

*Section 2  
Personnel  
Rules and  
Regulations*



*Main Street from Willard Hotel - 1926*



**SECTION 2: PERSONNEL RULES AND REGULATIONS**

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## **INTRODUCTION**

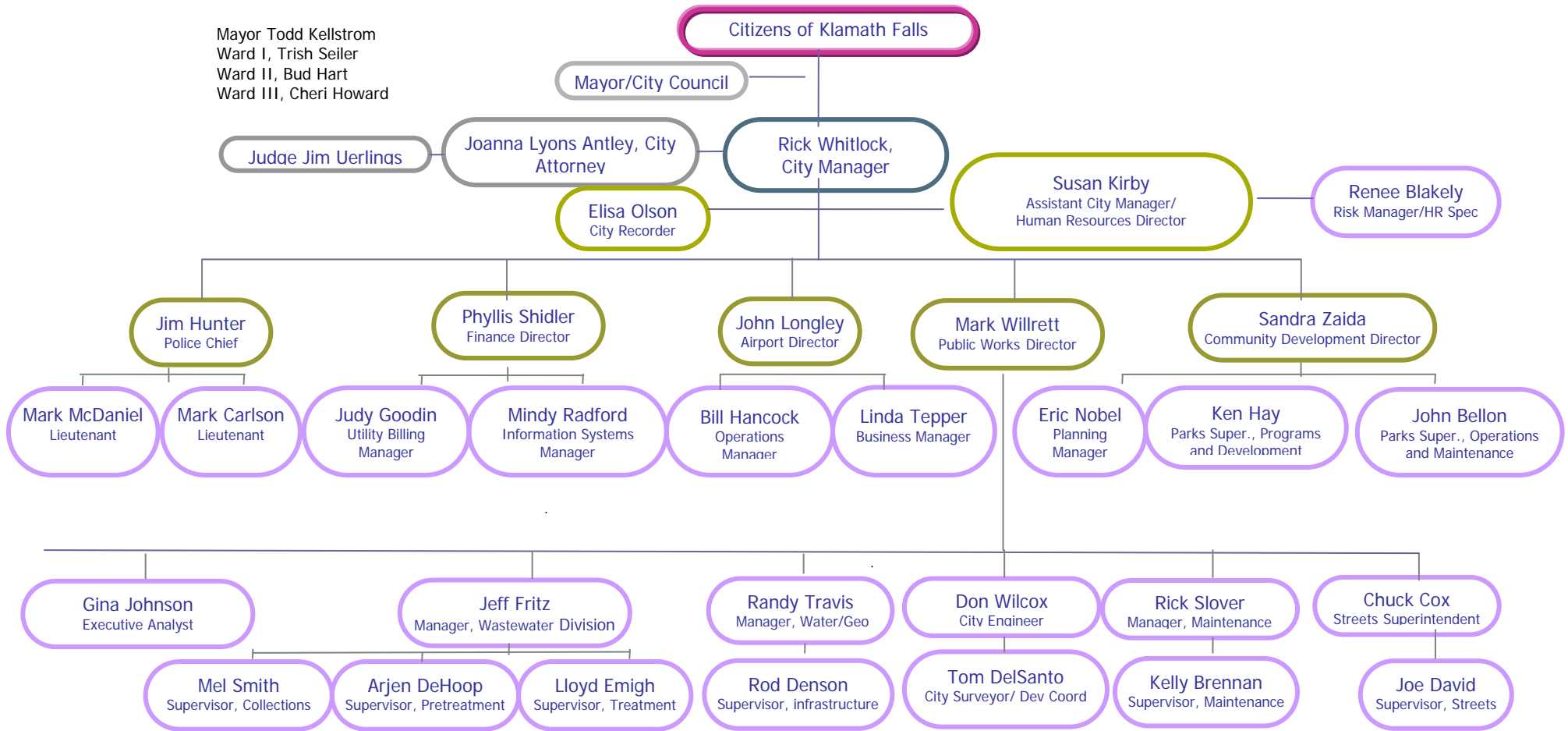
### **History:**

The City was incorporated on May 18, 1905. It is run by a Manager/Council system. The City Council is made up of five elected officials and an elected Mayor. The Council and Mayor select the City Manager, who is responsible for the daily activities of City business.

The City of Klamath Falls is a full service City and provides some services just within the boundaries, and others both in and out of the City. Included are police protection, drinking water, wastewater treatment, geothermal and street lighting utilities, engineering, parks, cemeteries, street construction and maintenance, and community planning services.

### **Organizational Chart:**

The chart on the following page is a brief outline of the City structure and operations. The City provides a full range of City services with the exception of fire protection, which is provided by contract with Klamath County Fire District #1.



## **EMPLOYMENT**

### **Non-discrimination and Equal Opportunity Policy:**

The City of Klamath Falls believes that every employee has the right to work in surroundings that are free from all forms of unlawful discrimination. It is the City's policy that employees be treated fairly at all times without regard to race, religion, color, gender, pregnancy, childbirth, national origin, ancestry, marital status, age (if the employee is 18 years or older), person(s) with whom an employee associates, any expunged juvenile criminal record, physical or mental disability of an otherwise qualified employee, or because the City employs a family member of the employee, or on any other basis prohibited by local, state, or federal law.

### **Employment of Relatives:**

No employee will be placed in the position of exercising supervisory appointment or grievance adjustment authority over a member of the employee's family, nor shall an employee be in a position of being subject to such authority which a member of the employee's family exercises.

### **Hiring Procedures:**

Detailed information on the City's hiring procedures can be obtained from the Human Resource Division.

### **Probationary Period:**

1) The probationary period is regarded as part of a "working test period" and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his/her position, and to reject an employee whose work performance fails to meet required standards. Employees use this period to determine if the position is a good match for them.

2) Lengths of probationary periods are defined in the Collective Bargaining Agreements for covered employees. Non-represented employees will serve a six month probationary period which may be shortened or lengthened as deemed appropriate by the department director.

3) During the probationary period, new hires will not accrue vacation credits. Upon successful completion of the probationary period, vacation will be credited to the employee as if earned retroactive to the date of hire. The employee will earn sick leave beginning the date of hire and may use sick leave according to the sick leave policy.

4) Upon completion of the probationary period, the employee shall gain regular status and shall be so informed by his supervisor or department director with a Personnel Action Form to document the status change.

5) During the probationary period, a new hire may be terminated at any time without cause and without appeal. The employee may also resign at any time.

6) If a regular employee is promoted to another position, he/she will serve in his/her new capacity as a probationary employee for the same period as new hires.

### **Personnel Records:**

1) An employee's individual personnel file will be created at the time of employment and will be maintained for each employee in Human Resources.

Information included in the file should be application/resume, letters of reference, copies of any employment correspondence including notification of employment, current job description, all materials relevant to the employee's status including changes in position, records of training received, performance appraisals, records of corrective interviews, dismissal letters, other disciplinary documents, and records of employee grievances. No material of this nature will be submitted into the confidential file without notice to the employee. If a disciplinary action is reversed upon appeal, no record of the action will be maintained in the personnel file.

2) Employee personnel records shall be considered confidential and shall be accessible only to the employee's line of supervisory control, the Human Resource Manager, and the employee.

3) The employee may request to review his/her personnel file through Human Resources.

4) All information or documents contained in an employee's personnel file are confidential and a signed release from the employee must be secured prior to the release of said information if it is to be used for any purpose other than the processing of City payroll or to conduct City business (unless otherwise required by law, court order, or related actions).

5) Members of the public may be furnished information of public record regarding a City employee such as name, department, position, salary, classification, and dates of hire and termination

### **Other Personnel Records:**

1) Medical Records - In accordance with federal law, medical related information pertinent to employees will be maintained in individual files in a restricted access, locked file cabinet.

2) Time Attendance and Leave Records - Appropriate time and attendance records for all employees shall be maintained. These records are kept with the payroll records rather than the personnel file.

**Promotion:**

1) It shall be the policy of the City to fill job vacancies by promotion from within the organization whenever possible. Such promotions will take into account merit, technical qualifications, and continuous service.

2) Vacancies for bargaining unit positions will be posted in-house for a minimum of 4 days.

3) Whenever reasonable, all current employees meeting the minimum requirements of the vacancy will be interviewed.

4) If a promoted employee fails to pass probation, he/she will be placed in the position occupied prior to being promoted.

**Lateral Transfers:**

Lateral transfers will be dealt with in the same manner as promotions (Also see AFSCME Union Contract 7.3).

**Temporary and Seasonal Employees:**

1) Temporary and seasonal employees are hired by the City when a need arises for additional or replacement staff for specific periods of time and not on a continual basis.

2) Temporary and seasonal employees are not eligible for fringe benefits except as mandated by law, which are: social security, unemployment, and workers' compensation insurance.

3) Temporary and seasonal employees will be paid an hourly wage for hours worked. They do not receive or accrue sick leave, vacation leave, or holiday pay.

**WAGE AND SALARY**

**Paydays:**

- 1) The regular payday is the last day of the month except when the last day falls on a weekend or holiday, in which case, the day prior will serve as payday.
- 2) New employees will receive pay only through the 19th of the month in which they begin employment. Pay for the 19th through the last day of the month will be on the following month's paycheck.
- 3) No payroll checks will be released prior to payday, except in extenuating circumstances, with the department director and the Finance Department's approval. If approved, early checks will be released after 3:00 p.m. one day prior to pay day.

**Draws:**

- 1) Employees may elect to draw up to a third (1/3) of their gross pay on the 15th (or regular work day prior when applicable) of each month.
- 2) Regular draw amounts will be determined at orientation. The employee may change the draw amount, to a maximum of one-third of gross pay, each month. The employee must inform the appropriate person in his/her department of the change, by the 5th of the month.
- 3) No draw checks will be released prior to the draw day, except in extenuating circumstances, with the department director and Finance Department's approval.

**Time Records:**

- 1) Each employee shall keep a time and attendance record in accordance with the directions of his/her department.
- 2) Falsification of time records is grounds for disciplinary action up to and including discharge.
- 3) Employees should carefully review time and attendance records for completeness and accuracy prior to signing it.
- 4) Employees should discuss inaccuracies with the appropriate supervisor for resolution. Due to constraints of payroll processing, it may be necessary that disagreements about time and attendance records be noted by the employee on the time record, and signed. The disagreement can then be dealt with appropriately,

without disrupting payroll processing.

- 5) Employees may change their W-4 form, or their elected payroll deductions (i.e., deferred compensation, insurance, etc.) by filling out a new form obtained from the payroll clerk and returned to same, before the 10th of the month. Changes received after the 10th will not become effective until the following month.
- 6) Every effort should be made to effect pay changes by the 1st of the month.

**Overtime (Non-FLSA Exempt Employees Only):**

- 1) Overtime will be calculated in accordance with Federal and State law at a rate of 1.5 times the month's regular hourly wage.
- 2) Overtime earned after the payroll cutoff will be paid on the next regular paycheck.
- 3) Authorization must be obtained from the appropriate supervisor before incurring overtime. Overtime incurred without approval will be grounds for disciplinary action.
- 4) Under FLSA guidelines, exempt employees are not eligible for overtime or compensatory time (time in lieu of overtime).

To appropriately compensate exempt employees for extra time spent beyond the normal duty required by job descriptions, eight (8) hours leave time is granted to each exempt employee yearly.

This time shall be recorded for each exempt employee at the beginning of the fiscal year and replenished each year to the full eight (8) hours. On June 30th, hours left not used will not be compensated and hours are not reimbursable with pay regardless of use.

This is not an attempt to compensate each individual beyond normal duty required by description. Department Directors should continue to deal with circumstances which make it necessary for an exempt employee to work an inordinate number of extra hours.

Scheduling of the effective leave time off will be done in coordination with the appropriate supervisor and the employee.

