

BEFORE THE CITY OF CANNON BEACH

FOR THE PURPOSE OF AMENDING THE EMPLOYEE) RESOLUTION NO. 23-18
HANDBOOK DATED SEPTEMBER 19, 2023)
)

WHEREAS, Council adopted the Employee Handbook December 6, 2016 with revisions made on October 6, 2020, December 1, 2020 and June 1, 2021; and

WHEREAS, Citycounty Insurance Services (CIS) provides coverage to the City of Cannon Beach and has recommended revision to include recent updates in state employment laws; and

WHEREAS, Council also requested a policy that employees are not eligible to serve on city committees, boards or commissions; and


WHEREAS, the Council desires to adopt an updated Employee Handbook to incorporate these changes.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Cannon Beach that:

1. Cannon Beach City Council Employee Handbook in substantially the same form as the attached Exhibit A is adopted and superseded and replaces all previous versions of the Employee Handbook.
2. Resolution 21-21 is repealed and replaced by this Resolution.
3. This resolution is effective immediately.

PASSED by the Common Council of the City of Cannon Beach this 19th day of September 2023, by the following roll call vote:

YEAS: Councilors Hayes, McCarthy, Ogilvie, Kerr and Mayor Knop
NAYS: None
EXCUSED: None



Barb Knop, Mayor

Attest:



Bruce St. Denis, City Manager

Employee Handbook

Effective September 19, 2023

Resolution 23-18

Welcome!

Welcome to the city of Cannon Beach, we're glad to have you on our team. We believe that our employees are our most valuable assets. 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 Cannon Beach, you will become a productive and successful member of City of Cannon Beach's team.

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between the city of Cannon Beach 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 Cannon Beach with or without prior notice. This handbook supersedes any prior handbooks or written policies of the City 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 Cannon Beach and its employees. With the exception of employees who are subject to a collective bargaining agreement, all employment at the city of Cannon Beach is "at will." That means that either you or the city of Cannon Beach may terminate this relationship at any time, for any reason, with or without cause or notice (unless you are subject to a collective bargaining agreement or written contract of employment). No supervisor, manager, or representative of the city of Cannon Beach 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 City Manager.

Sincerely,

City Manager

City of Cannon Beach

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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 City Manager at any time if they have questions relating to the issues of harassment, discrimination or bullying, or what it means to work in a respectful workplace.

A. No-Discrimination, No-Retaliation Policy

The City of Cannon Beach provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, sex, gender identity, pregnancy (including childbirth and related medical conditions), sexual orientation, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other status protected by applicable federal, Oregon, or local law. The City of Cannon Beach 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.

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

The City of Cannon Beach'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. Statement Regarding Pay Equity

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

C. No-Harassment Policy

The City of Cannon Beach prohibits harassment of any kind or sexual assault in the workplace, or harassment or sexual assault outside of the workplace that violates its employees, volunteers and interns' right to work in a harassment-free workplace. Specifically, City of Cannon Beach 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 circumstances, and regardless of whether others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or with the City Manager, 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 Cannon Beach–related or –sponsored trips (such as conferences or work-related travel), and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of City of Cannon Beach’s employees. ***Such harassment is prohibited whether committed by City of Cannon Beach employees or by non-employees (including elected officials, members of the community, volunteers, interns and vendors).***

Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (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; or
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; comments about an individual’s body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting, or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex.

This is not a complete list.

Other Forms of Prohibited Harassment

City of Cannon Beach policy also prohibits harassment against an individual based on the 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.

Such harassment may include verbal, written or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual’s protected class or protected activity, and can include:

- Jokes, pictures (including drawings), epithets, or slurs;
- Negative stereotyping;
- Displaying racist symbols anywhere on City of Cannon Beach property;
- “Teasing” or mimicking the characteristics of someone with a physical or mental disability;
- Criticizing or making fun of another person’s religious beliefs, or “pushing” your religious beliefs on someone who doesn’t have them;
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.
- Negative comments or teasing a person about their natural hair, hair texture, hair type or hair style (see definition of “race” on page 1). Employees may not touch another employee’s hair without permission to do so, even if the touch is extended out of curiosity or as a compliment.

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

Complaint Procedure

Employees, volunteers or interns who have experienced a sexual assault, any harassment, discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should bring the matter to the attention of the City Manager or a supervisor or member of management as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witnesses harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that he/she wants it to stop.

Investigation and Confidentiality

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with City of Cannon Beach’s need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, City of Cannon Beach 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 Cannon Beach’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 Cannon Beach 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 Cannon Beach, 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 Cannon Beach prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing or discriminatory conduct, or has participated in an investigation of such conduct.

Employees who believe they have been retaliated against in violation of this policy should immediately report it to the City Manager 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 Cannon Beach provides an Employee Assistance Program (EAP) through Canopys to employees and dependents who are enrolled in City of Cannon Beach's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to canopywell.com. 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 Cannon Beach 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 Cannon Beach 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 Cannon Beach 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 Cannon Beach regarding his/her experience and/or employment status, the employee should contact the City Manager. 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 Cannon Beach and employee do reach an agreement, the City of Cannon Beach 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 Cannon Beach or

making comments that would lower the City of Cannon Beach 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 Cannon Beach and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

D. No-Bullying Policy

City of Cannon Beach strives to promote a positive, professional work environment free of physical or verbal harassment, "bullying," or discriminatory conduct of any kind. City of Cannon Beach, 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 that 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 websites for co-workers, managers or supervisors or elected officials.

This is not a complete list.

Employees who have experienced bullying in violation of this policy, who has witnessed an incident of bullying, or who have credible information about an incident, are expected and should bring the matter to the attention of their supervisor or a member of management as soon as possible. If conduct in violation of this policy is found to have occurred City of Cannon Beach 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.

