

City of Monmouth Employee Handbook



Effective September 2018

Welcome!

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

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between City of Monmouth 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 City of Monmouth 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. 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.

This handbook does not create a contract of employment between City of Monmouth and its employees. With the exception of employees subject to a collective bargaining agreement, all employment at City of Monmouth is "at will." That means that either you or City of Monmouth 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 Monmouth 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).

Sincerely,



Scott McClure
City Manager
City of Monmouth

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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.

A. No-Discrimination Policy

City of Monmouth provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veteran's status, or any other status protected by applicable federal, Oregon, or local law. This EEO policy 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. No-Harassment Policy

City of Monmouth prohibits harassment of any kind in the workplace, or harassment outside of the workplace that violates its employees' right to work in a harassment-free workplace. Specifically, City of Monmouth prohibits harassment or conduct related to an individual's race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veteran 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 bullying. 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 the City Manager, at any time if they have questions relating to the issues of discrimination, harassment, or bullying.

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

Sexual Harassment

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

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

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess, or deficiency; leering, whistling, touching, assault, sexually suggestive, insulting, or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; or discriminatory treatment based on sex.

This is not a complete list.

Other Forms of Prohibited Harassment

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

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

- jokes, pictures (including drawings), epithets, or slurs;
- negative stereotyping;
- threatening, intimidating, or hostile acts that relate to a protected class; or
- written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

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

Bullying

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

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

social networking sites, or creating fake profiles on web sites for co-workers, managers or supervisors or elected officials.

Complaint Procedure

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

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

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 Monmouth's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, the City 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.

Protection Against Retaliation

City of Monmouth prohibits retaliation in any way against any employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) harassing, discriminatory, or bullying conduct, or has participated in an investigation of such conduct. 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 Policy on Non-Retaliation, below.

C. Disability Accommodation Policy

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

Accommodations

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

Requesting an Accommodation

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

or modifying examinations, modifying training materials or policies, providing readers and interpreters or making the workplace readily accessible to and usable by people with disabilities.

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position or participate in the employment process. All requests for accommodation should be made with the employee's 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 or her need for a reasonable accommodation.

D. Reporting Improper or Unlawful Conduct – Non Retaliation

As per the City's Whistleblower Protection Administrative Policy 17-01, employees may report reasonable concerns about City of Monmouth's compliance with any law, regulation or policy, using one of the methods identified in this policy. City of Monmouth 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 Monmouth;
- Mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health resulting from action of the City of Monmouth ;
- A substantial and specific danger to public health and safety resulting from actions of the City of Monmouth; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, City of Monmouth 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 Monmouth's Open Door Policy (see section G), employees who wish to report improper or unlawful conduct should first talk to his or her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the City Manager. 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 City of Monmouth 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 Monmouth'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 or 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 Monmouth; 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 Monmouth will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he or she is disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by the City of Monmouth's policy).

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

This policy is not intended to protect an employee from the consequences of his or her own misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the City of Monmouth 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. Employment Status

A. Probationary Period of Employment

All new employees, including current employees who are promoted or transferred within the City of Monmouth, are hired into a probationary 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 Monmouth 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 Monmouth 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 Monmouth 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 probationary period does not entitle you to remain employed by City of Monmouth for any definite period of time. Both you and City of Monmouth 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 & Compensation

City of Monmouth classifies employees as follows:

1. Regular Full-time: Employment in an established position requiring 30 hours or more of work per week. Generally, full-time employees are eligible to participate in City of Monmouth's benefit programs.
2. Regular Part-time: Employment requiring less than 30 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 30 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees are not eligible for medical insurance benefits except those mandated by applicable law.
3. Temporary: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employment can either be full-time or part-time. Temporary employees are not eligible for benefits other than those mandated by applicable law.

Additionally, all employees are defined as either "exempt" or "non-exempt," 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. Non-represented employees are compensated based on a classification system approved by the City Council. Pay ranges are presented annually in the City's Adopted Budget document and are regularly adjusted by Council. Represented employees should see their CBA's for classification/compensation matrices.

All employees, regardless of employment classification, are subject to all City of Monmouth rules and procedures.

C. The Workweek

The workweek is a seven-day work period beginning Sunday at 12:00 a.m. through Saturday at 11:59 p.m.

D. Meal Periods and Rest Breaks

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

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

Meal periods and rest breaks are mandatory and are not optional for non-exempt employees, and are encouraged for exempt employees as well. An employee's meal period and rest break(s) should not be taken together as one break. Meal periods and rest breaks may not be "skipped" in order to come in later 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 their supervisor.