## **Compensation Plan:**

- 1) The salaries or wages of all non-bargaining unit employees shall be determined by the City Manager with approval of the City Council.
- 2) Wages of employees represented by a collective bargaining group will be negotiated with the appropriate bargaining unit.
- 3) The City Manager may compare the salary rates, the compensation policies, and the personnel development of the City with those of other employers, public and private, in the community and other cities, to determine appropriate compensation.
- 4) Within the budgetary limitations of the City, the City Manager may recommend to the Council cost-of-living adjustments or other adjustments as necessary.

## ***FRINGE BENEFITS***

### **Holidays:**

Holidays will be observed as defined in the appropriate collective bargaining agreement for represented positions, and as paid holidays, as follows, for all other employees:

- 1) New Year's Day (January 1)
- 2) Martin Luther King Jr. (3rd Monday in January)
- 3) Washington's Birthday/President's Day (3rd Monday in February)
- 4) Memorial Day (Last Monday in May)
- 5) Independence Day (July 4)
- 6) Labor Day (1st Monday in September)
- 7) Veteran's Day (November 11)
- 8) Thanksgiving Day (4th Thursday in November)
- 9) Day after Thanksgiving (in lieu of Lincoln's Birthday)
- 10) Day before Christmas
- 11) Christmas Day (December 25)
- 12) One Floating Holiday - issued July 1<sup>st</sup> each year (for use at own discretion)
- 13) Administrative Day (Exempt employees)
- 14) Executive Day (Supervisory)

If a holiday falls on a Saturday, the Friday prior will be considered the holiday. If the holiday falls on a Sunday, the Monday after will be considered the holiday.

## **Health Insurance:**

1) Eligible employees and their families receive medical, dental, vision and prescription coverage. Non-represented employees and employees covered under the AFSCME contract are covered by Preferred Health Plan. Employees under the Teamsters contract are covered by the Teamsters Trust Plan, Blue Cross Blue Shield.

2) Brochures explaining the current coverage in detail may be obtained from Human Resources.

3) The City Health Insurance Committee meets monthly to discuss problems, changes, potential changes, employee needs, and experience ratings with a health insurance representative. Any employee with a health insurance question or concern, may contact a committee member or the Human Resource Manager. The member will then report to the committee regarding the question or concern, and report back to the employee as to disposition.

4) In regard to a City employee who is absent from work as a result of a Workers Compensation injury/claim, the City will continue its contribution to the employee's health insurance through the first six (6) months of the employee's absence. Thereafter, the employee may elect to continue the coverage at the employee's sole expense for an additional period of time as allowed under COBRA.

Payment for health coverage by the employee must be made to the City before the 1st day of every month for that month's coverage. When the employee returns to work, whether full time or light duty, the City will resume its insurance coverage contribution.

## **Retirement Plan:**

1) The City participates in the Oregon Public Employee's Retirement System (PERS). Employees working a minimum of 600 hours yearly and having worked for at least six months become members and will have a percentage of their gross salary paid into PERS by the City as the employer's share (determined annually by PERS), and 6% of their gross salary paid into PERS as the employee's share.

2) Employees are vested after paying into the system for five (5) years.

3) Brochures explaining in detail the PERS program, and forms for

changing beneficiary, are available from the Human Resources.

### **Social Security:**

All City Employees are covered under the Social Security System. The employer and employee both pay a federally mandated percentage of gross wages into Social Security. Information regarding the Social Security System may be obtained from the local Social Security office.

### **Deferred Compensation:**

Regular employees may elect to have up to the maximum amount as allowed by the IRS of their yearly wages deferred. Deferred wages are invested as directed by the employee through a financial firm contracted with the City. The employee pays no Federal or State taxes on these deferred wages, nor the interest earned on them, until the employee withdraws them. Any employee interested in obtaining more information on any of the City's Deferred Compensation or other Plans may contact Human Resources.

### **Life Insurance:**

1) Regular employees are provided a \$5,000.00 basic life insurance policy and \$5,000.00 accidental death and dismemberment policy. Police Staff employees are provided a \$10,000.00 basic life insurance policy and \$10,000.00 accidental death and dismemberment policy. Sworn police officers are provided a \$20,000 basic life insurance policy and \$20,000 accidental death and dismemberment policy. Sworn police officers are also, by law, are provided with an additional \$10,000.00 death benefit.

2) Regular employees may elect to have a monthly payroll deduction to purchase additional life insurance and spousal insurance in \$10,000 increments up to \$300,000. Interested employees can obtain information and forms from Human Resources.

### **Educational Assistance:**

1) The City of Klamath Falls will, within budgetary limitations, reimburse an employee for one-half the amount of tuition for courses taken that are job related and are authorized by the employee's department director and the City Manager, provided a satisfactory grade is achieved. The department director will only authorize those classes that will benefit the City operation by virtues of the

knowledge and skill the employee acquires.

2) Normally, the cost of textbooks and/or technical publications required for such courses taken will be the responsibility of the employee. If the City purchases any of the textbooks and/or publications for such courses, it shall be required to have such items placed in the City or departmental training library after the employee has completed the course.

## ***LEAVES OF ABSENCE***

### **Sick Leave:**

1) All regular and probationary employees shall be eligible to accrue sick leave.

2) Sick leave is intended to protect an employee against undue financial loss in the event of a serious illness. Any misuse or abuse of sick leave will be grounds for disciplinary action.

3) An employee shall accrue sick leave at the rate of one (1) day per full calendar month of service. Not more than 960 hours may be accrued.

4) Employees who are granted a leave of absence with pay for any purpose shall continue to accrue sick leave at the regularly prescribed rate. Sick leave shall not accrue during a leave of absence without pay.

5) An employee may use accrued sick leave when unable to perform his work duties by reason of:

- a. Illness or injury.
- b. Necessity for medical or dental care.
- c. Exposure to contagious disease under circumstances by which the health of the public or fellow employees would be endangered.
- d. Illness in immediate family. Immediate family for sick leave purposes is defined as wife, husband, children, brother, sister, or parents.

6) In order to qualify for time spent on sick leave, an employee shall make arrangements to notify his immediate supervisor of the leave prior to the beginning of the shift he/she is scheduled to work but for which sick leave is required, for any reason described in #5 above. During periods of extended leave, the employee shall contact the supervisor at least once every two weeks to provide an update of the employee's status.

7) Certification by the attending physician to verify that an illness or injury prevents the employee from working may be requested.

8) Upon termination, layoff, death, or voluntary or disability retirement, employees shall receive cash payment for accrued sick leave as follows:

0 - 5 years	12.5%
6 years	15.0%
7 years	17.5%
8 years	20.0%
9 years	22.5%
10 + years	25.0%

Employee's accumulated sick leave will be reported to Oregon PERS for credit towards the employee's retirement benefits, as allowed by State Law.

Employees may cash-out or report no more than the maximum accrual of nine hundred sixty (960) hours, subject to State Law.

9) In the event of an occupational-related accident or illness as determined by the State of Oregon Workers' Compensation Division, the injured employee may utilize accrued sick leave to receive the difference between payments received under Workers' Compensation benefits and his/her regular net salary. In such instances, prorated charges will be made against the employee's sick leave.

#### **Transfer of Sick Leave:**

Employees may transfer a portion of their accrued sick leave hours to a co-worker in immediate need of such benefit due to illness or injury, provided that:

1) The salary of the recipient of the sick leave benefit is less than or equal to the transferring employee.

2) The employee transferring the benefit retains no less than 80 hours of sick leave for his/her own use.

The Request to Transfer Sick Leave Benefits form (on next page) must be completed and submitted to the Human Resource Manager to review/approve hour requirements. The approved Request to Transfer form is then submitted to the appropriate payroll clerk to initiate the necessary documentation to payroll records. Once the Finance Department has completed the transfer, the form is sent to Human Resources for filing in permanent personnel files.



**City of Klamath Falls**

**REQUEST TO TRANSFER SICK LEAVE BENEFITS**

I hereby request and authorize my accrued sick leave hours be deducted in the amount of \_\_\_\_\_, and be credited to \_\_\_\_\_ (number of hours) (name of employee) in the \_\_\_\_\_ Department, for his/her use.

Per City Policy, I will retain at least 80 hours of sick leave for my own use after the above hours are deducted from my total accrued sick leave hours.

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

(NOTE: In order to be calculated for the current pay period, this form must be completed, reviewed, and signed by the Human Resource Manager for submission to the Finance Department payroll clerk no later than 5:00 p.m. on the 19th day of the month.)

**For Office Use Only**

Current Balance	_____
Hours Subtracted	- _____
Hours Retained	= _____

Verified:

\_\_\_\_\_  
Human Resource Manager Date \_\_\_\_\_

_____	Payroll Transaction Completed
Initial/Date	(Initial, date & route to Human Resources)
Original:	Employee file (donating time)
Copy:	Employee file (receiving time)

## **FAMILY MEDICAL LEAVE:**

Adopted March 15, 2010  
Effective June 14, 2010

The City of Klamath Falls meets both the standards of federal Family Medical Leave Act (FMLA) and Oregon Family Leave Act (OFLA) and is subject to both state and federal laws. Employee eligibility is based upon the employee's length of service and service hours (see requirements below for each coverage). When dual coverage eligibility exists, the employer must track both FMLA and OFLA and, where the laws differ, must apply the standard most beneficial to the employee.

**Application for leave:** In all cases, an employee requesting leave must complete the attached "Application for Family and Medical Leave" and return it to Human Resources. An employee intending to take family or medical leave because of an expected birth or placement of a child for adoption or foster care, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to his or her immediate supervisor and to HR as soon as practicable.

Based upon the application, Human Resources will send notification to the employee indicating his/her eligibility for Federal Family Medical Leave and/or Oregon Family Leave. The City of Klamath Falls may provisionally designate the employee's leave if HR has not received medical certification or has not otherwise been able to confirm that the employee's leave qualifies under FMLA and/or OFLA. Once notification has been received by the employee, all paperwork, must be returned to HR within 15 days.

**Counting the leave year:** Usually leave under FMLA and OFLA run concurrently. It is the City of Klamath Falls' policy that the leave year be calculated on a rolling back basis. Under state and federal laws, a rolling back year means the 12-month period is measured back from the date the employee's first leave begins. After the first 12-month leave year, a new rolling back year is determined by the date the employee next uses family leave.

If an employee does not request FMLA/OFLA, the City of Klamath Falls will designate applicable medical leave as protected leave under FMLA/OFLA. If an employee is absent five (5) consecutive work days or more, then the City will designate the absence as either/and FMLA/OFLA. Human Resources may also request medical documentation from a certified health care provider to determine whether leave qualifies for FMLA/OFLA. Notification by H.R. will stipulate the commencement date for leave, and designation of paid or unpaid leave based on the employee's available accrued leave.

The time off may be taken in full, intermittent, or reduced time increments, to the extent allowed by law. Full, intermittent, or reduced time will be determined after H.R. reviews your physician's recommendation and the applicability of FMLA/OFLA laws. Due to the complexity of the laws, please contact the Human Resources Representative for information specific to your situation.

**Workers Comp and OFLA:** OFLA automatically begins if an employee, who is on workers compensation time loss, refuses an offer of light-duty employment.

**Benefits coverage during leave:** During a period of family or medical leave, an employee will be retained on the City of Klamath Falls health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave. To the extent that an employee's FMLA/OFLA leave is paid, the employee's portion of health insurance premiums will be deducted from the employee's salary. For the portion of FMLA leave that is unpaid, the employee's portion of health insurance premiums must be paid by the 24<sup>th</sup> of each month for the next month's coverage. For the portion of OFLA leave that is unpaid and is not concurrent with FMLA, the employee will be required to pay all insurance premiums, including those that the employer normally pays for paid time off. The premium payments must be paid by the 24<sup>th</sup> of each month for the next month's coverage. Failure of the employee to pay his or her share of the health insurance premium may result in loss of coverage. If the employee's payment of health insurance premiums is more than 30 days late, the City of Klamath Falls may discontinue health insurance coverage upon notice to the employee.