E. Disability Accommodation Policy

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

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 Cannon Beach) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations or training materials provided by the City of Cannon Beach, 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 City Manager 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/her need for a reasonable accommodation. Both the City of Cannon Beach and employee must monitor the employee's accommodation situation and make adjustments as needed.

F. Pregnancy Accommodation Policy

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact the City Manager to discuss their options for continuing to work and, if necessary, leave of absence options. The City of Cannon Beach 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 Cannon Beach's operations.

Although this policy refers to "employees," the City of Cannon Beach 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 the City Manager 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 Cannon Beach and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both the City of Cannon Beach and employee must monitor the employee's accommodation situation and make adjustments as needed.

No Discrimination, No Retaliation

The City of Cannon Beach 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 Cannon Beach; 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 Family Medical Leave Act (FMLA) if a reasonable accommodation can be made that doesn't impose an undue hardship on the operations of the City of Cannon Beach. Also, no employee will be denied employment opportunities if the denial is based on the need of the City of Cannon Beach 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 on page 17, or speak with the City Manager.

G. Reporting Improper or Unlawful Conduct — No Retaliation

Employees may report reasonable concerns about the City of Cannon Beach's compliance with any law, regulation or policy, using one of the methods identified in this policy. The City of Cannon Beach 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 Cannon Beach;
- A violation of law, regulation, or standard pertaining to safety and health in the place of employment;
- Mismanagement, gross waste of funds, abuse of authority;
- A substantial and specific danger to public health and safety resulting from actions of the City of Cannon Beach; 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 Cannon Beach 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 Cannon Beach's Open Door Policy (see section G Open Door Policy), employees who wish to report improper or unlawful conduct should first talk to his/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. Supervisors and managers are required to inform the City Manager 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 Cannon Beach 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 Cannon Beach's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of his/her coworker or supervisor acting within the course and scope of his/her employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City of Cannon Beach; 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 Cannon Beach will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he/she is disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by City of Cannon Beach policy) .

In addition, the City of Cannon Beach prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City of Cannon Beach employee will be adversely affected because he/she 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 Cannon Beach 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/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 Cannon Beach 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 Cannon Beach, are hired into an introductory training period that generally lasts no less than 180 days. 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 also provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City of Cannon Beach 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 Cannon Beach 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 Cannon Beach may terminate the employment relationship during the probationary period for any or no reason. Further, completion of the probationary period or continuation of employment after the introductory period does not entitle you to remain employed by City of Cannon Beach for any definite period of time. Both you and City of Cannon Beach 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 Cannon Beach classifies employees as follows:

1. Regular Full-time: Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in City of Cannon Beach's benefit programs.
2. Regular Part-time: Employment requiring less than 40 hours of work per week but more than 20 hours 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 may be eligible to participate in City of Cannon Beach's benefit programs.
3. Part-time: Employment requiring less than 40 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. This classification of part-time employees are not eligible for benefits except those mandated by applicable law.

4. Temporary or Seasonal: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employment can either be full-time or part-time. Temporary employees are not eligible for benefits other than those mandated by applicable law.

Additionally, all employees are defined by federal and Oregon law as either “exempt” or “nonexempt,” which determines whether the employee is eligible for overtime. 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 Cannon Beach rules and procedures.

C. The Workweek

The workweek is a seven-day work period beginning Sunday ending Saturday. Typically, business hours are from Monday through Friday 8:00 a.m. through 5:00 p.m.

D. Meal Periods and Rest Breaks

Nonexempt employees are required to take an 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 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.

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.

Sample rest and meal break schedules are listed below. Employees with questions about the rest or meal breaks available to him or her should contact the City Manager.

Requirement		
Length of Work Period	Rest Breaks	Meal Periods
2 hours or less	0	0
2 hrs & 1 min – 5 hrs & 59 min	1	0
6 hrs	1	1
6 hrs & 1 min – 10 hrs	2	1
10 hrs & 1 min. – 13 hrs & 59 min	3	1

E. Rest Breaks for Expression of Breast Milk

The City of Cannon Beach 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 feasible, 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 feasible, the employee is entitled to take reasonable time as needed to express breast milk.

The City of Cannon Beach 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 Cannon Beach 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 Cannon Beach 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 Cannon Beach 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 Cannon Beach 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 Cannon Beach 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 reasonable oral or written notice of her intention to do so in order to allow the City of Cannon Beach 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.

F. Overtime

Time-and-a-Half

City of Cannon Beach 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.

Limitation on Overtime Pay

Paid hours not actually worked (for example, vacation, holidays, etc.) will not be counted toward the 40 per workweek required to receive overtime pay.

Assignment of Overtime Work

You may be required to work overtime. When overtime work is required by City of Cannon Beach 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 work is assigned by City of Cannon Beach on a Saturday, Sunday, or holiday, it generally will be assigned in order of seniority to the employees who regularly perform the particular work involved.

When overtime is required by City of Cannon Beach on a Saturday, Sunday or on a holiday, City of Cannon Beach will endeavor to give the employees required to work notice of their assignment during their last shift worked prior to such Saturday, 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 Cannon Beach approval, accumulated at time and one-half up to a maximum of 40 hours and taken as comp time off. Employees are encouraged to work with their manager/supervisor to schedule and use comp time within 60 days of when it is accrued. At the discretion of an employee's manager/supervisor, employees who have accrued less than 40 comp hours may be able to choose whether to have the accrued comp time cashed out at the rate earned by the employee at the time the employee receives the payment. Any hours not taken in the fiscal year in which they were earned will be paid to the employee in the last pay period in June of each year. When an employee is separated from employment with City of Cannon Beach, any remaining comp time will be paid to the employee.

