



# **PUBLIC NOTICE**

## **AUMSVILLE CITY COUNCIL MEETING**

Via Zoom Video Conference

**MONDAY, September 14, 2020**

### **A G E N D A**

- 1) CALL TO ORDER: 7:00PM**
  - A. Approve Agenda
- 2) PRESENTATIONS, PROCLAMATIONS, & VISITORS**
  - A. **Public Comment:** Due to the COVID-19 Virus Council will conduct the meeting via Zoom conference call. Public Comment will be accepted from online attendees at this time. Comments are limited to 5 minutes for comments on items other than Public Hearings listed below. There is a public comment period within each hearing. You may also submit comments by emailing City Administrator Ron Harding at [rharding@aumsville.us](mailto:rharding@aumsville.us) by noon on September 14, 2020.
  - B. **Visitors:** For information about how to attend the meeting online, please call City Hall at 503.749.2030 or email [crogers@aumsville.us](mailto:crogers@aumsville.us) to request log in instructions. Information will also be posted on our website [www.aumsville.us](http://www.aumsville.us)
- 3) CONSENT AGENDA:** (Action)
  - A. Council Meeting August 24, 2020 Minutes
- 4) PUBLIC HEARINGS:** NONE
- 5) OLD BUSINESS:** (Discussion)
  - A. Tiny Market Village
  - B. Main Street Landscaping
  - C. New City Logo
- 6) NEW BUSINESS:** (Action) Review and Approve Employee Handbook Updates
- 7) CITY ADMINISTRATOR REPORT:** (Information)
  - A. City Administrator's Discussion Items
  - B. Public Works Monthly Report
  - C. Police Department Monthly Report
  - D. Review Check Register August 24, 2020 through September 3, 2020
- 8) MAYOR AND COUNCILORS REPORTS**
- 9) GOOD OF THE ORDER:**
  - A. Other business May Come Before the Council at This Time

**10) CORRESPONDENCE:** Aumsville Exchange Club

**11) EXECUTIVE SESSION:** The Aumsville City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

**12) ADJOURNMENT**

The City of Aumsville does not and shall not; discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.

Anyone wishing to speak on an agenda item should ask to be recognized by the Mayor or Chair at the beginning of that agenda item. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities must be made at least 48 hours prior to the meeting. Please call (503) 749-2030 and leave a message or Oregon Relay Service for TDD at (800) 735-2900.



# City of Aumsville



595 Main St., Aumsville, OR 97325  
Office: (503) 749-2030 -- FAX: (503) 749-1852  
Email: rharding@aumsville.us

## **AUMSVILLE CITY COUNCIL**

### **Minutes – August 24, 2020**

Mayor Clevenger called the meeting to order at 7:01 PM via Zoom Conferencing. Council present was: Mayor Derek Clevenger, Ryan Bambrick, Nico Casarez, Angelica Ceja, Doug Ecclestone, and Della Seney. Council absent: Larry Purdy. City Administrator Ron Harding (CA Harding) and City Clerk Colleen Rogers (CC Rogers) were also present via Zoom. The meeting was video recorded to be released later.

**AGENDA APPROVAL:** Councilor Casarez moved to approve the agenda as presented. Councilor Seney seconded. Motion APPROVED 6-0: (Yes: Mayor Clevenger, Councilors Bambrick, Casarez, Ceja, Ecclestone, and Seney. No: None.)

**VISITORS:** There were 3 online attendees. Log in information was provided for members of the community to listen to the discussion.

**PROCLAMATION:** Mayor Clevenger stated that the Oregon Department of Consumer and Business Services has requested that the City of Aumsville proclaim the first week of September 2020, be known as "Home Inventory Week." He explained that September is National Preparedness Month, a time of year to get ready for all types of disasters. Fires, earthquakes, floods, tornadoes, and winter storms are just a few reasons to build an emergency kit and plan an escape route. Having the right insurance coverage and an up-to-date home inventory are critical to financial resiliency. Mayor Clevenger read the staff prepared declaration into record.