In the event that an employee is on unpaid status during FMLA or OFLA, they must pay for all elected benefits (AFLAC, Life Insurance, etc.) prior to the 24<sup>th</sup> of the month to continue the coverage.

**Pay While on Leave:** You will be required to use any accrued vacation, sick leave, comp time, or other paid leave available to you during your family medical leave. You may choose which type of your accrued leave you want to use. When all accrued leaves (vacation, sick, comp time) are exhausted, the balance of the eligible leave time will be unpaid, except as required by law. Employees will not be allowed to use "leave without pay" or donated sick leave until all accrued leave has been exhausted.

Vacation, sick leave, and holiday pay will not continue to accrue during periods of unpaid FMLA/OFLA leaves.

Timesheets must be filled out and turned into your supervisor on or before the 19<sup>th</sup> of the month and a copy of the timesheet must be turned in to H.R. Timesheets for employees that are on FMLA must include expected time usage through the end of the current month.

**Reporting:** During both FMLA and OFLA leaves, the employee must provide the City of Klamath Falls with periodic reports, at least every two weeks, regarding the employee's status and intent to return to work.

**Restoration of Employment:** An employee eligible for family and medical leave will be restored to his or her former position or to a position with equivalent pay, benefits, and other terms and conditions of employment. The City of Klamath Falls cannot guarantee that an employee will be returned to his or her original job. If the original position has

been eliminated, a determination as to whether a position is an “equivalent position” will be made by the City of Klamath Falls.

**Requirements to return to work:** Before the employee returns to work from FMLA/OFLA leave, for the employee’s own serious health condition, the employee is required to submit a certification from the employees health care provider that the employee is able to return to work.. Modified work releases will be reviewed on a case by case basis by the employee’s supervisor and Human Resources to assure that the City can accommodate a light/modified duty request. If it is so determined that a light/modified release can be accommodated, HR will notify the employee, in writing, of what duties they are allowed to perform.

Return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.

**Failure to Return From Leave:** If an employee is unable to return to work upon the expiration of a family or medical leave of absence or expiration of all accrued leaves due to the continuation, recurrence or onset of her or his own serious health condition, or of the serious health condition of the employee’s spouse, child or parent, he or she must submit a request for an unpaid leave of absence, in writing, to HR. This written request should be made within two business days from the date that the employee realizes that she or he will not be able to return at the expiration of the leave period. Any unpaid absence will require the employee to pay all health insurance premiums under COBRA and any other elected benefits. Extensions will run concurrent with negotiated benefits under the relevant union contract.

If the employee gives the City of Klamath Falls notice of the employee’s intent not to return to work, the employee will be considered to have voluntarily resigned.

**Serious Health Condition:** Inpatient care. \*Critical illnesses or injuries diagnosed as terminal or which pose an imminent danger of death. \*Conditions requiring “constant” or “continuing” care. \*Permanent or long-term incapacity due to a condition for which treatment may not be effective, such as Alzheimer’s disease, a severe stroke, or terminal stages of a disease. \*Period of incapacity (“Absence Plus Treatment”) for more than three consecutive calendar days, which also involves: (a) two or more treatments by a health care provider or (b) one treatment followed by a regimen of continuing treatment. \*Absences for pregnancy related disability. \*Absences for prenatal care. \*Absences for chronic conditions. \*Multiple treatments for conditions that if not treated would likely resulting incapacity of more than three days.

Conditions not considered a serious health condition include: plastic surgery for cosmetic purposes; treatment for acne; the common cold; the flu; ear aches; upset stomach; minor ulcers; headaches other than migraine; routine dental or orthodontia problems; periodontal disease. Unless they require an overnight hospital stay or last longer than three days and requirement ongoing medical treatment.

## **DESIGNATION OF LEAVE:**

### **Federal FMLA**

Employees who have been employed for at least one (1) year, and worked for at least 1,250 hours (paid leave does not count) during the preceding 12-month period are eligible for family and medical leave. Employees will be returned to the same or to an equivalent position upon their return from leave.

**Reasons for leave:** All employees who meet the applicable time-of-service requirements may be granted up to a total of 12 workweeks of leave during any 12-month period for one or more of the following reasons:

- (1) the birth of the employee's child and in order to care for the child;
- (2) the placement of a child with the employee for adoption or foster care;
- (3) to care for a spouse, child (under the age of 18, or older if incapable of self-care because of a mental or physical disability), child who is in loco parentis, or parent who has a serious health condition; or
- (4) a serious health condition that renders the employee incapable of performing the functions of his or her job.

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement. This type of leave may not be taken intermittently or on a reduced work schedule unless the City of Klamath Falls agrees with respect to an individual leave request.

When both spouses are employed by the City of Klamath Falls, they are together entitled to a combined total of 12 weeks of FMLA leave within the designated 12 month period for the birth, adoption or foster care placement of a child with the employees, for aftercare of the newborn or newly placed child, and to care for a parent (but not in-law) with a serious health condition. Each spouse may be entitled to additional FMLA leave for other FMLA qualifying reasons (i.e., the difference between the leave taken individually for any of the above reasons and 12 weeks, but not more than a total of 12 weeks per person).

**Exigency Leave:** The National Defense Authorization Act for 2008 (NDAA) amends FMLA to allow military family members (spouse, son, daughter, or parent) of people who are on, or about to go on active duty, leave entitlement for any "qualifying exigency." Until the federal Department of Labor issues regulations defining what constitutes a "qualifying exigency," the City of Klamath Falls retains sole discretion to determine what qualifies as an "exigency."

The NDAA FMLA amendments also allow caregiver leave for a servicemember who incurs a serious illness or injury in the course of active duty. This leave is called

“Servicemember Family Leave (SMFL).” A caregiver may be the spouse, son, daughter, parent or next of kin (defined as nearest blood relative). For this leave only, a “serious injury or illness” is defined as any injury or illness incurred in the line of duty that “may render the servicemember medically unfit to perform the duties of the member’s office, grade, rank, or rating.” This means that the SMFL serious health condition may not meet the definition of other FMLA serious health condition.

Military family members using leave for any “qualifying exigency,” do not receive an additional 12-weeks leave. The leave is subject to the same 12-week limitation as most other FMLA situations.

**Definition of “family member”:** An employee's spouse, children (son or daughter), and parents are immediate family members for purposes of FMLA. The term "parent" does not include a parent "in-law." The terms son or daughter do not include individuals age 18 or over unless they are "incapable of self-care" because of a mental or physical disability that limits one or more of the "major life activities" as those terms are defined in regulations issued by the Equal Employment Opportunity Commission (EEOC) under the Americans With Disabilities Act (ADA).

### **Oregon Family Leave Act**

Employees who have been employed for a least 180 calendar days preceding the date leave begins and if they have worked an average of 25 or more hours per week during that period may be eligible for leave under Oregon leave laws. Those taking leave to care for a newborn, adopted or newly placed foster child need only meet the 180-day requirement regardless of the number of hours worked. Employees will be returned to the same or to an equivalent position upon their return from leave.

**Length of leave:** Generally, OFLA entitles employees to 12 weeks of leave in a 12 month period. There are, however, two exceptions:

- 1) Employees who take family leave because of a pregnancy-related medical condition are also entitled to an additional 12 weeks for any other family leave purpose. Pregnancy disability leave may include: part-day or full-day absences for serious morning sickness; periods of bed rest ordered by the physician of the pregnant employee; a reduced work schedule necessitate by pregnancy complications; routine prenatal visits to the doctor; and leave following the childbirth, when the employee is still incapacitated.
- 2) Employees who use a full 12 weeks of parental leave to care for a newborn or newly-adopted or placed foster child are also entitled to an additional 12 weeks of sick child leave. If an employee takes less than 12 weeks of OFLA parental leave, he or she is still entitled to use the balance of the 12-week entitlement for other OFLA purposes, including sick child leave, but will not qualify for the 12 additional weeks.

**Reasons for leave:** All employees who meet the applicable time-of-service requirements may be granted leave for the following reasons:

- (1) the birth of the employee's child and in order to care for the child;
- (2) the placement of a child with the employee for adoption or foster care;
- (3) to care for a spouse, parent, parent-in-law or biological, adopted or foster child or a person with whom the employee is or was in a relationship of in loco parentis; same sex domestic partner, grandchild or grandparent who has a serious health condition; or
- (4) a serious health condition that renders the employee incapable of performing the functions of his or her job.

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement. This type of leave may not be taken intermittently or on a reduced work schedule unless the City of Klamath Falls agrees with respect to an individual leave request.

Under OFLA, two family members (or spouses) that work for the same employer are entitled to each take 12 weeks of leave for covered events, including the birth, adoption or foster care placement of a child with the employees, for after care of the newborn or newly placed child, but may be required in some situations to take leave a different times.

**Definition of a "family member":** "Family member" means the spouse, same-sex domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, parent-in-law, grandparent, grandchild, parent of same-sex domestic partner or a person with whom the employee is or was in an loco parentis relationship. It also includes the biological, adopted, foster or stepchild of an employee or the child of an employee's same-sex domestic partner. For the purposes of OFLA, an employee's child in any of these categories may be either a minor or an adult at the time serious health condition leave is taken.

**Personal Medical Leave, Family Medical Leave, and Parental Leave**

**APPLICATION FOR LEAVE**

Name \_\_\_\_\_

Date \_\_\_\_\_

Address (during leave): \_\_\_\_\_

I am requesting a leave of absence because of:

\_\_\_\_\_ Medical leave due to serious health condition  
(Check the appropriate item below and complete the Medical Leave Information on the reverse.)

\_\_\_\_\_ myself--my pregnancy

\_\_\_\_\_ myself--non pregnancy

\_\_\_\_\_ my spouse

\_\_\_\_\_ my son or daughter

\_\_\_\_\_ my mother or father

\_\_\_\_\_ my mother-in-law or father-in-law

\_\_\_\_\_ my grandparent or grandchild

\_\_\_\_\_ Parental Leave to be with newborn, newly adopted or newly placed foster child  
(Complete the Parental Leave Information on the reverse.)

Have you taken any of the above types of leave within the last 12 months? \_\_Yes \_\_No

If yes, which  
type? \_\_\_\_\_

Leave to begin \_\_\_\_/\_\_\_\_/\_\_\_\_

Last day expected to work \_\_\_\_/\_\_\_\_/\_\_\_\_

Expected return date \_\_\_\_/\_\_\_\_/\_\_\_\_

Additional  
Information/comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## MEDICAL LEAVE INFORMATION

What is the health condition? \_\_\_\_\_

What is the purpose of the leave? \_\_\_\_\_

Date condition began \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Date condition is expected to end \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Has condition prevented regular activities (such as school or work)?  Yes  No

If yes, for how many days? \_\_\_\_

Is inpatient hospitalization for the condition required?  Yes  No

Name and address of doctor or health care provider \_\_\_\_\_

Number of visits to health care provider for this condition \_\_\_\_\_

Has health care provider prescribed further treatment?  Yes  No

Date you learned of need for the leave \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

If medical leave is for yourself, are you unable to perform the essential functions of your job?

Yes  No

If the medical leave is due to son's or daughter's medical condition, what is his/her birthdate?