G. Timekeeping Requirements

All non-exempt employees must accurately record time worked on a time card for payroll purposes. Employees are required to record their own time at the beginning and end of each work period, including before and after the meal period. Employees also must record their time whenever they leave the building for any reason other than City of Cannon Beach business. Filling out another employee's time card, allowing another employee to fill out your time card, or altering any time card 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 also may be required to record their time on either a time card or time sheet. These employees will be instructed separately on this process.

H. Employee-Incurred Expenses and Reimbursements

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

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

- *Conferences or Workshops:*
- *Education:*
- *Meals:*
- *Mileage, Transportation and Parking:* Employees must use a City-provided vehicle whenever possible to conduct city business and travel on City related business. Employees should reserve the City provided vehicle in advance of travel with the Finance Department. If it is not possible to use the City-provided vehicle and the employee must take their personal vehicle, the employee 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 the City of Cannon Beach.

I. Payroll Policies

All employees will be paid in accordance with policies established by management. The City of Cannon Beach does not provide advance payments of salary or loans from salary to be earned, unless approved by the City Manager.

Net pay will be directly deposited into the employee's bank account unless other arrangements have been made with the Finance Director.

The City of Cannon Beach makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event you believe that the City of Cannon Beach 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 the City Manager. City of Cannon Beach 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 Cannon Beach's pay practices.

J. 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 director of finance 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 City of Cannon Beach about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, City of Cannon Beach 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.

K. Performance Reviews

All City of Cannon Beach 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 termination. Any employee who fails to satisfactorily perform the duties of their position is subject to disciplinary action.

City of Cannon Beach's goal is to provide an employee with his/her first formal performance evaluation within six months after hire or promotion. After the initial evaluation, the City of Cannon Beach 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 response must be filed not later than thirty 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.

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 Cannon Beach 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 no later than three hours before the start of the employee's shift/work day. 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

It is the policy of City of Cannon Beach to provide each full-time and regular part-time employee with vacation time. The amount of vacation to which an employee becomes entitled is determined by the employee's length of service as of his or her employment anniversary date. Vacation time accrues per pay period. For full-time and regular part-time employees, vacation accrues as follows:

- 0 - 3 years, 10 workdays: each calendar year of service
- 4 - 8 years, 15 workdays: each calendar year of service
- 9 - 20 years, 20 workdays: each calendar year of service
- 21 or over years shall be granted one (1) day of vacation leave with pay for each year of employment.

Regular, part-time employees earn vacation on their employment anniversary date in the proportion that their normally scheduled number of hours bears to 40 per week.

Compensation for use of accrued vacation shall be at the employee's prevailing straight time rate of pay. In the event of termination, any unused vacation shall be paid to the employee. In the event of an employee's death, all monies due him/her for accumulated vacation and salary shall be paid as provided by law. Vacation shall continue to accrue during earned, paid leaves.

Vacation hours may accumulate to a maximum of 250 hours, but employees are encouraged to utilize accrued vacation time within one (1) year. No employee may be placed on vacation leave and no accrued vacation time may be utilized without specific authorization of the employee. When more than 250 vacation hours have been accumulated by an employee, and vacation leave is not requested, vacation hours in excess of 250 hours shall not accrue and shall be lost.

Subject to the operating requirements of the City and the approval of management, employees shall have their choice of vacation time. No vacation request shall be unreasonably denied. If two (2) or more employees request the same period of time off within a week of one another's requests and the matter cannot be resolved by agreement of the parties concerned, the employee having the greatest length of service with the City shall be granted the time, provided however, that an employee shall not be given this length of service consideration more than once every two (2) years. An employee exercising such right must make such request in writing.

As a general rule, employees are expected to schedule vacation time off as a break and relief from duty. When vacation leave has been requested and denied due to impossibility or operational needs, a cash payment of not more than forty (40) hours may be made to avoid losing vacation or the City may permit the accrual to remain without forfeiture of further accruals for an agreed upon period within which the employee agrees to take the vacation time off. When more than 250 vacation hours have been accumulated by an employee, and vacation leave is not requested and scheduled, further vacation hours in excess of 250 hours shall not accrue and shall be forfeited.

C. Sick Leave

The City of Cannon Beach provides eligible employees with sick leave in accordance with Oregon's Paid Sick Leave Law. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law.

Employees with questions about this policy may contact their supervisor or the Director of Finance. Please also refer to the Oregon Sick Leave Law poster that is posted in the break room and is incorporated here by reference.

Eligibility and Accrual of Paid Sick Leave

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

An employee who begins employment after January 1, 2016, begins to accrue paid sick leave on the first day of employment, but may not use paid sick leave until the 91st day of employment. After the 91st day of employment, paid sick leave may be used as it is accrued.

An employee who begins employment on or before January 1, 2016, is eligible to accrue sick leave on January 1, 2016 and may use sick leave as it is accrued.

Beginning January 1, 2016, benefits eligible employees (regular full-time and regular part-time employees as defined in section II (B) of this handbook) may accrue up to 96 hours of paid sick leave per calendar year. Regular part-time employees shall accrue on a pro-rated basis based on their regular work week hours. For example a .75 FTE would earn 6 hours per month. For non-benefits eligible employees (part-time and temporary/ seasonal employees as defined in section II (B) of this handbook) shall accrue paid sick leave at a rate of one hour for every 30 hours worked.

Pay Rate and Carryover

Paid sick leave will be paid at the employee's regular rate of pay. Generally, sick leave pay will be included in the paycheck for the next 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 180 days, the employee's sick leave balance will be restored.

