted manager or supervisor.

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

I have read this acknowledgement carefully before signing.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

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

## **1. GENERAL PROVISIONS**

### **1.1. PURPOSE**

The purpose of these personnel rules and regulations is to provide systematic and equitable procedures and regulations relating to the hiring, compensation, hours of work, leave, safety, training, working conditions, promotions, transfer, discipline, removal and other matters affecting the status of employees of the City and to ensure that the City is an equal opportunity employer. Said rules and regulations are provided to maintain uniformity and equity in personnel matters which will make the city service attractive as a career and to encourage each employee to give her/his best service to the City.

### **1.2. GENERAL POLICIES** (all other policies of conduct hang on these two policies):

**1.2.1. POLICY ONE:** Employees should use their own best judgment at all times.

**1.2.2. POLICY TWO:** Respect human dignity.

### **1.3. VARIANCES**

The city manager shall have the power to vary or modify the strict application of the provisions of these personnel rules and regulations in any case in which the strict application of said provisions would result in practical difficulties or unnecessary hardships.

### **1.4. DEFINITIONS**

**1.4.1. Permanent Employee.** An employee who has worked in a position for 6 months of continuous service either on a monthly salary or hourly wage and is properly certified, as the position requires. A permanent employee may be full time or part time. If a permanent employee is terminated for reasons not discreditable to her/him, and she/he is re-employed within 6 months, she/he shall be reinstated as a permanent employee.

**1.4.2. Probationary Employee.** An employee who is hired for a permanent position and who has not completed the probationary period of 6 months and received proper certification when it is required for the position.

**1.4.3. Temporary Employee.** An employee who is hired for a limited period not to exceed 12 months. This classification shall include those who work full time on assignments of non-recurring nature; and those who work part time less than 12 months.

**1.4.4. Full-time Employee.** An employee who works 35 to 40 hours per assigned week. For purposes of determining eligibility for medical/dental/life and other insurance benefits, full time is considered at least 35 hours worked per assigned week.

**1.4.5. Part-time Employee.** An employee who is employed regularly for less than 34 hours for the class assigned, who normally follows a predetermined, fixed pattern of working hours or who works seasonally on a recurring basis. For purposes of determining eligibility for medical/dental/life and other insurance benefits, part-time is considered to be less than 34 hours worked per assigned week.

**1.4.6. Exempt Employee.** An employee who, because of their positional duties and responsibilities and level of decision making authority, are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). Generally employees with managerial and/or supervisory duties fall into this category. Position in salary ranges 10 through 14 are considered exempt.

**1.4.7. Non-exempt Employee.** An employee who, because of the type of duties performed, the usual level of decision making authority, and the method of compensation, are subject to all Fair Labor Standards Act (FLSA) provisions, including the payment of overtime. Non-exempt employees are typically required to account for hours and fractional hours worked. Generally non-exempt employees do not have supervisory and/or managerial duties. Positions in salary ranges 1 through 7 are considered non-exempt. Positions in salary ranges 8 and 9 are classified on a case-by-case basis.

## **2. POLICIES AND PROCEDURES**

### **2.1. APPOINTMENT**

**2.1.1.** All original appointments to vacancies shall be made solely on the basis of merit, efficiency and fitness without regard to race, creed, age or sex. These qualities shall be determined through careful and impartial evaluation of the following:

- 2.1.1.1.** The applicant's level of training relative to the requirements of the position for which she/he has applied;
  - 2.1.1.2.** The applicant's level of education relative to the requirements of the position for which she/he has applied;
  - 2.1.1.3.** The applicant's physical fitness relative to the requirements of the position for which she/he has applied;
  - 2.1.1.4.** The results of an oral interview; and,
  - 2.1.1.5.** Whenever practical, the results of a competitive written examination or demonstration test which shall be a fair and valid test of the abilities and aptitudes of applicants for the duties to be performed.
  - 2.1.1.6.** The following new hire positions will be subject to a drug/alcohol test prior to beginning employment: (1) positions that are safety sensitive including police officers and other public safety officers; (2) positions that require the operation of heavy machinery or machinery involving the transport of hazardous materials; (3) positions that require operation of a bus; (4) positions where the employee works with the City's water, sewer, Sandy net or electric utilities; (5) positions where an employee is in continuous contact with and is directly influential upon a juvenile; and (6) positions where pre-employment drug/alcohol testing is required by federal or state law.
- 2.1.2.** No question in any test or in any application form or by any appointing power shall be so framed as to attempt to elicit information concerning race, color, ancestry, national origin, political or religious affiliation, marital status, or child status for the purpose of discriminating.
- 2.1.3.** All statements submitted on the employment application or attached resume shall be subject to investigation and verification prior to appointment.
- 2.1.4.** Any job applicant or employee may be required to take a physical examination. In cases where a physical examination is deemed advisable, the City shall pay the cost of the examination.



## **2.2. Employment Eligibility Verification**

- 2.2.1.** In conformity with the Immigration Reform and Control Act of 1986 (IRCA), we hire only those who are eligible to work in the United States. Verification documentation is required of all new hires, and employees are expected to inform the City of Sandy immediately if their eligibility changes.

After an individual is employed by the City of Sandy, the city may choose to use the federal E-Verify program to validate social security numbers, or other methods for verifying social security numbers.

Expired documents are not valid documents for I-9 purposes.

## **2.3. PROBATIONARY PERIOD - NEW EMPLOYEES**

- 2.3.1.** All original appointments shall be tentative and subject to a probationary period of not less than 6 consecutive months service and until the employee receives proper certification when it is required.
- 2.3.2.** In cases where the responsibilities of a position are such that a longer period is necessary to demonstrate an employee's qualifications, the probationary period may be extended; however, no probationary period shall be extended beyond 18 months. The employee shall be notified in writing of any extension and the reasons therefore.
- 2.3.3.** Upon completion of the probationary period, the employee shall gain regular status, shall be considered as having satisfactorily demonstrated qualifications for the position and shall be so informed through her/his supervisor.

## **2.4. PROBATIONARY PERIOD - PROMOTED EMPLOYEES**

- 2.4.1.** A permanent employee who is promoted shall serve a probationary period, for the new position to which she/he is promoted, of six consecutive months or until he receives proper certification when it is required. During this probationary period the employee may be returned to her/his previous position or a position at an equivalent classification, however the employee may not be terminated from employment without the rights granted permanent employees, including the right to use the grievance procedure as specified in these personnel rules and regulations.

## **2.5. ATTENDANCE**

**2.5.1.** An employee shall not absent herself/himself from work for any reason other than those specified in these personnel rules and regulations, without making prior arrangements with his supervisor. Unless such prior arrangements are made, an employee who for any reason fails to report to work, shall make a sincere effort to immediately notify her/his supervisor of her/his reason for being absent. If the absence continues beyond the first day, the employee shall notify the supervisor on a daily basis unless other arrangements have been made with the supervisor.

**2.5.2.** Departments shall maintain records of employee's attendance (and) any unauthorized absence of an employee from duty shall be deemed to be an absence without pay and may be cause for disciplinary action.

## **2.6. PERSONNEL RECORDS**

**2.6.1.** The city manager shall cause a service or personnel record to be maintained for each employee in the service of the City.

**2.6.2.** The personnel record shall show the employee's name, title of position held, the department to which assigned, salary, change in employment status, certified training received, disciplinary action, and such other information as may be considered pertinent.

**2.6.3.** Employee personnel records shall be considered confidential and excepting the City Manager shall be accessible only to the following:

**2.6.3.1.** The employee concerned and her or his supervising department director;

**2.6.3.2.** The city manager;

**2.6.3.3.** The city attorney.

**2.7. TRANSFERS** Requests from employees for transfers from one department to another shall be made in writing and shall be directed to the employee's present department director and referred to the appropriate department director and the city manager. Such requests shall be given consideration when a suitable vacancy occurs; however, no employee shall be transferred to a position for which she/he does not possess the minimum qualifications.

## **2.8. PROMOTIONS**

- 2.8.1.** All job vacancies shall, whenever possible, be filled by promoting qualified employees within the city service. Notification will be made in an interdepartmental memo.
- 2.8.2.** Nevertheless, the city manager may recruit applicants from outside the city service whenever she/he has reason to believe that better qualified applicants are available outside the city service.
- 2.8.3.** The appointment to fill the vacancy shall be made on a competitive basis utilizing the criteria for appointments established in Section 2.1. Where qualifications and ability are relatively equal, seniority within the city service shall be the determining factor.

## **2.9. LAYOFF**

- 2.9.1.** If there are changes of duties in the organization, lack of work or lack of funds, the city manager may lay off employees; however, the city manager shall first make every reasonable effort to integrate those employees into another department by transfer. When layoffs are required, the city manager shall base the decision on relative merit, and shall give due consideration to seniority in the city service only where the employees' qualifications and ability are relatively equal.
- 2.9.2.** Layoffs shall be for a period not to exceed six months. After six months, employees not reinstated will be terminated.
- 2.10. *OUTSIDE EMPLOYMENT*** Outside employment while an employee of the city may be approved by the department director. In order to be approved, the outside employment must conform to the following:
- 2.10.1.** It in no way detracts from the efficiency of the employee in her/his city work.
- 2.10.2.** There is no conflict of interest between the city work, and the outside work.
- 2.10.3.** It is not discreditable to her/his city employment.
- 2.10.4.** It does not conflict with those persons who are on emergency calls.

**2.10.5.** It is clear to the employee that in any situation wherein extra duty will be necessary in her/his city work, that such extra duty will be in preference to her/his outside work, and that such extra duty will not conflict with her/his outside work.

**2.11. RESIDENCE REQUIREMENT** Residency of employees within the corporate limits of the city shall not be a condition of initial appointment or continued employment. Employees are encouraged, however, to live within the city and to participate in civic affairs. Employees living outside the city limits will not be allowed to live at such a distance from the city as to seriously impair their accessibility in case of emergency need of their services as required by their position with the City.

**2.12. DEPARTMENTAL RULES AND REGULATIONS** Each department of the City is encouraged to establish departmental rules, regulations and procedures. Such rules, regulations and procedures shall be in harmony with the provisions of these personnel rules and regulations and shall be binding on the employee.

**2.13. TRAVEL EXPENSE** When employees are required to travel outside the city on city business, reimbursement for expenses incurred shall be determined as follows:

**2.13.1.** Prior to traveling outside the city, the employee shall obtain approval for the trip from his/her supervisor;

**2.13.2.** If the employee uses a private vehicle, mileage shall be paid at the current rate. This rate includes all travel insurance and storage expense of the vehicle.

**2.13.3.** When travel by city owned vehicle is impractical the employee shall be reimbursed an amount equal to the fare of the public carrier that would have been deemed most practical to provide the service or the current mileage rate.

**2.13.4.** Reimbursement for subsistence on official trips shall only be the amount of actual and reasonable expense incurred during the performance of official duty as a city employee for the City's benefit;

**2.13.5.** All mileage and other expenses shall be itemized on a city employee expense form

**2.13.6.** City vehicles are to be used for official city business only.

**2.14. IN-SERVICE TRAINING** The city manager shall encourage training opportunities for employees and supervisors in order that services rendered to the City will be more effective. She/he shall assist department directors in meeting training needs in their department and in developing training programs designed to meet immediate city-wide personnel needs and to prepare employees for promotion to positions of greater responsibility.

**2.15. POLITICAL ACTIVITY** No employee shall during work hours further the cause of any political party, candidate, or measure for nomination or election. (See also 3.2.2.13)

**2.16. RELATIVES IN THE CITY SERVICE**

**2.16.1.** Two members of an immediate family shall not be employed at the same time, regardless of the administrative department, if such employment will result in an employee supervising a member of her/his immediate family.

**2.16.2.** The provisions of this section shall apply to promotions, demotions, transfers, reinstatements, and new appointments.

**2.16.3.** Immediate family shall be defined as the employee's mother, father, brother, sister, son, daughter, or spouse.

**3. GENERAL CONDUCT, DISCIPLINE, TERMINATION AND APPEAL**

**3.1. PERSONAL APPEARANCE AND CONDUCT**

**3.1.1.** Public relations shall be an integral part of each employee's job.

**3.1.2.** All employees shall be neat and clean in appearance and shall conduct themselves in a manner which is appropriate for an employee in the public service.

**3.1.3.** Employees shall be courteous, efficient and helpful to everyone in their work and shall do the best job possible on every assignment.

**3.1.4.** Personal mail should be sent to the employee's home and not to the city hall.

**3.1.5.** The City recognizes that it is an inconvenience and a waste of time to deny limited personal local phone calls. Intelligent use of the phones will insure a continuation of this privilege. This philosophy extends to use of the Internet.

### **3.2. CAUSES FOR WARNING, SUSPENSION OR DISMISSAL**

- 3.2.1.** When an employee's conduct falls below desirable standards, she/he may be subject to disciplinary action.
- 3.2.2.** General reasons for which an employee may be disciplined include, but are not limited to, the following:
  - 3.2.2.1.** Consumption of intoxicating liquor or misuse of drugs or narcotics during the workday or reporting to work under the influence of intoxicating liquor, drugs or narcotics;
  - 3.2.2.2.** Violation of a lawful duty during work hours;
  - 3.2.2.3.** Insubordination
  - 3.2.2.4.** Breach of City and departmental policies, rules, and procedures;
  - 3.2.2.5.** Being absent from work without first notifying and securing permission from the employee's supervisor;
  - 3.2.2.6.** Being habitually absent or tardy for any reason;
  - 3.2.2.7.** Obtaining sick leave falsely;
  - 3.2.2.8.** Conviction of a felony or of a misdemeanor involving moral turpitude;
  - 3.2.2.9.** Abuse or gross negligence in the care or operation of city tools or equipment;
  - 3.2.2.10.** Personal use of city tools or equipment;
  - 3.2.2.11.** Immoral conduct while on duty;
  - 3.2.2.12.** Discussion of confidential city business or information with unauthorized persons;
  - 3.2.2.13.** Taking an active part in aiding or contributing toward the nomination or election of any elective candidate for a municipal office of the City;
  - 3.2.2.14.** Misrepresentation of information furnished on an employee application form;

**3.2.2.15.** Accepting fees, gifts or other valuable (as defined by the Government Standards & Practices Commission) things in the performance of the employee's official duties for the City;

**3.2.2.16.** Inability to perform the assigned job or cooperate with employees.

### **3.3. FORM OF DISCIPLINARY ACTION**

**3.3.1.** Disciplinary action ranges from written reprimands to suspension, demotion and, finally, dismissal from the city service, and depends on the severity of the offense as well as the number and the frequency of previous acts of misconduct.

**3.3.2.** It shall be the duty of all city employees to comply with, and to assist in carrying into effect the provisions of the City's personnel rules and regulations. No employee shall be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established by the personnel rules and regulations.

**3.3.3.** Every supervisor shall discuss and document improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action.

**3.3.4.** A written notice shall be given the employee for the disciplinary action stating the reasons for the disciplinary action and the date it shall take effect. The notice shall be given to the employee at the time such action is taken. A copy of the notice, signed by the employee, shall be placed in the employee's personnel file and shall serve as evidence of delivery.

**3.3.5.** All permanent employees, full time and part time, shall have the right to appeal disciplinary action taken against them within ten days after the effective date of disciplinary action. Appeals shall be made as grievances in accordance with the provisions of Section 3.4.

### **3.4. GRIEVANCE PROCEDURE**

**3.4.1.** The City shall promptly consider and equitably adjust employee grievances relating to employment conditions and relationships. Furthermore, the City desires to adjust the causes of grievances informally; both supervisors and employees are expected to resolve problems as they arise. In the event that problems are not resolvable through an informal process in the course of daily departmental practices, a formal grievance procedure may be initiated by the aggrieved employee(s).

**3.4.2.** The following steps shall be followed in submitting and processing a grievance:

**3.4.2.1.** Step One. The aggrieved employee(s) shall present their grievance in written form, including any substantiating evidence or documentation, to the department director, or immediate supervisor if appropriate. The grievance should be signed and dated by all aggrieved parties and presented to the department director or supervisor, within ten working days of its occurrence, not including the day of the occurrence. The department director, or supervisor, shall acknowledge receipt of the grievance in written form, which may include appropriate substantiating evidence or documentation, within ten working days of the date of presentation of the grievance, not including the date of presentation. The aggrieved employee(s) shall acknowledge receipt of the response with their signature(s) and date received.

**3.4.2.2.** Step Two. If the grievance is not settled in Step One of this section, the written grievance shall be presented along with any substantiating evidence or documentation in its original form to the city manager within ten working days after the department director's or supervisor's response is presented, not including the day of actual response. The city manager may meet with the aggrieved employee(s), the immediate supervisor, if appropriate, and the department director. The city manager shall reply to the grievance in writing within ten working days of the date of presentation of the written grievance, not including the date of presentation. The decision of the city manager shall be final and binding.

**3.4.3.** If the aggrieved employee(s) do not initiate and follow the grievance procedures as established by this section, the grievance shall be considered not to have existed.

**3.4.4.** Any grievance not taken to the next step of the grievance procedure shall be considered settled on the basis of the last reply made and received in accordance with the provisions of this section. Following the settlement of a formally presented written grievance, the department director shall document the terms of the settlement, including any action to be taken. Both the department director and the aggrieved employee(s) shall sign the written report and include the date of signature.)

### **3.5. RESIGNATION**

**3.5.1.** To resign in good standing, an employee shall give their supervisor not less than ten working days' prior written notice of such resignation



unless the city manager agrees to permit a shorter period of notice because of extenuating circumstances. The notice of resignation shall be in writing and shall contain the reasons for leaving the city service. All city issued equipment, including, but not limited to, identification cards, keys and uniforms must be returned to the department director. Failure to comply with this section shall be entered in the employee's service record and may be cause for denying future employment by the City. The value of equipment not returned shall be deducted from the employee's final paycheck.

### **3.6. CITY TOOLS AND EQUIPMENT**

- 3.6.1.** City tools and equipment shall be used properly, and this use is limited to city purposes unless otherwise authorized by the city manager. Employees will be responsible for the care of all city equipment and supplies which have been assigned to them to aid in the performance of their duties. Any equipment damage or loss must be reported to the employee's immediate supervisor at once. Any unauthorized use of city equipment shall be cause for disciplinary action.

### **3.7. SAFETY**

- 3.7.1.** Department directors, supervisors and employees shall guard the safety of themselves, fellow employees and the public. Department directors may require special training of their staff.
- 3.7.2.** When accidents occur, the employee shall contact her/his supervisor immediately and the supervisor shall complete accident report forms
- 3.7.3.** The city manager shall be notified of all accidents involving city employees and city equipment as soon as possible, and not later than the next workday.

### **3.8. LEGAL LIABILITY**

- 3.8.1.** Employees shall abide by laws and regulations which govern the performance of their duties, and shall perform their duties as reasonable, prudent persons. Employees who are reasonably cautious and prudent in the performance of their duties are not negligent and, therefore, neither legally nor morally liable for accidents or injuries which may occur.
- 3.8.2.** If an employee is negligent in the performance of duties and responsibilities and if an accident results from such negligent performance of duties and responsibilities, the employee may be held

personally and legally liable.

### **3.9. SEXUAL HARASSMENT**

- 3.9.1.** Sexual harassment is a violation of general policy number two, and will not be tolerated.
- 3.9.2.** Any employee with a question, concern or complaint about sexual harassment in the work place should contact the city manager.
- 3.9.3.** If for any reason the employee is uncomfortable with discussing the concern with the city manager, he/she should contact the city attorney.

### **3.10. SECURITY**

- 3.10.1.** The employee will protect information belonging to the City of Sandy from unauthorized disclosure or damage and will comply with federal, state, and city policies and procedures regarding disclosure of public and official records. Work done at the employee's telecommuting site is regarded as official City of Sandy business. All records, documents, and correspondence, either in paper or electronic form must be safeguarded for return to the city. Release or destruction of records should be done only in accordance with statute and the city's records retention policy, and with the knowledge of the employee's manager. Electronic/computer files are considered city records and shall be protected as such.
- 3.10.2.** The employee shall surrender all equipment and/or data documents owned by the City of Sandy immediately upon request.

## **4. POSITION CLASSIFICATION PLAN**

### **4.1. GENERALLY**

- 4.1.1.** A position classification plan as adopted and amended by the city council shall be a part of these rules.
- 4.1.2.** The classification plan shall consist of positions in the city service defined by class specifications and identified by the class title. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority and character of work are included within the same class and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class.
- 4.1.3.** Copies of this plan shall be available in the office of the city manager.

## **4.2. TITLES AND SPECIFICATIONS**

- 4.2.1. The position classification plan shall include titles for positions. Job titles shall refer to a particular position, not to the individual filling a particular position, and shall be used in all personnel, budget and financial records.
- 4.2.2. Each position shall be allocated to an appropriate class on the basis of the duties and responsibilities of the position.
- 4.2.3. Each position may have a job description that includes a descriptive title and a general description of the duties and responsibilities. Job descriptions take into consideration the requirements of the job and are merely descriptive and explanatory of the work to be performed. They may not include all of the duties and are not intended to replace detailed work assignments. Frequent communication between the employee and supervisor on job expectations is preferable to written job descriptions.

## **4.3. RECLASSIFICATION**

- 4.3.1. Positions may be reclassified whenever the duties of the position change materially, provided the reclassification can be accomplished within the limitations of the current budget of the City.
- 4.3.2. Reclassification of a position shall not be used to circumvent the effects of disciplinary action or to avoid restrictions concerning compensation.

## **4.4. NEW POSITIONS**

- 4.4.1. The city manager shall be responsible for keeping the classification plan current through periodic studies of the positions within the city service.

## **4.5. PERFORMANCE EVALUATIONS**

- 4.5.1. Every city employee will be evaluated on her/his performance at the end of his probationary period. Also, periodic performance reviews will be held in accordance with the performance evaluation system. Performance reports shall become a part of the employee's permanent personnel file. Employees shall be evaluated by their immediate supervisor; department directors by the city manager; and the city manager by the city council. All evaluations shall be reviewed by the city manager. Each employee shall share in the results of his performance. Evaluations shall be prepared on forms provided by the City.

## **5. PAY PLAN AND COMPENSATION**

### **5.1. PAY PLAN**

- 5.1.1. The city manager shall prepare a compensation plan which shall prescribe a minimum, a maximum and any intermediate rates of pay appropriate for each position.
- 5.1.2. The rate or range for each class shall equitably reflect the difference in duties and responsibilities and shall be related to compensation for comparable positions in other places of public and private employment within the same job market.

### **5.2. ANALYSIS OF PAY PLAN**

- 5.2.1. At least once each fiscal year, the city manager shall compare the current city salary rates, compensation policies and personnel developments with those of other public and private employers within the same job market. Changes in the cost of living shall also be considered.
- 5.2.2. The city manager shall then examine the salary range for each class of position to ascertain whether current minimum and maximum salaries should be maintained, increased or decreased during the succeeding fiscal year; and upon the basis of this analysis, shall submit recommendations for amending the pay plan to the city council.

### **5.3. APPOINTEE COMPENSATION**

- 5.3.1. Except in extenuating circumstances, all appointments will be made at the first step of the class for the position.

### **5.4. PAY DAY**

- 5.4.1. Normally, employees shall be paid on the last day of each month. If the last day of the month falls on a Saturday, Sunday or holiday, employees shall be paid on the last working day preceding the last day the month. Checks will be available at the end of the work shift on pay day.
- 5.4.2. Certain deductions will be taken from employee's regular paycheck. Federal and state income tax is withheld, retirement contributions, social security and workers' compensation insurance. Voluntary deductions may include insurance benefits and deferred compensation.

- 5.4.3. Vacations and Emergencies. When possible, paychecks can be

issued prior to the regular end of month payday. Employees should give one week's notice to her/his supervisor.

### **5.5. OVERTIME**

**5.5.1.** Department directors shall assign to each employee regular work duties and responsibilities which can normally be accomplished within the established workday and work week. Work shifts may be varied, with sufficient notice, to accommodate seasonal or other changes in workload, but supervisors will not manipulate shifts to avoid paying overtime.

**5.5.2.** When employees are called in to work other than their normal shift to work overtime, compensation shall be one and one half times the employee's regular hourly rate of pay. (The minimum credit for call back will be 2 hours (resulting in 3 hours pay). For purposes of calculating overtime, holidays, sick leave and pre-approved vacation time will be counted toward hours worked. Comp time can not be used toward hours worked.