Length of Work Period	Requirement	
	Rest Breaks	Meal Period
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 Monmouth 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 Monmouth 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 Monmouth 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 Monmouth 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 Monmouth 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 Monmouth 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 Monmouth 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 Monmouth 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

The City of Monmouth 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.

Assignment of Overtime Work

You may be required to work overtime. When extra hours are required by City of Monmouth, the non-exempt employee performing that job at the conclusion of his or her shift will normally be expected to continue to perform the job on either an agreed upon flex schedule for the week (not to exceed 40 hours) or on an overtime basis.

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

Supervisor Authorization

No overtime may be worked by non-exempt employees unless specifically authorized 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 Monmouth approval, accumulated at time and one-half up to a maximum of 8 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. When an employee separates from employment with City of Monmouth, any remaining comp time will be paid to the employee.

G. Timekeeping Requirements

All employees must accurately record time worked on a time card for payroll purposes. Filling out another employee's time card, allowing another employee to fill out your time card (other than your supervisor doing so as described below), 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. If your supervisor has cause to complete your time sheet in case of your unforeseen absence to ensure payroll deadlines are met, you must review and sign this same time card promptly upon your return to work.

H. Employee-Incurred Expenses and Reimbursements

The City of Monmouth will pay actual and reasonable business-related expenses you incur in the performance of your job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by your supervisor/manager before they are incurred. Reasonable travel and business activities include: Conferences, trainings, consultations, professional meetings or other business related to the organization, matters relating to the

purchase of goods, equipment, or services. The City of Monmouth will not pay for or reimburse the cost incurred by a spouse, registered documents partner or travel companion who accompanies the employee on City 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. The City Manager may authorize a travel advance to an authorized traveler.

Some examples of actual and reasonable business-related expenses that City of Monmouth will reimburse/pay for are: hotel expenses, meals, hired transportation, and mileage and parking.

- *Mileage and Parking:* Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by City of Monmouth.

Additionally, subject to the limitations set forth in this Policy, the City will reimburse Monmouth Police Department management, supervisory and non-represented employees and volunteer reserve officers for reasonable legal costs incurred for outside representation in connection with Grand Jury review of the actions or conduct of the employee or reserve officer during the normal course of city business.

1. The costs for legal services for outside representation are limited to those situations under which the legal counsel for the city is prohibited or otherwise disqualified from representing the employee or reserve officer. In addition, the employee or reserve officer must be cleared of all allegations under review by the Grand Jury prior to requesting, and as a condition of, eligibility for reimbursement; provided, if the employee or reserve officer is not cleared of all allegations by the Grand Jury, but is later cleared of all allegations upon trial, appeal or other disposition of the case, the employee or reserve officer will be eligible for reimbursement of all costs through Grand Jury review, the same as if the employee or reserve officer had been cleared by the Grand Jury.

Reimbursement will cover all outside attorney's reasonable costs and fees directly associated with representation of the employee or reserve officer in the specific Grand Jury review. Reimbursement will be further limited to cover only those costs that are not covered under any other contractual agreements by third parties to cover such legal expenses (e.g., insurance, unions).

2. Upon completion of the Grand Jury review or subsequent disposition that clears the employee or reserve officer of all allegations, the employee or reserve officer must submit to the City Manager:
 - Documentation of all legal expenses incurred for representation in connection with the Grand Jury review.
 - Documentation of Grand Jury findings or other subsequent disposition.

The expenses subject to reimbursement under this policy are intended by the City to be a non-taxable working condition fringe benefit per IRC Section 132(d). However, it is the responsibility of each employee or reserve officer who receives reimbursement of his or her legal expenses under this policy to consult with his or her accountant or tax adviser to ensure compliance with all tax laws and regulations, and the City will not be responsible for any income tax liability, interest or penalties that may be incurred by its employees or reserve officers on account of such reimbursement.

I. Payroll Policies

You will be paid monthly.

For all employees, “month” is defined as the 1st – 31st.

Paydays are generally the last working day of each month, for both non-exempt and exempt employees.

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

Net pay will be directly deposited into the employee’s bank account, unless an employee requests otherwise. If an employee requests to pick up his/her check from the City of Monmouth, only the employee named on the paycheck will be allowed to do so unless the employee provides written permission to the City to have someone else receive the check.

The City of Monmouth makes all efforts to comply with applicable state and federal wage and hour laws. In the event you believe that City of Monmouth 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 Payroll Coordinator. City of Monmouth 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 City of Monmouth’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 Payroll Coordinator 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 Monmouth 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 Monmouth 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 Monmouth 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.