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

If the medical leave is due to the medical condition of a son, daughter, mother, father, grandparent, grandchild, mother-in-law or father-in-law, is the relative capable of self-care?  Yes  No

If the medical leave is due to the medical condition of a domestic partner, is the individual capable of self-care?  Yes  No

## PARENTAL LEAVE INFORMATION

Care of a newborn son or daughter?  Yes  No If yes, date of (expected) birth \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Taking custody of an adopted child?  Yes  No If yes, date of birth \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

If child is 18 or older, does he/she have a disability which prevents self-care?  Yes  No

Date of physical custody \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Taking custody of a foster child?  Yes  No If yes, date of birth \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

If child is 18 or older, does he/she have a disability which prevents self-care?  Yes  No

Date of physical custody \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Will your spouse take any leave time for care of the same child?  Yes  No

If yes, answer questions below:

Name of spouse \_\_\_\_\_

Spouse's employer \_\_\_\_\_

Dates of spouse's requested leave: From \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_

**Vacation Leave:**

Vacation leave will be accrued and taken as defined in the appropriate collective bargaining agreement for union positions and as follows for non-represented employees:

YEARS OF CONSECUTIVE SERVICE	VACATION HOURS ACCRUED
Up through three (3) years	Eight (8) hours for each month worked per year
After three (3) years through five (5) years	Ten (10) hours for each month worked per year
After five (5) years through ten (10) years	Twelve (12) hours for each month worked per year
After ten (10) through fifteen (15) years	Fourteen (14) hours for each month worked per year
After fifteen (15) through twenty (20) years	Sixteen (16) hours for each month worked per year
After twenty (20) years and over	Twenty (20) hours for each month worked per year. (Teamsters & Non-represented employees only - see Collective Bargaining contracts, Section 3)

Vacation is accrued but cannot be taken during probationary period.

The maximum allowable accumulation of vacation time shall be one year's total vacation accrual hours. Employees shall utilize accrued vacation credit within one year of accrual; excess vacation time will be forfeited.

Supervisory employees will be given preference in establishing vacation schedules over non-supervisory personnel. An employee or his/her beneficiary shall be entitled to payment for unused, accrued vacation upon termination or death.

**Military Training/Service Leaves:**

Employees with more than six (6) months employment with the City who enter the Peace Corps, the Armed Forces of the United States, or who report for active or training duty with the National Guard or any reserve component of the Armed Forces, shall be entitled to re-employment, seniority, and rights in accordance with Section 236.040 of the Oregon Revised Statutes, with the Military Selective Service Act of 1967, as amended, with Section 408.290 of the Oregon Revised Statutes, or with any other applicable State and Federal laws. Further

information on Military Leave may be obtained from Human Resources.

**Other Leaves:**

1) Leave of Absence With Pay: An employee will request in writing from his/her supervisor, a leave with pay to be granted for any absence caused by:

- a. Official jury duty.
- b. Official court appearance related to City business.

2) Leave of Absence Without Pay: Upon written request, the City Manager may grant an employee a leave of absence without pay for a period not exceeding one (1) year.

- a. All benefits will cease during the entire period of leave without pay.
- b. With the exception of health insurance, all benefits will resume upon the employee's return to City employment. Health insurance will resume the month following the employee's return.

**PERFORMANCE EVALUATION**

It is important that each City employee be kept informed on a regular basis of the extent to which their performance is satisfying the standards required for their position.

The purpose of the employee performance evaluation shall be to:

1. Record how an employee's performance meets the requirements of the job.
2. Identify the employee's strengths and weaknesses and incorporate a plan of action to:
  - a) Refine and develop strengths.
  - b) Bring performance up to standard in the case of weakness.
3. Assist the employee and the employee's supervisor in an effort to attain the highest-level of employee performance.
4. Reinforce performance standards with the employee.

**Evaluation Methods**

Employees shall be kept informed as to which supervisor will be responsible for the preparation of their performance evaluation. At the beginning of the rating period, it is expected that the employee's supervisor will communicate to the employee the

performance standards to be used in their evaluation.

Evaluation methods shall be so devised as to gain significant facts concerning: details of the quality and quantity of work performance; conduct and work habits; and other factors having bearing on the employee's performance.

Such facts shall be reported by the employee's supervisor based upon first-hand observation or knowledge and/or may be determined by investigation of the department director. An evaluation based upon such facts shall be prepared and presented by the employee's immediate supervisor. At the time of evaluation, the employee shall be given an opportunity to respond to the evaluator. Additionally, the employee may submit a separate written response to the evaluation within ten (10) calendar days of the receipt of the evaluation. The evaluation is final and shall not be grievable or appealable. The written evaluation shall be retained in the employee's personnel file located in the Human Resources Division.

### **Evaluation Forms**

Evaluation forms may be obtained from the Human Resources Division. A department wishing to utilize an evaluation form other than the standard City form must first obtain approval from the City Manager.

### **Frequency of Evaluation**

Probationary employees shall be evaluated at least twice during their probationary period; once three months after the date of hire, and again one week prior to the completion of probation. Departmental management is encouraged to set a more frequent schedule of evaluation where feasible. The evaluation and a PAF (Personnel Action Form), both of which indicate the employee's new status, must be submitted to the Human Resources Division.

Permanent employees shall be evaluated at least once a year. The evaluation process shall be completed one week prior to the permanent employee's anniversary date each year. Those employees maintaining peace officer status shall be evaluated at the beginning of the calendar year pursuant to Police Department policy.

Where performance and/or disciplinary problems exist, each department shall evaluate the employee on a more frequent basis outlining:

1. The specific nature of the problem(s).
2. What action or standard is expected?
3. When action or standard is to be achieved.
4. Date next evaluation is to be given.

This procedure shall apply regardless of the employee's permanent or probationary status.

### **Use of Evaluation Results**

The results of performance evaluations shall be taken into account as a general record of service in:

1. Determining the employee's successful completion of the probationary period.
2. Determining employee eligibility for step increases within a salary range.
3. Considering employees for promotion or transfer.
4. Determining the merits of an employee's request for special considerations such as granting requests for leaves of absences without pay, training, job assignments, etc.
5. Reviewing performance history, along with specific and immediate charges, to determine the need for disciplinary action against the employee.
6. Modifying the order of layoff during periods of financial constraint, reduction in workload, or organizational change.

### **SAFETY**

#### **Worker's Compensation**

1) Any employee who is injured on the job must report the injury to a supervisor immediately. Even minor injuries not requiring medical attention must be reported.

2) If the injury didn't require medical attention initially but does later, the employee must report this prior to seeking medical attention or immediately thereafter.

3) Worker's Comp. disability payments are docked from the monthly salary and the difference paid as wages. Gross wage payments are offset by docking the appropriate number of hours from accrued sick leave. The payroll clerk will calculate the number of hours needed to make up the difference.

#### **Safety**

1) The City is committed to a safe, clean, and healthy work environment. It is recognized that safety is everyone's responsibility.

2) Due to the nature of the various tasks performed by City employees, they may be occasionally faced with an encounter with an irate citizen, which may

place the employee in a degree of danger. While it may be possible to neutralize such an encounter by reasoning with the citizen, there will be times when the employee's verbal skills may not bring the confrontation to a successful conclusion. The situation may actually escalate to one where the employee is faced with the possibility of a physical attack.

Since the employees of the City of Klamath Falls are not, with the exception of law enforcement officers, trained or equipped to deal with such a situation, it is the policy of the City that non-law enforcement personnel should make every effort to avoid confrontation and notify law enforcement personnel that their assistance is needed. Except in the most extreme situations, there is no task that is so important that the City will expect its non-law enforcement employees to become involved in a physical combat situation in the performance of their duties.

This policy is not intended to limit the ability of any City employee to do what may be necessary to protect the employee when there is no choice but to engage in self defense practices until assistance from law enforcement arrives.

3) The City's Safety Policies are attached and incorporated hereto (**See Section 5 & 6 of this Handbook**). As stated in the Safety Policy, disregard or ignorance of any safety rule or failure to wear safety equipment, including protective boots, is grounds for disciplinary action up to and including discharge. Each employee is responsible to read and know the City's Safety Rules and Programs.

4) In addition to departmental safety meetings, the City's Central Safety Committee meets each month. Specific information regarding Safety Committees is available in Human Resources.

## **Vehicles**

1) Employees whose jobs require them to drive City vehicles must possess a valid Oregon driver's license. Some job descriptions require the employee to obtain a Commercial Driver's License (CDL) in order to operate certain types of City vehicles and equipment.

2) If an employee's license has been suspended, he/she must inform a supervisor immediately.

3) Vehicle, driving, and Equipment Policies and Procedures are found in **Section 5**, General Safety Rules of this handbook.

## Infectious Disease Control

1) Employees' safety and health on the job is of primary concern to the City. Due to the increasing incidents of infectious disease nationwide, and the desire to protect at-risk employees, the City has set out the following guidelines:

- A. Participation in this program is voluntary and is not a condition of employment.
- B. At-risk employees are those who knowingly or with reasonable surety have had contact, in the course of City employment, with an infectious disease.
- C. At-risk employees will receive information regarding the infectious disease and an informed consent must be signed.
- D. Education regarding infectious disease control will be provided through Human Resources.
- E. At-risk employees who elect to participate will receive, at no cost to the employee, a screening to determine diagnosis.
- F. Dependent upon diagnosis, one of the following will occur:
  - If antibodies are present: No action warranted.
  - Susceptible: Appropriate vaccinations and follow-up at no charge to the employee.
  - If infection is present: A Workers' Compensation 801 notification form is completed and the employee is sent to his/her personal physician under on-the-job illness.

2) An employee believing he/she may have been exposed to an infectious disease in his/her City position must contact a supervisor immediately. Circumstances of the exposure will dictate appropriate action; i.e. Workers' Compensation claim, doctor's exam, sick leave, etc.

3) This policy should not be construed to replace consultation of an employee with his/her physician.

4) The City has adopted an Exposure Control Plan to promote safe work practices in an effort to minimize the incidence of illness and injury experienced by employees. The City of Klamath Falls Exposure Control Plan is located in **Section 6** of this Handbook.

## ***REDUCTION IN FORCE (RIF)***

### **Collective Bargaining Agreements**

Lay-offs, reorganization and elimination of positions will be dealt with in accordance with the Collective Bargaining Agreements for union personnel.

### **Lay-offs**

- 1) Whenever possible, attrition will be used to deal with potential lay-offs.
- 2) Whenever possible, qualified employees whose positions are eliminated will be transferred into a vacant position at that vacant position's level of compensation.
- 3) When lay-offs are required, employees will be laid off in departments by classifications as necessary. Lay-offs will be based on available evaluation reports and qualifications of each employee in the affected classifications of the department. The review and final decision will be at the sole discretion of the City Manager.
- 4) Call back within six (6) months will be in reverse order to lay-offs.

### **Impact on Benefits**

- 1) All benefits will cease the end of the month in which the lay-off occurs, however, at his/her own expense, employees can elect to continue health insurance with COBRA.
- 2) The City will make reasonable accommodations to give affected employees time to obtain other employment.

### **Alternatives**

The City retains the right to implement any alternative program, i.e., a reduction in hours program, or to reassign employees.

## ***WORK RULES AND DISCIPLINE***

## Standards of Conduct

These standards are intended to address situations which have the potential to affect the safety, health, welfare or self-esteem of employees, and/or pose problems for the effective and safe operation of the City. While the subjects discussed here are those most frequently encountered, other situations that are not listed, such as violation of department rules, procedures, orders, etc., may occur requiring corrective action.

Some infractions, including those listed in the section "Separation from Employment," may warrant termination with or without prior notice. Others may warrant supervisory action of a lesser nature. Managers and supervisors should use policy and collective bargaining contracts to determine fair and consistent action for disciplinary matters. They also seek assistance from the Human Resource Manager prior to implementing corrective action.