**5.5.3.** For some positions, overtime is considered part of the job responsibility and therefore does not justify overtime pay. Compensation for overtime shall not be granted to the following positions:

**5.5.3.1.** City Manager;

**5.5.3.2.** Department Directors

### **5.6. OVERTIME DEFINED**

**5.6.1.** All non-exempt, full-time employees shall be considered to be working overtime, when working hours are in excess of 40 hours in their normal workweek. Overtime pay is 1 ½ times the hourly rate for hours worked in excess of 40 in a workweek. Overtime is calculated based on hours actually worked. The workweek will be defined to end at midnight on Sunday, unless defined otherwise by department policies.

### **5.7. COMPENSATION TIME ACCUMULATION**

**5.7.1.** An employee may elect to be compensated for overtime worked in cash, or by accruing compensatory time off. Compensatory time shall be earned at one and one-half time the overtime hours worked but shall not exceed a maximum of two hundred and forty hours. Accrued compensatory time in excess of two hundred and forty hours shall be paid at the employee's regular rate of pay.

**5.7.2.** Scheduling the use of compensatory time shall be by mutual agreement of the employee and the supervisor. Requests to use compensatory time will be granted within a reasonable time of the request, provided it does not unduly disrupt the city's operation or result in the need to fill the opening with overtime.

**5.7.2.1.** The reasonableness of the request for compensatory time off will be judged on a case-by-case basis, considering such factors as normal work schedule, anticipated workloads, emergency requirements, and the availability of other qualified staff.

**5.7.2.2.** The request may be considered unduly disruptive if it would impose an unreasonable burden on the city's ability to provide services of an acceptable quality and quantity for the public during the time period requested.

#### **5.8. PUBLIC WORKS STAND BY PAY & FLEXIBLE TIME**

**5.8.1** At the discretion of the public works director, public works staff may be assigned to standby duty on weekends and after working hours on weekdays. Compensation for standby duty for a one-week period will be equivalent to ten hours worked. Standby duty that falls on a holiday will be compensated at the equivalent to an additional 2.5 hours. Personnel on standby status will have no restrictions on their activities other than 1) remaining within the metro area; 2) being reachable at all times by the answering services; and 3) refraining from use of alcohol or other substances that would impair judgment or ability to work. Personnel assigned to standby duty will, when called out, be compensated based on the actual time worked, including travel time, with one hour minimum time credited. Personnel called out who are not on standby duty (and therefore not receiving standby pay) will be credited for actual time worked, including travel time, with a minimum of two (2) hours.

**5.8.2** At the discretion of an employee's supervisor, a full-time or part-time regular employee may request flextime scheduling of their work hours on a case-by-case basis. Flextime allows an employee to work more hours than scheduled one day in exchange for working a lower number of hours another day during a given seven day work week. Employees must enter into a prior written agreement with the employee's supervisor stating the flextime agreement. Some departments might be unable to offer flextime for some positions and/or during certain times of the year. Hours actually worked must be recorded for non-exempt employees' timekeeping purposes.

## **5.9. BILINGUAL PAY**

**5.9.1** The City recognizes that certain positions may require additional qualifications, such as being bilingual. Those employees required to use a language other than English on the job will be granted a 3% pay increase of their base salary. Competency, usage, and job requirements will be determined by the Department Director, who will recommend the pay increase to the City Manager for final approval.

## **5.10. SHIFT SWAPS**

**5.10.1** At the discretion of an employee's supervisor for a position where the employee is assigned shifts on a weekly basis (i.e. a seven day work week), an employee may voluntarily swap shifts with another employee in the same position, performing the same job duties. Unless approved by the employee's supervisor in advance, in no event should the shifts that are voluntarily swapped be for different amounts of time (i.e. swapping a 4 hour shift for a 6 hour shift).

## **6. FRINGE BENEFITS**

### **6.1. LEAVE ACCRUALS**

For calculation of leave accruals (holiday, vacation, sick leave, and other accruals) a full time employee is considered to work 40 hours per week. Accruals for employees working less than 40 hours per week are pro-rated according to the number of hours worked in their standard shift.

### **6.2. HOLIDAYS**

**6.2.1.** All employees in permanent positions of the city shall be entitled to the holidays listed below with pay. Full-time employees shall receive regular compensation (8 hours for each holiday); part-time employees shall be compensated in proportion to the number of hours they are normally scheduled to work:

**6.2.1.1.** New Year's Day;

**6.2.1.2.** Presidents' Floating Holiday (Lincoln's Birthday--8 hours added to vacation)

**6.2.1.3.** Martin Luther King Day;

**6.2.1.4.** Washington's Birthday (February)

**6.2.1.5.** Memorial Day;

- 6.2.1.6. Independence Day;
- 6.2.1.7. Labor Day;
- 6.2.1.8. Veteran's Day;
- 6.2.1.9. Thanksgiving Day;
- 6.2.1.10. Friday after Thanksgiving
- 6.2.1.11. Christmas Day

6.2.2. For employees on a Monday through Friday workweek, if any such holiday falls on a Sunday, the following Monday shall be given as a holiday. If any such holiday falls on a Saturday, the preceding Friday shall be given as a holiday.

6.2.3. The city council may declare other holidays to be observed by city employees.

6.2.4. An employee who works on a recognized holiday as part of her/his regular work week shall be compensated at a rate equal to one and one-half times the regular hourly rate of pay for that shift in addition to the entitled eight hours holiday compensation. To be "regular" work, work must be scheduled at least 5 working days in advance of the holiday. For emergency unscheduled work required of an employee on a recognized holiday, she/he shall be compensated at a rate of two times her/his regular hourly rate of pay plus the entitled eight hours holiday compensation.

6.2.5. Holidays which occur during vacation or sick leave shall not be charged against such leave.

### **6.3. VACATION**

6.3.1. All full-time permanent employees with less than 3 years continuous service shall be granted 80 hours annual vacation leave with pay (plus 8 hours floating holiday accrued in February to be used as vacation). Employees with 3 years but less than 5 years continuous service shall be granted 100 hours annual vacation leave with pay. Employees with five years, but less than 10 years, of continuous service shall be granted 120 hours annual vacation leave with pay. Employees with 10 years, but less than 15 years, of continuous service shall be granted 160 hours annual vacation leave with pay. Employees with 15 or more years of continuous service shall be granted 160 hours plus eight hours for each year of service over 14, to a maximum of 240 hours. Part-time and seasonal permanent employees shall be granted



vacation on a pro-rated basis.

- 6.3.2.** Department directors and the city manager shall receive an additional 40 hours annual vacation with pay up to a maximum of 280 hours.
- 6.3.3.** Annual vacation leave shall accrue on an anniversary year basis, and the anniversary date shall be the date of initial employment. In the case of eligible part-time employees and employees who work less than a full calendar month, leave shall be earned on pro-rated basis.
- 6.3.4.** Any employee may sell back to the City up to eighty hours of accrued vacation time during any **fiscal year**, limited to the following conditions:
  - 6.3.4.1.** A minimum of a like number of vacation hours is taken as vacation within two (2) weeks of any check issued to that employee for vacation reimbursement.
  - 6.3.4.2.** Vacation reimbursement shall occur only once during any fiscal year for each employee, regardless of how many hours are used.
  - 6.3.4.3.** The City shall receive two (2) weeks' prior written notice from any employee requesting vacation reimbursement.
- 6.3.5.** Department directors shall schedule vacations for their respective employees with due consideration for the desires of the employees and the work requirements facing the department. Vacation schedules may be amended to allow the department to meet emergency situations.
- 6.3.6.** An employee who terminates during the probationary period of her/his employment shall not be entitled vacation leave. Those employees who have: (1) completed a probationary period, (2) qualified as a permanent employee, and (3) are separated from the City in good standing, shall be entitled to payment for accrued vacation leave. In case of death, compensation for accrued vacation leave shall be paid to the beneficiary in the same manner that salary due to the decedent is paid.
- 6.3.7.** Time is not to be banked and then never used; therefore, the total vacation accrual cannot exceed a maximum of 320 hours. Vacation benefits will stop accruing once the maximum has been reached and any amount over the maximum must be taken as a payout each year. This payout will be separate from a requested vacation reimbursement in section 6.3.4. When this total is reduced below the maximum

allowable, the benefit will begin accruing again. No vacation is accrued while the employee is on a leave of absence without pay.

#### **6.4. SICK LEAVE**

**6.4.1.** All city employees shall accrue sick leave; Exempt employees will accrue sick leave at a rate of 10 hours per month (prorated for any partial month worked), Non-Exempt employees will accrue at a rate of 2.31 hours for every 40 hours worked (0.0577 hours for every hour worked). Hours worked include regular, vacation, sick, overtime, and

workers' compensation leave. Sick leave shall accrue from the date of employment, but shall not be taken until the successful completion of one month's employment. Sick leave shall not be accumulated in excess of 1500 hours.

**6.4.2.** Employees are eligible for sick leave for the following reasons:

- 6.4.2.1** Employee's or family member's mental or physical illness, injury or health condition or need for diagnosis of these conditions or preventative medical care;
- 6.4.2.2** To care for an infant, newly adopted child under 18, or newly placed foster child under 18, or for a child over 18 if incapable of self-care;
- 6.4.2.3** To care for a family member with a serious health condition;
- 6.4.2.4** To recover or seek treatment for a serious health condition, or to care for a family member suffering from a serious health condition;
- 6.4.2.5** To deal with the death of a family member by attending the funeral or the alternative, making arrangements necessitated by the death of a family member, or grieving the death of a family member;
- 6.4.2.6** To seek medical treatment, legal or law enforcement assistance, remedies to ensure health and safety, or to obtain other services related to domestic violence, sexual assault, harassment or stalking incidents to the employee or employee's minor child or dependent.

**6.4.3.** A family member, as defined by Oregon state law, includes children, spouse, domestic partner, parent (including adoptive, biological, custodial, non-custodial, foster, step, in-law, and parent of domestic partner), grandparent, grandchild, or a person with whom the employee is or was in a relationship of in loco parentis.

**6.4.4.** Sick Leave shall be charged as follows:

**6.4.4.1** Employee absence that is chargeable to sick leave in

accordance with these provisions shall be charged at the rate of one hour of leave for each absent hour of normally scheduled duty.

**6.4.4.2** Holidays and other normal days off during the week shall not be charged against sick leave

**6.4.5.** A permanent employee who is terminated from his position, may, if re-appointed within twelve months, have available for her/his necessary use any unused sick leave existing at the time of his termination. Under no circumstances shall any employee who is

terminating employment be paid for any accrued sick leave. Abuse of sick leave may be cause for disciplinary action. To the extent permitted by law, the City reserves the right to require a written statement from a health care provider certifying that the employee's condition prevented them from appearing for work where the City determined a question exists concerning the bona fide nature of the request for sick leave. If the City is dissatisfied with the report of illness, the City may require a medical exam from a doctor selected by the City, at the expense of the City.

**6.4.6.** Employees who are using sick leave will be placed on FMLA/OFLA after 14 calendars days. In addition, if the City is made aware of the serious illness of health condition of the employee or covered family member, the employee will be placed on FMLA/OFLA leave immediately. The City will notify the employee of their rights under the aforementioned leave acts.

**6.4.7.** When an employee has suffered from a serious illness, surgery, or accident, or exhibits a pattern of frequent use of sick leave, a release from a physician indicating the person is able to return to work will be required.

**6.4.8.** An Employee may donate sick, vacation and/or compensatory time to another employee who has exhausted all sick leave and is in documented need of sick leave due to illness or injury. The sick, vacation and/or compensatory time will be valued at the donating employee's current rate of pay, and then converted to the appropriate amount of time based on the donor's current rate of pay. (For example, if an employee earning \$10.00 an hour and donates two hours of sick leave to an employee earning \$20.00 an hour, the donee will be credited with one hour of sick leave.)

#### **6.5. ABSENCE PAID BY WORKER'S COMPENSATION INSURANCE**

**6.5.1.** When an employee on leave receives disability payment under the Industrial Accident Laws, the City shall pay that employee the

difference between the disability payment under such code of laws and her/his full regular salary, provided that such employee has sufficient accrued sick leave. When an employee's accrued sick leave is depleted, then the employee shall receive payment only from Workers' Compensation Insurance.

- 6.5.2.** When an employee receives a check from the Worker's Compensation Insurance, he shall report to the city manager's office the amount of the payment and the period for which the payment is made. The city manager shall either 1) prepare an additional check in favor of the employee for the difference between the State check and the employee's full regular salary for the affected pay period (subject to 6.4.1) or 2) prepare a check in favor of the employee for the full regular salary, with the Worker's Compensation check endorsed over to the City.

#### **6.6. LEAVE OF ABSENCE WITHOUT PAY**

- 6.6.1.** A permanent employee may be granted sick leave without pay for up to 90 days after all accumulated sick leave and vacation has been exhausted. The leave may only be granted if the work of the department will not be seriously handicapped by the employee's absence. Requests for such leave must be in writing and must establish reasonable justification for the approval by the city manager. From time to time the department director or city manager may require that the employee submit a certificate from the attending physician. In the event of a failure or refusal to supply such a certificate, or if the certificate does not clearly show sufficient disability to preclude the employee from the performance of duties, such leave shall be cancelled and the employee's services terminated.
- 6.6.2.** Probationary, part-time or temporary employees may, upon application, be granted sick leave without pay for reasons stated in section 6.3.2.
- 6.6.3.** Other leaves without pay will be considered on an individual basis by the city manager.
- 6.6.3.1.** The Federal Family and Medical Leave Act (FMLA) or Oregon Family Leave Act (OFLA) is time off work an employee may take to tend to their own serious health condition, the serious health condition of a family member, for parental leave, for sick child leave and for injured service member family leave. FMLA and OFLA policies and procedures shall determine if an employee is eligible for 12 weeks of FMLA or OFLA leave. With both leaves an employee should provide the employer 30 days advance notice. With FMLA leave the City will continue to pay

its share of premiums for medical dental and employee-only basic life insurance. If an employee normally pays a portion of the premiums for health insurance, they must continue timely payments during the period of leave to avoid cancellation. If an employee is only on OFLA leave, the City will continue to pay its share of premiums for medical, dental and employee-only basic life insurance as long as the employee uses accrued paid leave in the month. If an employee normally pays a portion of the premiums for health insurance, they must continue timely payments during the period of leave to avoid cancellation.

#### **6.7. LEAVE OF ABSENCE WITH PAY**

- 6.7.1.** Employees may request leave of absence with pay for the purposes specified in this section. Each request shall be judged by the city manager on its merits and on the basis of the guidelines in this section.
- 6.7.2.** Witness or Jury Duty. If an employee is called for jury duty or is subpoenaed as a witness in a matter that is not personal to the employee, the employee shall be granted leave with pay. Compensation received (except travel reimbursement) shall be remitted to the City. In cases where the compensation does not clearly distinguish the amount for travel the employee may deduct mileage at the current IRS business mileage rate. Upon being excused from such duty for a portion of any day, the employee shall immediately contact their supervisor, who at the supervisor's discretion may assign the employee for the remainder of their regular working day.
- 6.7.3.** Military Leave. An employee who is a member of the National Guard or a reserve component of the Armed Forces of the United States shall be entitled, upon application, to a leave of absence from city service as provided in federal law. Up to fifteen days per calendar year of such leave shall be granted without loss of time, or pay, or other leave, and without impairment of merit ratings or other rights or benefits to which she/he is entitled. Military leave over fifteen days shall be granted without pay (although the employee may use accrued vacation time for this leave). Military leave with pay shall be granted only when an employee receives bona fide orders to temporary active or training duty, and shall not be paid if the employee does not return to her/his position immediately following the expiration of the period for which she/he was ordered to duty.
- 6.7.4.** Conferences and Conventions. Decisions concerning attendance at conferences, conventions or other meetings at city expense shall be made by the department director with the approval of the city manager.

Permission shall be granted on the basis of an employee's participation in or the direct relation of her/his work to the subject matter of the meeting. Members of professional societies may be permitted to attend meetings of their society when such attendance is considered to be in the best interest of the City.

#### **6.8. EDUCATIONAL OPPORTUNITIES**

- 6.8.1.** The City shall reimburse an employee for all the amount of tuition for courses directly related to the employee's work and conducted outside the employee's regular working hours, provided that:
  - 6.8.1.1.** Funds for such expenditures are available in the current budget;
  - 6.8.1.2.** The employee has made application for approval of the course and tuition reimbursement to her/his department director at least ten days prior to the registration for such course;
  - 6.8.1.3.** The employee submits evidence of satisfactory completion of the course;
  - 6.8.1.4.** The employee is not receiving reimbursement for tuition from any other source;
  - 6.8.1.5.** In certain cases, the employee may be required to agree to pay back city paid educational costs if the employee terminates employment with the City within one year from completion of the course.
- 6.8.2.** Courses that are only offered during regular working hours may be approved by the department director, provided time off can be arranged conveniently and reasonable arrangements can be made to make up time off.
- 6.8.3.** The City shall allow time off with pay and shall reimburse an employee for the expenses of attending classes, lectures, conferences or conventions when attendance is on an assignment basis with prior approval of the employee's department director.
- 6.8.4.** The cost of textbooks and technical publications required for such courses shall be the responsibility of the employee unless the course is required by the City.

**6.9. RETIREMENT** After six months full-time employment, all employees shall participate in the Public Employers' Retirement Plan of the state, as required by the State of Oregon.

**6.10. RETIREMENT AGE**

**6.10.1.** The retirement age for city employees is as follows:

**6.10.1.1.** For police employees, retirement as provided by state law;  
and

**6.10.1.2.** For other employees there is no compulsory retirement age.

**6.10.2.** At the end of the month in which an employee reaches retirement age, the employee shall automatically terminate her/his service with the City. However, the city manager may grant an extension of the retirement age on a year-to-year basis when it is in the interest of the City to do so. Two factors in granting this extension shall be the evaluation of the employee's performance, and a physical examination.

**6.11. SOCIAL SECURITY.** The City shall match the employee's contribution in the Social Security Plan.

**6.12. WORK RELATED ACCIDENTS.** All employees shall be covered by a worker's compensation plan for work-related accidents and disease. Benefits include medical treatment and care as well as disability compensation during periods of time lost from the job.

**6.13. CITY CAP**

**6.13.1.** The Cap. The City determines an amount each year (approved by the City Council) to be used by the employee for benefits such as those listed below:

- a. medical insurance premiums
- b. dental insurance premiums
- c. deferred compensation (457 plans)
- d. flex spending
- e. life insurance (additional to what the City provides)

**6.14. MEDICAL, HOSPITAL and DENTAL INSURANCE.**

**6.14.1.** Medical, hospitalization and dental plans are available to all full-time and part-time permanent and probationary City employees. For full-time employees, the City will pay the monthly premium costs up to the amount of the cap. For part-time employees (between 20 and 34 hours/week) who choose to participate in the medical and dental coverage, the City will pay the premium cost up to one-half the amount of the cap.

**6.14.2.** This coverage shall begin upon acceptance by the City's insurance agent.

**6.14.3.** The City will pay its share of medical insurance costs to all employees who terminate employment; for 3 months after 10 years of service and 6 months after 15 years of service.

**6.15. LIFE INSURANCE.**

**6.15.1.** All full-time city employees are provided with fifty thousand dollars of term life insurance coverage, paid by the City. This policy becomes effective upon completion of the enrollment form by the employee and its subsequent acceptance by the City's insurance agent. Copies of this plan are on file in the Administrative Office.

**6.16. DEFERRED COMPENSATION**

**6.16.1.** Deferred Compensation Programs. The City offers several deferred compensation plans. The employee may, at his/her choosing, make pre-tax withholdings into their account(s).

**6.17. ADDITIONAL INSURANCE**

**6.17.1.** Additional Insurance and Flexible Spending Accounts. City offers additional insurance coverage (life, disability, etc.) at the employee's option ("cafeteria plan"). The City also offers Medical Flexible Spending Account. Available amounts under the Cap may be used for these premiums. If at the close of the plan year, funds remain in the employee's flexible spending account, and if the employee remains in active service with the City ninety days after the close of the plan year these amounts will be transferred to their deferred compensation account.



## Appendix A – Whistlelower Policy

### **Reporting Improper or Unlawful Conduct – No Retaliation**

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

- A violation of any federal, Oregon, or local law, rules or regulations by the City of Sandy;
- Mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health resulting from action of the City of Sandy;
- A substantial and specific danger to public health and safety resulting from actions of the City of Sandy; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant. Further, in accordance with Oregon law, the City of Sandy will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county or metropolitan service district.

#### *Employee Reporting Options*

In addition to the City of Sandy's informal open door policy, employees who wish to report potential improper or unlawful conduct should first talk to his or her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the City Manager and/or the City Attorney. Supervisors and managers are required to inform the City Manager and/or the City Attorney about reports of improper or unlawful conduct they receive from employees.

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

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

#### *Additional Protection for Reporting Employees*

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

The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

#### *Policy Against Retaliation*

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

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

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



## **HANDBOOK ACKNOWLEDGEMENT FORM**

(This is a separate form at the end of the manual to be signed and put in the employee's personnel file.)

### **As an employee of the City of Sandy, I acknowledge the following:**

1. I have received a copy of the Employee Handbook, I understand that the Handbook contains important information about the organization's policies, work rules and my benefits: that the Handbook outlines my responsibility as an employee of the organization, and that I have the responsibility to read and understand the information in the Handbook, and to ask my supervisor/manager for clarification of any information I do not understand.
2. I understand that this Handbook is not a contract of employment or a guarantee of specific treatment in specific situations. Except for any supplemental safety policies and rules that apply to employees in certain jobs or work areas, or otherwise stated in a written employment contract. I understand that this Handbook supersedes all prior Handbooks, policies and understandings on the subjects contained in it.
3. I understand that unless stated in an employment contract, the organization has the right to change, modify, add to, substitute or eliminate, interpret and apply, in its sole judgment, the policies, rules and benefits described in the Handbook. I understand that should the content be changed in any way, the organization will require an additional signed acknowledgement from me to indicate that I am aware of the changes.
4. Unless otherwise stated in a written employment contract, I understand that my employment relationship with the organization is "at will." As such, either the organization

or I can terminate the relationship at any time, with or without reason or notice.

5. I understand that the City Manager is the only person who is authorized to make changes in the policies, rules and benefits described in this Handbook and that all such changes must be in writing and approved by the City Council.
6. I am aware that I may be given confidential information during the course of my employment. I understand that this information is critical to the success of the City of Sandy and I agree not to disseminate or use it outside of the organization workplace. In the event of my termination, wither voluntary or involuntary, I agree not to use this information or communicate it to any other individual, organization or entity.

I also acknowledge that I have asked for and received clarification on any of the six items listed on the acknowledgement form that I did not understand, before signing it.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Employee's Name

# **City of Sandy**

## **Personnel Policies**



Effective February 1, 2022



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

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between the City of Sandy and its employees, other than those found in applicable collective bargaining agreements. The policies stated in this handbook are subject to change at any time at the sole discretion of the City of Sandy with or without prior notice. This handbook supersedes any prior handbooks or written policies of City of Sandy that are inconsistent with its provisions. It does not, however, substitute for collective bargaining agreement provisions. To the extent that a provision in a valid collective bargaining agreement contradicts or is inconsistent with what is in this Employee Handbook, the collective bargaining agreement provision controls.