**PUBLIC COMMENT: None**

**CONSENT AGENDA:** Council reviewed the August 10, 2020 Council meeting minutes. Councilor Casarez moved to approve the consent agenda as presented. Councilor Ceja seconded. Motion APPROVED 6-0: (Yes: Mayor Clevenger, Councilors Bambrick, Casarez, Ceja, Ecclestone, and Seney. No: None.)

**OLD BUSINESS: NONE**

**NEW BUSINESS: NONE**

**CITY ADMINISTRATOR’S REPORT:** CA Harding updated Council on the COVID-19 Small Business Relief Funds process. He stated that the Mayor, staff, and two council members completed the review and recommended approval of the applicants. Staff has notified the recipients and the funds will be distributed this week.

CA Harding reported that the “Great Corn Giveaway” on August 15<sup>th</sup> was a fantastic success. Staff and volunteers handed out approximately 1500 bags of corn to more than 500 vehicles as they drove through. He announced that the “Corny Video” Contest is still going. We haven’t received many videos yet. There is a \$1000 grand prize for the winner. Entries close on August 30<sup>th</sup>. We also donated a truck load of the corn directly to the local food bank and the Marion/Polk County Food Share.

Public Works has been dealing with some significant repairs in one of the sewer lift stations. There is money in our budget for such repairs to be done.

Our utility bills are going to be different starting this next billing. Staff has been getting this information out to our customers in the September newsletter and posting it on Facebook.

CA Harding stated that the upcoming Council meeting agendas are going to be light. He suggested that instead of having an additional strategic planning meeting, we insert some of those strategic discussions into the agenda under New Business at the regular meetings. He listed several of the topics that need to be discussed; most importantly, water and sewer issues. Mayor Clevenger added that people have been asking about water rates and potentially adjusting the tiers and suggested that it also be part of the discussions.

**MAYOR/COUNCIL REPORTS AND INITIATIVES:** Councilor Casarez praised staff and volunteers for their hard work on the Corn Festival event. The event was well organized, and we had lots of positive feedback from citizens. CA Harding added that Republic Services sponsored the corn for the event so the event was low cost to the city. The drive-up method was a big hit and went very smoothly.

**GOOD OF THE ORDER:** Last Saturday Market event on September 12<sup>th</sup> was discussed. Councilor Casarez and Ceja volunteered to be present at the city booth.