The City of Monmouth'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 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 Policy

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 Monmouth business, and perform the work assigned to or requested of them. Late arrivals, early departures, or other absences from scheduled hours are disruptive and must be avoided.

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor via a telephone call, or text or email, 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 and could result in discipline. A no call/no show lasting three days may be considered job abandonment and may be deemed an employee's voluntary resignation of employment.

B. Vacation

All regular, full-time employees with six (6) months of continuous service are eligible for a paid vacation allowance. After completing the first six months of employment, vacation will be accrued and awarded on a monthly basis as determined by length of service in accordance with the following schedule:

<u>Length of Service</u>	<u>Monthly Accrual (Hours)</u>	<u>Annual Accrual (Hours)</u>	<u>Equivalent Days</u>
1st and 2nd Year *	6.66	80	10
3rd through 5th Year	7.33	88	11
6 th Year	9.33	112	14
7th Year	9.33	112	14
8th Year	9.33	112	14
9th Year	10.00	120	15
10th through 11th Year	10.66	128	16
12th through 13th Year	11.33	136	17
14th through 15th Year	12.00	144	18
16th through 17th Year	12.66	152	19
18th through 19th Year	13.33	160	20
20th through 21st Year	14.00	168	21
22nd through 23rd Year	14.66	176	22
24th through 25th Year	15.33	184	23
26th through 27th Year	16.00	192	24
28th through 29th Year	16.66	200	25
30th through 31th Year	17.33	208	26

*Vacation credit is accrued during the first six months of full-time employment; however, an employee may not be compensated for accrued vacation until after the successful completion of six months of continuous service.

An employee's vacation anniversary date is the anniversary of his/her last date of hire. Vacation cannot be taken until earned. It is cumulative up to and including:

- 160 hours for employees who have less than five (5) years of consecutive service with the City;
- 200 hours for employees with more than five (5), but less than ten (10) years of consecutive service with the City;
- 240 hours for employees with more than ten (10) years of consecutive service with the City.

All accrued hours above the maximum allowable must be forfeited at the end of the calendar year unless the City prevents the employee from taking their vacation, or unless a waiver is granted by the City Manager. In that case, the vacation must be scheduled at the earliest convenient time to lower the accrued hours to less than the maximum allowable. Each employee must take a minimum of 40 hours of vacation per year.

If a holiday occurs while you are on a regularly scheduled vacation, you are entitled to another day off, which can be added to your scheduled vacation, if so desired. All employees must complete and submit a vacation request form to their department Supervisor at least two weeks prior to their requested vacation period. Vacation will be granted with consideration being given

to minimum interference with the City's business and seniority. Employees within each department are asked to minimize duplication of vacation leaves.

Vacation pay shall be at the employee's regular, straight-time rate. Regular, part-time employees scheduled for 20 or more hours per week, but less than full time, will accrue vacation hours at a rate equal to one half the rate for full-time employees.

C. Paid Leave Donations

Subject to the conditions set below, employees may donate vacation or compensatory time (hereinafter "paid leave") by transferring such time to a fellow employee who has used all his or her paid leave during an absence from employment under circumstances covered by the Oregon Family Medical Leave Act (OFLA). Donations must be in writing, and shall be submitted to the City Manager.

The following limitations shall apply to paid leave donations:

1. Donated paid leave to any one employee in any 12 months shall not exceed 400 hours. An employee shall not receive or accrue donated paid leave beyond the need for income during a leave granted under OFLA. Should donated paid leave be accrued beyond the need, donations shall be refunded to the donating employees on a prorated basis.
2. An employee must have taken at least 80 hours of total paid leave within the 12 months preceding the donation to be eligible to make a donation. A prorated equivalent shall be used for part time employees.
3. An employee may not donate more than 40 hours paid leave in the 12 months preceding the donation.
4. Employees shall not use this policy as a means to trade paid leave or to receive financial remuneration for making a donation.

D. Sick Leave

The City of Monmouth 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 the Payroll Coordinator. Please also refer to the Oregon Sick Leave Law poster that is posted within designated locations and is incorporated here by reference.

Eligibility and Accrual of Paid Sick Leave

Regular full-time employees accrue paid sick leave at the rate of eight (8) hours per month. Regular part-time employees scheduled for 20 or more hours per week, but less than full-time, will accrue paid sick leave at four (4) hours per month.

All other City employees shall accrue paid sick leave at the rate of one hour for every 30 hours worked subject to a 40-hour yearly accrual cap.