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

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

Sincerely,

City Manager

## Contents

I. Equal Employment Opportunity (EEO) Policies .....	1
A. <i>No-Discrimination, No-Retaliation Policy</i> .....	1
B. <i>Diversity Equity and Inclusion (DEI) Statement</i> .....	1
C. <i>Statement Regarding Pay Equity</i> .....	1
D. <i>No-Harassment Policy</i> .....	1
Sexual Harassment .....	2
Other Forms of Prohibited Harassment .....	2
Complaint Procedure.....	3
Investigation and Confidentiality .....	3
Protection against Retaliation .....	3
Other Resources Available to Employees.....	4
Other Employee Rights.....	4
E. <i>No-Bullying Policy</i> .....	5
F. <i>Disability Accommodation Policy</i> .....	5
Accommodations.....	5
Requesting an Accommodation .....	6
G. <i>Pregnancy Accommodation Policy</i> .....	6
Requesting a Pregnancy-Related Accommodation .....	6
No Discrimination, No Retaliation .....	6
Leave of Absence Options for Pregnant Employees .....	7
H. <i>Reporting Improper or Unlawful Conduct – No Retaliation</i> .....	7
Employee Reporting Options .....	7
Additional Protection for Reporting Employees .....	8
Policy Against Retaliation .....	8
II. Classification and Compensation .....	8
A. <i>Probationary Period of Employment</i> .....	8
B. <i>Employee Classification</i> .....	9
C. <i>Employment Changes</i> .....	10
D. <i>The Workweek</i> .....	10

<i>E. Meal Periods and Rest Breaks</i> .....	11
<i>F. Rest Breaks for Expression of Breast Milk</i> .....	11
Notice .....	12
Storage.....	12
<i>G. Overtime</i> .....	12
Time-and-a-Half.....	12
Assignment of Overtime Work.....	12
Supervisor Authorization.....	13
Compensatory (Comp) Time.....	13
<i>H. Standby Pay</i> .....	13
Public Works and SandyNet .....	13
Police .....	13
<i>I. Flexible and Telecommuting Work Schedules</i> .....	14
<i>J. Bilingual Pay</i> .....	14
<i>K. Timekeeping Requirements</i> .....	14
<i>L. Employee-Incurred Expenses and Reimbursements</i> .....	14
<i>M. Payroll Policies</i> .....	15
<i>N. Statement Regarding Pay Practices</i> .....	15
<i>O. Position Classification Policies</i> .....	16
<i>P. Reporting Changes to an Employee’s Personal Data</i> .....	16
<i>Q. Relatives in City Service</i> .....	17
<i>R. Performance Reviews</i> .....	17
<i>S. Reimbursement Pay for Public Works Education</i> .....	18
<i>T. Certification Pay for Police Sergeants</i> .....	18
<b>III. Time Off and Leaves of Absence</b> .....	19
<i>A. Attendance, Punctuality, and Reporting Absences</i> .....	19
<i>B. Vacation</i> .....	19
<i>C. Sick Leave</i> .....	20
<i>D. Leave Donations</i> .....	22
<i>E. Holidays</i> .....	23
<i>F. Family Medical Leave</i> .....	24
FMLA/OFLA Policy .....	24



- Definitions ..... 24
- Reasons for Taking Leave ..... 25
- Length of Leave ..... 26
- One-Year Calculation Period ..... 27
- Intermittent Leave ..... 27
- Employee Responsibilities — Notice ..... 27
- Certification ..... 28
- Medical Certification Prior to Returning to Work ..... 28
- Substitution of Paid Leave for Unpaid Leave ..... 28
- Holiday Pay While on Leave ..... 29
- On-the-Job Injury or Illness ..... 29
- Benefits While on Leave ..... 29
- Job Protection ..... 29
- G. *Bereavement Leave* ..... 30
- H. *Jury and Witness Duty* ..... 30
  - Jury Duty ..... 30
  - Witness Duty ..... 31
- I. *Religious Observances Leave and Accommodation Policy* ..... 31
- J. *Crime Victim Leave Policy* ..... 31
- K. *Domestic Violence Leave and Accommodation Policy* ..... 32
- L. *Military Leave* ..... 32
- M. *Other Leave* ..... 33
- IV. *Employee Benefits* ..... 33
  - A. *Insurance Benefits* ..... 33
  - B. *Employee Assistance Program (EAP)* ..... 33
  - C. *Workers’ Compensation and Safety on the Job* ..... 33
    - Steps to Take if You Are Injured on the Job ..... 33
    - Return to Work ..... 34
    - Early Return-to-Work Program ..... 34
    - Salary Continuation ..... 35
    - Overlap with Other Laws ..... 35

D. Fringe Benefits and Additional Compensation .....	35
E. PERS (Public Employees' Retirement System) Benefits.....	36
F. Educational Opportunities.....	36
V. Miscellaneous Policies .....	36
A. Alcohol/Drug Use, Abuse and Testing .....	36
Prohibited Conduct.....	37
Prescription Drugs and Medical Marijuana.....	37
Testing .....	38
Search of Property.....	39
Employee Refusal to Test/Search.....	39
Crimes Involving Drugs and/or Alcohol.....	39
Drug and Alcohol Treatment .....	39
Confidentiality .....	40
B. Mobile Devices Policy .....	40
Cell Phones and Mobile Devices in General (both City of Sandy provided and personal cell phones/cellular devices).....	40
Employee Use of City of Sandy Provided Cell Phones/Cellular Devices.....	41
Cell Phones/Cellular Devices and Public Records.....	41
Cell Phone/Cellular Device Use While Driving.....	41
C. Use of City of Sandy Email and Electronic Equipment and Services .....	42
Ownership .....	42
Use.....	42
Inspection and Monitoring – No Right to Privacy .....	43
Personal Hardware and Software.....	43
Unauthorized Access .....	43
Security.....	43
Inappropriate Websites.....	43
D. Social Media .....	44
Prohibited Postings.....	44
Encouraged Conduct .....	44
Request for Employee Social Media Passwords.....	45
E. External Links.....	45

<i>F. Department Rules and Regulations</i> .....	46
<i>G. Confidential City of Sandy Information</i> .....	46
<i>H. Ethics</i> .....	46
<i>I. Open-Door Policy</i> .....	47
<i>J. Outside Employment</i> .....	47
<i>K. Criminal Arrests and Convictions</i> .....	47
<i>L. Political Activity</i> .....	48
<i>M. Inclement Weather/Emergency Closing</i> .....	48
<i>N. Driving While on Business</i> .....	48
<i>O. Workplace Violence</i> .....	49
<i>P. Workplace Inspections – No Right to Privacy or Confidentiality</i> .....	49
<i>Q. Workplace Safety</i> .....	50
<i>R. Fragrances in the Workplace</i> .....	50
<i>S. Smoke-Free Workplace</i> .....	50
<i>T. Animals in the Workplace</i> .....	50
<b>VI. Termination of Employment</b> .....	51
<i>A. Workplace Rules and Prohibited Conduct</i> .....	51
<i>B. Corrective Action/Discipline Policy</i> .....	52
<i>C. Grievance Policy</i> .....	52
<i>D. Retirement or Resignation from Employment</i> .....	53
<i>E. References</i> .....	53

## I. Equal Employment Opportunity (EEO) Policies

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

All employees are encouraged to discuss these EEO Policies with the HR Director at any time if they have questions relating to the issues of harassment, discrimination or bullying.

### *A. No-Discrimination, No-Retaliation Policy*

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

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

### *B. Diversity Equity and Inclusion (DEI) Statement*

The City of Sandy is committed to integrating equity into the fabric of our organization and the delivery of public services, in pursuit of equal, fair, and just outcomes for all. The City of Sandy will work intentionally and collaboratively to eliminate racial disparities and address the long-term, systemic root causes of inequality and racial injustice.

### *C. Statement Regarding Pay Equity*

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

### *D. No-Harassment Policy*

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

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

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City of Sandy -related or –sponsored trips (such as conferences or work-related travel), and during off-hours when that off-duty conduct creates an unlawful hostile work environment for any of City of Sandy’s employees. **Such harassment is prohibited whether committed by City of Sandy employees or by non-employees, such as elected officials, members of the community, and vendors.**

#### Sexual Harassment

Sexual harassment has been defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is “welcome”), when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual’s body, sexual prowess, or deficiency; leering, whistling, touching, assault, sexually suggestive, insulting, or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; or discriminatory treatment based on sex. This is not a complete list.

#### Other Forms of Prohibited Harassment

City of Sandy policy also prohibits harassment against an individual based on the individual’s race, color, religion, national origin, age, sexual orientation, marital status, disability, protected activity, and any other status protected by applicable law.

Such harassment may include verbal, written or physical conduct that denigrates or shows hostility towards an individual because of any protected status, and can include:

- Jokes, pictures (including drawings), epithets, or slurs;
- Negative stereotyping;
- Threatening, intimidating, or hostile acts that relate to a protected class; or

- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

#### Complaint Procedure

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and bullying. Further, all employees are responsible for respecting the rights of other employees and strictly adhering to the letter and spirit of this policy. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or the HR Director, at any time if they have questions relating to the issues of discrimination, harassment, or bullying.

Employees are strongly encouraged to tell the harasser that the behavior is offensive and unwanted, and that they want it to stop. Employees who have experienced any harassment, discrimination, or bullying, are expected, and required to bring the matter to the attention of Human Resources or a supervisor or member of management as soon as possible.

In addition, any employee who observes any conduct that he or she believes constitutes harassment, discrimination, or bullying, or who receives information about these types of incidents that may have occurred, must immediately report the matter to the HR Director.

#### Investigation and Confidentiality

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

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

#### Protection against Retaliation

City of Sandy prohibits retaliation in any way against any employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith)

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

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

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

#### Other Resources Available to Employees

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

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

#### Other Employee Rights

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

The City of Sandy is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the City of Sandy to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City of Sandy regarding his/her experience and/or employment status, the employee should contact Human Resources. The employee's request to enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the City of Sandy and employee do reach an agreement, the City of Sandy will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about his/her experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City of Sandy or making comments that would lower the City of Sandy in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that the City of Sandy and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

### *E. No-Bullying Policy*

City of Sandy strives to promote a positive, professional work environment free of physical or verbal harassment, “bullying,” or discriminatory conduct of any kind. The City of Sandy, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, “bullying” refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s). Examples of bullying include:

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

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

### *F. Disability Accommodation Policy*

City of Sandy is committed to complying fully with the Americans with Disabilities Act (ADA) and Oregon’s disability accommodation and anti-discrimination laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

#### Accommodations

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



### Requesting an Accommodation

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, City of Sandy) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations, modifying training materials or policies, providing readers and interpreters, or making the workplace readily accessible to and usable by people with disabilities.

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made with the HR Director and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of his or her need for reasonable accommodation.

### *G. Pregnancy Accommodation Policy*

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact Human Resources to discuss their options for continuing to work and, if necessary, leave of absence options. The City of Sandy will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on the City of Sandy's operations.

Although this policy refers to "employees," the City of Sandy will apply this policy equally to an applicant with known limitations caused by pregnancy, childbirth, or a related medical condition.

### Requesting a Pregnancy-Related Accommodation

Employees who are concerned that their pregnancy, childbirth, or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made with Human Resources and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist the City of Sandy and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both the City of Sandy and employee must monitor the employee's accommodation situation and make adjustments as needed.

### No Discrimination, No Retaliation

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

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

#### Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under the Family Medical Leave Act. See policies later in this document or speak with the HR Director.

#### *H. Reporting Improper or Unlawful Conduct – No Retaliation*

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

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

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

#### Employee Reporting Options

In addition to the City of Sandy's Open-Door Policy (see section V, subsection I), employees who wish to report potential improper or unlawful conduct should first talk to his or her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the HR Director. Supervisors and managers are required to inform the HR Director about reports of improper or unlawful conduct they receive from employees.

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

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

#### Additional Protection for Reporting Employees

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

#### Policy Against Retaliation

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

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

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

## **II. Classification and Compensation**

### *A. Probationary Period of Employment*

All new employees, including current employees who are promoted or transferred within the City of Sandy, are hired into a probationary period that generally lasts no less than six months. The probationary period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your manager. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job

responsibilities will be considered during the probationary period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City of Sandy meets your expectations of an employer.

At or before the end of the probationary period, a decision about your employment status will be made. The City of Sandy will decide whether to: (1) Extend your probationary period; (2) Move you to regular, full-time or regular, part-time status; or (3) Terminate your employment.

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

### *B. Employee Classification*

City of Sandy classifies employees as follows:

1. Regular Full-time: Employment in an established position requiring 35 - 40 hours or more of work per week. Full-time employees are eligible to participate in City of Sandy's benefit programs.
2. Regular Part-time: Employment requiring 20 - 34.99 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 40 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees are eligible to participate in the City of Sandy's benefit programs. Regular, part-time employees working less than 20 hours per week are not eligible for benefits, except those mandated by applicable law, (for example, sick leave)
3. On-Call: Employment which varies in nature and does not have a predetermined or predictable schedule. Occasional workweeks with a predetermined schedule will not constitute a change in status from on-call to part-time or full-time. On-call employees are not eligible for benefits other than those mandated by applicable law (for example, sick leave)
4. Temporary/Seasonal/Interns: Employment in a job established for a specific purpose or project, for a specific period (typically less than twelve months), or for the duration of a specific project or group of assignments. This category of employment can either be full-time or part-time. These employees are not eligible for benefits other than those mandated by applicable law (for example, sick leave).

Additionally, all employees are defined by federal and Oregon law as either "exempt" or "nonexempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a

promotion or demotion occurs. All employees, regardless of employment classification, are subject to all City of Sandy rules and procedures.

### *C. Employment Changes*

#### Transfers

Requests from employees for transfers from one department to another shall be made in writing and shall be directed to the employee's present department director and referred to the appropriate department director and the HR Director. Such requests shall be given consideration when a suitable vacancy occurs; however, no employee shall be transferred to a position for which she/he does not possess the minimum qualifications.

#### Promotions

All qualified vacancies shall, whenever possible, be filled by promoting qualified employees within City service. Notification of open positions will be made via email to all staff. Nevertheless, the City Manager may recruit from outside City service whenever it is reasonable to believe that better qualified candidates are available outside current employees. The appointment to fill the vacancy shall be made on a competitive basis, where qualifications and ability are relatively equal, seniority within City service shall be the determining factor.

#### Layoffs

If there are changes of duties in the organization, lack of work, or lack of funds, the City Manager may lay off employees; however, the City Manager shall first make every reasonable effort to integrate those employees into another department by transfer. When layoffs are required, the City Manager shall base the decision on relative merit and shall give due consideration to seniority in City service only where the employee's qualification and ability are relatively equal. Layoffs shall be for a period not to exceed six months. After six months, employees not reinstated will be terminated (see section VI, Termination of Employment).

#### Rehires

Temporary/Seasonal/Intern employees are eligible for rehire to the same or substantially similar position within twelve months of separating from service of City of Sandy. The employee must have separated from service in good standing to be eligible for rehire. The employee must express interest in the position in writing to the HR Director. The employee will be subject to all the same requirements of a newly hired employee, including but not limited to, background check, driving record check, and drug test, if required for the position. The employee will not need to re-start the probationary period if rehired in the same position.

### *D. The Workweek*

The workweek is a seven-day work period beginning Monday at 12:00 a.m. through Sunday at 11:59 p.m. Typically, business hours are from Monday through Friday 8:00 a.m. through 5:00 p.m. Departments may have different workweeks or business hours depending on their individual needs.

*E. Meal Periods and Rest Breaks*

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

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

Length of work period	Number of rest breaks required	Number of meal periods required
2 hours or less	0	0
2 hours 1 minute – 5 hours 59 minutes	1	0
6 hours	1	1
6 hours 1 minute – 10 hours	2	1
10 hours 1 minute – 13 hours 59 minutes	3	1

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

*F. Rest Breaks for Expression of Breast Milk*

The City of Sandy will provide reasonable rest periods to accommodate an employee who needs to express milk for her child eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, the employee is entitled to take reasonable time as needed to express breast milk.

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

Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time.

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

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

If a private location is not within close proximity to the employee's work area, the City of Sandy will identify a private location the employee can travel to. The travel time to and from the private location will not be counted as a part of the employee's break period.

#### Notice

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

#### Storage

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

### *G. Overtime*

#### Time-and-a-Half

The City of Sandy pays one and one-half times a non-exempt employee's hourly rate for all hours worked over 40 in any workweek. See "Employee Classification," above. Compensatory time cannot be used towards calculating hours worked.

#### Assignment of Overtime Work

You may be required to work overtime. When overtime work is required by City of Sandy on a particular job on a shift commencing on a day other than Saturday, Sunday, or a holiday, the non-exempt employee performing that job at the conclusion of his or her straight-time hours will normally be expected to continue to perform the job on an overtime basis.

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

### Supervisor Authorization

No overtime may be worked by non-exempt employees unless specifically authorized in writing by a supervisor or management. Employees who work unauthorized overtime may be subject to discipline up to and including termination.

### Compensatory (Comp) Time

Overtime hours can be paid or, at the employee's option with City of Sandy approval, accumulated at time and one-half up to a maximum of 240 hours and taken as comp time off. When an employee is separated from employment with the City of Sandy, any remaining comp time will be paid to the employee.

### *H. Standby Pay*

#### Public Works and SandyNet

At the discretion of the respective Director, the staff may be assigned to standby duty on weekends and after normal working hours on weekdays. Compensation for standby duty for a one-week period will be equivalent to ten (10) hours worked. Standby duty that falls on an observed holiday will be compensated at the equivalent to an additional 2.5 hours. Employees on standby duty will have no restrictions on their activities other than:

- Remaining within the metro area;
- Being reachable at all times; and
- Refraining from use of alcohol or other substances that would impair judgement or ability to perform work.

Employees assigned to standby duty will, when called out, be compensated based on the actual time worked, including travel time, with two hours minimum time credited. Employees called out who are not on standby duty (and, therefore, not receiving standby pay) will be credited for actual time worked, including travel time, with a minimum of two hours.

#### Police

Patrol Sergeants shall be assigned to Standby Duty as a regular function of their position. Compensation for Standby Duty for a one-day (24 hour) period will be equivalent to one (1) hour of time worked at their normal hourly wage. Standby duty that falls on a city recognized holiday will be compensated at the equivalent of one and one half (1.5) hours for a one-day (24 hour) period. Patrol Sergeants will have no restrictions on their activities other than:

- Remaining within the metro area;
- Being reachable at all times; and
- Refraining from use of alcohol or other substances that would impair judgement or ability to perform work.

When it is determined that a call out response is necessary, Patrol Sergeants will be compensated at their stand overtime rate based on the actual time worked in lieu of the standby duty pay, including travel time, with a minimum of two (2) hours credited.



It is recognized that certain unforeseen circumstances (individual or family illness, emergency, etc.) can result in Patrol Sergeants who are on standby duty not being able to fulfill the duties listed. During these times, the Patrol Sergeant on standby will need to notify the Chief of Police or Lieutenant as soon as is possible of the circumstance so their duties can be reassigned. Standby Duty pay will resume for this member once they are able to take over the required duties.

#### *I. Flexible and Telecommuting Work Schedules*

At the discretion of an employee's supervisor, regular full-time employees may request flexible or telecommuting work scheduling of their work hours on a case-by-case basis. **Flexible schedules** allow for employees to work more hours than scheduled one day in exchange for working a lesser number of hours another day during a given seven- or fourteen-day work period. **Telecommuting** is defined as a process for eligible employees to establish a schedule that includes working from an alternative location other than the normal work location (typically a city facility). Employees must enter into a written agreement with the employee's supervisor stating the flexible schedule or telecommuting agreement. Some departments may be unable to offer flexible or telecommuting schedules for certain positions and/or during certain times of the year.

#### *J. Bilingual Pay*

Bilingual pay equal to 3% of an employee's base salary will be granted to employees who are bilingual. This pay incentive is only applicable to employees who are bilingual in a language that is used to serve the population in which their position works with. Competency, usage, and job requirements will be determined by the department director, who will recommend the pay increase to the City Manager for final approval.

#### *K. Timekeeping Requirements*

All non-exempt employees must accurately record time worked via electronic timecard for payroll purposes. Filling out another employee's timecard, allowing another employee to fill out your timecard, or altering any timecard will be grounds for discipline up to and including termination. An employee who fails to record his or her time may be subjected to discipline as well.

Salaried exempt employees are required to record their time away from the office (for example, sick, vacation, and holiday) via electronic timecard.

#### *L. Employee-Incurred Expenses and Reimbursements*

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

Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts) within one month of the expense being incurred or the employee risks forfeiting their payment or reimbursement. All reimbursements will be processed via monthly payroll as a non-taxable item.

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

- *Conferences or Workshops:* Employees will be reimbursed for authorized conferences or workshops directly related to their position with City of Sandy;
- *Education:* Employees will be reimbursed for authorized educational expenses directly related to their position with City of Sandy;
- *Meals:* Employees will be reimbursed for reasonable meal expenses incurred while conducting official City of Sandy business;
- *Mileage and Parking:* Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by City of Sandy.

#### *M. Payroll Policies*

All employees will be paid monthly. The pay period is defined as the 24<sup>th</sup> – 23<sup>rd</sup>. Payday is the last working day of each month for all employees.

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

Employees are eligible for a step increase annually, dependent upon the availability of such an increase in the current salary schedule. Step increases will take effect the first day of the pay period following their anniversary date.

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

#### *N. Statement Regarding Pay Practices*

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

### *O. Position Classification Policies*

The City Council is responsible for adopting and amending a position classification and compensation plan for all employees. This classification plan shall consist of all positions in City service defined by range specifications and identified by position title. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same range and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same range. Copies of this plan are available in the HR Director's office.

Positions may be reclassified whenever the duties of the position change materially, provided that the reclassification can be accomplished within the limitations of the current budget cycle. Reclassification of a position shall not be used to circumvent the effects of disciplinary action or to avoid restrictions concerning compensation.

The HR Director shall be responsible for keeping the classification current through periodic studies of positions within City service. Neighboring communities, as well communities of similar population size shall be used as comparators for salary and benefit purposes. The City Manager, with the help of the HR Director, shall examine the salary range for each class of position and determine whether the current minimum and maximum salaries should be maintained, increased, or decreased for the following year. Changes in cost of living, utilizing the CPI (Consumer Price Index) shall be considered during this evaluation.

Except in extenuating circumstances, all appointments will be made at the first step of the class for the position.

### *P. Reporting Changes to an Employee's Personal Data*

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

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

Employees may not intentionally withhold information from the City of Sandy about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, the City of Sandy may require employees to provide proof of marital

status/domestic partnership status. Employees who violate this policy may be subject to discipline, up to and including termination.

#### *Q. Relatives in City Service*

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

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

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

#### *R. Performance Reviews*

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

The City of Sandy's goal is to provide an employee with his/her first formal performance evaluation within six months to one year after hire or promotion. After the initial evaluation, the City of Sandy will strive to provide a formal performance review on an annual basis.

Reviews will generally include the following:

- An evaluation of the employee's quality and quantity of work
- A review of exceptional employee accomplishments

- Establishment of goals for career development and job enrichment
- A review of areas needing improvement
- Setting of performance goals for the employee for the following year.

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such a response must be filed no later than 30 days following the date the performance evaluation was received.

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

#### *S. Reimbursement Pay for Public Works Education*

Examinations must be taken during regular work hours and employees will be paid straight time for the examination and travel to and from the examination site. Employees using a personal vehicle to travel to and from the examination site may apply for mileage reimbursement per the City's standard policy.

The City of Sandy will pay application and examination fees for eligible employees with the following exceptions: The City of Sandy will pay for one application and examination fee and one certification preparatory class per employee per program (water, wastewater). After two failed attempts the City of Sandy will pay for the examination fee but will not pay for further preparatory classes. If the employee does not pass the exam(s) any additional attempts to apply for certification preparatory classes in the same calendar year or after two failed attempts will be at the employee's expense.

The City of Sandy will continue to pay certification renewal fees and relevant, required continuing education in order to maintain certification for employees.

#### *T. Certification Pay for Police Sergeants*

##### Advanced Certificate

An advanced certificate is a mandatory requirement prior to becoming a Sergeant, thus it is not eligible for Certification Pay. For example, if an internal Patrol Officer who currently has an Advance Certification is receiving a 4% certification pay added to their paycheck and is promoted into the position of Sergeant, that current 4% certification pay incentive would be removed.

##### Supervisory Certificate

A supervisory certificate is a mandatory requirement of the Sergeant position and must be obtained within 12 months of hire. Certification pay is equal to 4% of base pay in a fixed amount added to their paycheck monthly.

### III. Time Off and Leaves of Absence

#### A. Attendance, Punctuality, and Reporting Absences

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

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

#### B. Vacation

All Regular, full-time employees accrue vacation leave monthly. The amount of vacation to which an employee becomes entitled to is determined by the employee's length of service from their hire date. For Regular, full-time employees, vacation accrues as follows:

Length of Service (years)	Annual Vacation Accrual (hours)
0 – 3	88*
3 – 5	108*
5 – 10	128*
10 – 15	168*
15 & higher	168*, plus 8 hours for every year over 14

\*Prior to January 1, 2022, 8 hours of "Floating Holiday" was added to employee's vacation bank in February of each year. Effective January 1, 2022, the 8 hours of floating holiday will be included in the monthly vacation accrual (equal to an additional; 0.67 hours per month).