**CORRESPONDENCE: None**

**ADJOURNED WITHOUT PREJUDICE AT 7:18 PM**

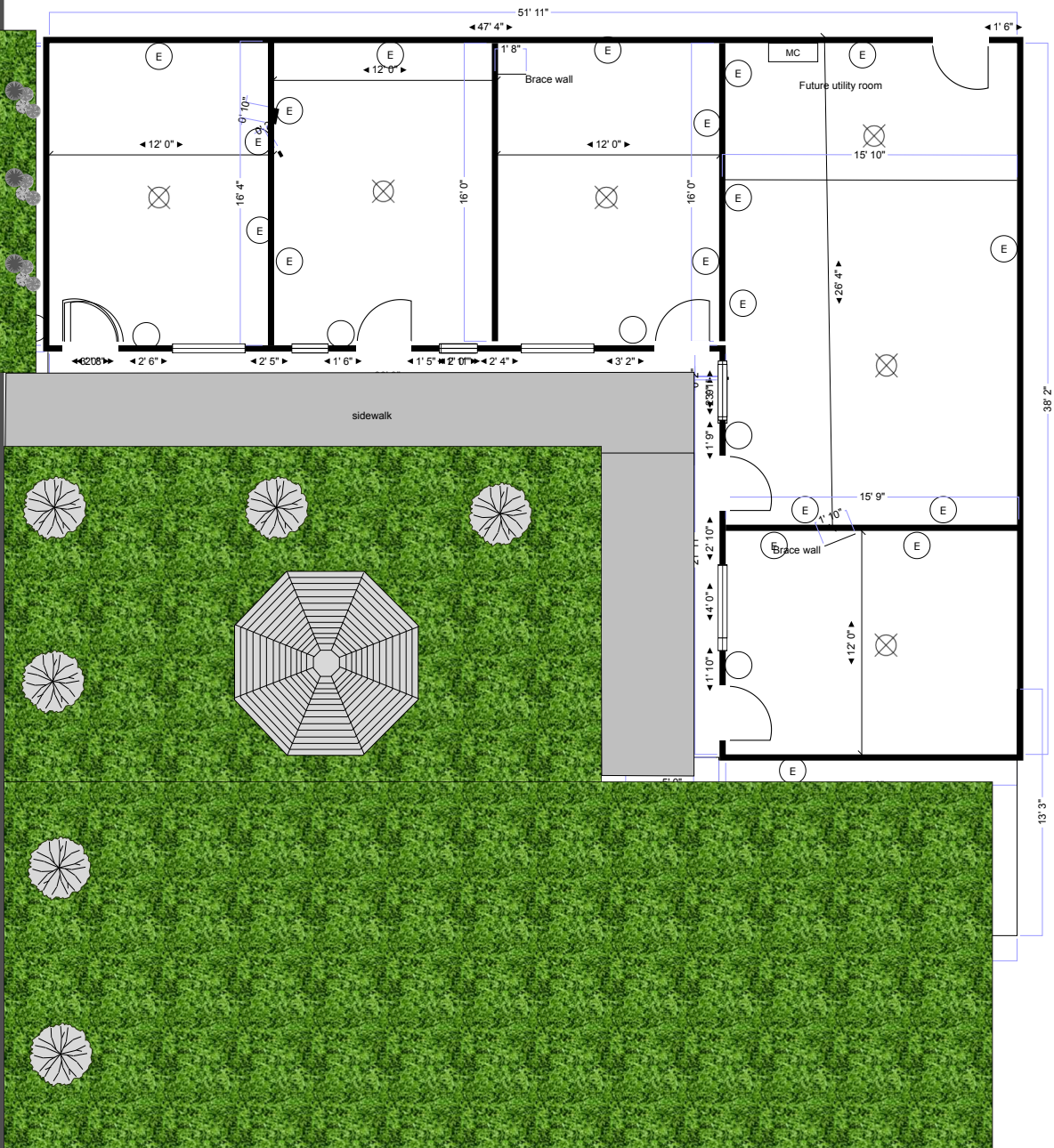
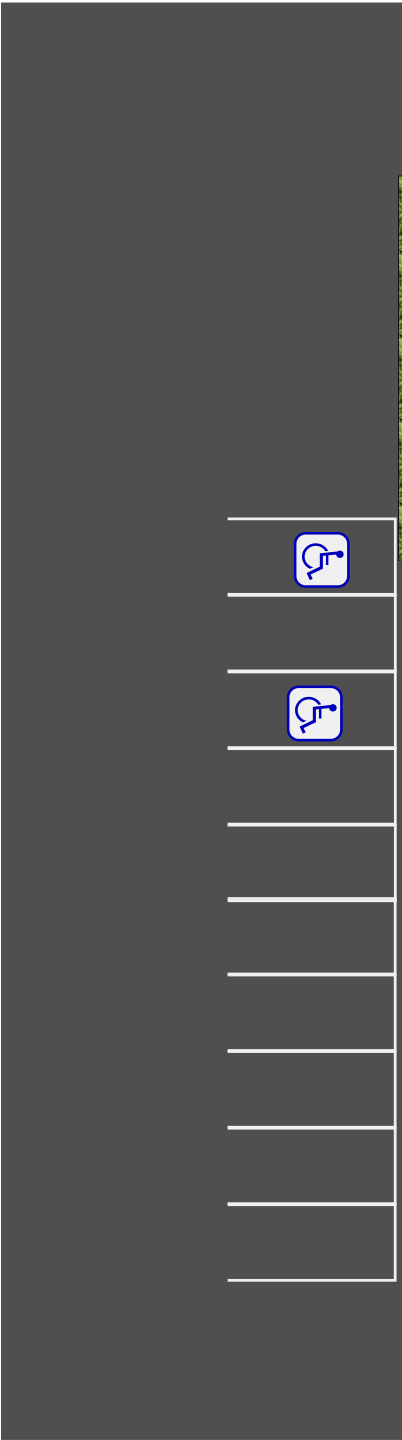