Regular employees may use their sick leave as earned (i.e. in the month following the accrual having been added to their leave balance). Temporary employees (less than 20-hours scheduled) shall begin 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 (ie. in the month following the accrual having been added to their balance).

Sick leave use runs concurrently with Oregon Family Medical Leave, federal Family and Medical Leave and other leave where allowed by law.

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.

Sick leave is meant to be used or carried over; any unused sick leave will not be cashed out upon separation from employment, except as according to Oregon Public Employees Retirement System (PERS) rules. If an employee leaves employment and is rehired within 180 days, the employee's sick leave balance will be restored, unless it has been transferred to PERS.

Employees working less than a 20-hour scheduled work week may carry over up to a maximum of 40 hours of accrued and unused sick leave for use in a subsequent calendar year, but may use only 40 hours of sick leave each calendar year. Sick leave accrual for these employees is capped at 80 hours. Regular full-time and part-time (20 hours or greater work week) are eligible to carry over all sick leave with no cap.

Use of Sick Leave

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

- a. For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her covered family member.
 - "Family member" means the eligible employee's grandparent, grandchild, spouse, or registered same-gender domestic partner, and the domestic partner's child or parent; the employee's stepchild, parent-in-law or a person with whom the employee was or is in a relationship of in loco parentis; and the employee's biological, adoptive or foster parent or child.
- b. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
- c. 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).
- d. 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 Monmouth'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 the City. 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 the City of Monmouth'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 Monmouth 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 Monmouth may on the fourth day absent 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 the City of Monmouth suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations and paydays, the City 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.

Should an employee die from a job-related injury, compensation in cash, at the employee's regular rate of pay, shall be paid to the employee's beneficiary as designated on his City's life insurance policy for 100 percent of sick leave accumulated by the employee at the time of his/her death.

E. Holidays

The City of Monmouth recognizes ten (10) holidays each calendar year. All full-time employees will receive their regular straight-time compensation for each holiday. Regular part-time employees scheduled for 20 or more hours per week, but less than full time, will accrue holiday hours at a rate equal to one half the rate for full-time employees.

When a paid holiday falls on Sunday, it will normally be observed on Monday. When a paid holiday falls on Saturday, it will normally be observed on the preceding Friday. Employees required to work on a holiday shall receive compensation at two (2) times the regular rate of pay for the hours worked. Any work done on a holiday or any shift changes desired due to a holiday, must be approved in advance by the department supervisor.

The holidays celebrated are:

- New Year's Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve Day
- Christmas Day

F. Family Medical Leave

FMLA/OFLA Policy

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

Employees seeking further information should contact the Payroll Coordinator. Please also refer to the "Employee Rights and Responsibilities Under the Family Medical Leave Act" and "Oregon Family Leave Act" notices posted in the workplaces, which are incorporated here by reference.

Definitions

Child/Son or Daughter

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

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

Eligible Employee

OFLA – To qualify for OFLA leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week. To qualify for Parental Leave under OFLA, an employee must have been employed for at least 180 days (no per-week hourly minimum is required).

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

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

Leave under Oregon and federal law will run concurrently when permitted.

Family Medical Leave

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

Family Member

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

Serious Health Condition

“Serious health condition” is defined under FMLA and OFLA as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

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 applicable statutes for more information. The common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, and cosmetic treatments (without complications), are examples of conditions that are not generally defined as serious health conditions.

Reasons for Taking Leave

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

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

4. Parental Leave: For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
5. Pregnancy Disability Leave: For incapacity due to pregnancy, prenatal medical care or birth.
6. Service member Family Leave: Eligible employees may take up to 26 weeks of leave to care for a “covered service member” during a single 12-month period. A “covered service member” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Under some circumstances, a veteran will be considered a “covered service member.” 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 (Section G) for more information.

Length of Leave

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

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

When leave is taken for Servicemember Family Leave, an eligible employee may take up to 26 weeks of leave during the One-Year Calculation Period to care for the service member. 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 determined using the twelve-month calendar year. As such, each January 1st, a new twelve month period for Family Medical Leave (FMLA/OFLA/OMFLA) use will begin for each employee.

Intermittent Leave

Intermittent or reduced schedule leave may be taken during a period of Family Member or Employee Serious Health Condition Leave or Servicemember Family Leave. Additionally, Call to Active Duty Leave may be taken on an intermittent or reduced leave schedule basis. An employee may be temporarily reassigned to a position that better accommodates an intermittent

or reduced schedule; employees covered by OFLA will not be reassigned without their express consent and agreement. Employees must make reasonable efforts to schedule planned medical treatments so as to minimize disruption of City of Monmouth's operations, including consulting management prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both City of Monmouth and the employee. Intermittent leave for Parental Leave is not available.