The maximum annual accrual of vacation leave is not to exceed 240 hours (six weeks).

Regular, part-time employees accrue vacation monthly in the proportion that their normally scheduled number of hours bears to 40 per week. For example, a regular, part-time employee

who usually works 20 hours per week would earn 44 hours of vacation during his or her first year of service.

Department Directors and the City Manager will accrue an additional 40 hours of vacation leave annually; the maximum annual accrual of vacation leave is not to exceed 280 hours (seven weeks).

Vacation may not be taken until it is earned. Vacation leave is not to be banked and then never used. Therefore, the total vacation accrual cannot exceed a maximum of 320 hours (eight weeks). Once this limit is reached, vacation leave will no longer accrue, until the balance is brought below the maximum.

Employees may sell back to City of Sandy up to 80 hours of accrued vacation annually, limited to the following conditions:

- A minimum of a like number of vacation hours are being taken as vacation within two weeks, and
- Vacation sell backs shall only occur once during any fiscal year, and
- City of Sandy shall receive two weeks' prior written notice from any employee requesting a vacation buy back; and
- The vacation buy back will be processed via the normal payroll process.

Employees who terminate employment during their probationary period shall not be entitled to pay out of their accrued vacation leave. Employees who have successfully completed their probationary period, gained Regular employment status, and separate from service in good standing (meaning not terminated for violation of City of Sandy policies, procedures, or performance issues) shall be entitled to payment of all accrued vacation leave. In the case of death of an employee, compensation shall be paid to the beneficiary in the same manner that salary due to the decedent is paid.

### *C. Sick Leave*

City of Sandy provides eligible employees with sick leave as required by Oregon's Paid Sick Leave Law. The City of Sandy's policy is more generous than the law requires. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law.

Employees with questions about this policy may contact the HR Director. Please also refer to the Oregon Sick Leave Law poster that is posted at City Hall.

#### **Eligibility and Accrual of Paid Sick Leave**

Under Oregon's Paid Sick Leave Law and this policy, "employee" includes full-time, part-time, hourly, salaried, exempt and nonexempt employees. Sick leave runs concurrently with Oregon Family Medical Leave, and other leave where allowed by law.

Employees begin to accrue paid sick leave on the first day of employment, but may not use paid sick leave until the 31st day of employment. After the 31st day of employment, paid sick leave may be used as it is accrued.

Full-time, exempt employees will accrue sick leave at a rate of 10 hours per pay period (prorated for any partial month worked); Non-exempt employees will accrue at the rate of 2.31 hours for every 40 hours worked. For purposes of calculating sick leave accruals, hours worked include regular, vacation, sick, overtime, comp time (when used, not earned), and worker's compensation leave. Paid sick leave shall be taken in hourly increments. Total sick leave accumulation shall not exceed 1,500 hours. Once the limit is reached, sick leave will no longer accrue until the balance is brought below the maximum.

#### **Pay Rate and Carryover**

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

Sick leave is meant to be used or carried over; any unused sick leave will not be cashed out upon separation from employment. If an employee leaves employment and is rehired within 90 days, the employee's sick leave balance will be restored. Unused sick leave is reported to PERS upon an employee's separation.

#### **Use of Sick Leave**

Accrued paid sick leave may be used for the following reasons):

1. For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her covered family member.
  - "Family member" means the eligible employee's grandparent, grandchild, spouse, or registered same-gender domestic partner, and the domestic partner's child or parent; the employee's stepchild, parent-in-law or a person with whom the employee was or is in a relationship of in loco parentis; and the employee's biological, adoptive or foster parent or child.
2. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
3. If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).
4. In the event of certain public health emergencies or other reasons specified under Oregon's sick leave law.

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



### **Employee Notice of Need for Sick Leave**

*Foreseeable Sick Leave.* If the need for sick leave is foreseeable, an employee must notify their supervisor as soon as practicable before the leave using the City of Sandy's notification procedures. Generally, an employee must provide at least 10 days' notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of the City of Sandy. Employees must notify their supervisor of any change in the expected duration of sick leave as soon as is practicable.

*Unforeseeable Sick Leave:* If the need for sick leave is unforeseeable, the employee must notify their supervisor as soon as practicable and comply generally with City of Sandy's notification procedures. Generally, an employee should notify his/her immediate supervisor of unforeseeable sick leave at least one hour prior to the beginning of his/her shift, unless physically unable to do so, at which time notice should be given as soon as possible.

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

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

### **Sick Leave Documentation**

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

### **Sick Leave Abuse**

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

#### *D. Leave Donations*

An employee may donate sick, vacation, and/or compensatory time to another employee who has exhausted all available earned leave (sick leave, vacation leave and compensatory time, etc.) before using any donated leave. The employee must be in documented need of sick leave and meets the eligibility requirement of FMLA/OFLA. The sick, vacation, and/or compensatory time will be valued at the donating employee's current rate of pay, and then converted to the appropriate amount of leave based on the recipients' rate of pay. Donated hours shall not be processed in an amount greater than that which is approximately necessary to cover the

employee's next occurring pay period. Donors must complete and sign the Sick Leave Donation form and turn into the HR department.

During a qualifying leave event, requests for donations may only be made once. The request shall be in writing to the HR Director, who will notify City of Sandy employees of the request and provide a specific time period for which donations may occur. Donations will be processed in the order that they are received. No employee shall receive more than twelve weeks of donated leave in any rolling twelve-month period. Employees may not donate more than 80 hours or fifty percent (50%) of their current sick leave balance, whichever is less. Employees cannot borrow against future accruals to donate. Employees who are currently on approved leave cannot donate time to another employee.

If an employee is otherwise eligible for paid health benefits, the employee will continue to receive those benefits while receiving donated leave.

#### *E. Holidays*

##### Holidays

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

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day

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

The City Manager has the discretion to authorize additional office closures based on operation needs.

To be eligible for holiday pay, an employee must have worked his or her regularly scheduled hours the workday before and the workday after the holiday or have been on an approved vacation day or any other excused absence under City of Sandy policy. If an employee is on vacation when a holiday is observed, the employee will be paid for the holiday and will be granted an alternate day of vacation at a later date.

Any hourly, non-exempt employee required to work on a holiday will receive overtime pay for the hours worked, in addition to their regularly entitled holiday compensation.

#### *F. Family Medical Leave*

##### **FMLA/OFLA Policy**

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

Employees seeking further information should contact the HR Director. 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 building, 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 HR Director 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 a spouse, parent or a “son” or “daughter” (defined above).
- For purposes of OFLA, “family member” includes the definitions found under FMLA and also includes adult children (for “serious health condition” leave only), a parent-in-law, grandparent, grandchild, registered same-sex domestic partner, and parent or child of a registered same-sex domestic partner.

#### *Serious Health Condition*

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

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

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

- 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: For incapacity due to pregnancy, prenatal medical care or birth.
  6. Servicemember Family Leave: Eligible employees may take up to 26 weeks of leave to care for a "covered servicemember" during a single 12-month period. A "covered servicemember" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his/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.
  8. Bereavement Leave. This type of leave is addressed under OFLA; see the Bereavement Leave Policy for more information.
- Length of Leave

In any One-Year Calculation Period, eligible employees may take:

- Up to 12 weeks of Parental Leave, Serious Health Condition Leave (employee's own or family member), Sick Child Leave, or Call to Active Duty Leave;

- An additional 12) weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee; and
- Employees who take the entire 12 weeks of OFLA Parental Leave may be entitled to an additional 12 weeks of Sick Child Leave.

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

- One-Year Calculation Period

The “12-month period” during which leave is available (also referred to as the “One-Year Calculation Period”) will be determined by a rolling 12-month period measured backward from the date an employee uses any Family Medical Leave. Each time an employee takes Family Medical Leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

- Intermittent Leave

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

- Employee Responsibilities — Notice

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

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

Whether leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee must let the HR Director know as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown.

If circumstances change during the leave and the leave period differs from the original request, the employee must notify the HR Director 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 of Sandy's normal call-in procedures. Employees who fail to comply with City of Sandy'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 of Sandy 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 Call to Active Duty or Servicemember Family Leave.

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

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

Employees must furnish City of Sandy's requested medical certification information within 15 calendar days after such information is requested by City of Sandy. In some cases (except for leave to care for a sick child), City of Sandy may require a second or third opinion, at City of Sandy's expense. Employees also may be required to submit subsequent medical verification.

Employees will not be asked for, and they should not provide, any genetic information about themselves or a family member in connection with a FMLA/OFLA medical certification.

- Medical Certification Prior to Returning to Work

If Family Medical Leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification from his/her 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, including, 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. 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 or OFLA Leave, City of Sandy will continue the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. An employee wishing to maintain health insurance during a period of approved FMLA or OFLA leave will be responsible for bearing the cost of his/her share of group health plan premiums which had been paid by the employee prior to the OFLA/FMLA leave. Employees will not accrue vacation, sick leave, or other benefits (other than health insurance) while the employee is on a FMLA or OFLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in City of Sandy benefit plans.

- **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. If an employee does not return to work at the end of a designated Family Medical Leave period, reinstatement may not be available unless the law requires otherwise.



The use of Family Medical Leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Employees who work for other employers during a "serious health condition" leave may be subject to discipline up to and including termination. Additionally, all employees who use Family Medical Leave for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

#### *G. Bereavement Leave*

Employees who qualify for OFLA may take up to two weeks of unpaid bereavement leave per death of a Family Member (defined below). Employees who have worked for City of Sandy for more than 30 days may use up to 40 hours of accrued sick leave for bereavement purposes, and who have experienced the death of a Family Member (defined below). Employees who have worked for City of Sandy for fewer than 30 days or less may not be eligible for leave; see the HR Director for more information.

Bereavement leave may be used to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member. The two weeks of bereavement leave must be taken in the 60-day period following notice of death of a family member and will be deducted from the employee's available leave time under OFLA. For purposes of this policy, "Family Member" is defined to include the employee's spouse, same-sex domestic partner (registered), child, parent, parent-in-law, grandparent, or grandchild, or the same relations of an employee's same-sex domestic partner (registered) or spouse.

Employees who wish to take bereavement leave must inform City of Sandy as soon as possible after receiving notification of a Family Member's death. Although prior notice is not required, verbal notice must be provided within 24 hours of beginning leave. Written notice must be provided to the City of Sandy within three days of returning to work. Employees are required to use any available sick leave during the period of bereavement leave; vacation time will be used if the employee has no available sick leave.

#### *H. Jury and Witness Duty*

##### Jury Duty

The City of Sandy will grant employees time off for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's manager to verify the need for such leave. If an employee is called for jury duty, the employee should be granted leave with pay. Compensation received (except travel reimbursement) shall be remitted to the City. In cases where the compensation does not clearly distinguish the amount for travel, the employee may deduct mileage at the current IRS mileage rate.

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

### Witness Duty

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

Except for employee absences covered under City of Sandy's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work. If the employee does not have any available vacation time, the leave will be taken without pay. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

#### *I. Religious Observances Leave and Accommodation Policy*

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

#### *J. Crime Victim Leave Policy*

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his or her immediate family member (defined below) has suffered financial, social, psychological, or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

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

Employees who are eligible for crime victim leave must:

- 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 the HR Director as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

In all circumstances, City of Sandy 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.

### *K. Domestic Violence Leave and Accommodation Policy*

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

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

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

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

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

If more leave than originally authorized needs to be taken, the employee should give the City of Sandy notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give oral or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee's behalf.

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

### *L. Military Leave*

Employees who wish to serve in the military and take military leave should contact the HR Director for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

Further, eligible employees called for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, may be entitled to leave with pay for all regular workdays that fall within a period not to exceed 15 calendar days in any federal training year. Weekend drill obligations are not considered "federal active duty" for training under this policy; other requirements apply. Please contact the HR Director for more information and to make arrangements for this paid leave.

### *M. Other Leave*

Other types of leave without pay will be considered on an individual basis by the City Manager and HR Director, keeping in mind the individual department and overall City of Sandy's operational needs.

## **IV. Employee Benefits**

### *A. Insurance Benefits*

Employees who meet the definition of "benefit eligible" under both City of Sandy policy and that of its health insurance provider are entitled to the benefit options offered by City of Sandy. These benefits include medical, dental, and vision coverage in a cost share program. Additional information may be obtained through your HR Director. The City of Sandy will pay its share of health insurance costs to all employees who terminate employment in good standing; for three months after 10 years of service, and six months after 15 years of service.

City of Sandy will provide regular, full-time employees with \$50,000 of term life insurance coverage, as well as \$50,000 of accidental death and dismemberment coverage. These plans are paid for by the City of Sandy in full. Additional life insurance coverage may be purchased at the expense of the employee.

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

Additional insurance benefits and programs are offered to employees, including flexible spending account (FSA) and supplemental insurance. These offerings are at the employee's option. Any additional premium expense is the responsibility of the employee.

### *B. Employee Assistance Program (EAP)*

This free, confidential service is provided to all employees and their covered dependents who may be experiencing life problems. Information regarding this service can be obtained by contacting the HR Director.

### *C. Workers' Compensation and Safety on the Job*

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

#### Steps to Take if You Are Injured on the Job

To ensure that you receive any workers' compensation benefits to which you may be entitled, you must do all the following:

1. Immediately report any work-related injury to your supervisor. You must report the injury at the time it happens, and no later than 24 hours after injury.
2. If an emergency, seek medical treatment first and then do the following. Call the Rapid Care Hotline to report your injury. They will assist in completing the required 801 form and assist with any further medical steps.
3. Promptly complete an Incident Report and return it to the HR Director.

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

#### 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.

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

#### Early Return-to-Work Program

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

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

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

### Salary Continuation

City of Sandy adopts a policy of providing salary continuation in place of temporary disability for employees who are off work as a result of a compensable workers' compensation claim. Salary continuation will be at the same wage with normal deductions withheld (i.e. taxes, medical and other voluntary deductions) and same pay interval as the employee received at the time of injury. Additional information regarding this program can be received from the HR Director.

### Overlap with Other Laws

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

#### *D. Fringe Benefits and Additional Compensation*

ORS 244.040 prohibits a public official or a relative or member of the household of the public official from obtaining financial gain or avoidance of financial detriment, if that gain would not otherwise be available but for the public official's holding of the official position or office, except where the gift is part of an official compensation package, as determined by the public body that the public official serves.

Employees of City of Sandy receive certain and de minimis fringe benefits that are not available to the general public. The City of Sandy recognizes these benefits as part of the employee's official compensation package for the purposes of ORS 244.040. These fringe benefits include:

- Occasional, de minimis and infrequent use of City equipment and supplies such as pens, paper, office supplies, telephones, cell phones, copying machines, computers, tablets, software and email systems in a manner consistent with the applicable use policies for such City equipment;
- Employees who use personal credit cards and are reimbursed by the City in a manner consistent with applicable City policies may accept any benefits earned from using a personal credit card that offers incentives such as cash rebates or frequent flyer miles based upon the dollar amount of purchases provided that the value of the benefits earned does not exceed fifty dollars in any calendar year;
- Computers, tablets, or other electronic equipment sold at cost to SandyNet employees, provided that such equipment is no longer of use to City of Sandy as determined by the IT Director;
- A Gym Membership Reimbursement of \$45 per month (taxable benefit) is available to all active employees in the City of Sandy.
- A clothing allowance is available for certain positions. Talk to your manager directly to see if you qualify.
- Occasional, de minimis and infrequent use of City owned vehicles in a manner consistent with applicable policies for the use of City vehicles.

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. Notwithstanding this additional benefit, unless expressly authorized otherwise by the City Manager or the Manager's designee, 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.

#### *E. PERS (Public Employees' Retirement System) Benefits*

City of Sandy participates in the Public Employees Retirement System (PERS); therefore, your designation as a Tier I, Tier II, or Oregon Public Service Retirement Plan (OPSRP) member will depend on your prior PERS service and PERS rules. An employee's designation and eligibility for participation in PERS or the OPSRP are determined by law. For more information about these plans, please contact PERS at 1-888-320-7377 or visit their website at [www.oregon.gov/PERS](http://www.oregon.gov/PERS). For information about City of Sandy's contributions to employee PERS or OPSRP plans, please see the HR Director. The City of Sandy pays the employees' contribution (6% of subject salary) on behalf of the employee.

#### *F. Educational Opportunities*

City of Sandy shall pay the full cost of tuition for courses directly related to the employee's work and conducted outside the employee's regular working hours, provided that:

- a. Funds for such expenditures are available in the current budget;
- b. The employee has made application for approval of the course and tuition benefit to their department director at least ten days prior to the registration of such course;
- c. The employee submits evidence of satisfactory completion of the course;
- d. The employee is not receiving reimbursement for tuition from any other source;

The City of Sandy will pay the accredited educational institution upon successful completion of the course. Employees will be required to pay back City paid educational costs if the employee terminates employment with the City of Sandy within one year from the completion of the course.

Courses that are only offered during regular working hours may be approved by the department director, provided time off can be arranged conveniently and reasonable arrangements can be made to make up time off.

The costs of textbooks and technical publications required for such courses shall be the responsibility of the employee unless the course is required by the City.

## **V. Miscellaneous Policies**

#### *A. Alcohol/Drug Use, Abuse and Testing*

The City of Sandy works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both

to themselves and to everyone who comes into contact with or depends upon them and risks damage to City of Sandy's reputation.

The City of Sandy expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective and efficient manner. An employee's off-the-job as well as on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

This policy applies to all employees (except where noted in this policy or where it is inconsistent with applicable law and/or collective bargaining agreement principles). This policy revises and supersedes all previous drug and alcohol testing policies and practices.

#### Prohibited Conduct

The following conduct is strictly prohibited and will result in disciplinary action up to and including termination:

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

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

#### Prescription Drugs and Medical Marijuana

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

An employee who uses prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or that may affect the safety or well-being of others, must notify HR Director of such use immediately before starting or resuming work. The City of Sandy may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of



prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide The City of Sandy with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

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

#### Testing

City of Sandy reserves the right to:

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

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

- A pattern of abnormal or erratic behavior;
- Information provided by a reliable and credible source;
- A work-related accident;
- Direct observation of drug or alcohol use;
- Presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
- Unexplained significant deterioration in individual job performance;
- Unexplained or suspicious absenteeism or tardiness;
- Employee admissions regarding drug or alcohol use; and
- Unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

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

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

#### Search of Property

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

#### Employee Refusal to Test/Search

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

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

#### Crimes Involving Drugs and/or Alcohol

Employees shall report:

- Any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction;
- Entry into a drug court or diversion program; or
- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

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

#### Drug and Alcohol Treatment

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

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

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

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

#### Confidentiality

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

#### *B. Mobile Devices Policy*

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

#### Cell Phones and Mobile Devices in General (both City of Sandy provided and personal cell phones/cellular devices)

Employees are allowed to bring personal cell phones and cellular devices to work with them. During working hours, however, employees should refrain from using them during working hours.

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

City of Sandy encourages nonexempt employees to not use their personal or City of Sandy provided cell phone/cellular device for work purposes outside of their normal work schedule without written authorization in advance from the HR Director. This includes, but is not limited to, reviewing, sending, and responding to emails or text messages, and responding to calls or making calls.

#### Employee Use of City of Sandy Provided Cell Phones/Cellular Devices

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

Employees who receive a cell phone or mobile device from City of Sandy must agree to not use the cell phone/cellular device for personal use except in emergency situations and must abide by all aspects of the Cellular Device Policy. Further, employees who receive a cell phone or mobile device from City of Sandy must acknowledge and understand that because the cell phone/mobile device is paid for and provided by City of Sandy, or subsidized by City of Sandy, any communications (including text messages) received by or sent from the cell phone/mobile device may be subject to inspection and review if City of Sandy has reasonable grounds to believe that the employee's use of the cell phone violates any aspect of the Cellular Device Policy or any other City of Sandy policy. **Employees should have no reasonable expectation of privacy in a City of Sandy provided or paid for mobile device.** An employee who refuses to provide City of Sandy access to his/her personal cell phone/cellular device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

Family and friends may not use an employee's City of Sandy -provided cell phone/cellular device.

#### Cell Phones/Cellular Devices and Public Records

City of Sandy related business conducted on City of Sandy provided or personal cell phones/cellular devices, may be subject to disclosure under Oregon's Public Records laws. City of Sandy employees may use text messages to communicate factual and logistical information that is not part of or related to conducting official City business, unless that information has been documented elsewhere, or will be documented and retained as a separate public record according to the City's authorized record retention schedule. In the absence of separate documentation, City of Sandy employees are not to use text messages for official purposes other than for routine communications that do not meet the definitions of a "public record." Questions related to what is and is not a public record should be forwarded to the City Recorder.

#### Cell Phone/Cellular Device Use While Driving

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

Employees are prohibited from using handheld cell phones for any purpose while driving on City of Sandy authorized or City of Sandy related business. This policy also prohibits employees from

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

### *C. Use of City of Sandy Email and Electronic Equipment and Services*

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

#### Ownership

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

#### Use

All of City of Sandy’s electronic equipment, facilities and services are provided and intended for City of Sandy business purposes only and not for personal matters, communications, or entertainment. In addition, access to the Internet, websites and other electronic services paid for by the City of Sandy are intended to be used for City of Sandy business. Incidental use is acceptable under specific circumstances. See “Fringe Benefits and Additional Compensation” policy above. This means, for example, that employees may not use the City of Sandy provided Internet, or City of Sandy electronic equipment and services to:

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

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

#### Inspection and Monitoring – No Right to Privacy

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

All information and communications in any format, stored by any means on City of Sandy's electronic equipment or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect City of Sandy's ownership of the electronic information, electronic equipment, facilities, or services, or City of Sandy's right to inspect such information. City of Sandy reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail, and other such material to monitor the use of all of City of Sandy's electronic equipment, facilities and services, including all communications and internet usage and resources visited. The City of Sandy will override all personal passwords if it becomes necessary to do so for any reason.

#### Personal Hardware and Software

Employees may not install personal hardware or software on City of Sandy's computer systems without approval from the department director and IT Director. All software installed on City of Sandy's computer systems must be licensed. Copying or transferring of City of Sandy owned software may be done only with the written authorization of the City Manager.

#### Unauthorized Access

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

#### Security

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

#### Inappropriate Websites

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

#### *D. Social Media*

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

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

##### Prohibited Postings

Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate City of Sandy’s no-harassment and no-discrimination policies and that include discriminatory remarks, harassment, or threats of violence or similar inappropriate or unlawful conduct.

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

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

##### Encouraged Conduct

Always be fair and courteous to coworkers, the citizens we serve, City of Sandy’s employees and elected officials, and suppliers or other third parties who do business with the City of Sandy. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open-Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, City of Sandy employees or elected officials, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City of Sandy policy.

Maintain the confidentiality of City of Sandy’s confidential information. Do not post internal reports, policies, procedures or other internal, City of Sandy related confidential communications or information. (See “Confidential City of Sandy Information” policy, below.)

### Request for Employee Social Media Passwords

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

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

#### *E. External Links*

City of Sandy only allows hyperlinks in its website if the links connect to websites that fall into one of the following categories:

- The website is owned by an organization that is parented with, sponsored by, or supported by City of Sandy;
- The website is educational in nature;
- The website is a governmental website or is sponsored by a state or local government.

City of Sandy will not allow any hyperlinks to any websites that advocate hate, bias, or discrimination, extremism or which contain information or hyperlinks associated with partisan political activity.

The links to websites that are external to the City of Sandy may provide additional information that may be useful or interesting and are being provided consistent with the intended purpose of the City of Sandy website. These external links are not endorsements of the organizations nor do they ensure the accuracy, relevance, timeliness, or completeness of the information. Further, the inclusion of links in hypertext on the City of Sandy web site are not intended to reflect their importance, nor are they intended to endorse any views expressed or products or services offered by the author of the reference or the organization operating the server on which the reference is maintained.

Links may be made to our website from personal and organizational web pages. We request that you link to our website rather than downloading portions of it to another web server, so that viewers will see the most up-to-date information.

Every effort has been made to provide accurate and complete information. However, we cannot guarantee that there will be no errors. City of Sandy does not assume any legal liability for the accuracy, completeness, or usefulness of any information, product, or process disclosed herein, or represents that use of such information, product, or process would not infringe on privately owned rights.