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 spouse of a covered individual;
 - A child of a covered individual or the child's spouse or domestic partner;
 - A parent of a covered individual or the parent's spouse or domestic partner;
 - A sibling or stepsibling of a covered individual or the sibling's or stepsibling's spouse or domestic partner;
 - A grandparent of a covered individual or the grandparent's spouse or domestic partner;
 - A grandchild of a covered individual or the grandchild's spouse or domestic partner;
 - The domestic partner of a covered individual; or
2. Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship. 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 Cannon Beach's call-in/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 City of Cannon Beach. 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 Cannon Beach's call-in procedures. Generally, an employee should notify his/her immediate supervisor of unforeseeable sick leave at least 30 minutes 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 Cannon Beach 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 Cannon Beach 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 Cannon Beach 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 Cannon Beach 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. Holidays and Floating Holidays

City of Cannon Beach recognizes eleven holidays each year. All full-time employees will receive their regular straight-time compensation for each holiday. Regular part-time employees receive pay for each designated at their prorated portion. The holidays celebrated are:

1. New Year's Day on January 1
2. Martin Luther King Jr. Day on the third Monday in January
3. Presidents' Day on the third Monday in February
4. Memorial Day on the last Monday in May

5. Independence Day on July 4th
6. Labor Day on the first Monday in September
7. Veterans' Day on November 11th
8. Thanksgiving Day on the fourth Thursday in November
9. The Friday immediately following Thanksgiving Day in November
10. Christmas Eve Day on December 24th
11. Christmas Day on December 25th

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

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 Cannon Beach 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.

E. 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's rights and obligations, not this policy.

Employees seeking further information should contact the City Manager. Please also refer to the "Employee Rights and Responsibilities Under the Family Medical Leave Act" and "Oregon Family Leave Act" notices posted in the break room, 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 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.

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

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

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

Public Health Emergency Leave - Employees are eligible to take any OFLA leave during a Public Health Emergency if they have worked: (a) more than 30 days immediately before the date on which the leave would begin; or (b) an average of 25 hours per week in the 30 days immediately before the date on which the leave would begin. This is available to employees who are eligible for OFLA only. See the definition of "public health emergency" below.

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" is defined as:
 - The spouse of an eligible employee;
 - A child of an eligible employee or the child's spouse or domestic partner;
 - A parent of an eligible employee or the parent's spouse or domestic partner;
 - A sibling or stepsibling of an eligible employee or the sibling's or stepsibling's spouse or domestic partner;
 - A grandparent of an eligible employee or the grandparent's spouse or domestic partner;
 - A grandchild of an eligible employee or the grandchild's spouse or domestic partner;
 - The domestic partner of an eligible employee; or
 - Any individual related by blood or affinity whose close association with an eligible employee is the equivalent of a family relationship

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 City Manager 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.

Public Health Emergency

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

- **Reasons for Taking Leave**

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

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 domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces of the U.S. and who has been notified of an impending call or order to active duty, or who has been deployed, is entitled to a total of 14 days of unpaid leave per deployment after the military spouse or registered domestic partner has been notified of an impending call or order to active duty and before deployment and when the military person is on leave from deployment.

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 “twelve month period” during which leave is available (also referred to as the “One-Year Calculation Period”) will be the “forward-looking” method and determines the benefit year.

A benefit year is a 52-week (one-year) period that begins on the Sunday before the day you start your leave. For example, if you start your leave claim on Monday, Oct. 2, 2023, your benefit year starts on Sunday, Oct. 1, 2023, and ends on Saturday, Sept. 28, 2024. You can claim up to 12 weeks of leave during this time frame.

On Sept. 29, 2024, your leave amount resets, which means that you can apply to start another benefit year if you have a new or continuing qualifying event and get a new 12 weeks of benefits.

Please note that the forward-looking method for FMLA leave is effective 60 days after implementation of this Handbook, until such time, the current calendar year period will be used.

- 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 operations, including consulting management prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the City 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 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 City know as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown.

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

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

- **Certification**

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

Employees also must inform the City 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's requested medical certification information within 15 calendar days after such information is requested by City. In some cases (except for leave to care for a sick child), City may require a second or third opinion, at City's expense. 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 floating holidays, vacation, compensatory time, and sick leave prior to a period of unpaid leave of absence on Family Medical Leave. Use of accrued paid leaves will run concurrently with Family Medical Leave. Represented employees may reserve accrued leave and compensatory time if provided by their collective bargaining agreement. If the employee has no accrued paid leave, floating holidays, 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 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 accrue vacation, sick leave or other benefits and 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 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.

- Restoration of Leave Bank at Time of Re-Employment

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

F. Bereavement Leave

Employees may take up to four (4) days of bereavement leave per death of a family member. 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. For purposes of this policy, "Family Member" is defined as it is in Section E above under Family Medical Leave.

Employees who wish to take bereavement leave must inform City of Cannon Beach as soon as possible after receiving notification of a Family Member's death. Although prior notice is not required, oral notice must be provided within 24 hours of beginning leave. Written notice must be provided to the employer within three days of returning to work.

G. Jury and Witness Duty

Jury Duty

When a City employee is called for jury duty or subpoenaed as a witness for a court appearance, he/she shall not suffer any loss of pay, accrued vacation or sick leave during such jury assignment. For the purposes of this Article, court appearance as a result of a subpoena is defined as an appearance required as a result of the employee's official capacity with the City of Cannon Beach.

Compensation received for performance in jury duty will be transferred to the City except for compensation for mileage or meal allowances.

An employee, who has completed jury duty and has one (1) hour or less remaining on his/her regular shift (excluding travel time), shall not be required to return to work that day.

An employee shall provide the City with a copy of the notice for jury duty.

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 Finance Director upon receipt.

Except for employee absences covered under City of Cannon Beach'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 employee's absences may be unexcused and may subject the employee to discipline, up to and including termination. 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.

H. Religious Observances Leave and Accommodation Policy

The City of Cannon Beach respects the religious beliefs and practices of all employees. The City of Cannon Beach 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 Cannon Beach'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 City Manager.

I. 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 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 City Manager 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 Cannon Beach 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.

J. 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, sick leave or similar paid time off 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 City Manager as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. City of Cannon Beach 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 City of Cannon Beach 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 other 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 Cannon Beach. Please contact the City Manager immediately with requests for reasonable safety accommodations.