Employee Responsibilities – Notice

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

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 their supervisor 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 their supervisor within three business days, or as soon as possible. Further, employees must provide written notice within three days of returning to work.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees will be expected to comply with City of Monmouth's normal call-in procedures. Employees who fail to comply with the 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 of Monmouth 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 employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Additionally:

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

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

Fitness-for-Duty Certification

If Family Medical Leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification (fitness-for-duty certification) from their health care provider stating that the employee is able to resume work.

Substitution of Paid Leave for Unpaid Leave

Employees are required to use accrued paid leave, including vacation, compensatory time, and sick leave prior to a period of unpaid leave of absence on Family Medical Leave. Use of accrued paid leaves will run concurrently with Family Medical Leave. Represented employees may reserve accrued leave and compensatory time if provided by their collective bargaining agreement. If the employee has no accrued paid leave, vacation, compensatory time or sick leave available to use during a Family Medical Leave, the leave will be unpaid.

Holiday Pay While on Leave

Employees receiving short- or long-term disability will not qualify for holiday pay. Employees using vacation pay or sick pay during a portion of approved Family Medical Leave in which a holiday occurs will qualify to receive holiday pay.

On-the-Job Injury or Illness

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

OFLA leave will not be reduced by and will not run concurrently with any period the employee is unable to work because of a disabling compensable on-the-job injury; however, if the injury or illness is a "serious health condition" as defined by Oregon law and the employee has refused a bona fide offer of light-duty or modified employment, OFLA leave will commence.

If the employee's serious health condition is the result of an on-the-job injury or illness, the employee may qualify for workers' compensation time-loss benefits.

Benefits While on Leave

If an employee is on approved FMLA or OFLA Leave, City of Monmouth 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. The leave period will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in City of Monmouth's 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. With the exception of employees on leave as the result of an on-the-job injury or illness or otherwise required by law, reinstatement shall not be considered if the leave period exceeds the maximum allowed.

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

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

G. Bereavement Leave – Oregon law

Employees who have worked for City of Monmouth for 180 calendar days, and averaged at least 25 hours per week, may take up to two weeks of bereavement leave per death of a family member (defined below). Employees who have worked for City of Monmouth for 90-180 days may use up to 40 hours of accrued sick leave for bereavement purposes, and who have experienced the death of a Family Member (defined below). Employees who have worked for City of Monmouth for fewer than 90 days may not be eligible for leave. The City of Monmouth may pay up to four (4) days of leave.

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

Employees who wish to take bereavement leave must inform the City of Monmouth 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. Employees are required to use any available sick leave during the period of bereavement leave after the four (4) days of paid bereavement leave noted above; vacation time will be used if the employee has no available sick leave.

H. Jury and Witness Duty

Jury Duty

The City of Monmouth will grant employees time off for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's manager to verify the need for such leave. The City will continue to pay the employee at their regular rate through jury service if the employee turns over jury duty compensation to the City.

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 their 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 City of Monmouth upon receipt.

Except for employee absences covered under City of Monmouth'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.

I. Religious Observances Leave and Accommodation Policy

The City of Monmouth respects the religious beliefs and practices of all employees. The City of Monmouth 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 Monmouth'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 their supervisor.

J. Crime Victim Leave Policy

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

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

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave during the leave period;
- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and
- Submit a request for the leave in writing to their supervisor 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 Monmouth may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency or district attorney's office, police report, a protective order issued by a court, or similarly reliable sources.

K. Domestic Violence Leave and Accommodation Policy

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

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

Leave is generally unpaid, but the employee may use any accrued vacation or 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 their supervisor as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. The City of Monmouth 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 their supervisor 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 Monmouth. Please contact your supervisor immediately with requests for reasonable safety accommodations.

L. Military Leave

Employees who wish to serve in the military and take military leave should contact their supervisor 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.

M. Leave Without Pay (LWOP)

Leave of absence without pay may be granted for personal reasons up to thirty (30) days without loss of benefits where such leave will not place a hardship on the City. All requests for LWOP must be submitted in writing to the City Manager who will approve such leave after analyzing the request in view of the departmental workload and reason for request.

IV. Employee Benefits

A. Healthcare Benefits

Employees who meet the definition of "benefit eligible" under both City of Monmouth's policy and that of its health insurance provider are entitled to the benefit options offered by the City. Generally speaking, that means City of Monmouth offers medical insurance for all of its regular, full-time employees, unless otherwise established by law. Part-time employees are not eligible for health-insurance coverage.