- A) **Basic Rules:** Insubordination, misuse or theft of City property, fighting, accepting gifts or fees for City job performance, or disreputable outside conduct affecting an employee's ability to do his/her job are examples of basic infractions which may result in termination.
- B) **Safety:** Violations of safety rules, improper or non-use of safety equipment, failing to report an on-the-job injury or accident, or to report for first aid, carelessness, and working under the influence of any substance that impairs mental or physical capability, are examples of safety infractions which may result in termination.
- C) **Honesty:** Falsification of City time records or other documents, or dishonesty in any work-related matter, are examples of unacceptable conduct and may result in termination.
- D) **Treatment of Others:** Employees at all levels are expected to treat one another with courtesy and respect. Abusive and profane language, racial, ethnic, sexual or religious slurs and other forms of harassment, offensive teasing, threats and coercion are examples of unacceptable behaviors which may result in termination. **(See Harassment Free Work Environment).**
- E) **Work Performance:** Inadequate performance, failure to perform up to acceptable standards, insufficient productivity and inattentiveness to the job are examples of work deficiencies that will merit corrective action. An employee's inability to correct such deficiencies may result in termination.
- F) **Attendance and Punctuality:** Lateness, leaving early, and misuse of meal and break times are examples of behavior that warrant disciplinary action. An employee's inability to correct such problems may result in termination.

- G) **Other Work Rules:** Disregard of other standards, such as smoking in a restricted area or of bringing a television, radio, or tape player into the workplace without supervisory approval, can be expected to result in corrective action being taken, up to and including termination, depending upon the severity of the conduct.

**Code of Conduct:**

1) No officer, employee and/or agent of the City shall participate in the selection or in the award or administration of a contract supported by federal funds, if a conflict of interest, real or apparent, would be involved. Such a conflict may arise when the officer, employee, agent, any member of their immediate families, his or her partner, or an organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for award.

2) Every employee inhabiting, owning, or operating property served by the City Water/Sewer Utility system is required to keep the Utility Billing Department apprised of the address(s) for auditing purposes by the Finance Department. This requirement applies regardless of the name listed on the account. Employee accounts are expected to be paid on time; circumstances necessitating payment arrangements on employee accounts may only be approved by the Department Director.

The following steps may be taken against those employees who fail to pay their account on time, requiring the City to disconnect services:

- First Disconnection of City services.

No action shall be taken by the City.

- Second Disconnection of Services (if it occurs within three (3) years from date of first disconnection).

The employee may receive a letter from the City Manager informing him/her of their failure to comply with the requirement of these rules and any future failures may result in corrective action taken against the employee.

- Any Future Disconnection of Services (if they occur within three (3) years from the date of the previous disconnection).

The City may take appropriate corrective action against the employee.

3) The City's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential

contractors or parties to sub-agreements.

4) The following steps may be taken against those employees who write checks to the City, which are refused for payment due to Non-Sufficient Funds (NSF) (in addition to any penalty fees).

- First NSF Check.

The employee may receive a letter from the City Manager informing him/her of their failure to comply with the requirement of these rules and any future failures may result in corrective action taken against the employee.

- Any Future NSF Check (if it occurs within three (3) years from the date of the previous NSF check).

The City may take the appropriate corrective action against the employee.

5) In addition to taking corrective action against the employee, the City may impose a civil penalty not to exceed \$1,000 for violating this Code of Conduct. Any public official who has financially benefited himself in violation of this Code of Conduct may be required by the Council to forfeit twice the amount he/she or any other person realized from violating this Code of Conduct. The procedure for collecting these penalties shall be in accordance with ORS 244.370, except that the Council of the City of Klamath Falls shall act as the hearing body instead of the Ethics Commission of the State of Oregon and all monies recovered shall be paid to the City General Fund, not to the State of Oregon.  
*(Code of Conduct revised January 2001)*

## **Electronic Communications Policy**

### **Purpose:**

To establish a policy for efficient, appropriate employee use of electronic communications equipment, software and data; to encourage use that enhances employee productivity; to confirm that electronic communications used in the conduct of government are public records.

### **General Policy Statement:**

City equipment and software, and Internet/e-mail access are intended to increase employee productivity in the conduct of their official duties with the City. City Employees will comply with the Public Records Act as it relates to electronic

communications. Inappropriate use of information systems or electronic communications, as defined below, is prohibited.

**Definitions:**

"Electronic communication" - is defined as an electronic exchange of information with a citizen, another employee, the internet, and/or the public at large.

"Electronic Mail (E-mail)" - is any memorandum, letter, note, report, or communication among individuals and groups that is stored and/or transmitted in a format that requires an electronic device to capture and access it. E-mail often refers to a package of services designed to automate office communications where users "send" or receive information.

"Information systems" - include all electronic equipment, software and/or data (either furnished by the City or property of the employee) used in the performance of their work assignments, including computers, telephones, cellular phones, fax machines, pagers, e-mail, and voice mail, etc.

"Internet" - global computer network including the use of browsers for the World Wide Web, e-mail use, and other forms of media exchange.

**Appropriate Use:**

The City's electronic equipment and information systems are intended for professional business use in performing the duties of an employee's job. However, the City does permit incidental personal use of electronic equipment and information systems. Employees may make personal use of the City electronic

equipment and information systems covered by this policy only on their own time, such as immediately before and after work, during lunch breaks, etc. Personal incidental use should be limited so it does not disrupt or distract from the conduct of City business and must comply with this policy in its entirety.

**Prohibited Uses:**

- Use of City information systems must not be false, unlawful, offensive or disruptive.
- Unless necessary to accomplish City business, no use shall contain profanity, vulgarity, sexual content or character slurs.

- No use shall make rude or hostile reference to, or constitute discrimination on the basis of age, race, ethnic color, gender, sexual orientation, marital status, national origin, political or religious beliefs, health or disability.
- Copyrighted or licensed information shall be used only with full legal right to do so.
- City systems may not be used to create, transmit, download or store any document, data, message or information containing:
  - Any language or subject matter that is objectionable, offensive, obscene, threatening or otherwise inappropriate as described in the City's Discrimination and Sexual Harassment Policy or Violence in the Workplace Policy.
  - Any communication to solicit for or promote commercial ventures, religious or political causes, activities of special interest groups or other non-job related solicitations when the solicitation, promotion, activities, views or participation represent an individual interest and not a City interest, position or activity.
  - Any information that violates any U.S., state or local law, ordinance or regulation or any City Policy.

**E-mail Use:**

The City encourages the use of e-mail as a method of improving productivity, thereby improving the overall capabilities of the City to serve its citizens.

With few exceptions, everything in government relating to the conduct of government or the performance of governmental functions, whether written, recorded, taped, or electronically stored is subject to public inspection. The City will view the appropriateness of any communication on the basis of how it would have been perceived and dealt with had it been conducted by phone, in person or on paper.

Only authorized employees who have been issued a "password" may use the e-mail system.

In addition to Section V- Prohibited Uses, the following use of e-mail is prohibited:

- Confidential and sensitive information such as performance reviews, disciplinary and/or corrective actions, attorney-client privileged information, and health or medical information is not to be communicated via e-mail.
- Unauthorized use of codes, passwords, or other means to gain access to e-mail belonging to others.

**Internet Use:**

It is the policy of the City to maximize the cost-effective use of its computer systems as a means to improve efficiency and productivity. All employees are responsible for using the Internet resources in an effective, ethical and lawful manner, and in accordance with this policy. Employees may be authorized by their Department Head to have Internet access to enhance their ability to perform the duties of their position.

Prior to any purchases being made on behalf of the City via the Internet, the purchasing agent must have complied with the City's purchasing policy and budget allocations.

Employees are individually and directly responsible for checking files for viruses using the latest version of the recommended virus checking program. (Provided by Information Systems Division)

**Telephone, Facsimile Machines, Photocopy Machines, Printers:**

Telephones - City employees should minimize accepting and placing personal calls during business hours. Personal calls should be made during an employee's break or lunch hour. Long Distance personal calls should be charged against the employee's personal credit card or home number. If, due to extenuating circumstances, an employee makes a personal long distance call on a City account, the employee will reimburse the City for that expense.

Cellular Telephones - Except as allowed through the City Travel Policy, City provided cellular telephones should not be used for personal use, except in response to work-related situations such as unanticipated overtime or family emergencies. Non-work-related, local and long-distance personal cellular telephone charges, placed or received should be reported to the City and reimbursed at the per minute rate the City pays for minutes billable to the phone in excess of the "free time." This reimbursement shall apply to all personal calls within or outside the "free time" range.

Facsimile Machines - Employees may use City FAX machines for personal use to send or receive local or long distance facsimile messages. The charge will be 25 cents per page for local transmissions and 50 cents per page for long distance transmissions.

Photocopy Machines - City employees may use City photocopy machines for personal use by paying a photocopy charge of 10 cents per page.

Personal Computer Printers - City employees may use their assigned City computer printer, or another City printer with authorization from the appropriate supervisory personnel, for personal use by paying a charge of 10 cents per page printed.

### **Monitoring, Enforcement and Penalties**

All hardware, software, programs, applications, templates, data and data files residing on City information systems or storage media, whether City business or personal, are the property of the City of Klamath Falls. When the employee uses his/her own computer and software, uses his/her own service provider, and creates, transmits or receives e-mail/Internet records in the name of the City of Klamath Falls, then such records are the property of the City. The City retains the right to access, copy and change, alter, modify, destroy, delete or erase this property without prior notice to employees. The City retains the right to monitor and audit the use of e-mail and Internet use and information systems. The right to use these technologies does not include the right to privacy. However, it is the supervisor's responsibility, with the assistance of Information Systems, to assure that all confidential electronically stored files (such as employee payroll and employee personal information) are secured, protected with passwords, maintained in a protected area, and accessed only by authorized personnel.

Each employee is required to read and sign this policy. In addition to any other penalty, fine or cost reimbursement required by any City policy, violation of this policy may result in one or more of the following:

- Corrective action, up to and including dismissal from employment;
- Use privileges revoked;
- Use times restricted.

It is the responsibility of all City employees to immediately report any violation of this policy to their supervisor and/or the appropriate management personnel.

*(Electronic Communications Policy adopted February 2001, revised March 2003)*

## Cellular Telephones

### General Policy:

Department Directors are responsible for the issuance, review, and approval for all cell phones used within their department.

Cellular telephones are radio-frequency transmitters and receivers that broadcast signals which can be monitored by anyone having the proper equipment. Interception can occur at any time and employees and officials using cellular phones should avoid discussion of confidential matters, as they should not reasonably expect such conversation to be private.

The Government Standards and Practices Commission (GSPC) has issued Advisory Opinion 02A-1008, which states in part that employees are prohibited by law from using City issued cell phones to make or receive personal calls, except for notification of an emergency or for shift change purposes. Even though personal calls are permitted in those two limited situations, such calls should be infrequent and of limited duration. To assist you in adhering to this policy, the GSPC provides the following advice:

- 1) Do not list your business cell phone number on your business card;
- 2) Do not give your business cell phone number to personal contacts other than your immediate family, and then only with the understanding that it is for emergency use only; and
- 3) If you receive a non-business related call, immediately inform the caller you will return the call after business hours, and disconnect the call.

The violation of ORS 244.040(1)(a) occurs when a public official uses their public position to benefit personally from public resources that would not otherwise be available but for the holding of the position. Agency cost is not a determining factor.

For city employees needing a cell phone for City business purposes, there shall be two options:

### City Cell Phones issued to employees:

- a. Employees with a business need for a cellular phone may be assigned a City issued phone.
- b. Use of City issued cellular phones is restricted to City business; personal calls (outgoing or incoming) will only be allowed infrequently for limited duration in emergencies when these calls cannot be made from a land line within a reasonable period of time.
- c. Cellular telephone use is to be kept to a minimum. Cellular telephone calls should only occur when conventional telephones are not available.

- d. All cellular telephone calls made or received on a City issued cell phone shall be recorded on the 'City Issued Cell Phone Logsheet' for tracking purposes. This logsheet shall be turned in weekly and will aide management in auditing and ensuring the proper use of City issued cellular telephones.
- e. For City issued cell phones that are issued to a 'beat' or to 'on-call' personnel rather than a specific individual, only personal calls made/received must be recorded on the logsheet.
- f. City issued phones will be City property and will be on a cellular telephone plan provided by the City. All cell phone users will work with the plan administrator in their respective City Department in order to obtain or return City-issue cell phones.