K. Military Leave

Employees who wish to serve in the military and take military leave should contact the City Manager 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.

L. Personal leave days

After completion of trial service, regular, full-time employees shall be entitled to eight (8) hours of personal leave with pay each fiscal year for each five (5) years of employment.

Personal leave days shall be granted pro rata to regular, part-time employees.

IV. Employee Benefits

A. Healthcare Benefits

Employees who meet the definition of "benefit eligible" under both City of Cannon Beach policy and that of its health insurance provider are entitled to the benefit options offered by City of Cannon Beach. Generally speaking, that means City of Cannon Beach offers medical insurance for all of its regular full-time and regular part-time employees. Part-time employees are not eligible for health-insurance coverage. Those employees who wish to have their dependents included in the insurance plan are required to pay a portion of the monthly premium for that

coverage on a payroll deduction basis.

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 Cannon Beach. These documents govern all issues relating to employee health insurance. As other employee benefits are offered by City of Cannon Beach, employees will be advised and provided with copies of relevant plan documents. Copies are available from the Finance Director.

B. Employee Assistance Program (EAP)

This free, confidential service is provided to all employees covered by our medical insurance benefits, and their covered dependents who may be experiencing life problems. Information regarding this service can be obtained by contacting the City Manager.

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 of 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. Seek medical treatment and follow-up care if required.
3. Promptly complete a written Employee's Claim Form (Form 801) and return it to the City Manager.

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. City of Cannon Beach 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 City of Cannon Beach, 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 Cannon Beach 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 City of Cannon Beach. While you are on modified or transitional work, you are still subject to all other City of Cannon Beach rules and procedures.

Overlap with Other Laws

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

D. PERS (Public Employees' Retirement System) Benefits

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

V. Miscellaneous Policies

A. Alcohol/Drug Use, Abuse and Testing

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

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 the City Manager of such use immediately before starting or resuming work. This includes, without limitation, medical marijuana. 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 City of Cannon Beach will not agree to allow an employee to use medical marijuana as an accommodation. (See "Disability Accommodation Policy," above.)

Testing

City of Cannon Beach 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 after an on-the-job accident.

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 cause" 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 City Manager. Whenever possible, supervisors should locate a second employee or witness to corroborate his/her "reasonable cause" findings.

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

Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on City of Cannon Beach property, or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, City of Cannon Beach may search the employee's possessions located on City of Cannon Beach 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 City of Cannon Beach property, or in property, equipment or supplies provided by City of Cannon Beach to employee.

Employee Refusal to Test/Search

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

An employee who refuses to cooperate with any and all 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

City of Cannon Beach 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 Cannon Beach 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 City Manager for assistance.

City of Cannon Beach 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 Cannon Beach to the extent its existing benefits package covers some or all of the program costs.

Although City of Cannon Beach 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 Cannon Beach policy is discovered, the employee's willingness to seek City of Cannon Beach 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 Cannon Beach is prohibited unless written authorization is obtained from the employee.

B. Cellular Devices Policy

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

Cell Phones and Cellular Devices in General (both City of Cannon Beach -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 except in an emergency or during a meal period or rest break.

Employees who use personal or City of Cannon Beach-provided cell phones/Cellular Devices may not violate City of Cannon Beach's policies against harassment and discrimination. Thus, employees who use a personal or City of Cannon Beach-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 Cannon Beach) that is harassing or otherwise in violation of City of Cannon Beach's no-harassment and no-discrimination policies will be subject to discipline up to and including termination.

Nonexempt employees may not use their personal or City of Cannon Beach-provided cell phone/Cellular Device for work purposes outside of their normal work schedule, except while on call, or during an emergency without written authorization in advance from the City Manager. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination.

Employee Use of City of Cannon Beach -Provided Cell Phones/Cellular Devices

Cell phones/Cellular Devices are made available to City of Cannon Beach employees on a limited basis to conduct City of Cannon Beach's business. Determinations as to which employees receive City of Cannon Beach-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, City of Cannon Beach may provide a monthly cellular telephone allowance to employees who regularly make calls on behalf of the City of Cannon Beach away from the office (see the City Manager for more information).

Employees who receive a cell phone or Cellular Device from City of Cannon Beach must agree to not use the cell phone/Cellular Device for personal use except on a very limited basis and in emergency situations and must abide by all aspects of the Cellular Device Policy. Further, employees who receive a cell phone or Cellular Device from City of Cannon Beach must acknowledge and understand that because the cell phone/Cellular Device is paid for and provided by City of Cannon Beach, or subsidized by City of Cannon Beach, any communications (including text messages) received by or sent from the cell phone/Cellular Device may be subject to inspection and review if City of Cannon Beach 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 Cannon Beach policy. An employee who refuses to provide City of Cannon Beach 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.

Employees may not use City of Cannon Beach -provided cell phones or Cellular Devices to call 1-900, 1-976 or similar "pay per minute" services. Further, family and friends may not use an employee's City of Cannon Beach -provided cell phone/Cellular Device.

Employee Use of Cell Phones/Cellular Devices with Cameras

Cameras of any type, including cell phones with built-in cameras and video photography devices, may not be used during working hours, or at any City of Cannon Beach-sponsored function unless authorized to do so by the City Manager. Public works and public safety departments who use their cell phone/cellular device for work-related reasons are excluded from this prohibition.

Cell Phones/Cellular Devices and Public Records

City of Cannon Beach-related business conducted on City of Cannon Beach-provided or personal cell phones/Cellular Devices, may be subject to disclosure under Oregon's Public Records laws.

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 hand-held 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 Cannon Beach 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 City of Cannon Beach.