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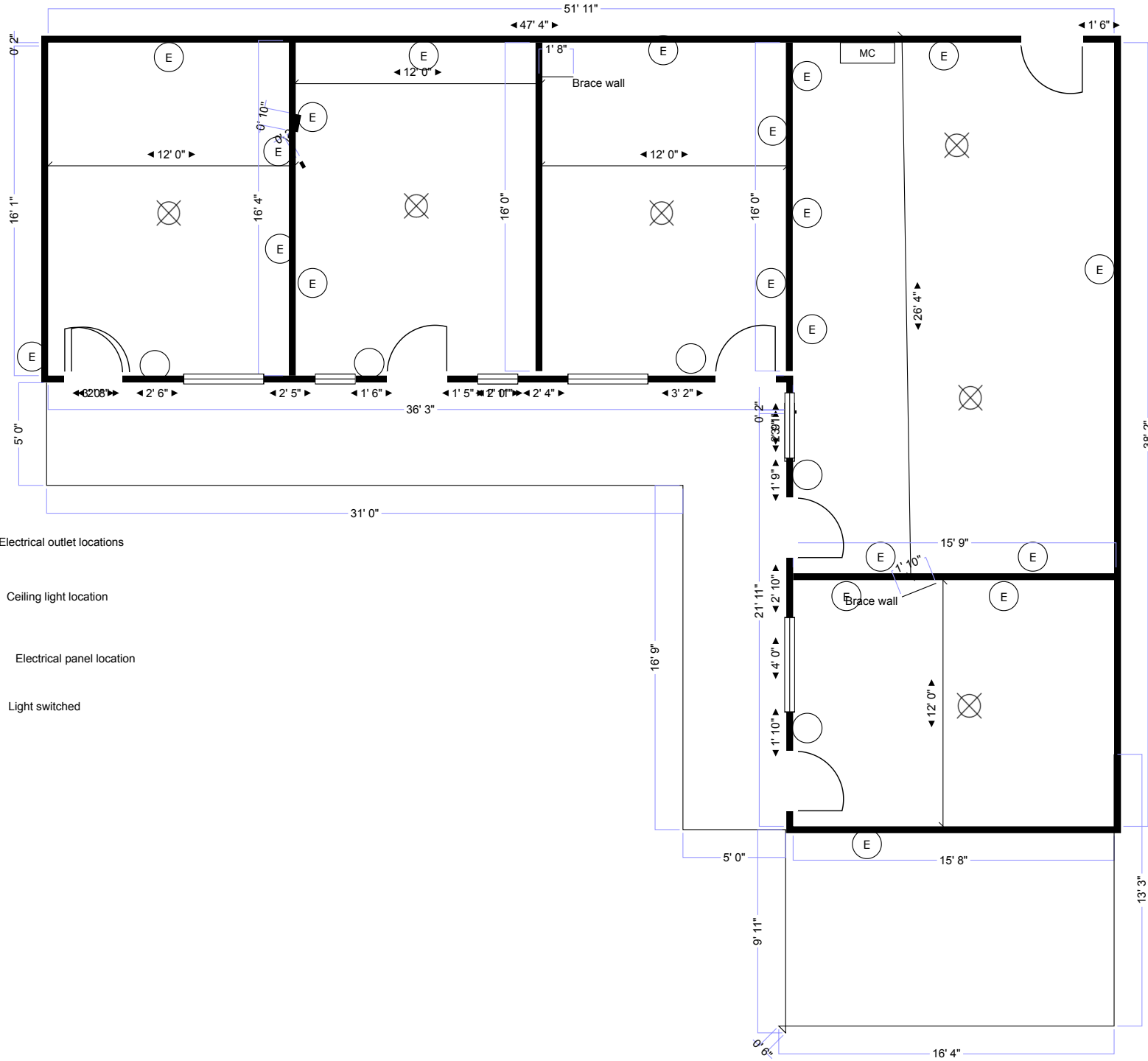
Derek Clevenger, Mayor