**Cellular telephone allowance provided as an employee benefit:**

- a. The City recognizes that, due to the nature of some positions, it may be more cost-effective and give more flexibility to provide some employees a cellular phone allowance in lieu of providing the employee with a City-owned cellular phone.
- b. Under this plan, managers may designate employees who will be provided with a monthly allowance to obtain a personal cellular phone to be used for City-related and personal business of the employee.
- c. The monthly allowance will be \$40. Managers will need to notify Payroll of the names of employees to receive the allowance. Since this method of payment is not expense-substantiated, the allowance is considered a taxable fringe benefit and will be included in the employee's end-of-month paycheck. For infrequent low monthly usage, the Department Director has the discretion to offer a reduced monthly stipend.
- d. The allowance may be adjusted periodically by Finance to attempt to conform generally to commercially available cellular telephone usage plans.
- e. Under this plan, the employee is allowed unrestricted business and personal use (during non-business hours) of his or her cellular telephone.
- f. Each employee who receives a cellular telephone allowance is responsible for obtaining their own usage plan, phone, and other equipment, and for the care and maintenance of said equipment. Employees receiving this allowance are further responsible for immediately notifying the City in the event their cellular plan is cancelled or terminated.

**Operational Safety:**

Use of any cellular phone at any time should be done in a safe, common sense manner. Use of a cellular phone while operating a vehicle on City business is strongly discouraged except in the case of an emergency.

The need for a cell phone or the discretion to issue a City cell phone or to provide the cellular telephone allowance shall rest solely with the respective Department Director.

Personal business is not to be conducted during business hours whether carrying a City cell phone or utilizing the cellular telephone allowance. Should an employee receive a

personal call during business hours, they are to immediately inform that caller that they will return the call after business hours/during personal breaks, and disconnect the call.



# City of Klamath Falls Cell Phone Form

Employee Name:

---

Employee Position Title:

---

Employee Division & Department:

---

I have read the cellular phone policy:

---

(Employee Signature)

**PLEASE CHECK ONE OPTION:**

Allowance

Termination of Allowance

City Issued Cell Phone

Cell Service Provider: \_\_\_\_\_

Cell Phone Number: \_\_\_\_\_

Effective Date for Allowance to Begin/Terminate:

---

Rationale City-issued cell phone/stipend:

Department Head:

\_\_\_\_\_  
Signature Date

City Manager:

\_\_\_\_\_  
Signature Date

*Please forward this form to Payroll once approved.  
Payroll will process and forward to Human Resources to be placed in employee*

*Personnel file.*

### **Gifts or Other Benefits:**

To reaffirm the City's position as a principle of sound management, all business affairs of the City will be conducted within the spirit and intent of high business ethics, honesty, and integrity.

To this end, City employees are not permitted to accept gifts or other favors due to their position with the City.

Items of a nominal value; such as baked goods, candies or flowers which become property of the City, may be accepted on behalf of the City. When in doubt, do not accept the gift or favor.

### **Financial Dealings Prohibited:**

City employment is a public trust. It is the policy of the City to promote the objective of protecting government integrity and avoiding even the appearance of impropriety. Any attempt to realize personal gain through City employment by conduct inconsistent with the proper discharge of the employee's duties is a breach of that public trust. In order to fulfill this general standard, employees and their spouses are prohibited from selling to, buying from, or in any manner contracting with, the City outside the scope of their employment relationship.

The above policy does not apply:

- 1) to elected City officials or to appointed board, commission or committee members;
- 2) to contracts with corporations in which an employee or spouse may own stock or some other interest; or
- 3) to the purchase of goods or services generally available to the public at large such as recreation programs, sewer and water service, cemetery lots, etc.

### **Problem Resolution Procedure:**

The City's philosophy is that each employee has individual worth and value, and that open communication and prompt responses to employee concerns and complaints are the best problem solving techniques of all.

In the interest of ensuring treatment that is both fair and consistent with City policies, employees have access to a process for resolving problems and complaints. Employees are entitled to use the process and to be assured that no one will take action against them for doing so.

- 1) Employees covered by collective bargaining agreements will find the process in their contract.
- 2) Exempt employees shall take up any grievances they may have with their immediate supervisor (**See "Section 4: Non-Represented Employee Policies" of this handbook**).

### **Incidents Involving Employees:**

This policy is intended to establish guidelines and uniformity in the investigation of auto accidents, uniform traffic citations and arrests involving personnel, and eliminate conflicts. It applies to all individuals who are:

- ◆ Employees
- ◆ Immediate family members of employees  
(spouse, children who reside with, or individual who co-habitates with)

If any of the above listed individuals is detained/contacted for questioning, citation, or auto accident investigation by a City Police Officer, he/she ***must immediately*** inform the officer that he/she is a City employee or family member.

Auto accidents are referred to an outside Law Enforcement Agency for investigation; arrests and Uniform Traffic Citations are to be scheduled for Klamath County Circuit Court to avoid the appearance of impropriety.

## **TRAINING AND DEVELOPMENT** (Updated December 2009)

### **Training Opportunities:**

The City Manager encourages training opportunities for employees and supervisors so they may be more effective and efficient at their job and to prepare them for promotional opportunities within budgetary constraints.

The Human Resource Director will assist department directors in meeting training needs by means of lecture courses, demonstrations, and/or other methods conducive to improved effectiveness.

An employee's participation in and successful completion of a training program may be considered as relevant in reviewing promotions. Evidence of participation in the program will be included in the personnel file if forwarded to the Human Resource Director.

Employees required to receive training outside their work schedule will be reimbursed for training hours in accordance with applicable State and Federal law .

### **Conferences and Conventions:**

Decisions concerning attendance at conferences, conventions, or other meetings at City expense will be made by the department head with the approval of the City Manager. Permission for such shall be granted on the basis of an employee's participation or direct relation of this work to the subject matter of a meeting. Members of professional societies will be permitted to attend meetings of their society when such attendance is considered to be in the best interest of the City, consistent with workload and funds available.

### **Employee Travel Expense Policy:**

Revised October 2011

Expenses incurred by City employees traveling on City business will be paid or reimbursed by the City according to the guidelines of this policy.

Employees must submit an "Employee Travel Expense Report" for costs incurred while conducting City business (form attached). Any requests for reimbursement (including mileage, food, etc.) above and beyond the guidelines set below must have prior approval from the employee's supervisor to be considered for reimbursement.

All required receipts must be submitted within 30 days. City funds may not be used for alcohol, entertainment, or personal phone calls - except one personal phone call (up to 10 minutes a day) while traveling on City business. Employees receiving a city cell phone stipend will not be reimbursed.

### **Travel Costs:**

Employees traveling on City business, regardless of the method of travel, are required to take the most direct route to their destination, unless prior approval is obtained from the Department Director. Costs associated with deviation from the most direct route will be the employee's responsibility.

Employees are requested to use a City owned vehicle if one is available. Police, Public Works, and Planning currently have City owned vehicles which can be used by request when available. Reimbursement for use of a personal vehicle when a City vehicle is available will be paid at a lower rate (currently \$.19/mile). Use of a personal vehicle when no City vehicle is available must be pre-approved by the Department Director in writing and will be paid at the full rate (currently \$.51/mile).

Reimbursement for all mileage is subject to change and will be paid according to the GSA mileage rates. ([www.gsa.gov/mileage](http://www.gsa.gov/mileage) ) Employees who receive a regular

travel allowance are responsible for all travel costs incurred within a 100 mile radius of the City.

Reimbursement for mileage between Oregon cities will be based upon, and will not exceed, the Oregon Department of Transportation Mileage Table (see attached Table). The Transportation Mileage Table indicates the actual mileage to the destination city from Klamath Falls. The employee may add no more than 20 additional miles for "around town" travel. Mileage to other destinations will be in accordance with the mileage as documented through Mapquest using the most direct route on major highways. ([www.mapquest.com](http://www.mapquest.com)) Details must be attached to the Expense Report. Requests for mileage in excess of the charted amount will require an explanation on the Travel Expense Report to be considered for reimbursement.

The City will pay all necessary public transportation costs provided receipts are submitted for any cost in excess of \$10.00

**Food:**

The City will pay per diem to cover the cost of food per the rate tables found on [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem) . No receipts are required. Go to the website and type in the local of your travel and select "find per diem rates" to determine the allowable cost.

**Lodging:**

The City will pay reasonable lodging costs of the employee. Receipts are required. Lodging expense in excess of the GSA guidelines will require prior written approval from the employee's supervisor/department director. Employees are to check for the current GSA guidelines at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem) by entering your travel location and selecting "find per diem rates". For out of state locations only, print this information to attach to your expense report. If lodging will exceed these guidelines, have your Supervisor make a notation and sign the per diem print out.

**Conference and Seminar Fees:**

The City will pay approved conference and seminar fees, receipts are required.

TRANSPORTATION MILEAGE TABLE

Oregon Cities

**FROM KLAMATH FALLS**

	<b>MILES</b>
<b>TO:</b> Albany	213
Arlington	306
Ashland	64
Astoria	364
Baker City	383
Bandon	245
Beaverton	276
Bend	137
Brookings	208
Burns	235
Chemult	71
Chiloquin	28
Clatskanie	341
Condon	265
Coos Bay	245
Coquille	227
Cottage Grove	181
Dallas	242
Elgin	428
Enterprise	473
Eugene	173
Florence	234
Forest Grove	285
Fossil	245
Gold Beach	238
Grants Pass	104
Heppner	309
Hermiston	351
Hillsboro	286
Hood River	289
Independence	233
John Day	290
Junction City	187

Lincoln City	292
La Grande	408
Lake Oswego	273
Lakeview	96
Lebanon	214
Madras	179
Malin	28
McDermitt	306
McMinnville	259
Medford	76
Milton-Freewater	408
Milwaukie	277
Newberg	263
Newport	267
North Bend	248
Nyssa	368
Oakridge	131
Ontario	365
Oregon City	270
Pendleton	378
Portland	279
Prineville	172
Rainier	327
Redmond	153
Reedsport	244
Roseburg	171
St. Helens	308
Salem	234
Seaside	351
Sheridan	261
Silverton	246
Springfield	170
The Dalles	268
Tillamook	303
Toledo	260
Union	419
Vale	349
Vermonia	316
Woodburn	250

**Other Cities:**

Lake Tahoe, CA	321
Reno, NV	272

**City of Klamath Falls**  
**Employee Travel Expense Report**  
**2011**

Name of employee: \_\_\_\_\_

Date: \_\_\_\_\_

Directions: All bills and receipts must be attached to this report (except meals within the per diem rate, and taxi fares). Enter amount spent and/or mileage incurred in appropriate column and total amount. Submit completed form to your supervisor within 30 days.

	DATE / /	DATE / /	DATE / /	DATE / /	DATE / /
<b>Lodging</b>	\$	\$	\$	\$	\$
<b>Meals</b> (Check for the current per-diems applicable to your travel destination <a href="http://www.gsa.gov/mie">http://www.gsa.gov/mie</a> )	\$	\$	\$	\$	\$
<b>Taxi, Bus, Shuttle, etc.</b>	\$	\$	\$	\$	\$
<b>Phone</b>	\$	\$	\$	\$	\$
<b>Parking/Garage</b>	\$	\$	\$	\$	\$
<b>Air Fare/Train Fare</b>	\$	\$	\$	\$	\$
<b>Mileage*</b> (# x GSA Rate, see <a href="http://www.gsa.gov/mileage">www.gsa.gov/mileage</a> for rate)	\$	\$	\$	\$	\$
<b>Other</b> (specify)	\$	\$	\$	\$	\$
<b>TOTAL &gt;</b>	\$	\$	\$	\$	\$

\* Exclude first 100 miles if you have a monthly travel allowance. For travel to other cities, add a maximum of 20 miles for "around town" travel.

Purpose of Trip (Destination, etc.)