Employees are prohibited from using hand-held cell phones for any purpose while driving on City of Cannon Beach-authorized or City of Cannon Beach -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 Cannon Beach business. 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 Cannon Beach Email and Electronic Equipment, Facilities and Services

City of Cannon Beach uses multiple types of electronic equipment, facilities and services for producing documents, research and communication including, but not limited to, computers, software, e-mail, copiers, telephones, voicemail, fax machines, online services, cell phones (including text messaging), the Internet and any new technologies used in the future.

An inventory of all approved hardware and software on the City of Cannon Beach's network and systems will be maintained electronically by the IT Director. Documentation will include the employee in possession of the hardware or software, the purchase date, serial number, type of device or service and a list of any restrictions.

This policy governs the use of such City of Cannon Beach property.

Ownership

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

Public Records

The City of Cannon Beach treats relevant electronic messages as a business record. As with any business record, established practices and procedures for the safekeeping, retention and ultimate destruction of the business record must be followed. The City of Cannon Beach serializes, archives and retains copies of all internal and external electronic messages in conformance with retention periods outlined in the State Archives Division's general records retention schedules.

Electronic messages are subject to disclosure to the public under Oregon's public records law. Electronic messages are also legally discoverable and permissible as evidence in a court of law.

Identity Management and Access Control

The IT Director is responsible for ensuring that access to the organization's systems and data is appropriately controlled. All systems housing The City of Cannon Beach's data (including laptops, desktops, tablets, and cell phones) are required to be protected with a password or other form of authentication. Users with access to City of Cannon Beach's systems and data are not to share passwords with anyone.

The City of Cannon Beach has established the following password configuration requirements for all systems and applications (where applicable):

- Minimum password length: 8 characters
- Password complexity: requires alphanumeric, capital letters & special characters
- Prohibited reuse for 10 iterations
- Changed periodically every 180 days
- Invalid login attempts set to 10
- Automatic logout due to inactivity set to 15 minutes

Awareness & Training

City of Cannon Beach personnel are required to participate in security training in the following instances:

1. All new hires are required to complete security awareness training before receiving login credentials.
2. Formal security awareness refresher training is conducted on an annual basis. All employees are required to participate in and complete this training.

Online classes are available through the CIS Learning Center at learn.cisoregon.org: "*Cyber Security Basics*."

Use Of

All of City of Cannon Beach's electronic equipment, facilities and services are provided and

intended for City of Cannon Beach business purposes only and not for personal matters, communications or entertainment. Access to the Internet, web sites and other electronic services paid for by City of Cannon Beach are to be used for City of Cannon Beach business. This means, for example, that employees may not use the City of Cannon Beach -provided Internet, or City of Cannon Beach electronic equipment, facilities and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate City of Cannon Beach'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 Cannon Beach -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, and 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.
- Use the instant messenger function, or use apps of any kind except for work related activities including (Fonality, PD dispatch, etc.) in any way on City owned equipment, devices, computers, etc.

Further, employees may not use City of Cannon Beach-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). City of Cannon Beach 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

Employee communications, both business and personal, made using City of Cannon Beach electronic equipment, facilities, and services are not private. Any data created, received or transmitted using City of Cannon Beach equipment, facilities or services are the property of City of Cannon Beach 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 Cannon Beach's electronic equipment, facilities 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 Cannon Beach's ownership of the electronic information, electronic equipment, facilities, or services, or City of Cannon Beach's right to inspect such information. City of Cannon Beach 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 Cannon Beach's electronic equipment, facilities and services, including all communications and internet usage and resources visited. City of Cannon Beach 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 Cannon Beach's computer systems without approval from the City Manager. All software installed on City of Cannon Beach's computer systems must be licensed. Copying or transferring of City of Cannon Beach - 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 Cannon Beach management. No employee can examine, change or use another person's files, output or user name unless they have explicit authorization from the City Manager 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.

Multi-factor authentication is required for users authenticating remotely. This includes VPN, file server, & email access.

- Users are granted access only to the system data and functionality necessary for their job responsibilities.
- Privileged and administrative access is limited to authorized users who require escalated access for their job responsibilities and where possible will have two accounts: one for administrator functions and a standard account for day-to-day activities.
- All user access requests must be approved by a Department Head.
- It is the responsibility of the IT Director to ensure that all employees and contractors who separate from the organization have all system access disabled immediately. Accounts will be removed and archived after 14 days unless a Department Head specifies a different time frame.

On an annual basis, a review of user access will be conducted by the IT Director to confirm compliance with the access control policies outlined above.

Network segmentation is used to limit access to data within the City of Cannon Beach's network based upon data sensitivity. The City of Cannon Beach maintains at least two wireless networks. The guest wireless network is password protected, and proper authentication will grant the user internet access only. Access to the secure wireless network is limited to City of Cannon Beach personnel and provides the user access to the intranet / data. Additionally, the police department uses their own secure network.

Logs of the Domain Controllers, Application Servers & Network Devices will be reviewed by the IT Director at least once per week. Event logs will be configured to maintain record of the above events for three months.

On a yearly basis, the City of Cannon Beach performs both internal and external network vulnerability assessments. The purpose of these assessments is to establish a comprehensive view of the organization's network as it appears internally and externally. These evaluations will be conducted to identify weaknesses with the network configuration that could allow unauthorized and/or unsuspected access to the organization's data and systems.

Backups / Contingency Planning

The City of Cannon Beach's business contingency capability is based upon cloud and local backups of all critical business data. This critical data is defined as anything on the City of Cannon Beach's servers. Backup schedules are as follows:

- Incremental backups are performed Daily
- Full data backups are performed Weekly.
- Confirmation of successful backups are performed Daily.
- Cloud backup testing and restoration capability are performed Daily.

In the event that one or more of City of Cannon Beach's systems or applications are deemed corrupted or inaccessible, the IT Director will work with the respective vendor(s) to restore data from the most recent cloud and local backup and, if necessary, acquire replacement hardware. This may include implementing or restoring services at one of the City of Cannon Beach's other sites or in the cloud.