#### *F. Department Rules and Regulations*

Each department of the City of Sandy is encouraged to establish departmental rules, regulations, and procedures. Such rules, regulations, and procedures shall be in harmony with the provisions of these personnel rules and regulations and shall be binding on the employees of that department.

#### *G. Confidential City of Sandy Information*

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

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

#### *H. Ethics*

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

Employees are expected to model and reinforce ethical behavior in accordance with our policies. This includes, but is not limited to, maintaining the privacy and confidentiality of information protecting the assets of the organization, conducting business with honesty, following through on commitments, admitting mistakes, and showing consistency in words and actions.

We at the City of Sandy are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. If you are coming to the City of Sandy from work in the private sector, you may find that some activities that are common business practices in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

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

*I. Open-Door Policy*

City of Sandy's Open-Door Policy is based on our belief that open, honest communication between managers and employees should be a common business practice. City of Sandy's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are surfaced early and shared without the fear of retaliation (when the employee provides the input in good faith). If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in the City of Sandy, please raise them first with your immediate supervisor. If you are not satisfied with the response from your immediate supervisor, or if your issue involves your immediate supervisor, request to have the facts/situation reviewed by the HR Director.

*J. Outside Employment*

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

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

Employees may not accept outside employment that involves:

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

The City of Sandy requires employees to report outside employment to their Supervisor and the HR Director on an annual basis, or sooner if any changes in outside employment occurs.

*K. Criminal Arrests and Convictions*

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

1. All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on City of Sandy property, or in an City of Sandy vehicle (see "Alcohol/Drug Use, Abuse and Testing" policy above);

2. All arrests, citations, convictions, guilty pleas, or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or
3. If you are arrested, cited, or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

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

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

#### *L. Political Activity*

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

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

#### *M. Inclement Weather/Emergency Closing*

Except for regularly scheduled holidays identified by the City of Sandy (see “Holidays” section) City of Sandy is open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the City Manager (or his/her designee) will decide whether to and to what extent the City of Sandy will close. In the event of a closure, employees will be notified via email, sent to their City of Sandy provided email address. In addition, closure information will be posted on the City of Sandy website.

In the event of extreme bad weather, we recognize that each employee’s ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you should contact your manager. Essential staff are expected to report to work for the overall safety of the city and citizens. If nonessential staff cannot reach the office and are able to serve the City of Sandy from home, you should do so subject to approval by your manager or supervisor. If the city is open but a nonessential employee cannot safely report to work, the employee may use vacation leave and notify their supervisor.

#### *N. Driving While on Business*

Employees using a private vehicle to conduct City of Sandy’s business must possess a valid driver’s license and must carry auto liability insurance. Employees who use their own vehicles for

authorized City of Sandy business use should make any necessary arrangements with their insurance carriers.

The City of Sandy may verify the validity of your driver's license and/or your driving record at the time of hire and at any point during your employment. While on City of Sandy business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within 72 hours of the change or new restrictions/limitations.

#### *O. Workplace Violence*

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

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with the City of Sandy, or that threaten the safety, security, or financial interests of the City of Sandy. Employees should make such reports directly to the HR Director.

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

#### *P. Workplace Inspections – No Right to Privacy or Confidentiality*

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

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

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

### *Q. Workplace Safety*

In addition to defined working conditions and physical requirements detailed in each position description, employees are accountable for working safely, following established policies and procedures, utilizing all designated personal protective equipment (PPE) and/or safety equipment assigned for each task, and reporting all injuries and hazards to their supervisor immediately. Supervisors and Managers are accountable for ensuring the safety performance of employees, applying consistent practices in compliance with federal, state, and local regulations, and providing guidance to maintain a safe and healthy work environment. Concerns related to workplace safety should be brought to the attention of the HR Director.

### *R. Fragrances in the Workplace*

The City of Sandy strives to ensure the comfort and safety of staff and visitors by encouraging employees to be mindful of the scented products that they use. Many City of Sandy offices are small, enclosed spaces. City of Sandy requests that all scented products be used in a manner which is courteous and respectful of those around you. If you are experiencing issues related to scented products in the workplace, please contact the HR Director for assistance in finding a solution that is mutually agreeable to all employees.

### *S. Smoke-Free Workplace*

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

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

If you wish to smoke, you must do so outside of City of Sandy's facilities/buildings, and out of visitor view. Smoking and the use of tobacco is not allowed on city property.

### *T. Animals in the Workplace*

Employees are not allowed to bring pets or other animals into the City of Sandy facilities or City owned vehicles, and any other building, site or vehicle owned, controlled, or operated by the City of Sandy. City owned parks and greenspaces are excluded from this definition only when the employee is not working for or performing any duties on behalf of the City of Sandy.

In certain circumstances, the City of Sandy may be willing to accommodate service or working animals for employees with known disabilities. Please see the HR Director for further information.

## VI. Termination of Employment

### A. *Workplace Rules and Prohibited Conduct*

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

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

situations where the employee writes a check to the City of Sandy that is refused for payment due to non-sufficient funds.

- Harassment or discrimination that violates City of Sandy policy.

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

### *B. Corrective Action/Discipline Policy*

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

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

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

### *C. Grievance Policy*

The City of Sandy shall promptly consider and equitably adjust employee grievances relating to employment conditions and relationships. Furthermore, the City of Sandy desires to adjust the causes of grievances informally; both supervisors and employees are expected to resolve problems as they arise. In the event that problems are not resolvable through an informal process in the course of daily departmental practices, a formal grievance procedure may be initiated by the aggrieved employee(s).

The following steps shall be followed in submitting and processing a grievance:

1. The aggrieved employee(s) shall present their grievance in written form, including any substantiating evidence or documentation, to the department director, or immediate supervisor, if appropriate. The grievance should be signed and dated by all aggrieved parties and presented to the department director or supervisor within ten (10) working days of the occurrence, not including the date of the occurrence. The aggrieved employee(s) shall acknowledge receipt of the response with their signature(s) and date received.
2. If the grievance is not settled in Step One, above, the written grievance shall be presented along with any substantiating evidence or documentations in its original form to the City Manager within ten (10) working days after the department director's or supervisor's response is presented, not including the date of the response. The City Manager may meet with the aggrieved employee(s), the immediate supervisor, if appropriate, and the department director. The City Manager shall reply to the grievance in writing within ten (10) working days of the date of the presentation of the written grievance, not including the date of the presentation. The decision of the City Manager shall be final and binding.

If the aggrieved employee(s) do not initiate and follow the grievance procedures as established by this section, the grievance shall be considered not to have existed.

Any grievance not taken to the next step of the grievance procedure shall be considered settled on the basis of the last reply made and received in accordance with the provisions of this section. Following the settlement of a formally presented written grievance, the department director shall document the terms of the settlement, including any action to be taken. Both the department director and the aggrieved employee(s) shall sign the written report and include the date of signature.

#### *D. Retirement or Resignation from Employment*

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

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

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

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

#### *E. References*

All requests for references or recommendations must be directed to the HR Director. No manager, supervisor or employee is authorized to release references for current or former



employees. Managers and supervisors are expressly prohibited from providing LinkedIn “recommendations” or using a website on the internet to discuss a current or former employee’s performance or termination of employment.

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



## Employee Acknowledgement

City of Sandy Personnel Policies, February 1, 2022

I acknowledge that I have received and will read a copy of the City of Sandy's Personnel Policies. I also understand that a copy of the Personnel Policies is available to me at any time to review in the Human Resources Department, or on-line via the Employee Intranet.

I understand that the City of Sandy has adopted the Personnel Policies only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in City of Sandy's sole discretion. I also understand that the Personnel Policies control over any other contradictory statements, other than those found in applicable collective bargaining agreements. I acknowledge that the Personnel Policies are not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

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

I have reviewed or will review the City of Sandy's policies regarding equal employment opportunity and provides a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment to my supervisor, the HR Director, or any trusted manager or supervisor.

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

I have read this acknowledgement carefully before signing.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

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



## Staff Report

---

**Meeting Date:** January 3, 2022  
**From** Jeff Aprati, City Recorder  
**SUBJECT:** Update of Standard Procedures for City Boards

---

**DECISION TO BE MADE:**

Whether to update the the existing [Standard Procedures for City Boards](#)

**PURPOSE / OBJECTIVE:**

To bring the Standard Procedures for City Boards into consistency with the new three cohort system established for Planning Commission terms by the Council on December 6, 2021.

**BACKGROUND / CONTEXT:**

Several months ago, the Planning Commission expressed a desire for an altered term structure with multiple cohorts, rather than the standard two-cohort system, to limit the amount of turnover in any given year.

When Planning Commission appointments were made [on December 6, 2021](#), the Council agreed with the Commission's request, and chose to appoint two Commissioners to initial terms of two years, in effect creating the new three cohort system shown below. After the initial two year terms expire for Commissioners Crosby and MacLean-Wenzel, their seat terms will revert to the standard four years.

Commissioner	Term Expiration
Jerry Crosby	12/31/2023
Hollis MacLean-Wenzel	12/31/2023
Jan Lee	12/31/2024
Steven Hook	12/31/2024
Chris Mayton	12/31/2024
Darren Wegener	12/31/2025
Breezy Poulin	12/31/2025

**KEY CONSIDERATIONS / ANALYSIS:**

The three term cohort system established by the Council on December 6th differs from the City's official policies for boards and commissions, which states in Section 3.3 that "seat terms shall exist in two staggered cohorts."

It is therefore necessary to update the Standard Procedures for City Boards, creating a specific exception allowing the Planning Commission to have three term cohorts rather than the standard two.

**RECOMMENDATION:**

Staff recommends approving Resolution 2021-35, updating the Standard Procedures for City Boards to create the three cohort exception for the Planning Commission.

**SUGGESTED MOTION LANGUAGE:**

"I move to approve Resolution 2021-35"

**LIST OF ATTACHMENTS/EXHIBITS:**

- Resolution 2021-35
  - Updated Standard Procedures for City Boards



NO. 2021-35

**A RESOLUTION UPDATING THE STANDARD PROCEDURES FOR CITY BOARDS**

**Whereas**, the Council wishes to update the Standard Procedures for City Boards established by Resolution 2021-07; and

**Whereas**, the Council recognizes the Planning Commission's particular need for membership continuity and institutional memory; and

**Whereas**, the Council intends to meet this need by establishing three term cohorts for the Planning Commission rather than the standard two;

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy**

1. The Standard Procedures for City Boards originally established by Resolution 2021-07 are hereby superseded by Exhibit A.

This resolution is adopted by the Common Council of the City of Sandy and approved by the Mayor this 03 day of January 2022

---

Stan Pulliam, Mayor

ATTEST:

---

Jeff Aprati, City Recorder

#2021-35

# EXHIBIT A

## City of Sandy

### STANDARD PROCEDURES FOR CITY BOARDS

Updated by Resolution 2021-35

#### **SECTION 1: DEFINITIONS**

1.1 For the purposes of this policy, the term “Board” is intended to apply to all commissions, committees, advisory boards, subcommittees, task forces, and project advisory committees.

#### **SECTION 2: BOARD CATEGORIES**

2.1 Each Board will be classified into one of the following categories:

- Statutory Bodies
- Advisory Boards
- Task Forces
- City Council Subcommittees
- Project Advisory Committees

2.2 These categories of Boards will be structured and operate in accordance with the Board Operational Framework, attached herein as Attachment 1.

#### **SECTION 3: BOARD SEAT TERMS**

3.1 The seat term parameters set forth in this section apply to Statutory Bodies and Advisory Boards.

3.2 Seat terms are four years in length, starting New Year’s Day and ending New Year’s Eve. (Example: 1/1/2021 through 12/31/2024).

3.3 Seat terms shall exist in two staggered cohorts. Approximately half of the seats on a board are assigned the same term beginning and end date, while the other half share a different term beginning and end date.

3.3.1 In the case of the Planning Commission, seat terms shall exist in three staggered cohorts of two, three, and two seats, respectively. The seats within each cohort shall share the same term beginning and end dates, which must not duplicate the term beginning and end dates of any other cohort.

3.4 Members appointed to Boards by the City Council are assigned to a specific seat and serve until the expiration of the seat’s term. Members appointed to fill vacancies serve for the remainder of the unexpired term.

3.5 Incumbent members may apply for reappointment at the expiration of their existing terms (see Section 4 of this policy).

3.6 The City Recorder will maintain the official roster of Board seats, terms, and members.

#### **SECTION 4: SEAT VACANCIES**

4.1 All applicants seeking appointment to Statutory Bodies and Advisory Boards, whether incumbent members applying for reappointment or new applicants, will undergo the application and interview process outlined in this section.

- 4.1.1 The City Manager or City Council Members, if selected to serve as Board members, are exempt from the requirements of this section.
- 4.1.2 The City Council at its discretion may elect to require this process for specific appointments to Boards other than Statutory Bodies and Advisory Boards.
- 4.2 Prior to the expiration of a seat's term, city staff will proactively publicize the upcoming vacancy and collect applications from interested parties.
- 4.3 Applicants for Board seats will be interviewed by a panel consisting of three Council Members and the Chair of the applicable Board. In the event the Chair is the applicant, the Vice Chair will serve on the interview panel. In the event both the Chair and Vice Chair are applicants, the Board will select one of its members to serve on the interview panel.
- 4.4 Following the interviews, the interview panel, with the assistance of city staff, will provide appointment recommendations to the City Council.
- 4.5 All Board appointments will be made by the City Council at a regular public meeting.

#### **SECTION 5: PUBLIC MEETINGS**

- 5.1 All Statutory Bodies and Advisory Boards shall conduct public meetings in accordance with the provisions of Oregon Revised Statutes Chapter 192, and any other public meetings regulations enacted by the State of Oregon.
  - 5.1.1 The City Council at its discretion may also extend this requirement to specific Boards other than Statutory Bodies and Advisory Boards.

#### **SECTION 6: BYLAWS**

- 6.1 All Statutory Bodies and Advisory Boards shall operate under bylaws, in the interest of ensuring structure and consistency.
  - 6.1.1 The Council at its discretion may also extend this requirement to specific Boards other than Statutory Bodies and Advisory Boards.
- 6.2 Bylaws must be consistent with the Sandy Municipal Code, applicable State laws and regulations, and the provisions set forth in this policy.
- 6.3 Unless otherwise stipulated in the Sandy Municipal Code, bylaws must include at least the following:
  - 6.3.1 Meeting attendance requirements
  - 6.3.2 Meeting quorum requirements
  - 6.3.3 Procedures for electing Board officers
  - 6.3.4 Member qualification and/or residency requirements
- 6.4 Bylaws and amendments thereto must be approved by the City Council before taking effect. Boards may recommend amendments for the Council's consideration.

#### **SECTION 7: MEMBER CONDUCT**

- 7.1 All members of Boards are required to comport themselves in accordance with the City's Boards and Commissions Code of Conduct, originally adopted by the City Council on September 21<sup>st</sup>, 2020. The Council reserves the authority to make appointment and/or removal decisions based in whole or in part on adherence to the Code of Conduct.

**SECTION 8: STAFF AND COUNCIL LIAISONS**

- 8.1 The Mayor may designate a non-voting City Council Liaison to any Board for the purpose of facilitating communication and coordinating policy development.
- 8.2 The City Manager may designate a non-voting Staff Liaison to any Board for the purpose of providing administrative and logistical support to the body.
- 8.3 Neither City Council nor Staff Liaisons will be counted toward the constitution of a quorum at any meeting.

**SECTION 9: PREEMPTION**

- 9.1 Nothing in this policy purports to preempt any higher legal authority, including, but not limited to, the Sandy Municipal Code, the Sandy City Charter, Oregon Revised Statutes, or Oregon Administrative Rules.

DRAFT



## ATTACHMENT 1

### SANDY BOARD OPERATIONAL FRAMEWORK

	Intended Duration	Membership	Seat Terms	Interview / Application Process Required?	Members Appointed By:	Public Meetings Required?	Official Recommendations Made To:	Bylaws Required?	Body Established Through:	Examples
<b>Statutory Bodies</b>	Permanent	Area residents (as prescribed in Bylaws)	4 years / staggered cohorts	Yes	Council motion	Yes	City Council	Yes	Council ordinance	Planning Commission; Budget Committee
<b>Advisory Boards</b>	Permanent	Area residents (as prescribed in Bylaws)	4 years / staggered cohorts	Yes	Council motion	Yes	City Council	Yes	Council resolution	Library Advisory Board; Arts Advisory Board
<b>Task Forces</b>	Temporary (until specific purpose is fulfilled)	Flexible, based on purpose. Could include residents, staff, and/or up to 3 Councilors (avoid quorum)	Serve indefinitely until/unless resignation, removal, or Board disbanded	No (unless desired by Council)	Council motion or Mayor appointment	No (can be made public if desired)	Mayor, who then communicates it to the Council (public meetings not necessary)	No (can be established if desired by Council)	Council motion	Social Services Task force; Interview Panel for committee appointments
<b>City Council Subcommittees</b>	Temporary (until specific purpose is fulfilled)	Up to 3 City Councilors (avoid quorum)	n/a	n/a	Council motion or Mayor appointment	No (can be made public if desired)	Mayor, who then communicates it to the Council (public meetings not necessary)	No (can be established if desired by Council)	Council motion	Wastewater Project Oversight Committee; Survey Working Group
<b>Project Advisory Committees</b>	Temporary (until specific purpose is fulfilled)	Flexible, based on purpose. Could include residents, staff, and/or up to 3 Councilors (avoid quorum)	n/a	No (unless desired by Council)	City Manager or Mayor	No (can be made public if desired)	City Manager, who then communicates it to the Council (public meetings not necessary)	No (can be established if desired by Council)	City Manager decision	TSP TAC; Parks Master Plan Stakeholder Committee

**MEMORANDUM**

TO: Mayor Pulliam  
Sandy City Council Members

FROM: David Doughman, City Attorney's Office

SUBJECT: Scope of Review for Deer Meadows Appeal

DATE: December 21, 2021



---

On January 18, 2022, the Sandy City Council will hear an appeal of the Deer Meadows subdivision, which the Sandy Planning Commission denied in November. At its January 3, 2022 meeting, the council must determine the scope of its review for the appeal.

Section 17.28.30 of the Sandy Municipal Code says:

Except where a de novo hearing is required for review of Type II (Limited Land Use) decisions, an appeal is limited to a review of the record and a hearing for receipt of oral arguments regarding the record. At its discretion and if good cause has been demonstrated by the appellant or City staff, the hearing body may allow an appeal to include new evidence based upon circumscribed issues relevant to the appeal, or it may allow a de novo hearing.

Roll Tide Properties is the applicant/appellant. The appellant has requested the council limit its review to the record of the planning commission.

Historically, the council has heard appeals “de novo.” Under the city’s code, a de novo hearing is one where the council is able to consider new evidence and written testimony, in addition to the evidence and testimony presented to the planning commission. When an appeal is heard “on the record,” the city’s code says parties may only present oral argument regarding evidence and testimony in the record. In addition, if an appeal is limited to the record, the council may not accept new evidence and may not consider any new issue that someone may raise.

In my experience, local governments are not well equipped to handle appeals on the record. It makes sense for appellate bodies such as LUBA and appellate courts to limit appeals to the record. However, in those instances, rules govern the contents of the record; parties have an opportunity to object to the contents; and, prior to the hearing, each party files written briefs that must cite to relevant portions of the record in order to demonstrate they have preserved an issue for appeal.

Local governments are not appellate courts. Without similar procedures in place, appeals on the record can lead to arguments between parties about what issues may or may not be asserted on appeal, who may assert them and what evidence in the record supports those assertions. Significant amounts of time can be spent sorting through and making decisions concerning these issues, which then results in potential procedural errors. These potential problems are exacerbated by hybrid/remote hearings, which Oregon law will effectively require as of January 1, 2022.

**RECOMMENDATION:** For these reasons, I recommend the council choose to hold a de novo hearing for the Deer Meadows appeal on January 18, 2022.



## Staff Report

---

**Meeting Date:** January 3, 2022

**From** David Snider, Economic Development Manager

**SUBJECT:** Covered Structures Round 2 Gen Fund Application Review

---

### **BACKGROUND / CONTEXT:**

The Permanent Covered Structures Program was established by the Sandy Urban Renewal Agency (SURA) Board on December 21, 2020 to assist local restaurant, bar, and athletic club owners with creating permanent outdoor covered structures for dining and workout spaces. Due to the success of this program, a second round of applications was approved by the SURA at their meeting on September 7<sup>th</sup>, 2021 with the understanding that some applicant businesses may be from outside the urban renewal (UR) district. Any grant applications received from applicants outside the UR district may not be funded by the urban renewal agency -- these projects must be reviewed and approved by the Sandy City Council and funded with general fund dollars. To address this, a parallel but equal program for businesses outside the urban renewal district was also created at the September 2021 meeting per SURA Board/City Council request using general fund dollars for funding.

Initial marketing for this program included program announcements via the City website newsfeed, official social media outlets and the City newsletter. A direct letter was sent to all remaining eligible businesses by the Economic Development Manager via first class mail. The application period opened at 12:01 AM on October 11<sup>th</sup> and closed at 5:00 PM on October 29<sup>th</sup>. Staff received two Covered Structures grant applications from businesses outside the urban renewal district during the application period.

### Current Applications

For the second round of the Covered Structures grant program, the program received two qualifying applications from businesses outside the urban renewal district -- applicant businesses are the **Smoky Hearth Restaurant** and **Wippersnappers Kid's Play Place**. The basic designs and site plans for both projects above are shown in the attachment entitled "CS2 Proposed Designs Gen Fund" for your review.

### **KEY CONSIDERATIONS / ANALYSIS:**

#### Projected Costs

Cost estimate information for both qualifying projects you are reviewing this evening are included in an attached table entitled "Project Table & Work Process Round II GF". This table includes brief project descriptions as well as estimated construction cost and general fund cost ranges for each proposed project.

The total estimated construction cost range for both proposed general fund covered structure projects is \$160,000 to \$240,000. **The total estimated cost range that the general fund would ultimately be responsible for with regard to these projects is \$138,000 to \$170,000.**

- The Gen Fund cost ranges are estimates for total project costs that the City will be ultimately be responsible for. These costs were determined by subtracting the applicant's 20% share of estimated project construction cost and adding \$5K for the design & engineering costs, which the grant program covers at 100%.
- According to the attached program guidelines, the Covered Structures grant program will cover 80% of project costs up to a maximum project cost limit of \$100,000. Any project costs in excess of \$100,000 are the sole responsibility of the applicant.

Please keep the following items in mind when reviewing estimated costs:

- Estimated costs listed are only rough estimates based on the costs associated with the projects we completed in the first round – we will not know actual costs until we receive official bids for these projects.
- Although these cost ranges were developed with the assistance of our general design and engineering contractor (who also built 3 of these structures in the last round), it is difficult to assess materials costs at the moment as price and availability of some building materials seem to be in a state of constant flux due to supply chain problems caused by the pandemic. Because of these issues, we took a very conservative approach to estimating costs with this program. If it turns out that we overestimated costs significantly, we will return to the City Council for additional instruction.
- The “110% rule” is still in effect for this round of the program – i.e. if the low bid for any proposed project is higher than 110% of the top of the projected range, staff will return to the City Council for additional authorization prior to starting construction on the project.

**RECOMMENDATION:**

Staff recommends evaluating these proposed projects using program objectives and review criteria listed in the attached Program Guidelines (*Permanent Outdoor Covered Structure Program R2 -- General Fund Guidelines*) document for this program. This document lists the grant program objectives as follows:

1. *To help local business owners stay in operation during the COVID-19 crisis by helping to create spaces for outdoor dining.*
2. *To help local business owners create new permanent spaces for outdoor seating at restaurants, breweries, wineries, bars and coffee shops in Sandy.*
3. *To help other businesses, such as fitness facilities provide outdoor fitness options.*

4. *To remain consistent with the Façade Grant Program in improving the aesthetic appearance of the exterior façades of existing buildings and businesses throughout the City of Sandy.*

The program review criteria shown in the same document are listed as follows:

- *The structure meets Sandy Style and Building Code requirements.*
- *The proposal has a harmonious aesthetic appearance with the primary building.*
- *The proposal has a positive impact on the overall streetscape (if applicable).*

**BUDGETARY IMPACT:**

If awarded, staff recommends that funding for these two covered structures projects be provided by **recommitting \$214,900 of the first tranche of ARPA funding** from general revenue replacement to the Covered Structures Program. Other functions that staff had suggested spending revenue replacement dollars on (the homelessness issue, for example) can potentially be reimbursed with the second tranche of ARPA funding that is scheduled to arrive in August.