\_\_\_\_\_

\_\_\_\_\_

Travel Expense of Trip \$ \_\_\_\_\_ Account #(s) \_\_\_\_\_

Check Advanced: Check # \_\_\_\_\_ \$ \_\_\_\_\_

Balance due Employee or City (Circle one) \$ \_\_\_\_\_

I hereby certify that the travel indicated above was accomplished according to the authorization letter and that information shown above is correct and that no part of compensation claim was of a personal nature.

Signed: \_\_\_\_\_ Approved: \_\_\_\_\_

Employee Supervisor/Department Director

Revised: October 2011

## ***SEPARATION FROM EMPLOYMENT***

Each employee serves at the pleasure of the City. Any employee may resign at his/her option, or be terminated for reasons sufficient in the City's judgment to justify termination. No employee has a contract for any particular term of employment. No employee is authorized to commit the City to a contract or guarantee for any term of employment.

### **Employee Initiated Separation:**

An employee who decides to leave the City permanently (not leave of absence or layoff) should notify his/her supervisor at least two weeks prior to the expected date of separation. The employee should also notify Payroll and Human Resources. Human Resources will discuss procedures for leaving the City, including insurance conversion rights and turning in equipment and supplies. The employee's final paycheck is not due and owing until these requirements have been complied with. The final check will include earned wages and overtime, accrued vacation and any sick leave payoff due.

### **Retirement:**

When an employee decides to retire from the City, he/she should notify his/her supervisor and Human Resources as soon as possible.

### **City Initiated Separation:**

Probationary employees are considered "at will" employees and may be terminated by the City for any reason at any time during their probationary period.

A non-probationary employee whose work performance does not meet job standards will be so informed by the employee's supervisor. The supervisor will describe the deficiencies which must be corrected and allow a period of time in which to correct them. An employee may also be referred to Human Resources for assistance in improving job performance. An employee is normally given a warning prior to any termination action due to performance deficiencies, however some employee behavior may result in termination by the City without prior disciplinary action. These include, but are not limited to the following:

1. False information or misrepresentation in becoming an employee.
2. Theft or misuse of City funds, equipment, supplies, personal belongings of other employees, guests, or customers.

3. Falsifying company records.
4. Misuse or abuse of sick leave or other leaves of absence.
5. Disregard of safety practices.
6. Intentional or grossly negligent damage of City property.
7. Reporting for work or working under the influence of alcohol, illegal drugs, or any other substances which alter state of mind or impair physical abilities.
8. Unlawful or discriminatory harassment or treatment of fellow employees or customers.
9. Failure or refusal to comply with supervisor's instructions, or insubordination.

#### **Exit Interviews for Employees:**

Upon termination from City employment for any reason, the employee's immediate Supervisor will conduct a mandatory Exit Interview with the employee. A Notice of Termination of Employment form will be completed in its entirety. This policy applies to all employees, including regular or temporary, full-time or part-time, and serves the following purpose:

1. Clearly indicates the reason for termination and the Supervisor's reference;
2. Provides an in-house system for determining re-hire potential of an employee; and
3. Provides pertinent information for unemployment compensation claims.

The employee will receive a copy of the form and the original will be placed in the employee's personnel file.

City of Klamath Falls  
EMPLOYEE EXIT QUESTIONNAIRE

Name	Date
Job Title	Department
Employment Date	Date Last Worked
Forwarding Address	Telephone

Briefly explain your reason for leaving.

---

Which of the following were important in influencing your decision to leave City employment?  
(More than one may apply)

<input type="checkbox"/> Disliked Job Duties <input type="checkbox"/> Dissatisfied with Pay <input type="checkbox"/> Dissatisfied with Benefits <input type="checkbox"/> Working Conditions <input type="checkbox"/> Supervisor	<input type="checkbox"/> Conflict with Co-worker(s) <input type="checkbox"/> No Advancement Opportunities <input type="checkbox"/> Returning to School <input type="checkbox"/> Moving <input type="checkbox"/> Career Change	<input type="checkbox"/> Health Problems <input type="checkbox"/> Care for Family Member <input type="checkbox"/> Transportation Problems <input type="checkbox"/> Other (Please specify) _____
---	---	---

Describe the aspects of your job which you enjoyed most.

---

Describe the parts of your job which you enjoyed least.

---

What employee benefit(s) did you value most?

---

What employee benefit(s) did you value least?

(Please continue on reverse side)

Give your comments about the pay for your job relative to:

employees in the same job here

employees in other jobs here

employees in the same job in other agencies

What could your supervisor have done to help you perform your job better?

What are your thoughts about the training provided to you?

What are your suggestions for improving communication within the organization?

Please let us know of any suggestions to make this a better place to work.

Knowing what you know now, if you were to apply for a job here would you want to

work in the same job?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
work in the same department	<input type="checkbox"/> YES	<input type="checkbox"/> NO
work for the same supervisor/manager?	<input type="checkbox"/> YES	<input type="checkbox"/> NO

Please explain your above responses:

Additional comments:

Signature:

Date:

Original: Personnel File

Copy: Employee

*City of Klamath Falls*  
EXIT INTERVIEW

RETURN OF CITY PROPERTY

I \_\_\_\_\_  
Supervisor

verify that

\_\_\_\_\_  
Employee

has returned the following City property upon his/her termination:

- Employee I.D. Card
- Keys
- Cell Phone
- Pager
- Credit Card
- City owned equipment or tools  
(Please list items below)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EMPLOYEE AUTHORIZATION FOR REFERENCE CHECKS**

Updated January 2009

Employees who leave our employment or consider leaving our employment have the option of authorizing the release of general or limited information to prospective employers. Please read this form carefully and indicate your preference.

If you **do not** authorize release of information **or** fail to submit a signed form authorizing release to the office prior to the City receiving a reference check request, we will generally release only information regarding the job positions(s) you held and dates of employment. Prospective employers may be advised of the option you have selected.

I **do** [ ] **do not** [ ] authorize the City of Klamath Falls to release information to prospective employers (including anyone claiming to be a prospective employer) regarding my employment. This release of information covers my employment record in general, including information on the following questions:

1. Dates of employment;
2. Positions(s) held;
3. The quality and quantity of my work;
4. My attendance habits (excluding workers' compensation, pregnancy, disability FMLA and other protected absences);
5. My relationship with co-workers, supervisors and managers;
6. My attitude toward work (Cooperative? Positive? Etc.);
7. Reason for leaving and eligibility for rehire (Would we rehire if we had to do it all over again?);
8. Willingness to comply with our policies and standards;
9. Strong and weak points; and
10. Other relevant information regarding my performance, skills, ability, suitability for employment sought, etc.

**Irrespective of the above, the City of Klamath Falls reserves the right to share information with prospective employers regarding whether any former employee has traits, behaviors or propensities that could make his/her employment in the particular position(s) sought unsafe for others or present a security risk.**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## ***EMPLOYMENT OPPORTUNITY***

### **Equal Employment Opportunity:**

It is a fundamental policy of the City of Klamath Falls to provide equal opportunity to all its employees and applicants for employment, and to assure that there shall be absolutely no discrimination against any persons on the grounds of race, color, religion, national origin, age, disability, or sex/gender except when there is a bona-fide question of occupational qualification. This obligation extends to all areas of employment including, but not limited to, the following:

- Recruitment
- Selection and Placement (job assignment)
- Rate of Pay
- Promotion and Transfer
- Disciplinary Measures
- Demotions, Layoffs and Terminations
- Daily Working Conditions
- Testing and Training (where applicable)
- Awards, Compensations and Benefits

All union labor contracts entered into by the City of Klamath Falls and bargaining units will include wording that there will be no discrimination.

The importance of fulfilling this policy is given top priority consideration in the day-to-day operations of the City. All employees must be aware that any violation of the letter or spirit of this policy by an employee shall result in appropriate disciplinary action, including discharge if warranted.

This policy is consistent with the provisions and objectives of the Civil Rights Act of 1964, with implementation accomplished in accordance with specifics defined in the City of Klamath Falls' Affirmative Action Program.

Responsibilities for the development, implementation and/or maintenance procedures in accordance with the Equal Employment Opportunity Policy are assigned to the City Manager. The City Manager will conduct periodic reviews of the City's personnel actions to ensure that the City's policy on Equal Opportunity is being adhered to.

### **Resolution Number 3086, May 5, 1986:**

#### ***Affirmative Action Plan:***

The City has adopted an Affirmative Action Plan to assure that its personnel system is operated in a non-discriminating manner affording equal opportunities to all prospective and current City employees, and to assure that the City's work force properly reflects the minority characteristics of the County labor force.

The City of Klamath Falls' Affirmative Action Plan is on file with the City Recorder.

**Disabled Persons Policy for City Employment:**

It is the policy of the City of Klamath Falls to provide equal employment opportunities for qualified individuals with disabilities, and to avoid discrimination against and to provide reasonable accommodation for such qualified individuals with disabilities in the City work places in regard to:

- a) Recruitment, advertising and job application procedures;
- b) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring;
- c) Rates of pay or any other form of compensation and changes in compensation;
- d) Job assignments, job classifications, organizational structures, position descriptions, lines of progression and seniority lists;
- e) Leaves of absence, sick leave or any other leave;
- f) Fringe benefits available by virtue of employment, whether or not administered by the covered entity;
- g) Selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities and selection for leaves of absence to pursue training;
- h) Activities sponsored by a covered entity including social and recreational programs; and
- i) Any other term, condition or privilege of employment.

The City Manager is designated as the Compliance Coordinator to implement this non-discrimination policy.

Any person who feels he or she has been discriminated against in violation of the above policy may file a complaint directly with the City Manager who shall immediately cause an investigation to be made.

The City Manager shall make a written response to the complainant within twenty (20) days of receipt of the complaint. Said response shall include findings and any action taken in response to the complaint.

This policy is to be applied and interpreted consistent with the Americans with Disabilities Act and other applicable Federal and State laws and regulations.

Violation of the above policy by any City employee shall constitute grounds for appropriate disciplinary action.

### **Sexual, Discriminatory, and Other Workplace Harassment:**

It is the policy of the City of Klamath Falls ("the City") that all employees have a right to work in an environment that is free from discriminatory harassment based on sex, gender, race, age, national origin, religion, disability, or any other protected discriminatory factor. The City prohibits any form of harassment of its employees by other employees and will take immediate and appropriate action to prevent and to correct behavior that violates this policy. The City also strives to protect its employees from any form of harassment by third parties, including customers and vendors.

#### **Sexual Harassment:**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. This conduct constitutes unlawful sexual harassment when:

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

While sexual harassment usually involves members of the opposite sex, it also includes "same sex," (i.e. males harassing males and females harassing females because of the recipient's sex).

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale

and that, therefore, interferes with our work effectiveness. Sexual harassment may take different forms. One specific form is the demand for sexual favors. Other forms of harassment include:

**- Verbal**

Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats.

**- Non-Verbal**

Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.

**- Physical**

Unwanted physical conduct, including touching, pinching, brushing the body, coerced sexual intercourse, assault.

Sexual harassment may be overt or subtle. Some behavior which is inappropriate in a social setting may not be appropriate in the workplace. But whatever form it takes, verbal, non-verbal or physical, sexual harassment can be insulting and demeaning to the recipient and cannot be tolerated in the workplace. Sexual harassment by an employee, manager, supervisor or third party non-employee will not be tolerated by the City. All employees, managers and non-supervisors, will be expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy against sexual harassment. Based on the seriousness of the offense, disciplinary action may include, but would not be limited to, verbal or written reprimand, suspension, demotion, or dismissal.

**Other Workplace Harassment:**

The City also has a firm policy against harassment on the basis of race, color, age, religion, national origin, disability, or any other reason. The City's policy is to maintain a harassment-free work environment where people treat one another with respect.