Response Planning

The City of Cannon Beach's annual security awareness training shall include direction and guidance for the types of security incidents users could encounter, what actions to take when an incident is suspected, and who is responsible for responding to an incident. A security incident, as it relates to the City of Cannon Beach's information assets, can be defined as either an Electronic or Physical Incident.

- Electronic Incidents range from an attacker or user accessing the network for unauthorized/malicious purposes to a virus outbreak or a suspected Trojan or malware infection.
- Physical Incidents involve the loss or theft of a laptop, mobile device, PDA/Smartphone, portable storage device, or other digital apparatus that may contain organization information.

If an electronic or physical security incident occurs resulting in loss of third-party/customer data, contact the IT Director or City Manager so appropriate parties can be notified.

Inappropriate Web Sites

City of Cannon Beach'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 Cannon Beach'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 web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with City of Cannon Beach, 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 Cannon Beach or City of Cannon Beach'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 Cannon Beach'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 Cannon Beach -owned or -maintained website without identifying yourself as a City of Cannon Beach employee.

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

Encouraged Conduct

Always be fair and courteous to co-workers, the citizens we serve, City of Cannon Beach's employees and elected officials, and suppliers or other third parties who do business with City of Cannon Beach. 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 Cannon Beach 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 Cannon Beach policy.

Maintain the confidentiality of City of Cannon Beach's confidential information. Do not post internal reports, policies, procedures or other internal, City of Cannon Beach -related confidential communications or information. (See "Confidential City of Cannon Beach Information" policy, below.)

Request for Employee Social Media Passwords

City of Cannon Beach'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 user name and password, password or other means of

authentication that provides access to a personal social media account. This includes, without limitation, a user name and password that would otherwise allow a supervisor/manager to access a private email account not provided by City of Cannon Beach.

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

E. Confidential City of Cannon Beach Information

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

F. Ethics

At City of Cannon Beach, 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 Cannon Beach or the City of Cannon Beach's citizens.

We at the City of Cannon Beach 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 Cannon Beach 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 Cannon Beach'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.

G. Open-Door Policy

City of Cannon Beach's Open Door Policy is based on our belief that employee suggestions for improving City of Cannon Beach are welcome at any time. If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in City of Cannon Beach, 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 City Manager.

H. Outside Employment

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

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

Employees may not accept outside employment that involves:

- The use of City of Cannon Beach time (including the employee's work time), facilities, equipment and supplies, or the prestige or influence of the employee's position with City of Cannon Beach. In other words, the employee may not engage in private business interests or other employment activities on the City of Cannon Beach's time or using the City of Cannon Beach'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 Cannon Beach.

The City of Cannon Beach requires employees to report outside employment to the City Manager on an annual basis, or sooner if any changes in outside employment occurs.

I. 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 Cannon Beach property, or in an City of Cannon Beach 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.

J. 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 Cannon Beach 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.

K. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the City of Cannon Beach (see "Holidays" section, above), City of Cannon Beach 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 Cannon Beach will close. Employees will be called, sent a text and/ or emailed if there is a closure.

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. If staff cannot reach the office and are able to serve City of Cannon Beach from home, you should do so subject to approval by your manager or supervisor. Safety and a trustworthy approach are your guides. Employees will be paid for time away from their normal work station and work hours if the City Manager closes city facilities due to inclement weather.

L. Driving While on Business

Employees using a private vehicle to conduct City of Cannon Beach'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 Cannon Beach business use should make any necessary arrangements with their insurance carriers.

The City of Cannon Beach 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. Once you are employed with City of Cannon Beach, we will receive automated reports from the Department of Motor Vehicles (DMV). The reports notify City of Cannon Beach when there are transactions on your driving record such as speeding tickets and citations.

While on City of Cannon Beach business, drivers are expected to make every reasonable effort

to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within 72 hours of the change or new restrictions/limitations. See also, "Cell Phone Use While Driving" policy, above.

M. Workplace Violence

City of Cannon Beach 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 City of Cannon Beach.

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

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

N. Workplace Inspections – No Right to Privacy or Confidentiality

This policy applies to inspections and investigations conducted by City of Cannon Beach 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, voice mail 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 voice mail and computer systems assigned to them by the City of Cannon Beach; 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.

O. Smoke-Free Workplace

City of Cannon Beach 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. This policy applies to employees, volunteers, and any visitors to City of Cannon Beach vehicles or facilities/buildings.

City of Cannon Beach buildings and vehicles are tobacco-free areas. Tobacco use is prohibited during working hours unless on a rest or meal break. Further, City of Cannon Beach prohibits tobacco use in or around City of Cannon Beach vehicles and equipment or machinery.

If you wish to smoke, you must do so outside of City of Cannon Beach's facilities/buildings, only in designated smoking areas. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows. City of Cannon Beach has established employee smoking areas that your supervisor can show you.

P. Commission, Boards and Committee

City of Cannon Beach Employees are not eligible to serve on any city advisory board, committee or commission or similar body.

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 Cannon Beach'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 Cannon Beach 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 Cannon Beach property, or the property of any other employee, citizen, vendor or third party.
- Unauthorized use of City of Cannon Beach equipment, materials or facilities.
- Provoking a fight or fighting during work hours or on City of Cannon Beach property.
- Carrying firearms or any other dangerous weapon on City of Cannon Beach premises at any time.
- 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 Cannon Beach 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 Cannon Beach 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 Cannon Beach.
- Misrepresentation of City of Cannon Beach policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City of Cannon Beach. Employees may not use the City of Cannon Beach's name, logo, likeness, facilities, assets or other resources of the City of Cannon Beach 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 Cannon Beach 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 City of Cannon Beach or outside regulatory or legislative bodies.
- Failing to timely pay water/sewer/tax accounts with City of Cannon Beach. This includes, without limitation, situations where the employee writes a check to City of Cannon Beach that is refused for payment due to non-sufficient funds.
- Harassment or discrimination that violates City of Cannon Beach policy.