**SUGGESTED MOTION LANGUAGE:**

*"I move that we [approve/deny] the Covered Structures grant application from the Smoky Hearth, and that we [approve/deny] the Covered Structures application from Wippersnappers Kid's Play Place.*

**LIST OF ATTACHMENTS/EXHIBITS:**

- Attachment 1 -- CS2 Proposed Designs GF
- Attachment 2 -- Project Table and Work Process Round II GF
- Attachment 3 -- Permanent Outdoor Covered Structures R2 - Gen Fund Guidelines

COVERED STRUCTURES GRANT PROGRAM  
ROUND II – JANUARY 2022

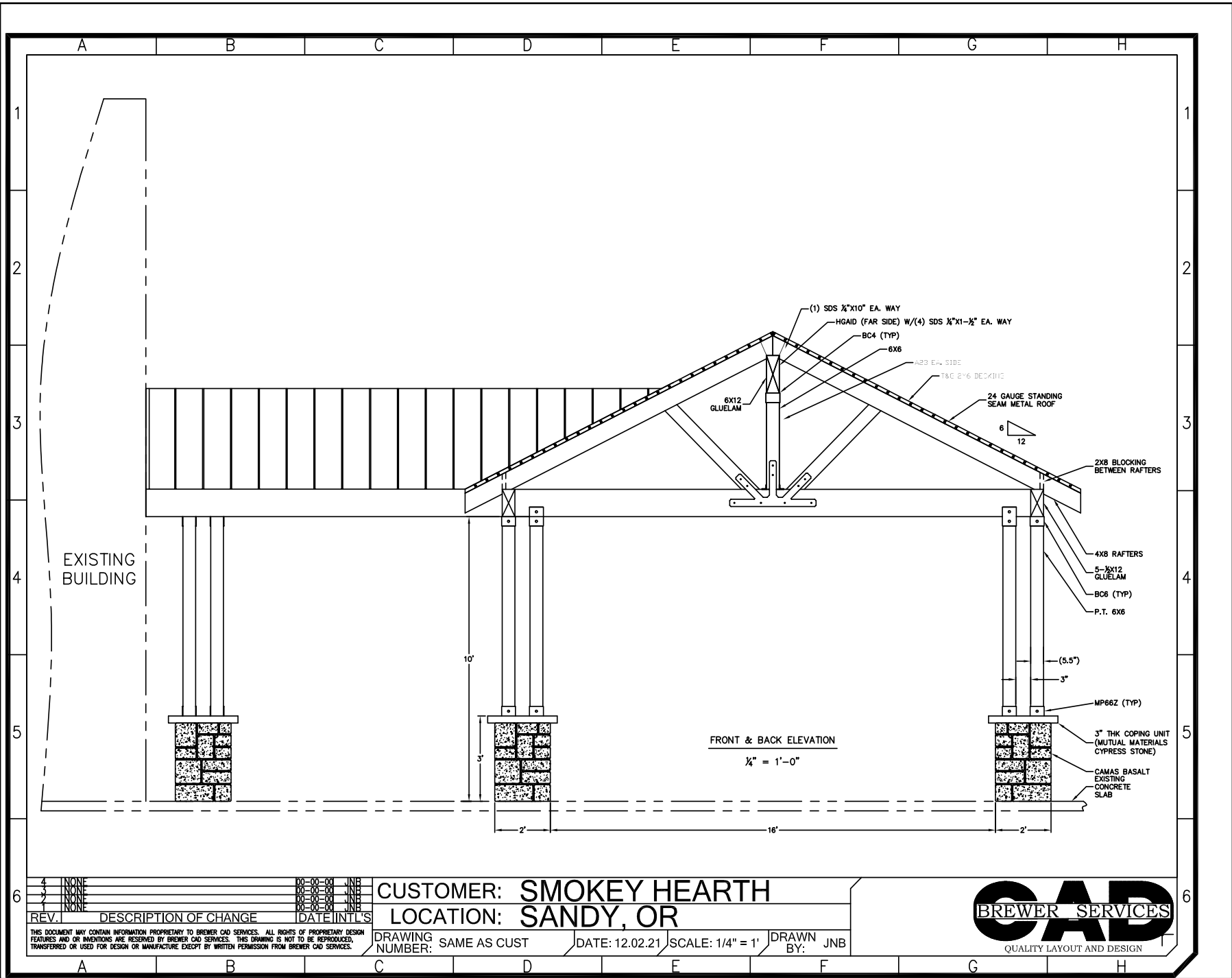
PROPOSED PROJECTS – DESIGN CONCEPTS  
AND SITE PLANS

GENERAL FUND PROJECTS

21-013 FAC: THE SMOKY HEARTH

PROPOSED DESIGN & SITE PLAN





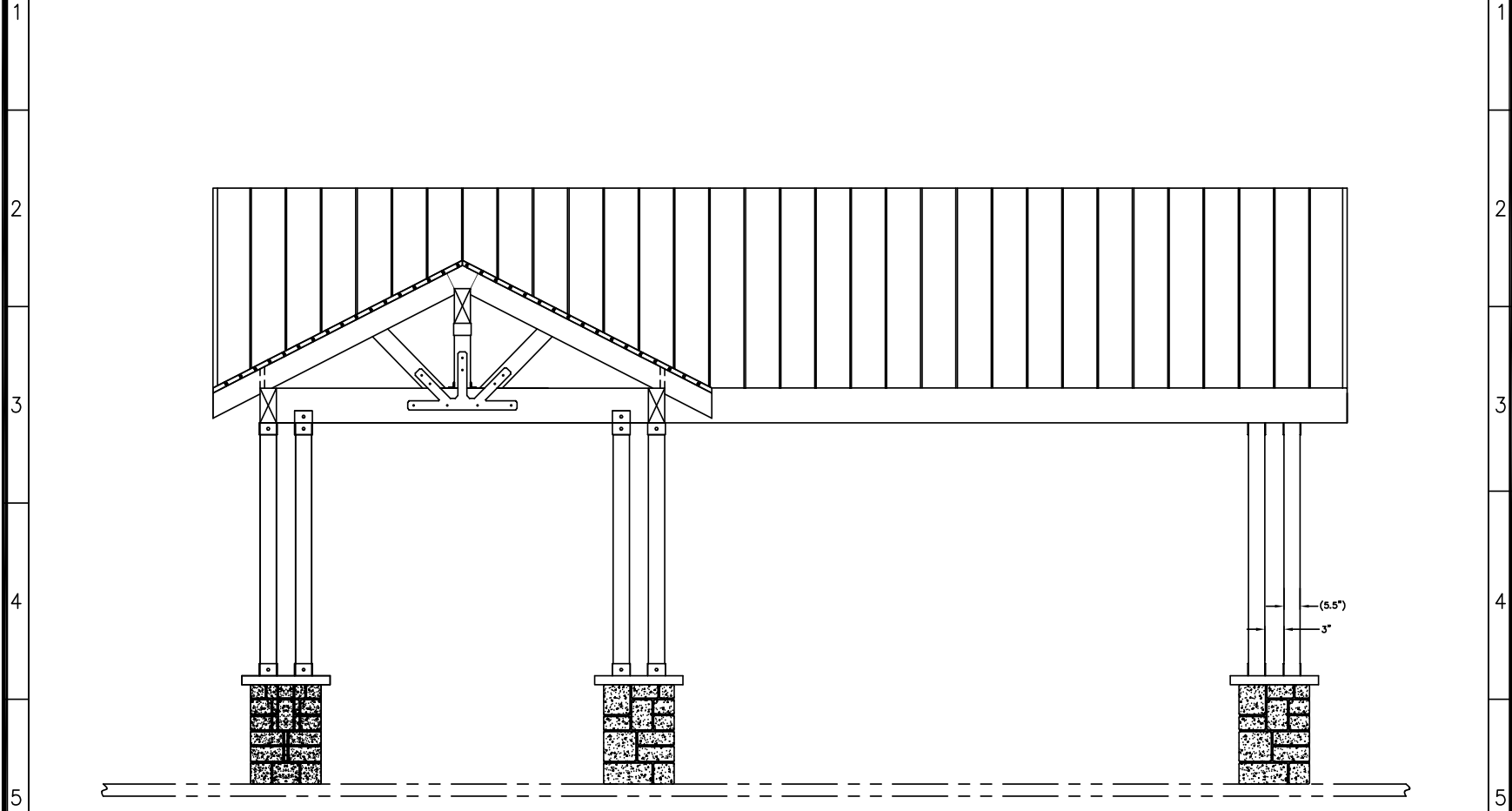
FRONT & BACK ELEVATION  
 1/4" = 1'-0"

REV.	DESCRIPTION OF CHANGE	DATE	INT'L'S
4	NONE	00-00-00	JNB
3	NONE	00-00-00	JNB
2	NONE	00-00-00	JNB
1	NONE	00-00-00	JNB

CUSTOMER: SMOKEY HEARTH  
 LOCATION: SANDY, OR  
 DRAWING NUMBER: SAME AS CUST  
 DATE: 12.02.21 SCALE: 1/4" = 1'  
 DRAWN BY: JNB



A B C D E F G H



LEFT SIDE ELEVATION

1/4" = 1'-0"

REV.	DESCRIPTION OF CHANGE	DATE	INT'L'S
4	NONE	00-00-00	JNB
3	NONE	00-00-00	JNB
2	NONE	00-00-00	JNB
1	NONE	00-00-00	JNB

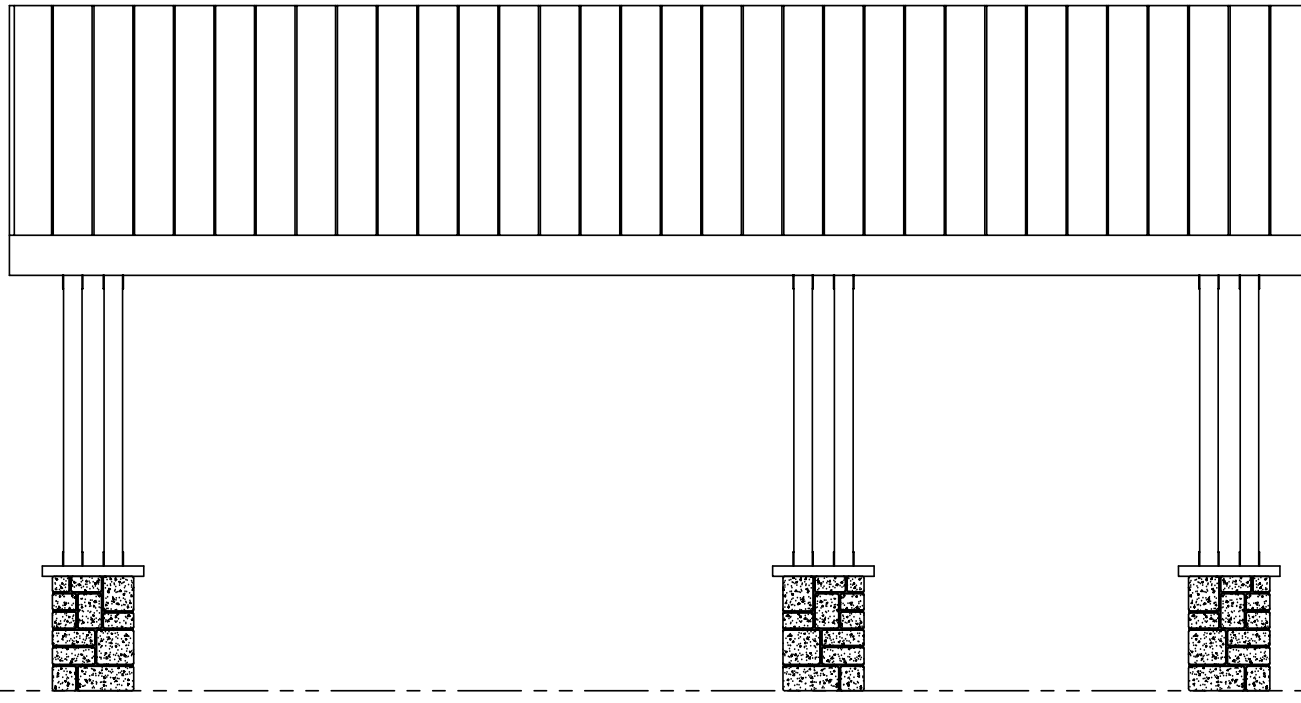
CUSTOMER: SMOKEY HEARTH  
 LOCATION: SANDY, OR

DRAWING NUMBER: SAME AS CUST      DATE: 12.02.21      SCALE: 1/4" = 1'      DRAWN BY: JNB



A B C D E F G H

EXISTING  
BUILDING

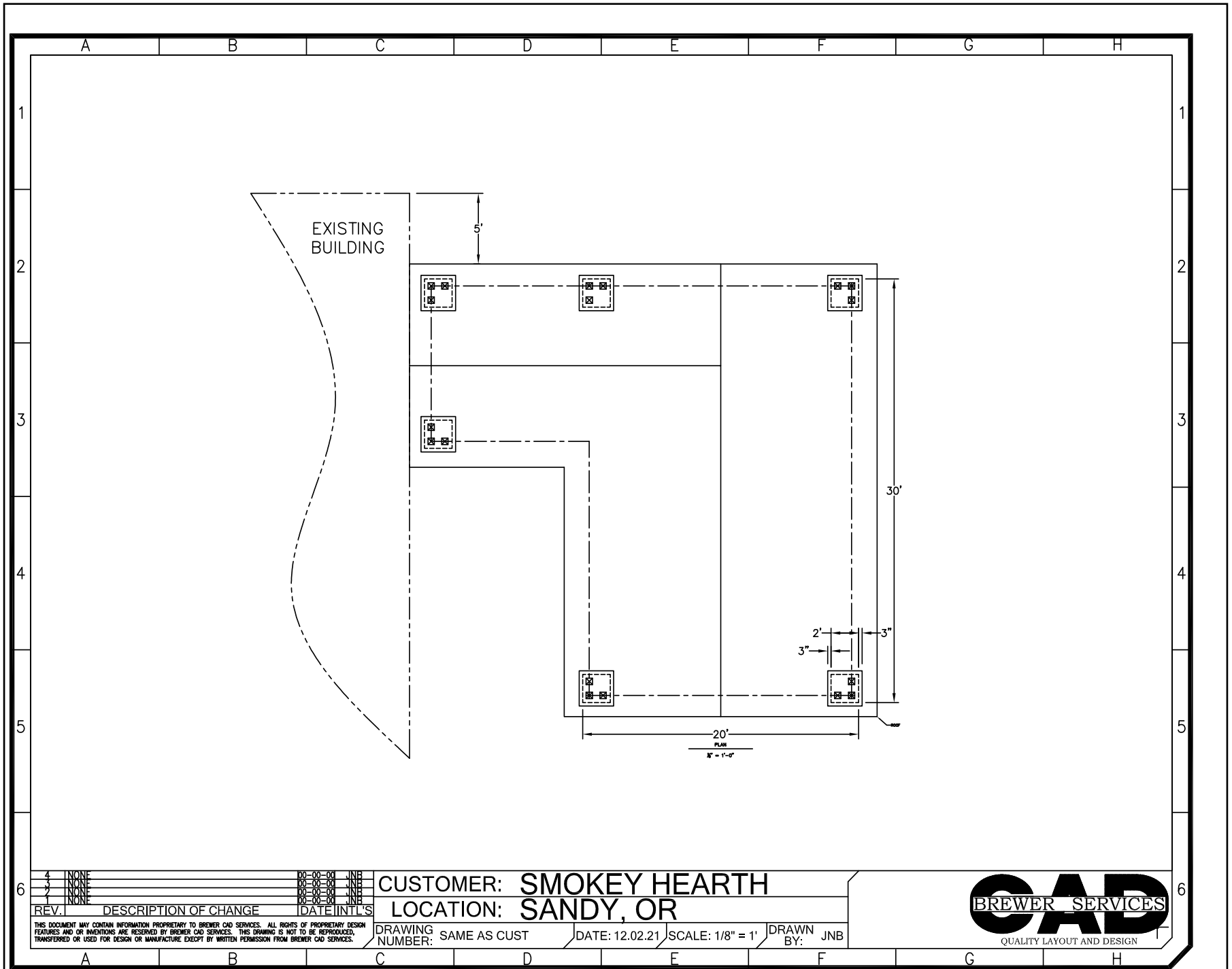


RIGHT SIDE ELEVATION  
1/4" = 1'-0"

REV.	DESCRIPTION OF CHANGE	DATE	INT'L'S
4	NONE	00-00-00	JNB
3	NONE	00-00-00	JNB
2	NONE	00-00-00	JNB
1	NONE	00-00-00	JNB

CUSTOMER: **SMOKEY HEARTH**  
 LOCATION: **SANDY, OR**  
 DRAWING NUMBER: SAME AS CUST      DATE: 12.02.21      SCALE: 1/4" = 1'      DRAWN BY: JNB



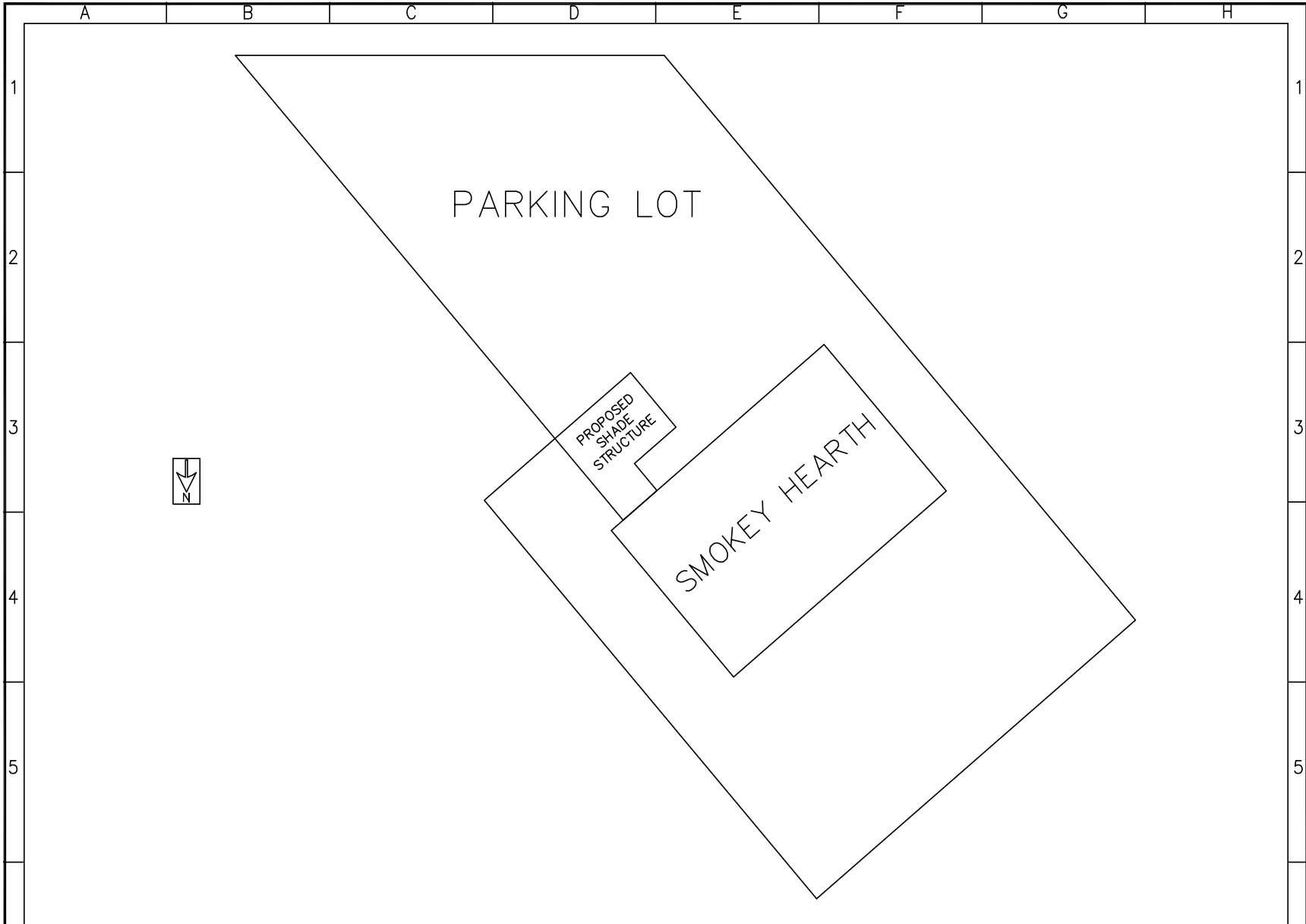


REV.	DESCRIPTION OF CHANGE	DATE	INT'L'S
4	NONE	00-00-00	JNB
3	NONE	00-00-00	JNB
2	NONE	00-00-00	JNB
1	NONE	00-00-00	JNB

CUSTOMER: **SMOKEY HEARTH**  
 LOCATION: **SANDY, OR**

DRAWING NUMBER: SAME AS CUST      DATE: 12.02.21      SCALE: 1/8" = 1'      DRAWN BY: JNB





4	NONE	00-00-00	JNB
3	NONE	00-00-00	JNB
2	NONE	00-00-00	JNB
1	NONE	00-00-00	JNB

CUSTOMER: SMOKEY HEARTH  
 LOCATION: SANDY, OR

THIS DOCUMENT MAY CONTAIN INFORMATION PROPRIETARY TO BREWER CAD SERVICES. ALL RIGHTS OF PROPRIETARY DESIGN FEATURES AND OR INVENTIONS ARE RESERVED BY BREWER CAD SERVICES. THIS DRAWING IS NOT TO BE REPRODUCED, TRANSFERRED OR USED FOR DESIGN OR MANUFACTURE EXCEPT BY WRITTEN PERMISSION FROM BREWER CAD SERVICES.