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 Monmouth. These

documents govern all issues relating to employee health insurance. As other employee benefits (ie., dental, vision, voluntary life insurance) are offered by the City, employees will be advised and provided with copies of relevant plan documents. Copies are available from the Payroll Coordinator.

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 Payroll Coordinator.

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

If you are injured on the job, City of Monmouth wants to know about it and expects to learn about it no later than 24 hours after your injury (report all work-related injuries to your supervisor).

If you seek treatment for your work-related injury and want to apply for workers' compensation benefits, you must do all of the following:

- A. Immediately report any work-related injury to your supervisor. You must report the injury no later than 24 hours after injury.
- B. Seek medical treatment and follow-up care if required.
- C. Promptly complete an Employee's Claim Form (Form 801) online.

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 documentation from a health care provider who is familiar with your condition certifying your ability to return to work and perform the essential functions of your position.

When returning from a workers' compensation leave you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position is eliminated, and no equivalent or comparable positions are available, then you may not be entitled to reinstatement. These are only examples and all reinstatement/reemployment decisions are subject to the terms of any applicable collective bargaining agreement. The City of Monmouth 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 Monmouth, 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 Monmouth will attempt to provide you with a temporary job assignment for a reasonable period of time until you can resume your regular duties (except where provided as an accommodation for a disability). If, due to a work-related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect your compensation and employment with the City. While you are on modified or transitional work, you are still subject to all other City of Monmouth rules and procedures.

Overlap with Other Laws

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

D. PERS (Public Employees' Retirement System) Benefits

The City of Monmouth 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 Monmouth's contributions to employee PERS or OPSRP plans, please see the Payroll Coordinator.

V. Miscellaneous Policies

A. Management Rights

The City of Monmouth has the sole right to conduct the City's business and to carry out its obligations recognizing that such rights are subject to conditions, requirements and limitations applicable under law, whether it be federal, state, or civil law, and that these rights must be exercised consistently with provisions of collective bargaining agreements and this handbook. The power and authority not specifically abridged, delegated or modified by this handbook or applicable collective bargaining agreements, is retained by the City.

These rights include but are not limited to:

- Directing employees;
- Hiring, scheduling, transferring, assigning, training or retraining employees;
- Disciplining employees including suspension, demotion, dismissal or other disciplinary action against an employee for any reason not prohibited by law;
- Determining the methods, means, and personnel by which its operation is to be conducted; and

- Laying off employees for budgetary reasons.

B. Employee Standards

All City of Monmouth employees are expected to maintain high standards of performance and conduct. It is necessary that all City employees maintain a friendly and courteous attitude and conduct. All City employees are engaged in public relations work. Favorable impressions related by the employee's courteous public relations develop good will and support for the City service. A City employee should take pride in serving the local government and should make every effort to advance the City's interest wherever possible, protect City property and facilities, and to be a genuine service to the people of Monmouth.

C. Seniority

Seniority refers to the length of continuous employment with City of Monmouth. We value length of service and give it considerable weight in making important decisions such as promotions, holiday work, layoff, overtime, standby assignments, and vacation. When other factors such as qualifications, ability and department efficiency are equal, preference will be given to the senior employee. Upon successful completion of the probationary period, seniority will be based on employee's most recent date of hire.

D. Residency Requirement

The City has established residency standards for the following personnel:

- The City Manager is required to live within the city limits of Monmouth;
- Residences of the Finance Director, City Recorder, Power & Light Superintendent, Director of Public Works, Community Development Director, Building Official, Police Chief and Library Director shall be located so they can drive to the City limits, while obeying the speed limits, in no more than 10 minutes (excluding area east of the Willamette River);
- Residences of Police Supervisors shall be located so they can drive to the City limits, while obeying the speed limits, in no more than 30 minutes;
- Residences of Police Officers shall be located so they can drive to the City limits, while obeying the speed limits, in no more than 60 minutes.

New employees will become residents of the specified area within six (6) months following the completion of their probationary period or twelve (12) months from date of hire for Police Officers. Any employee who has a change of position within the City, will be required to abide by the residency rules pertinent to that new position, within the limits prescribed for probationary employees.

Failure to comply with the residency requirements shall be sufficient reason for the dismissal of an employee. Residency rules (as applicable) shall be specified in both the notice of position vacancy/description and in the letter verifying hiring. Exceptions to residency rules may be approved by the City Council.

E. Alcohol/Drug Use, Abuse and Testing Policy

The following policy prevails except where superceded by Federal (such as Commercial Driver's License (CDL) and Police regulations) or State law.