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Ron Harding, City Administrator







-  Electrical outlet locations
-  Ceiling light location
-  Electrical panel location
-  Light switched

# First and Main Street Planting



- Planting 17 Columnar Norway Maples
- 50' tall
- 15' wide
- Yellow leaves in fall
- Low maintenance



- Planting 24 Dwarf Radican Gardenia Shrubs
- 1-2' tall
- 3-4' wide
- Full to Partial Sun



- Planting 26 Pink Flowering Azaleas
- 2-3' tall
- 2-3' wide
- Blooms in Spring and Fall

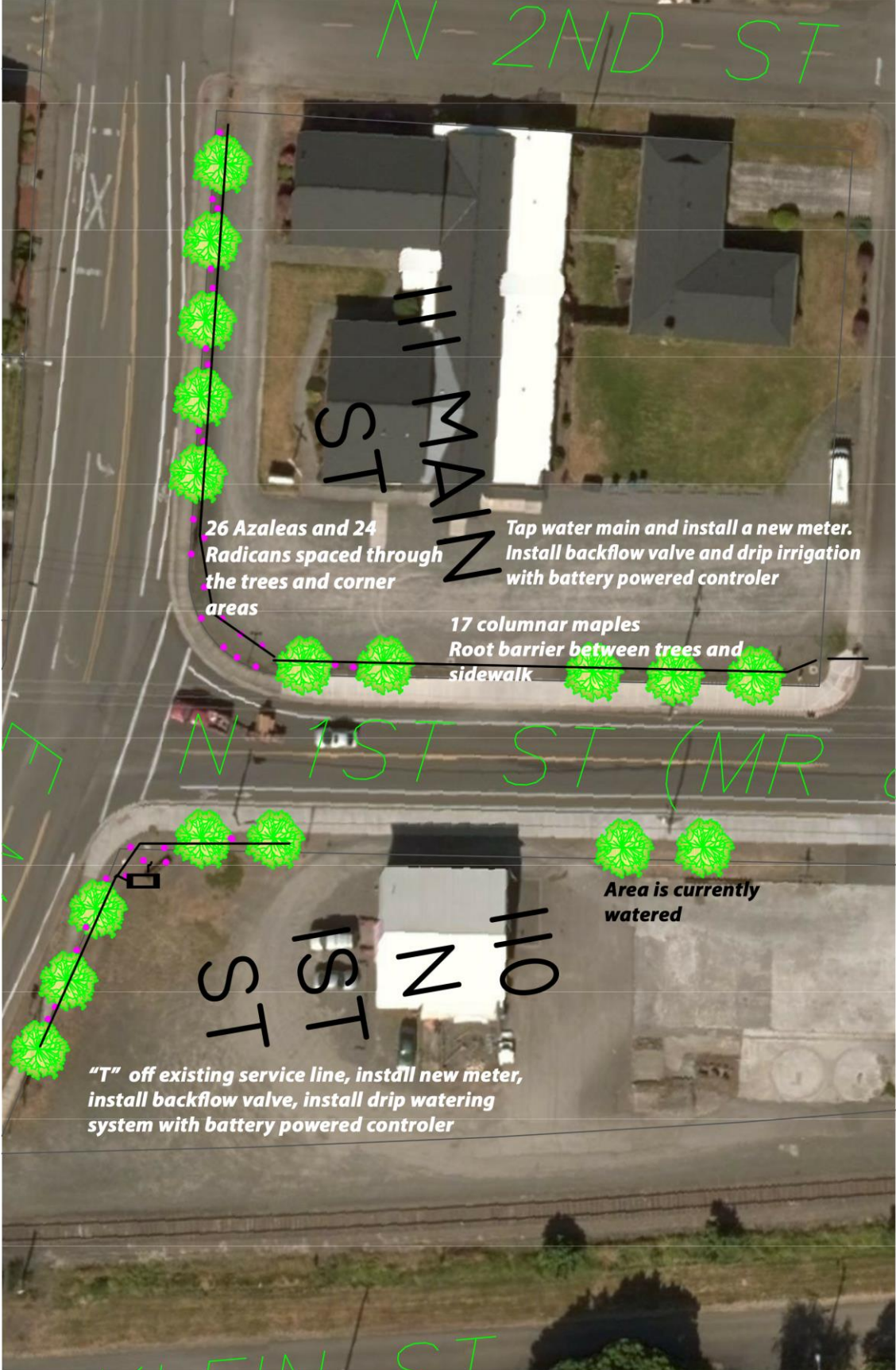
**Main Street Tree Project**

1. Trees 16 x \$140.00 = \$2240
2. Tree Stakes 32 x \$5.99 = \$191.68
3. 1" double check Backflow 2 x \$114 = \$228
4. 500' 1" PVC schedule 40 = \$195.00
5. 1"x1"x3/4" FIP fittings \$1.93 x 48 = \$92.64
6. 4 Orbitz battery valves 55.95 x 4 = \$223.80
7. 5 units of bark dust = \$600.00
8. Root barrier 400 feet \$199.00 x 4 = \$796.00
9. Split water service for irrigation \$1500 x 2 = \$3000.00
10. 32 Bushes 3-5 gallon 32 x \$20 = \$640.00
11. Irrigation fittings 3/4 swing joint \$2.50 x 48 = \$120.00
12. Sprinkler head \$3.97 x 48 = \$190.56

**Total Cost**  
\$8434.68