DRAWING NUMBER: SAME DATE: 12.02.21 SCALE: 1" = 40' DRAWN BY: JNB



**21-016 FAC: WIPPERSNAPPERS KID'S PLAY PLACE**

**PROPOSED DESIGN & SITE PLAN**

A B C D E F G H

1

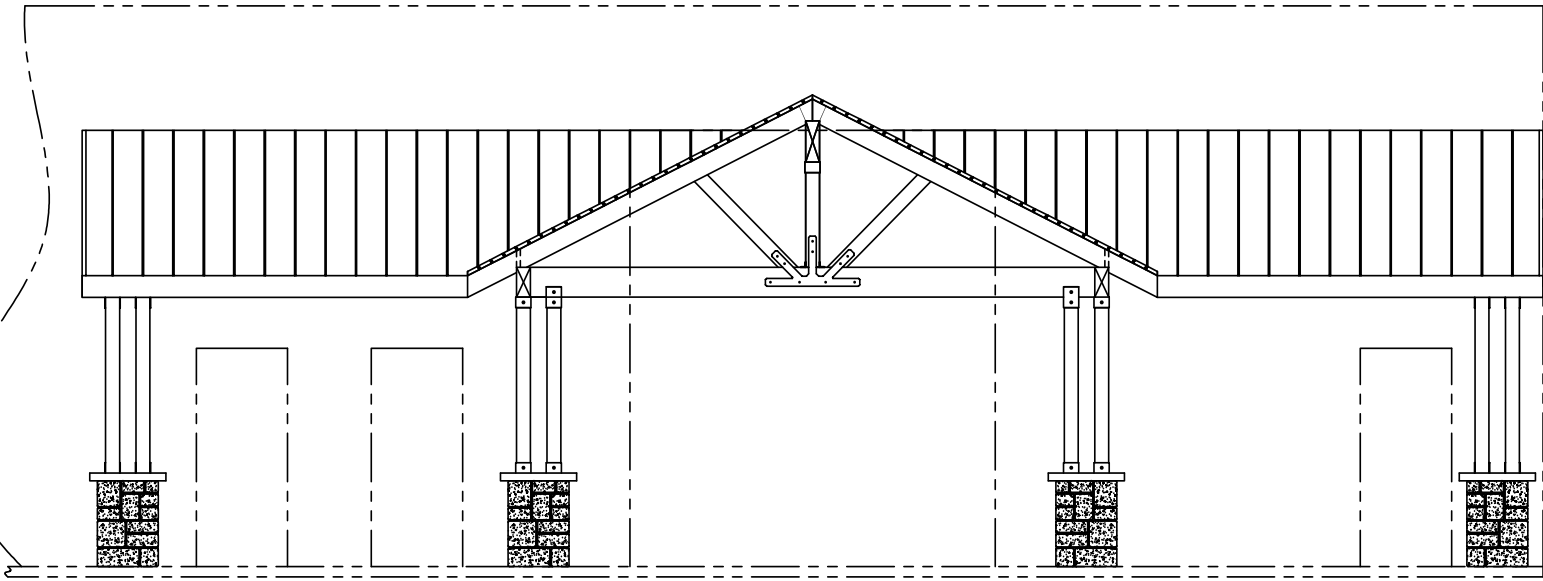
2

3

4

5

6



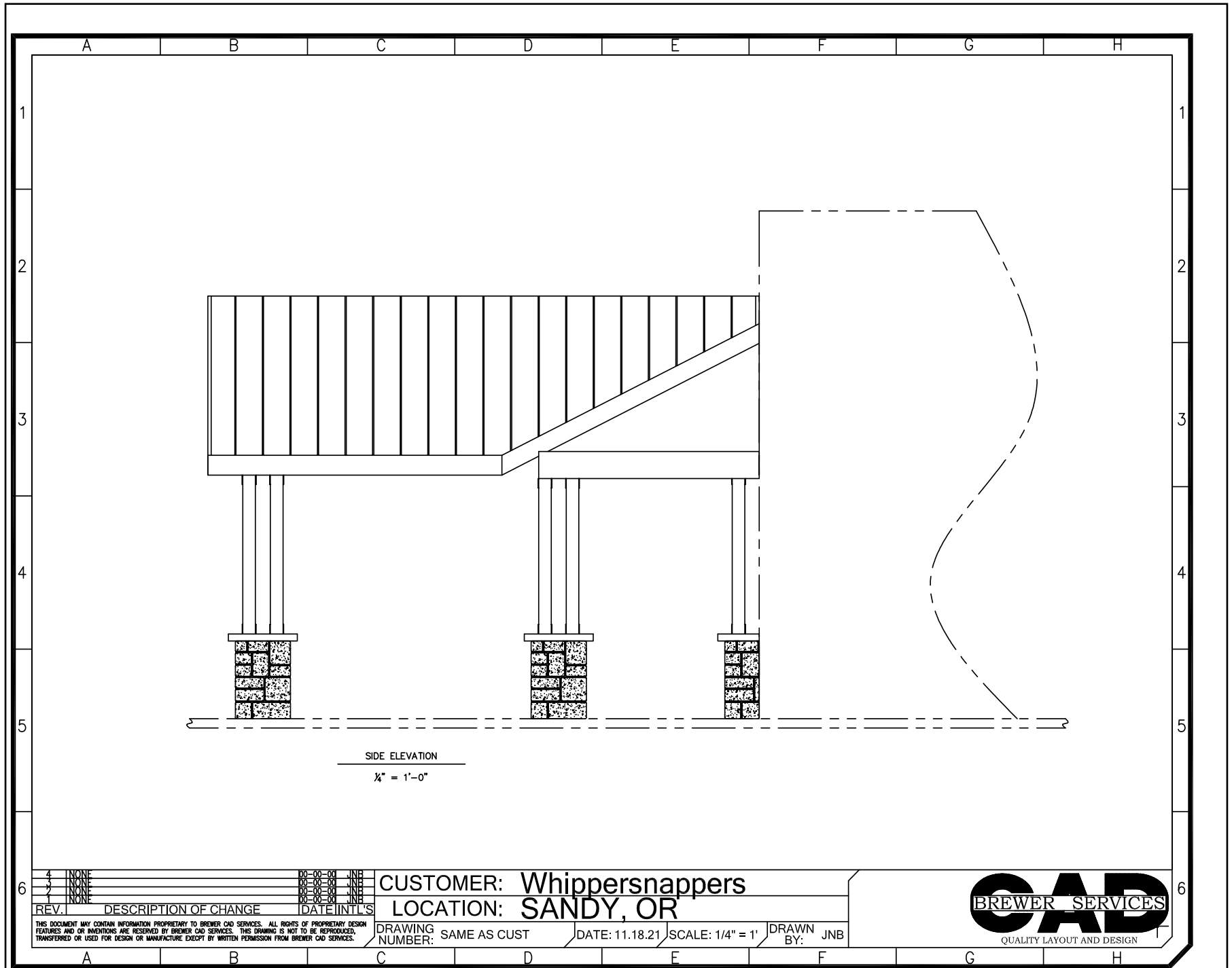
FRONT & BACK ELEVATION  
3/16" = 1'-0"

REV.	DESCRIPTION OF CHANGE	DATE	INT'L'S
4	NONE	00-00-00	JNB
3	NONE	00-00-00	JNB
2	NONE	00-00-00	JNB
1	NONE	00-00-00	JNB

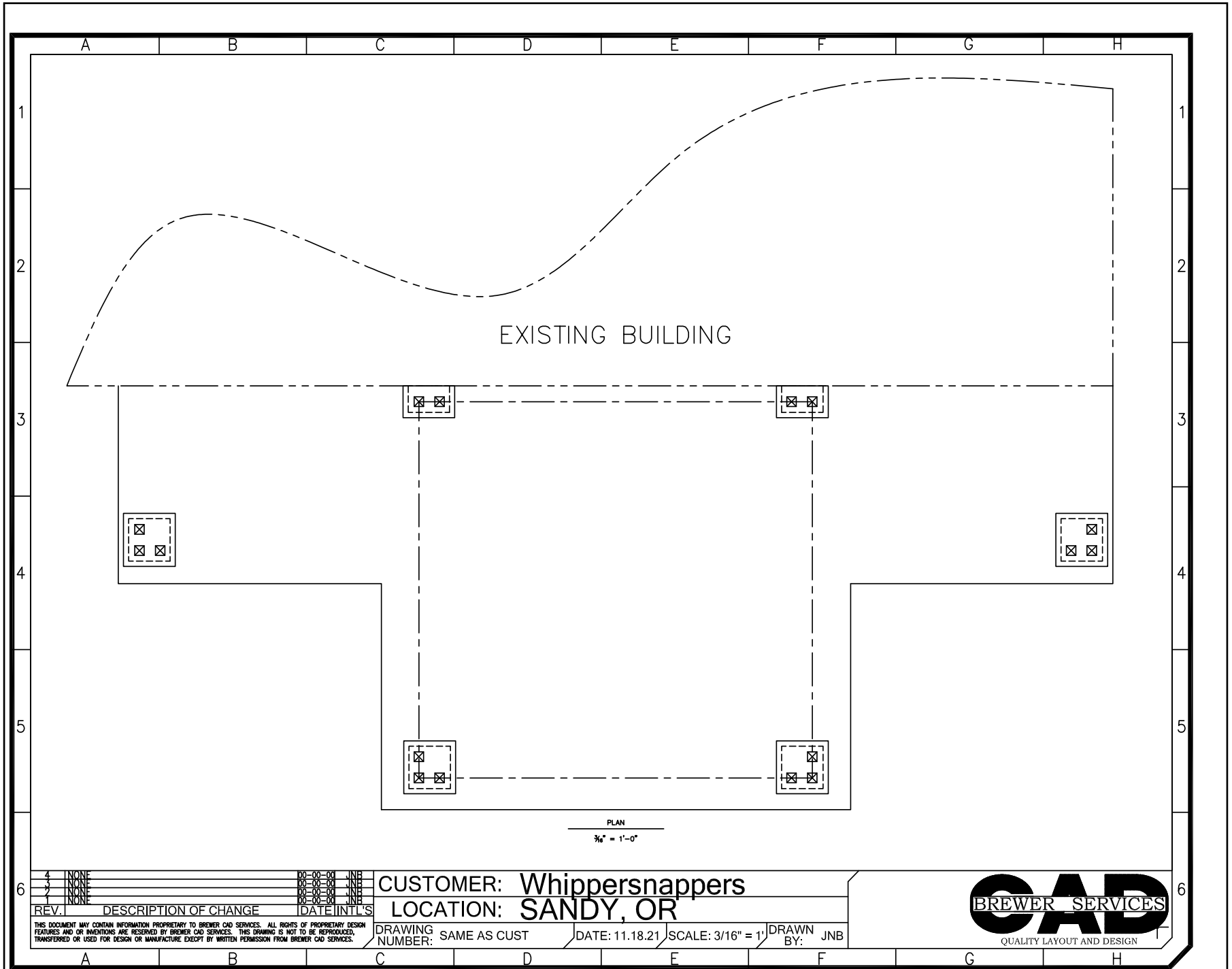
CUSTOMER: Whippersnappers  
 LOCATION: SANDY, OR  
 DRAWING NUMBER: SAME AS CUST  
 DATE: 11.18.21 SCALE: 3/16" = 1'  
 DRAWN BY: JNB



A B C D E F G H



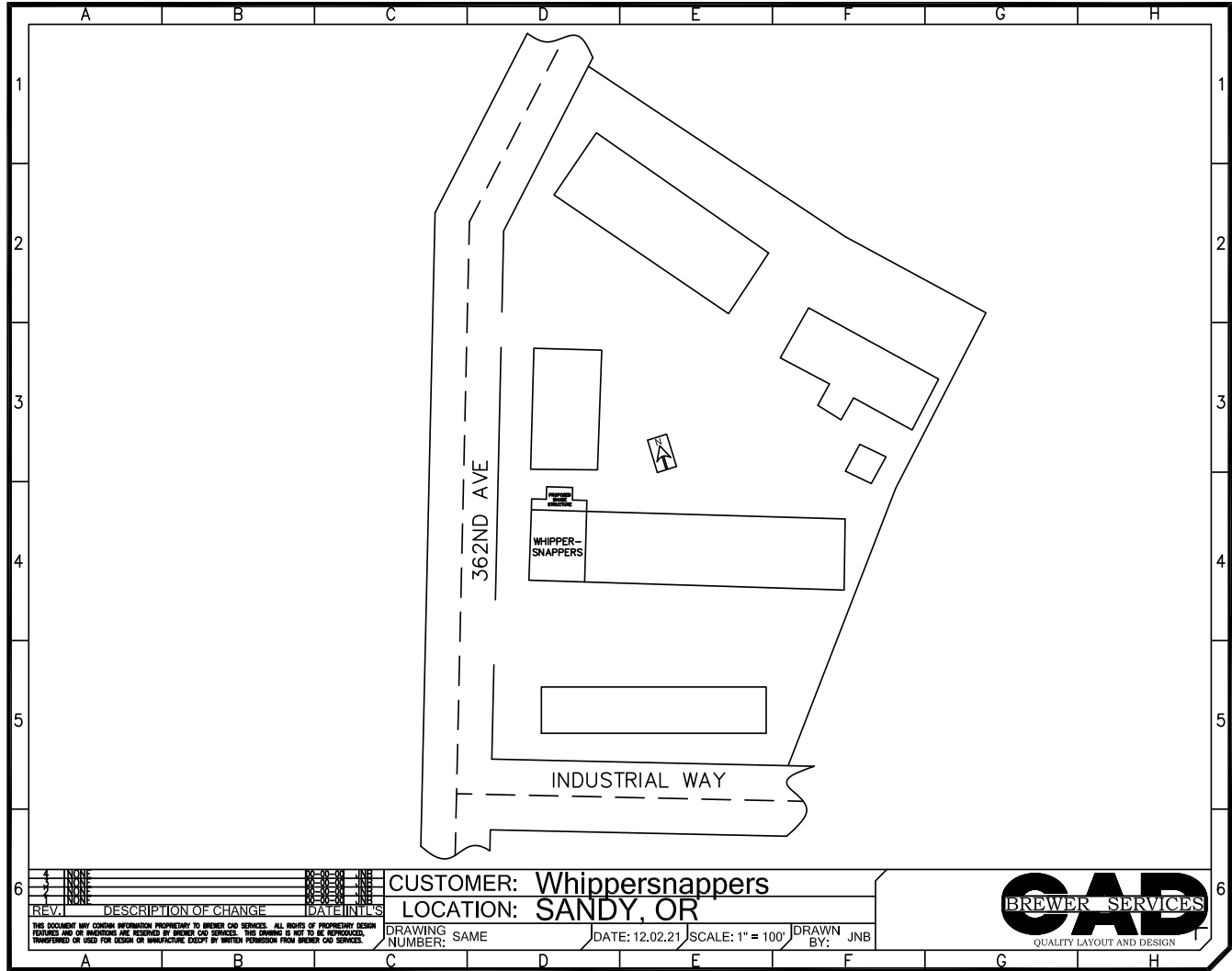
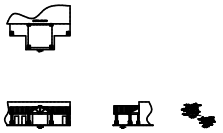




REV.	DESCRIPTION OF CHANGE	DATE	INT'L'S
4	NONE	00-00-00	JNB
3	NONE	00-00-00	JNB
2	NONE	00-00-00	JNB
1	NONE	00-00-00	JNB

CUSTOMER: Whippersnappers  
 LOCATION: SANDY, OR  
 DRAWING NUMBER: SAME AS CUST  
 DATE: 11.18.21 SCALE: 3/16" = 1'  
 DRAWN BY: JNB





**Covered Structures – Project Table & Work Process**

**General fund projects**

Applicant	Notes for Proposed Project	Estimated Project Cost - Total	* Estimated Project Cost – Gen Fund
Smoky Hearth Restaurant	Add a permanent covered structure at old tent location w/ tie back to the building	\$80K - \$120K	\$69K - \$85K
Wippersnappers Kids Play Place	Add a permanent covered structure at west end of parcel (near front door) w/ tie back to the building.	\$80K - \$120K	\$69K - \$85K
<b>Total projected cost ranges</b>		<b>\$160K - \$240K</b>	<b>\$138K - \$170K</b>

\* This range represents the estimated actual project cost to the City of Sandy for each of these projects. Numbers were determined by taking the estimated project cost range, multiplying by 0.8 to eliminate the 20% of project costs realized by the applicant, and then adding \$5K to account for the design & engineering costs (100% City expense). Also incorporates \$100K max project cost; all expenses in excess of \$100K are the sole responsibility of the applicant.

**Work Process**

The general work process for this program is as follows for each project:

1. Application received online.
2. Phone/in person meeting with applicant to confirm receipt of application, answer basic program questions and schedule design meeting with applicant.
3. On site design meeting with applicant and design professional.
4. Design work completed (typically takes 1-2 weeks unless changes are requested by applicant or engineer)
5. **PROJECTS PRESENTED TO SURA/CITY COUNCIL – SURA BOARD/COUNCIL APPROVES OR DENIES INDIVIDUAL PROJECTS FOR CONSTRUCTION**

**FOR APPROVED DESIGNS:**

6. Completed design sent to engineer (typically takes 2-3 weeks, staggered)
7. Scope of work developed by staff using engineered plans.
8. Scope of work distributed to bidding contractors (bid period typically 30 days)
9. Winning (low bid) bidder selected; contract and repayment schedule developed based on winning bid price.
10. Return to SURA Board for final project approval if winning bid exceeds 110% of high end of projected cost range.
11. Contract signed by applicant; contractor may begin work & applying for permits.

## **City of Sandy Permanent Outdoor Covered Structure Program – General Fund Program Guidelines**

---

### **I. Background**

The Permanent Outdoor Covered Structures grant program is a subsection of the Façade Improvement Grant Program, a grant program offered by the City of Sandy Urban Renewal Agency. Additional outdoor seating in Sandy has been a desired amenity for many years – the current COVID-19 crisis adds urgency to this concept. This program has allocated matching grants with funding from the General Fund for qualified projects outside of the Sandy Urban Renewal Zone.

### **II. Program Objectives**

The purposes of the Permanent Outdoor Covered Structures Program are:

1. To help local business owners stay in operation during the COVID-19 crisis by helping to create spaces for outdoor dining.
2. To help local business owners create new permanent spaces for outdoor seating at restaurants, breweries, wineries, bars and coffee shops in Sandy.
3. To help other businesses, such as fitness facilities provide outdoor fitness options.
4. To remain consistent with the Façade Grant Program in improving the aesthetic appearance of the exterior façades of existing buildings and businesses throughout the City of Sandy.

### **III. Eligibility**

The following business entities and/or commercial property owners are eligible to apply for and receive grant funds:

- Property owners of commercial buildings that are zoned Central Business District (C-1), Industrial Park (I-1) and General Commercial (C-2) that exist outside of the Urban Renewal District.
- Business owners or tenants of commercial buildings that are zoned Central Business District (C-1), Industrial Park (I-1) and General Commercial (C-2) that exist outside the Urban Renewal District, with property owner consent.

### **IV. Eligible Improvements**

Funds may be used for creating new permanent outdoor covered structures in compliance with the Sandy Style Design Standards contained in the Sandy Development Code Chapter 17.90. For the purposes of this program, “permanent outdoor covered structure” is defined as a permanent, Sandy Style compliant accessory structure designed to provide cover for businesses. The following items are considered eligible expenses through this program:

1. Design work from a licensed architect or design professional. City-generated designs may be used at no cost to the applicant.
2. Construction of a Sandy Style compliant structure with a minimum of four support posts, a permanent roof with a 6:12 pitch and stone wrapped support bases. Eligible elements include:
  - a. Framing and trusses;

- b. Roofing materials;
- c. Gutters and downspouts;
- d. Permanent electrical infrastructure and lighting;
- e. Surface paints or stains [*Paints must be in conformance with the approved Sandy Style color palette*];
- f. Application of stone wrapped bases;
- g. Concrete work necessary to:
  - i. Reinforce support posts;
  - ii. Install slab surface; or
  - iii. Improve ADA accessibility to the covered area.
- h. Stormwater detention and treatment, if necessary;
- i. Heating devices as approved by the Sandy Fire Marshall and Building Official;
- j. Removable vinyl paneling for additional wind and weather resistance. [*Note: Current State of Oregon COVID regulations require 75 percent of any outdoor structure to remain open for outdoor seating structures – this improvement is included to make these accessory structures more usable post-COVID-19 as regulations change.*]
- k. Bollards as needed for safety.
- l. Other improvements as approved by the Development Services Director.

**V. Financing**

This grant program will pay for all project costs up front. City design work may be used at no cost to the applicant if desired. Upon completion of a project, applicant will be responsible for reimbursing the City for 20% of project costs – this may be paid in one of two ways:

- 1. In a lump sum within 30 days following invoice from the City.
- 2. An installment plan may be arranged with the City under terms determined by the City Finance Director.

Grants will be awarded as identified below. The maximum project cost for a single project is \$100,000.

Project Cost	Applicant Financial Responsibility
\$0 to \$100,000	Applicant will reimburse City 20% of the cost of construction upon project completion.

**VI. Application Process**

The application process includes the following steps:

- 1. Applicant to review Design Standards in Chapter 17.90 of the Sandy Development Code.
- 2. Applicant schedules a Grant Application Meeting with the Economic Development Manager to discuss proposed improvements.
- 3. Applicant submits a Grant Application with supporting documentation as outlined at the Grant Application Meeting.
- 4. Projects requiring Design Review as specified in Chapter 17.90 of the Sandy Development Code are required to complete the design review process prior to submittal of a Grant Application as determined necessary by the Development Services Director.

5. Applicants will be required to sign a contract stipulating that the applicant portion of project costs will be repaid in full and agree to a lien on their property to secure payment. If the applicant does not own the property, the property owner may agree to a lien on their property on the applicant's behalf.

#### **VII. General Conditions**

1. Approval of grant applications is contingent upon available funds.
2. All projects shall conform to the design standards of Chapter 17.90 of the Development Code, other applicable regulations in the Sandy Municipal Code, and the requirements of the Oregon State Building Codes.
3. Some projects will require Design Review approval prior to submittal of a grant application.
4. Once an application is approved, the applicant will be required to enter into a Grant Approval Agreement with the City.
5. All project contractors shall, where applicable, have a valid CCB license in the State of Oregon in good standing. The cost of any work requiring a CCB license that is not completed by a licensed contractor will be required to be paid by the applicant in full.
6. Project contractors not in possession of a current City of Sandy Business License shall obtain one prior to beginning project work and pay all applicable transit taxes.
7. Projects costing more than \$5,000 require submittal of a minimum of three bids.
8. Projects are required to be completed within one (1) year from the date of the grant approval or as otherwise specified in the grant agreement.
9. Contractors shall contact 811 (utility locates) prior to any excavation.
10. Additional conditions may be included with the grant approval.

#### **VIII. Review Process**

- A. Grant applications are administratively reviewed by the Development Services Director for compliance with the guidelines and review criteria set forth for this program.
- B. Grant applications shall be reviewed and approved by the Sandy City Council.

#### **IX. Review Criteria**

All projects will be reviewed based on the following criteria:

- A. The structure meets Sandy Style and Building Code requirements.
- B. The proposal has a harmonious aesthetic appearance with the primary building.
- C. The proposal has a positive impact on the overall streetscape (if applicable).

#### **X. Payment Procedure**

Project payment will occur based on the following procedures:

- A. The project will be considered complete only after construction is complete and a city inspection has been conducted.
- B. Upon project completion, city staff should be contacted to conduct a site inspection.
- C. Only contractors with an active CCB license in good standing shall perform project work where licensure is required.

September 2021

- D. Applicant portion of project costs (20% of project costs not including City generated design work) shall be paid to the City of Sandy within thirty (30) days following invoice from the City, unless an installment plan is entered into with the City Finance Director, in which case payment shall be made according to that installment plan.

**If you have additional questions, please contact:**

Economic Development Manager

David Snider

503-489-2157

[dsnider@ci.sandy.or.us](mailto:dsnider@ci.sandy.or.us)

The background of the slide is a light gray gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance. The text is centered on the slide.