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 Monmouth premises, while in City of Monmouth-provided clothes, while on City of Monmouth work-related travel, or while on City of Monmouth business (other than employees engaged in law-enforcement work);
- b. Failure to notify City of Monmouth of an arrest or conviction under any criminal drug or alcohol statute within two days of the arrest or conviction;
- c. Possession and/or consumption of alcoholic beverages or being under the influence of alcohol during work hours, while in City of Monmouth provided clothes or on City of Monmouth premises, while operating a City of Monmouth vehicle (or while operating a personal vehicle in connection with the performance of City of Monmouth 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 Monmouth premises, on City of Monmouth work time, while in City of Monmouth provided clothes, while on City of Monmouth business, or while operating an City of Monmouth vehicle (or while operating a personal vehicle in connection with the performance of City of Monmouth 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 their manager of such use immediately before starting or resuming work. The City may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide City of Monmouth with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

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

Testing

The City of Monmouth reserves the right to:

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

The phrase "reasonable suspicion" (or in any variation) used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol, or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable 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 Monmouth property, or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, City of Monmouth may search the employee's possessions located on City of Monmouth 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 Monmouth property, or in property, equipment or supplies provided by City of Monmouth 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

The City of Monmouth recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. The City 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 for assistance.

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

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

F. 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 this Cellular Devices Policy.

Cell Phones and Cellular Devices in General (both City of Monmouth-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 Monmouth-provided cell phones/Cellular Devices may not violate City of Monmouth’s policies against harassment and discrimination. Thus, employees who use a personal or City of Monmouth-provided cell phone/Cellular Device to send a text or instant message to another employee (or to a citizen or someone not employed by City of Monmouth) that is harassing or otherwise in violation of City of Monmouth’s no-harassment and no-discrimination policies will be subject to discipline up to and including termination.

Employee Use of City of Monmouth-Provided Cell Phones/Cellular Devices

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

Employees who receive a cell phone or Cellular Device from City of Monmouth must agree to not use the cell phone/Cellular Device for personal use except in emergency situations and must abide by all aspects of this Cellular Device Policy. Further, employees who receive a cell phone or Cellular Device from City of Monmouth must acknowledge and understand that because the cell phone/Cellular Device is paid for and provided by City of Monmouth, or subsidized by City of Monmouth, 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 Monmouth 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 Monmouth policy. An employee who refuses to provide City of Monmouth 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 Monmouth-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 Monmouth-provided cell phone/Cellular Device.

Employee Use of Cell Phones/Cellular Devices with Cameras

Cameras of any type, including cell phones with built-in camera and video photography devices, may not be used during working hours for inappropriate use, or at any City of Monmouth sponsored functions unless authorized to do so by the City Manager or for work purposes.

Cell Phones/Cellular Devices and Public Records

City of Monmouth-related business conducted on City of Monmouth-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 Monmouth 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 Monmouth.

Employees are prohibited from using hand-held cell phones for any purpose while driving on City of Monmouth-authorized or City of Monmouth-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 Monmouth 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.

G. Use of City of Monmouth Email and Electronic Equipment, Facilities and Services

The City of Monmouth 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. This policy governs the use of such City of Monmouth property.

Ownership

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

Use

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

- View, display or store any sexually explicit images or documents, or any images or documents that would violate City of Monmouth's no-harassment, no-discrimination or bullying policies;

- Engage in any activity that violates the rights of any person or City of Monmouth 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 Monmouth specific confidential information;
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses).

Further, employees may not use City of Monmouth provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). The City of Monmouth email addresses for professional-based social media accounts such as LinkedIn and other professional organizations area allowed.

Inspection and Monitoring

Employee communications, both business and personal, made using City of Monmouth electronic equipment, facilities, and services are not private. Any data created, received or transmitted using City of Monmouth equipment, facilities or services are the property of City of Monmouth 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 Monmouth'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 Monmouth's ownership of the electronic information, electronic equipment, facilities, or services, or City of Monmouth's right to inspect such information. The City of Monmouth 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 Monmouth's electronic equipment, facilities and services, including all communications and internet usage and resources visited. The City of Monmouth 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 Monmouth's computer systems without approval from the City Manager. All software installed on City of Monmouth's computer systems must be licensed. Copying or transferring of City of Monmouth-owned software may be done only with the written authorization of the 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 Monmouth 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.

Inappropriate Web Sites

The City of Monmouth'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 Monmouth's policies on harassment and discrimination.

H. 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 Monmouth, 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 Monmouth or City of Monmouth'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 Monmouth'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 Monmouth owned or maintained website without identifying yourself as a City of Monmouth employee.