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, national origin, age, or disability or that of his or her relatives, friends, or associates, or any other perceived reason or association, and that:

- (1) has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or

- (3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following:

- (1) Physical conduct: Unwelcome touching, hitting, leering or threatening staring or glaring; obscene, threatening, or offensive gestures;
- (2) Verbal or written conduct: References to private body parts; derogatory or demeaning comments, jokes or personal question; offensive remarks about race, gender, religion, age, ethnicity, political beliefs, marital or child bearing status, union membership, or disability; obscene letters, telephone calls; catcalls; whistles, sexually suggestive sounds; loud, bullying, or abusive comments.
- (3) Visual or symbolic conduct: Display of pictures of nude, scantily clad or offensively clad people; display of intimidating religious, political, or other symbols; display of offensive, threatening or demeaning drawings, cartoons or other graphics; offensive t-shirts, coffee mugs, bumper stickers or other articles.

All employees should avoid any action or conduct that might be viewed as workplace harassment. Approval of, participation in or acquiescence in conduct constituting workplace harassment will be considered a violation of this policy.

If the City determines that workplace harassment has occurred, corrective action will be taken. Depending upon the circumstances, this corrective action may include, but would not be limited to, verbal or written reprimand, suspension, demotion, or dismissal.

### **Complaint Procedure:**

Employees have the responsibility to bring any form or unwelcome harassment to the attention of the City immediately. Any employee who has a complaint of sexual harassment or other discriminatory harassment should report the alleged act immediately to the employee's supervisor, department head, the Human Resource Manager, or the City Manager at the option of the employee. Although employees are free to address the inappropriate conduct with the offending person, employees do not have to complain first to the offending person.

All complaints will be handled in a timely and confidential manner. A thorough and independent investigation will be conducted based on the employee's statement of what has occurred. Individuals involved in the complaint will be advised not to discuss the subject outside of the investigation. The City will retain confidential documentation of all allegations and investigations and will take appropriate corrective action to remedy all violations of this policy. The purpose of

this provision is to protect the confidentiality of the employee who files a complaint to the extent possible, to encourage the reporting of any incidents of sexual or other harassment, and to protect the reputation of any employee wrongfully charged with sexual harassment.

Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. Employees will be given an impartial and fair hearing. All employees shall be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or assisting in an investigation.

If the investigation reveals that the complaint is valid, prompt attention and disciplinary action designed to stop the harassment immediately and to prevent its recurrence will be taken.

Retaliation against any complaining employee, any witness, or anyone involved in a complaint is strictly prohibited. The City will follow up any complaint or investigation as appropriate to insure that no retaliation occurs. Employees should immediately report any retaliation under the complaint procedure set forth in this policy. The City will not tolerate retaliation and will take prompt and immediate steps to eliminate retaliation.

The City recognizes that the question of whether a particular action or incident produces a discriminatory or workplace harassment effect, requires a factual determination based on all the facts in the matter. Given the nature of this type of discrimination, the City also recognizes that false accusations of harassment can have serious effects on innocent individuals. We trust that all employees of the City will continue to act responsibly to establish and maintain a pleasant working environment, free of discrimination or harassment, for all. The City encourages any employee to raise questions he or she may have regarding discrimination or workplace harassment with the appropriate department head, Human Resources, or the City Manager.

**City of Klamath Falls**  
HARASSMENT FREE WORK ENVIRONMENT  
EMPLOYEE COMPLAINT FORM

Name \_\_\_\_\_ Job Title \_\_\_\_\_

Dept/Division \_\_\_\_\_ Immediate Supervisor \_\_\_\_\_

**Statement of Complaint:** Be specific. Please read the policy statement before completing this form.

Date of Incident \_\_\_\_\_

Name(s) of Person(s) Accused of Wrongdoing

\_\_\_\_\_

Name(s) of Witnesses

\_\_\_\_\_

Description of incident. Describe actions of all person(s) involved, including yourself (attach additional pages, if needed).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Adjustment Requested

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Time (a.m./p.m.)

**Complaint Submitted To:** (Check one)

\_\_\_ Immediate Supervisor

\_\_\_\_\_  
(Name)

\_\_\_ Human Resources

\_\_\_\_\_  
(Name)

\_\_\_ City Attorney

\_\_\_\_\_  
(Name)

**Received:**

\_\_\_\_\_  
(Received by)

\_\_\_\_\_  
Date

## **Department Rules and Regulations:**

Departments may establish rules, regulations and procedures. Such rules and procedures shall be in harmony with the requirements established within City policies and collective bargaining agreements, and shall be binding upon employees within that Department.

## **Personal Appearance:**

Adopted January 24, 2011

Good community relations are an integral part of each employee's job, and an employee's appearance and conduct must be of a manner which is appropriate for an employee in public service and demonstrates rCity values. It is the policy of the City of Klamath Falls to require that all employees should be professional in appearance, and that no element of the employee's appearance or attire should create a safety or health hazard, distract other employees from their work, or present a poor public image. A professional appearance shows Respect for each other and for our citizens.

1. The City of Klamath Falls' relations with the public, the business community, citizens, and City staff members are hindered when an employee's dress or appearance is unprofessional, distracting, overly revealing, or in some other manner inappropriate to an office environment at the City. The first impression the public gets of City employees should reflect our professionalism and the competence of our services rendered.

2. The City of Klamath Falls requires employees attending City events, business meetings, and the like, (examples are City Council Meetings, Municipal Court proceedings, and other official business ceremonies or meetings) to wear suitable professional attire.

The following are minimum appearance standards for City of Klamath Falls employees except as provided in Sections 3 and 4 of this document.

### Personal Appearance:

<b>Men</b>		<b>Women</b>	
1.	Hair clean and neat and presentable style.	1.	Hair clean and neat and presentable style.
2.	Clean shaven daily with mustache and/or beard acceptable, if clean and neatly trimmed.	2.	Make-up should be moderate when worn.
3.	Identification badge in place, according to policy, if applicable.	3.	Identification badge in place according to policy, if applicable.
4.	Modest apparel that is clean and wrinkle free. Appropriate undergarments.	4.	Modest apparel that is clean and wrinkle-free. Appropriate undergarments.
5.	Shirt with collar or sweater is preferred. T-shirts of a dressy quality may be acceptable. No tank tops, casual t-shirts or casual sweatshirts. Logos may be permitted at the manager's discretion when they represent a school (K-12 or university), the US Military, a sports team, or a manufacturer's small branding logo.	5.	Shirt, blouse, or sweater is preferred. T-shirts and conservative tank tops of a dressy quality may be acceptable. No revealing tank tops, casual -shirts or sweatshirts. Logos may be permitted at the manager's discretion when they represent a school (K-12 or university), the US Military, a sports team or a manufacturer's small branding logo.
6.	Pressed slacks. Jeans of a dressy nature suitable for office wear, clean and pressed. No shorts. No sweatpants.	6.	Pressed slacks. Pressed skirt or dress, no shorter than the bottom of the fingertips when standing with arms at sides. Jeans of a dressy nature suitable for office wear, clean and pressed. No shorts. No sweatpants.
7.	Conservative jewelry. No facial jewelry, other than conservative earrings worn on the ears.	7.	Conservative jewelry. No facial jewelry, other than conservative earrings worn on the ears.
8.	Clean or polished shoes. No flip-flops or other beach footwear.	8.	Clean or polished shoes, (including dress sandals). No flip-flops or other beach footwear.
9.	Personal cleanliness, mild fragrances only; clean hands, neatly trimmed nails.	9.	Personal cleanliness, mild fragrances only; clean hands, neatly trimmed nails.
10.	Holiday or special events: conservative attire. Subject to approval.	10.	Holiday or special events: conservative attire. Subject to approval.
11.	Visible tattoos are permitted if they do not cover more than ~1/3 of the exposed skin area next to the tattoos. No tattoos shall be visible above the collar bone or on the hands, except moderate permanent makeup, such as eyeliner or lip color. No visible tattoos are permitted if they are offensive. Examples of offensive tattoos would include, but are not limited to, those which: depict racial, discriminatory, vulgar, sexual, or gang-related images; contain obscene language; or are otherwise disruptive or inappropriate.	11.	Visible tattoos are permitted if they do not cover more than ~1/3 of the exposed skin area next to the tattoos. No tattoos shall be visible above the collar bone or on the hands, except moderate permanent makeup, such as eyeliner or lip color. No visible tattoos are permitted if the tattoo(s) are offensive. Examples of offensive tattoos would include, but are not limited to, those which: depict racial, discriminatory, vulgar, sexual, or gang-related images; contain obscene language; or are otherwise disruptive or inappropriate. No visible elective

<b>Men</b>	<b>Women</b>
No visible elective body modifications of any sort are allowed.	body modifications of any sort are allowed.

3. Employees primarily engaged in outside or “field” work are not subject to the above limitations regarding t-shirts, sweatshirts and jeans; however, attire must be appropriate for employees in public service and show Respect for each other and our citizens. T-shirts, sweatshirts, and hats must not have inappropriate language, pictures, or logos. Jeans must be clean and non-frayed. All other standards set by the above policies apply to employees primarily engaged in outside or “field” work.

**4. These standards may not be lessened by any department manager.** However, Department Directors may allow casual attire on occasion to accomplish “non-typical” office duties such as general housekeeping and the boxing and storing of records. Employees are responsible for adhering to any department-specific requirements for uniforms, which cannot be modified except by approval of the Department Director, and for requirements for personal protective equipment (see also General Safety Rules in Section 5). Police Department personnel are subject to the requirements as outlined in Policy #1044 and Policy #1046 of the City of Klamath Falls Police Department Policies and Procedures Manual. Failure to adhere to the personal appearance standards of this policy may result in corrective action.

**Political Activities:**

1) The restrictions imposed by the Law of the State of Oregon on political activities are that "No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this does not restrict the right of a public employee to express personal political views."

2) The Oregon Constitution does prohibit persons from holding more than one lucrative public office at the same time. A City employee may not concurrently serve as an elected City official.

3) Employees have the right to express their personal political views on the job subject to the following:

- a) The expression does not interfere with the employee’s job duties or those of fellow employees.

- b) It must be made clear that the views expressed are personal and do not represent the position of the City.
- c) Employees may not prepare or distribute written materials supporting or opposing a measure, candidate or petition while on duty. (This does not apply to the City Recorder's office recording official actions of the City Council)
- d) Employees may not be involved in activities such as collection of funds, receipt or distribution of advocacy materials, or preparation of correspondence on behalf of a political action committee or candidates while on work time. (This does not apply to the City Recorder's office recording official actions of the City Council).
- e) Uniformed personnel may not wear pins, buttons, insignia, etc. which are not a part of their authorized uniform.
- f) Campaign posters or other campaign materials in private work spaces may not be displayed in a location visible from areas open to the general public, such as reception areas.
- g) Campaign materials affixed to private vehicles in City parking lots must be affixed to the vehicle in such a manner as to remain so affixed while the vehicle is in operation, rather than as parked displays only.
- h) As part of their job duties, City employees may respond to public inquiries about the impact of measures with factual information only, avoiding expression of opinion or endorsement of a vote either way. Where an employee lacks sufficient information to give a complete factual response, the inquiry should be referred to the employee's supervisor. Where the employee is uncomfortable giving a response to the inquiry, referral to the supervisor or to the City Manager's office should be made.
- i) Off work time, City employees have the right to express their personal political views and to engage in campaign activities. In the exercise of these rights care should be taken to avoid any appearance that the views and activities represent an official City position on the candidate or measure.

### **Complaint Process:**

It is the legal responsibility of each employee to report to the proper authorities any knowledge that an improper act up to and including a criminal act, has been committed. When you have such knowledge, you need to follow this procedure:

1. Report the action to your immediate supervisor. If the actions involve your supervisor or you prefer not to discuss it with him/her, you may follow the next step.
2. Report the action to your department director. If, as above, he/she is involved or you prefer not to discuss it with him/her, you may follow the next step.

3. Report to the City Manager or City Attorney or other authority as appropriate.