# PERMANENT OUTDOOR COVERED STRUCTURES – ROUND II

SANDY CITY COUNCIL

REGULAR MEETING - JANUARY 3<sup>RD</sup>, 2022





# COVERED STRUCTURES PROJECTS: GENERAL FUND

EXECUTIVE SUMMARY

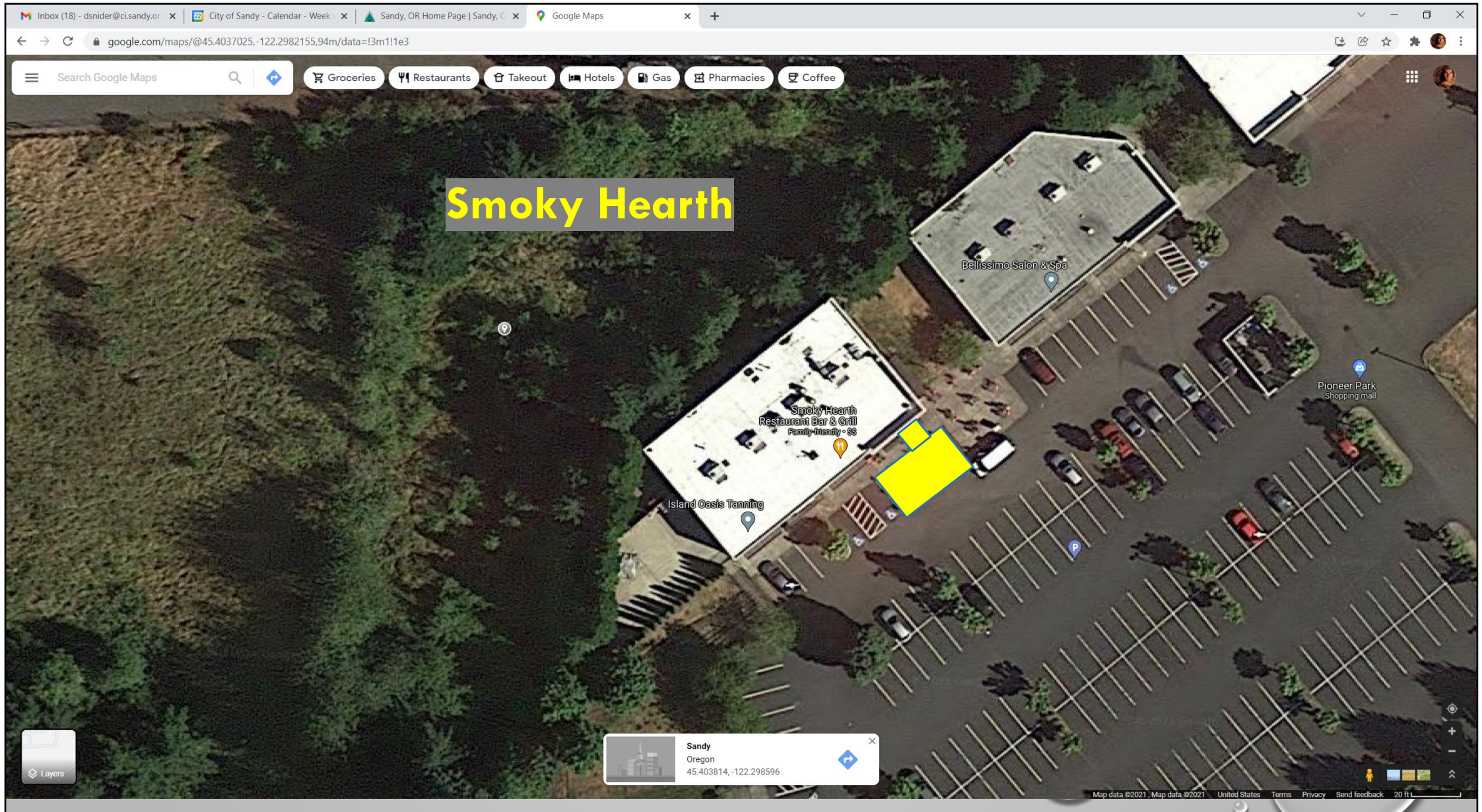
# PROPOSED ROUND II COVERED STRUCTURES PROJECTS – GEN FUND

Applicant	Notes for Proposed Project	Estimated Project Cost - Total	* Estimated Project Cost – Gen Fund
Smoky Hearth Restaurant	Add a permanent covered structure at old tent location w/ tie back to the building	\$80K - \$120K	\$69K - \$85K
Wippersnappers Kids Play Place	Add a permanent covered structure at west end of parcel (near front door) w/ tie back to the building.	\$80K - \$120K	\$69K - \$85K
<b>Total projected cost ranges</b>		<b>\$160K - \$240K</b>	<b>\$138K - \$170K</b>



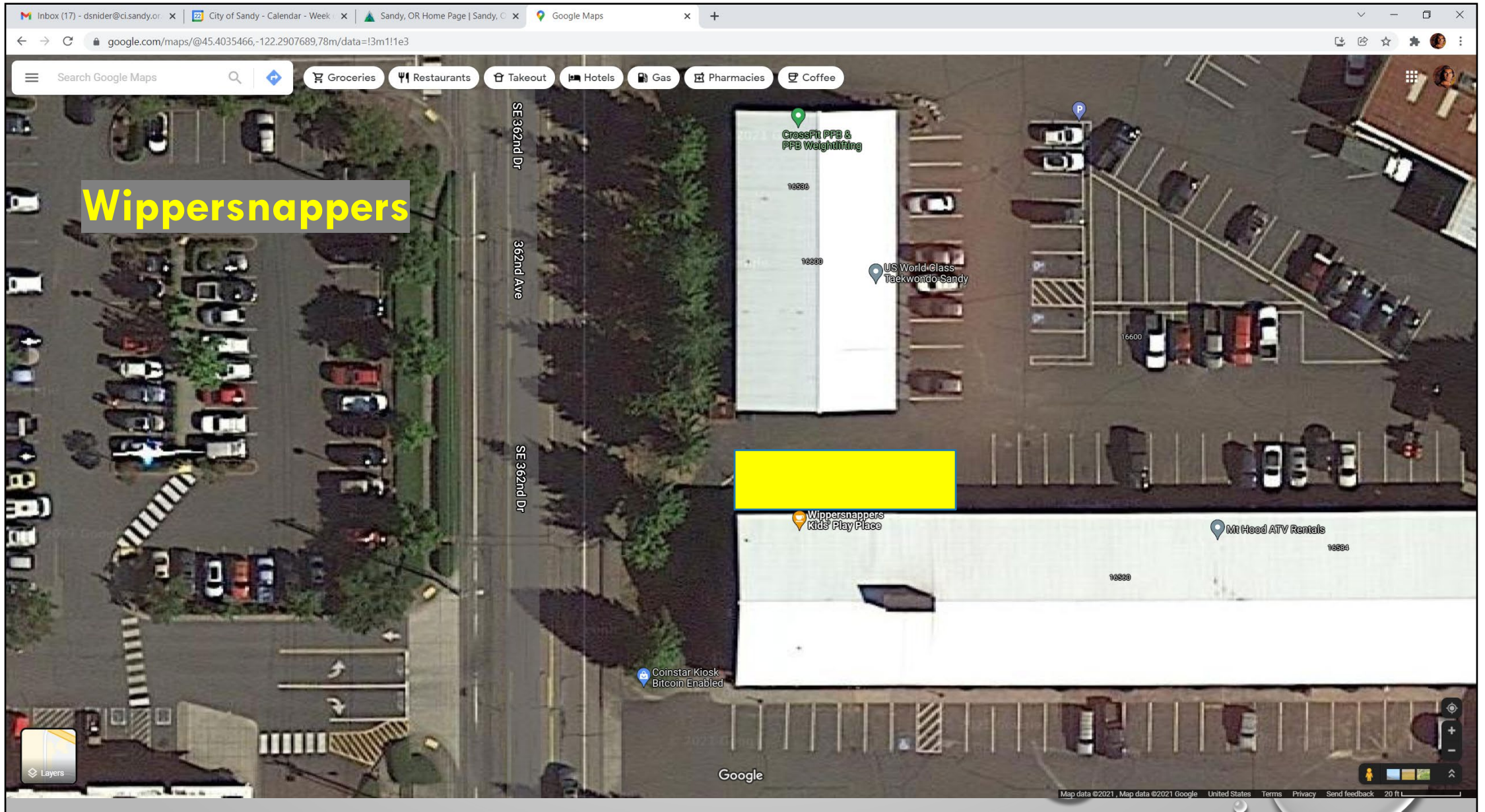
# COVERED STRUCTURES PROJECTS: GENERAL FUND

PROPOSED PROJECT LOCATIONS



Smoky Hearth

Sandy  
Oregon  
45.403814, -122.298596



Wippersnappers



## Staff Report

**Meeting Date:** January 3, 2022  
**From** Mike Walker, Public Works Director  
**SUBJECT:** Bell St. - 362nd Ave. Project Update

**DECISION TO BE MADE:**  
 None - for information only

**PURPOSE / OBJECTIVE:**  
 To update Council on project status, schedule, budget, and timeline.

**BACKGROUND / CONTEXT:**  
 At the November 15th meeting staff provided the 60% design estimate for the project to Council for review and discussion. The estimate showed a significant increase over the 30% design estimate prepared in April. Staff provided information on the cost environment and the various factors that contributed to the cost estimate escalation and various options for closing the gap between funding devoted to the project and the new estimate.

**KEY CONSIDERATIONS / ANALYSIS:**  
 The 90% design estimate is \$11,807,005 for construction, design, permitting and right-of-way acquisition. This figure is slightly (approximately 1%) below the 60% estimate total. The table below shows the estimated costs for each category in comparison to the 30 and 60 percent design estimates.

<b>30% design estimate</b>	
Construction cost only	\$5,130,250
add 20 percent contingency	\$1,026,050
Construction Total	\$6,156,300
Design, Permitting, CM and right-of-way	\$2,209,846
Grand Total	<b>\$8,366,146</b>
<b>60% design estimate</b>	
Construction cost only	\$8,829,340
add 10 percent contingency	\$882,934
Construction Total	\$9,712,274
Design, Permitting, CM and right-of-way	\$2,209,846
Grand Total	<b>\$11,922,120</b>

<b>90% design estimate</b>	
Construction cost only	\$9,137,551
add 5 percent contingency	\$456,877
Construction Total	\$9,594,428
Design, Permitting, CM and right-of-way	\$2,209,846
Grand Total	<b>\$11,803,914</b>

**Project Status**

Five of the six appraisals have been completed. Offers for right-of-way have been made to four of the six property owners, one offer has been accepted and is expected to close after the first of the year. We are awaiting completion of the appraisal and the offer letter for one parcel and lab results from the Phase II HazMat corridor study before making an offer on the other parcel. Both of these should be complete by the first week in January.

Applications for wetland fill / removal permits and the land use application will be submitted in early January. The ODOT Grant of Access application for the connection to US 26 has been submitted and we are waiting for ODOT review comments on the new traffic signals and miscellaneous work in ODOT right-of-way to finalize the plans for the intersection improvements. The project team will be scheduling a coordination meeting with the electric, natural gas, and telecommunications utility services after the new year to determine what facilities will need to be installed or relocated. It may be necessary for the City to procure long lead time items like traffic signal poles and streetlight poles in advance of selecting a contractor in order to stay on schedule.

**Project Schedule**

The project schedule and key milestones are shown below:

Advertise for bids	February 2022
Review bids, award contract	March 2022
Contracts, Notice to Proceed	April 2022
Construction	180 days from Notice to Proceed
Substantial Completion	October 2022
Road open to travel	November 2022

**RECOMMENDATION:**

None - for information only

**BUDGETARY IMPACT:**

The 90% estimate is slightly below the 60% figure reviewed by the Council in November. We have been able to secure sufficient funding for the project based on the current position of the Street Fund and the 90% design estimate.

**LIST OF ATTACHMENTS/EXHIBITS:**

- 90% design itemized estimate



## SE 362ND Avenue / Bell Street Improvements - Sandy, Oregon

### Engineer's Estimate - 90% Level of Design

Prepared by: Harper Houf Peterson Righellis, Inc.

Job No. SDY-06

12/27/2021

### ESTIMATED HARD CONSTRUCTION COSTS

ITEM	SECTION	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
1	00196	Extra Work as Authorized	L.S.	1	\$ 100,000.00	\$ 100,000.00
<b>Part 0020 - Temporary Features and Appurtenances</b>						
2	00210	Mobilization	L.S.	1	\$ 720,000.00	\$ 720,000.00
3	00221	Temporary Work Zone Traffic Control, Complete	L.S.	1	\$ 65,000.00	\$ 65,000.00
4	00240	Temporary Drainage Facilities	L.S.	1	\$ 10,000.00	\$ 10,000.00
5	00270	Temporary Chain Link Fence	L.F.	1,000	\$ 15.00	\$ 15,000.00
6	00280	Erosion Control	L.S.	1	\$ 75,000.00	\$ 75,000.00
7	00290	Polution Control Plan	L.S.	1	\$ 500.00	\$ 500.00
8	00294	Health and Safety Plan	L.S.	1	\$ 500.00	\$ 500.00
9	00294	Contaminated Soil Removal (Budget Item until Level 2)	Ton	500	\$ 120.00	\$ 60,000.00
<b>Mobilization and Traffic Control Subtotal</b>						<b>\$ 946,000.00</b>
<b>Part 00300 - Roadwork</b>						
10	00305	Construction Surveying	L.S.	1	\$ 60,000.00	\$ 60,000.00
11	00310	Removal of Structures and Obstructions	L.S.	1	\$ 50,000.00	\$ 50,000.00
12	00320	Clearing and Grubbing	L.S.	1	\$ 150,000.00	\$ 150,000.00
13	00330	Earthwork - Excavation and Embankment	L.S.	1	\$ 930,700.00	\$ 930,700.00
14	00330	Settlement Plates	Each	2	\$ 800.00	\$ 1,600.00
15	00331	12 Inch Subgrade Stabilization	S.Y.	7,500	\$ 30.00	\$ 225,000.00
16	00335	Subgrade Geotextile	S.Y.	26,000	\$ 1.25	\$ 32,500.00
17	00390	Loose Riprap, Class 50	C.Y.	25	\$ 100.00	\$ 2,500.00
<b>Roadwork Subtotal</b>						<b>\$ 1,452,300.00</b>
<b>Part 00400 - Drainage and Sewers</b>						
18	00405	General Rock Excavation	C.Y.	100	\$ 125.00	\$ 12,500.00
19	00445	4-inch Perforated Storm Pipe with Geotextile Sock, Granular Backfill	L.F.	78	\$ 20.00	\$ 1,560.00
20	00445	6-inch Perforated Storm Pipe with Geotextile Sock, Granular Backfill	L.F.	2,238	\$ 25.00	\$ 55,950.00
21	00445	6-inch Storm Pipe, Granular Backfill	L.F.	1,763	\$ 50.00	\$ 88,150.00

## SE 362ND Avenue / Bell Street Improvements - Sandy, Oregon

### Engineer's Estimate - 90% Level of Design

Prepared by: Harper Houf Peterson Righellis, Inc.

Job No. SDY-06

12/27/2021

### ESTIMATED HARD CONSTRUCTION COSTS

ITEM	SECTION	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
22	00445	12-inch Storm Sewer Pipe, Granular Backfill	L.F.	4,457	\$ 100.00	\$ 445,700.00
23	00445	12-inch Ductile Iron Storm Pipe, Granular Backfill	L.F.	657	\$ 120.00	\$ 78,840.00
24	00445	18-inch Storm Sewer Pipe, Granular Backfill	L.F.	116	\$ 120.00	\$ 13,920.00
25	00445	24-inch Storm Sewer Pipe, Granular Backfill	L.F.	16	\$ 160.00	\$ 2,560.00
26	00445	36-inch Storm Sewer Pipe, Granular Backfill	Each	85	\$ 300.00	\$ 25,500.00
27	00445	36-inch Detention Pipe, Granular Backfill	Each	200	\$ 300.00	\$ 60,000.00
28	00445	8-inch Sanitary Sewer Pipe, Granular Backfill	L.F.	1,207	\$ 115.00	\$ 138,805.00
29	00450	Bridgecor Steel Box 35'-6" X 9'-11" (Bell St Culvert)	L.S.	1	\$ 467,200.00	\$ 467,200.00
30	00470	Concrete Manhole, 48" Storm	Each	22	\$ 4,500.00	\$ 99,000.00
31	00470	Concrete Manhole, 48" Flat Top	Each	1	\$ 6,000.00	\$ 6,000.00
32	00470	Concrete Manhole, 48" Flow Control	Each	2	\$ 12,000.00	\$ 24,000.00
33	00470	Concrete Manhole, 96" Stormfilter	Each	1	\$ 25,000.00	\$ 25,000.00
34	00470	Concrete Manhole, 48" Sanitary	Each	5	\$ 6,000.00	\$ 30,000.00
35	00470	Beehive Stormwater Overflow Inlet	Each	110	\$ 2,000.00	\$ 220,000.00
36	00470	Catch Basins, Curb Inlet	Each	12	\$ 2,600.00	\$ 31,200.00
37	00470	Catch Basins, Standard GB-2	Each	1	\$ 2,500.00	\$ 2,500.00
38	00470	Catch Basins, Ditch Inlet	Each	2	\$ 2,500.00	\$ 5,000.00
39	00490	Minor Adjustment of Manholes	Each	2	\$ 1,200.00	\$ 2,400.00
		<b>Drainage and Sewers Subtotal</b>				<b>\$ 1,835,785.00</b>
<b>Part 00500 - Bridges</b>						
40	00596A	Retaining Wall, MSE	S.F.	5,000	\$ 65.00	\$ 325,000.00
41	00596B	Segmental Concrete Block Wall or Rockery Wall	S.F.	400	\$ 30.00	\$ 12,000.00
		<b>Bridges Subtotal</b>				<b>\$ 337,000.00</b>
<b>Part 00600 - Bases</b>						
42	00641	Aggregate Base	C.Y.	10,100	\$ 70.00	\$ 707,000.00
43	00641	Temporary Aggregate Base for Staging	C.Y.	100	\$ 50.00	\$ 5,000.00

## SE 362ND Avenue / Bell Street Improvements - Sandy, Oregon

### Engineer's Estimate - 90% Level of Design

Prepared by: Harper Houf Peterson Righellis, Inc.

Job No. SDY-06

12/27/2021

### ESTIMATED HARD CONSTRUCTION COSTS

ITEM	SECTION	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
44	00641	Open Graded Aggregate Base for Stormwater Planters	TON	370	\$ 45.00	\$ 16,650.00
45	00641	Washed Drain Rock for Stormwater Planters	TON	1,470	\$ 25.00	\$ 36,750.00
		<b>Base Subtotal</b>				<b>\$ 765,400.00</b>
<b>Part 00700 - Wearing Surfaces</b>						
46	00744	Level 3, 1/2" Dense ACP Mixture	Ton	8,000	\$ 95.00	\$ 760,000.00
47	00759	Concrete Curbs, Curb and Gutter	L.F.	239	\$ 27.00	\$ 6,453.00
48	00759	Concrete Curbs, Type C	L.F.	10,931	\$ 27.00	\$ 295,137.00
49	00759	Concrete Curbs, 28" Perimeter Curb (at Stormwater Planters)	L.F.	5,631	\$ 60.00	\$ 337,860.00
50	00759	Concrete Driveways, Reinforced	S.F.	391	\$ 9.00	\$ 3,519.00
51	00759	Concrete Walks	S.F.	29,265	\$ 6.50	\$ 190,222.50
52	00759	Extra for New Curb Ramps	Each	8	\$ 1,500.00	\$ 12,000.00
53	00759	Concrete Valley Gutter	S.F.	1,168	\$ 9.00	\$ 10,512.00
		<b>Wearing Surfaces Subtotal</b>				<b>\$ 1,615,703.50</b>
<b>Part 00800 - Permanent Traffic Safety and Guidance Devices</b>						
54	00840	MILEPOST MARKER POSTS	Each	2	\$ 300.00	\$ 600.00
55	00865	THERMOPLASTIC, EXTRUDED, SURFACE, NON-PROFILED	L.F.	22,985	\$ 1.60	\$ 36,776.00
56	00867	PAVEMENT LEGEND, TYPE B-HS: ARROWS	Each	12	\$ 242.00	\$ 2,904.00
57	00867	PAVEMENT LEGEND, TYPE B-HS: BICYCLE LANE STENCIL	Each	17	\$ 279.00	\$ 4,743.00
58	00867	PAVEMENT BAR, TYPE B-HS	S.F.	840	\$ 9.50	\$ 7,980.00
		<b>Permanent Traffic Safety and Guidance Devices Subtotal</b>				<b>\$ 53,003.00</b>
<b>Part 00900 - Permanent Traffic Control and Illumination</b>						
59	00902	CROSSWALK CLOSURE BARRICADES	Each	2	\$ 600.00	\$ 1,200.00
60	00905	REMOVE EXISTING SIGNS	L.S.	1	\$ 200.00	\$ 200.00
61	00905	REMOVE AND REINSTALL EXISTING SIGNS	L.S.	1	\$ 150.00	\$ 150.00
62	00920	SIGN SUPPORT FOOTINGS	L.S.	1	\$ 2,160.00	\$ 2,160.00
63	00930	SIGNAL POLE MOUNTS	L.S.	1	\$ 1,500.00	\$ 1,500.00

**SE 362ND Avenue / Bell Street Improvements - Sandy, Oregon**

**Engineer's Estimate - 90% Level of Design**

Prepared by: Harper Houf Peterson Righellis, Inc.

Job No. SDY-06

12/27/2021

**ESTIMATED HARD CONSTRUCTION COSTS**

ITEM	SECTION	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
64	00930	PERFORATED STEEL SQUARE TUBE SLIP BASE SIGN SUPPORTS	L.S.	1	\$ 300.00	\$ 300.00
65	00930	PERFORATED STEEL SQUARE TUBE ANCHOR SIGN SUPPORTS	L.S.	1	\$ 3,100.00	\$ 3,100.00
66	00940	SIGNS, STANDARD SHEETING, SHEET ALUMINUM	S.F.	154	\$ 20.00	\$ 3,080.00
67	00970	POLE FOUNDATIONS	L.S.	1	\$ 55,000.00	\$ 55,000.00
68	00970	LUMINAIRES, LAMPS, AND BALLASTS	L.S.	1	\$ 15,000.00	\$ 15,000.00
69	00970	SWITCHING, CONDUIT, AND WIRING	L.S.	1	\$ 230,000.00	\$ 230,000.00
70	00970	LIGHTING POLES AND ARMS	L.S.	1	\$ 140,000.00	\$ 140,000.00
71	00990	TRAFFIC SIGNAL MODIFICATION, HWY 26 AT 362ND AVE	L.S.	1	\$ 340,000.00	\$ 340,000.00
72	00990	Power Service Connection	Each	2	\$ 5,000.00	\$ 10,000.00
<b>Permanent Traffic Control and Illumination Subtotal</b>						<b>\$ 801,690.00</b>
<b>Part 01000 - Right of Way Development and Control</b>						
73	01030	Permanent Seeding	Acre	5	\$ 3,000.00	\$ 15,000.00
74	01030	Water Quality Seeding	Acre	1	\$ 3,000.00	\$ 3,000.00
75	01040	Water Quality Mixture	C.Y.	1,100	\$ 25.00	\$ 27,500.00
76	01040	Street Trees, 2" Caliper	Each	280	\$ 500.00	\$ 140,000.00
77	01040	Topsoil, 6" Depth	C.Y.	3,800	\$ 50.00	\$ 190,000.00
78	01050	CL-6 Black Vinyl Coated Chain Link Fence	L.F.	562	\$ 60.00	\$ 33,720.00
79	01065	Monument Boxes	Each	12	\$ 500.00	\$ 6,000.00
80	01070	Single Mailbox Support	Each	4	\$ 400.00	\$ 1,600.00
81	01091	Wetland Mitigation	L.S.	1	\$ 100,000.00	\$ 100,000.00
<b>ROW Development and Control Subtotal</b>						<b>\$ 516,820.00</b>
<b>Part 01100 - Water Supply Systems</b>						
82	01120	Temporary Irrigation System, Complete	L.S.	1	\$ 60,000.00	\$ 60,000.00
83	01140	12 Inch Potable Water Pipe, Fittings, and Couplings with Restrained Joints and Class B Backfill	L.F.	1,510	\$ 120.00	\$ 181,200.00
84	01150	12 Inch Water Valve	EACH	5	\$ 3,200.00	\$ 16,000.00

## SE 362ND Avenue / Bell Street Improvements - Sandy, Oregon

### Engineer's Estimate - 90% Level of Design

Prepared by: Harper Houf Peterson Righellis, Inc.

Job No. SDY-06

12/27/2021

### ESTIMATED HARD CONSTRUCTION COSTS

ITEM	SECTION	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
85	01160	Fire Hydrant Assembly	Each	3	\$ 3,600.00	\$ 10,800.00
86	01160	Adjust Fire Hydrant	Each	1	\$ 2,000.00	\$ 2,000.00
87	01170	1" Water Service, Type K Copper	Each	3	\$ 500.00	\$ 1,500.00
88	01170	Adjust Water Valve Box and Lid	Each	5	\$ 200.00	\$ 1,000.00
89	00170	Private Waterline Installation	L.S.	1	\$ 25,000.00	\$ 25,000.00
<b>Water Supply Systems Subtotal</b>						<b>\$ 297,500.00</b>

### Part 01200 - Miscellaneous Utility Systems (Budget Items Only)

90	01210	5106 PGE Vault for Power	Each	5	\$ 8,000.00	\$ 40,000.00
91	01210	6 Inch Grey Schedule 40 PVC for Power	L.F.	4,800	\$ 18.00	\$ 86,400.00
92	01210	4 Inch Grey Schedule 40 PVC for Power	L.F.	4,800	\$ 11.00	\$ 52,800.00
93	01210	6 Inch Fiberglass Conduit Bends for Power	L.F.	15	\$ 250.00	\$ 3,750.00
94	01210	4 Inch Fiberglass Conduit Bends for Power	L.F.	15	\$ 200.00	\$ 3,000.00
95	01210	Joint Trench	L.F.	4,800	\$ 48.00	\$ 230,400.00
<b>Miscellaneous Utility Systems Subtotal</b>						<b>\$ 416,350.00</b>
<b>Total</b>						<b>\$ 9,137,551.50</b>
<b>5 percent Contingency</b>						<b>\$ 456,877.58</b>
<b>Grand Total</b>						<b>\$ 9,594,429.08</b>

#### Notes:

1. Estimate is for construction items only. Right-of-way acquisition costs are not included.
2. Joint trench costs for PGE backbone system is included. This may not be required, but a budget item is being held until it is confirmed with PGE.