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

Encouraged Conduct

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

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

Request for Employee Social Media Passwords

The City of Monmouth'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 Monmouth.

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

I. Confidential City of Monmouth Information

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

J. Ethics

At City of Monmouth, 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 City of Monmouth or City of Monmouth's citizens.

We at City of Monmouth 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 City of Monmouth 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 City of Monmouth'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.

K. Open Door Policy

The City of Monmouth's Open Door Policy is based on our belief that open, honest communication between managers and employees should be a common business practice. The City of Monmouth's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are identified early and shared without the fear of retaliation (when the employee provides the input in good faith). If you have a concern, complaint, suggestion, or question about your job, work processes, working conditions, or the treatment you are receiving from anyone in City of Monmouth, 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.

L. Outside Employment

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

The City of Monmouth requires employees to report outside employment to their supervisor on an annual basis, or sooner if any changes in outside employment occurs.

M. 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 Monmouth property, or in a City of Monmouth 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.

N. 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 Monmouth 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.

O. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by City of Monmouth (see “Holidays” section, above), the City 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 City of Monmouth will close.

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 supervisor. If staff cannot reach the office and are able to serve City of Monmouth from home, you should do so subject to approval by your manager or supervisor. Safety and a trustworthy approach are your guides.

P. Driving While on Business

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

The City of Monmouth may verify the validity of your driver’s license and/or your driving record at the time of hire and at any point during your employment.

While on City of Monmouth 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.

Q. Workplace Violence

The City of Monmouth 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 Monmouth.

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 Monmouth, or that threaten the safety, security or financial interests of the City. Employees should make such reports directly to their supervisor or the City Manager.

The City of Monmouth 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."

R. Workplace Inspections – No Right to Privacy or Confidentiality

This policy applies to inspections and investigations conducted by City of Monmouth 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 City of Monmouth; 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.

S. Smoke-Free Workplace

The City of Monmouth 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 Monmouth property, vehicles or facilities/buildings.

The City of Monmouth buildings and vehicles are tobacco-free areas. Tobacco use is prohibited during working hours, other than on rest breaks. Further, City of Monmouth prohibits tobacco use in or around City vehicles and equipment or machinery.

If you wish to smoke, please note that smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows.

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 Monmouth'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 Monmouth 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), with the exception of a Supervisor completing a timesheet in your absence, as described above in Employment Status: G.
- Theft or the deliberate or careless damage or destruction of any City of Monmouth property, or the property of any other employee, citizen, vendor or third party.
- Unauthorized use of City of Monmouth equipment, materials or facilities.
- Provoking a fight or fighting during work hours or on City of Monmouth property.
- Carrying firearms or any other dangerous weapon on City of Monmouth 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 Monmouth 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 Monmouth 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 City of Monmouth.
- Misrepresentation of City of Monmouth policies, practices, procedures, or your status or authority to enter into agreements on behalf of City of Monmouth. Employees may not use City of Monmouth's name, logo, likeness, facilities, assets or other resources of City of Monmouth 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 Monmouth 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 Monmouth or outside regulatory or legislative bodies.
- Harassment or discrimination that violates City of Monmouth policy.

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

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

VII. Retirement or Resignation From Employment

If you choose to resign or retire, it is anticipated that you will give City of Monmouth 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 Monmouth, 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 their supervisor before making a final decision.

Employees must return all City of Monmouth property, including phones, computers, identification cards, credit cards, keys, City-issued clothing, tools, and/or manuals, to their supervisor on or before their last day of work.

VIII. References

All requests for references or recommendations must be directed to the Finance Director. No manager, supervisor or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn "recommendations" or using a website on the internet to discuss a current or former employee's performance.

By policy, City of Monmouth 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.

Employee Acknowledgement

Acknowledgment of Receipt of 2018 Employee Handbook

I acknowledge that I have received and will read a copy of City of Monmouth's 2018 Employee Handbook. I also understand that a copy of the Employee Handbook is available to me at any time to review in the Finance and Administration office, or on the City of Monmouth's website.

I understand that City of Monmouth has adopted the Employee Handbook 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 Monmouth's sole discretion. I also understand that the Employee Handbook control over any other contradictory statements, other than those found in applicable collective bargaining agreements. I acknowledge that the Employee Handbook is not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I understand that either City of Monmouth 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 Monmouth's policies regarding equal employment opportunity and provides a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment to my supervisor, the City Manager, or any trusted manager or supervisor.

During my employment with City of Monmouth, I understand that it is my responsibility to remain informed about the policies as revisions, updates and new polices 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.