This statement of prohibited conduct does not alter City of Cannon Beach's policy of at-will employment. With the exception of employees subject to a collective bargaining agreement or contract of employment, City of Cannon Beach 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 City of Cannon Beach standards, City of Cannon Beach 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 Cannon Beach policies, procedures and rules and for other inappropriate behavior or conduct, City of Cannon Beach may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement. City of Cannon Beach may also choose to send the employee to training or an education opportunity.

In all cases, City of Cannon Beach retains sole discretion to determine the nature and extent of any discipline based upon the circumstances of each individual case. Accordingly, City of Cannon Beach 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 City of Cannon Beach deems such action appropriate. City of Cannon

Beach 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. Retirement or Resignation From Employment

If you choose to resign or retire, it is anticipated that you will give City of Cannon Beach 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 City of Cannon Beach, you will not be eligible for re-employment at a later date.

Employees who miss three or more consecutive work days 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 City Manager before making a final decision.

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

D. References

All requests for references or recommendations must be directed to the City Manager. 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, City of Cannon Beach discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

VII. Work-Place Privacy and Confidentiality/ Oregon Consumer Protection Act

City of Cannon Beach recognizes our employees' right to privacy. In achieving this goal, City of Cannon Beach adopts these basic principles:

1. The collection of employee information typically is limited to information the City of Cannon Beach needs for business and legal purposes.
2. Personal information and information in confidential records ordinarily will not be disclosed, except as permitted or required by law, or as authorized by the employee.
3. Verifications of employment dates, job title, and wages may be provided without written approval.
4. Internal access to employee records will be limited to those employees having an

authorized need-to-know.

5. You are permitted to review your personnel file (other than background screening information), and you may submit written comments in disagreement with any material contained in your personnel records.
6. All employees have a responsibility not to accidentally disclose information about employees through overheard conversations, mislaid documentation, and faxes, e-mails and hard copies of correspondence sent to a wrong destination. Unauthorized communication of confidential information is regarded as a serious matter.
7. The City of Cannon Beach's IT Department maintains reasonable safeguards to ensure the security, confidentiality, and integrity of personal identifying information stored in the City of Cannon Beach's systems.
8. All employees are required to follow these principles, as well as any other city of Cannon Beach's policy or practice related to confidential information. Violations of this may result in corrective action, up to and including termination.

Oregon law provides that "every person has a right to inspect any public record of a public body in this state." "Public body" includes cities and counties and other public entities, such as the City of Cannon Beach. Although there are some exceptions (such as personnel files), most records in a public body are available to the public for inspections. It is the intent of the City of Cannon Beach to be responsive to requests for public records. Employees are to forward all requests for public information to our General Counsel.

Background Screening

The City of Cannon Beach stores background screening information in access-protected files. This file is not considered part of your personnel file, so it is not available to employees for review.

Medical Records

The City of Cannon Beach stores employee medical records in access-protected folders, separate from master personnel files.

Generally, employees "own" their medical information, which means that without the employee's permission, the City of Cannon Beach does not typically inform other employees of an individual's medical condition(s).

Personnel Records

The City of Cannon Beach maintains personnel files for each employee. Access to these files is on a need-to-know basis and is restricted to authorized persons only.

Authorized persons typically, are any individuals in a direct line of supervision over the employee, as well as the Finance Director, City Manager and/or Human Resources

Representative, and the individual to whom the file applies; the employee may also give written permission for an otherwise unauthorized individual to view his/her file.

Information in the personnel files may be treated as exempt from public disclosure as provided in ORS Chapter 192. Information which cannot be treated as confidential under the law includes: name, job title, salary, and dates of employment with the City of Cannon Beach. Other information in the files may be subject to public disclosure by order of a court or tribunal of competent jurisdiction.

Change in Personal Data

Since 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 Representative to assure that the proper updates/paperwork are completed as quickly as possible:

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

Social Security Numbers

Social security numbers may not be printed on materials that will be mailed, unless an employee has requested the mailing and all but the last four digits have been removed. This does not apply to records required by state or federal law (examples: W2s, 1099s, etc.).

Also, social security numbers may not be printed on a card used to access products or services, nor will the City of Cannon Beach publicly post or display employees' Social Security numbers, such as on a website.

If computer files containing this personal information have been subject to a breach, then the City of Cannon Beach will notify you as soon as we are reasonably able to do so.

Communications

Conversations: Please be careful when discussing confidential information about employees in public areas, where it might be overheard; or when talking on the telephone.

Written information: Please use care not to leave written information about employees where unauthorized persons can view it. This includes leaving confidential documents sitting in printer trays or placing such documents in open recycling bins. Please send internal "mail" in sealed envelopes, marked "confidential."

VIII. Employee Acknowledgement

Acknowledgment of Receipt of 2023 Personnel Policies/ Cannon Beach Employee Handbook, effective 9/19/23

I acknowledge that I have received and will read a copy of City of Cannon Beach's 2023 Employee Handbook. I also understand that a copy of the Employee Handbook is available to me at any time to review in the Office of the Finance Director and the City Manager's Office.

I understand that City of Cannon Beach has adopted the Employee Handbook only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in City of Cannon Beach's sole discretion. I also understand that the Employee Handbook controls over any other contradictory statements, other than those found in applicable collective bargaining agreements. I acknowledge that the Personnel Policies in the Employee Handbook 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 City of Cannon Beach or I may terminate my employment relationship at any time, for any or no 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 City of Cannon Beach'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, or any trusted manager or supervisor.

During my employment with City of Cannon Beach, 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.