The goal is to start the first of October with the installation of root barrier and water services for irrigation. They would then continue with digging and planting. Finally, they will put bark on to complete the project. The project should take around two weeks to complete.





N 2ND ST

III MAIN ST

26 Azaleas and 24 Radicans spaced through the trees and corner areas

Tap water main and install a new meter. Install backflow valve and drip irrigation with battery powered controler

17 columnnar maples  
Root barrier between trees and sidewalk

N 1ST ST (MR)

Area is currently watered

N 10th ST

"T" off existing service line, install new meter, install backflow valve, install drip watering system with battery powered controler

N 11th ST



595 Main St. Aumsville, Oregon 97325  
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A Great Place to Live!

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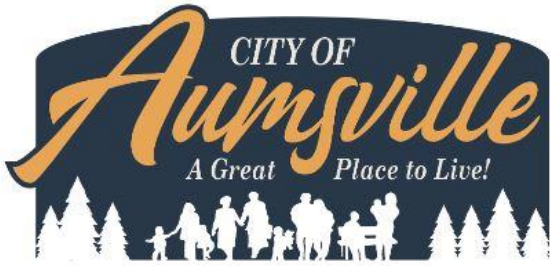


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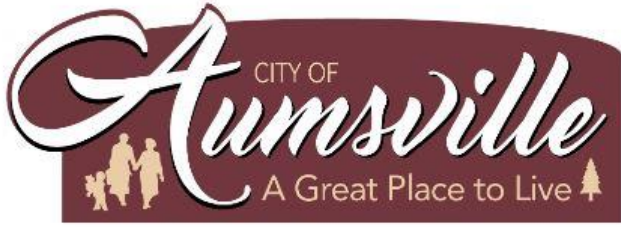
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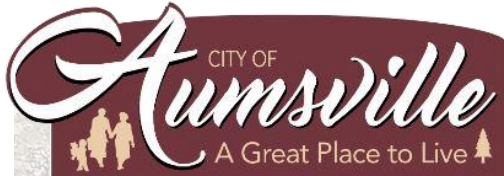


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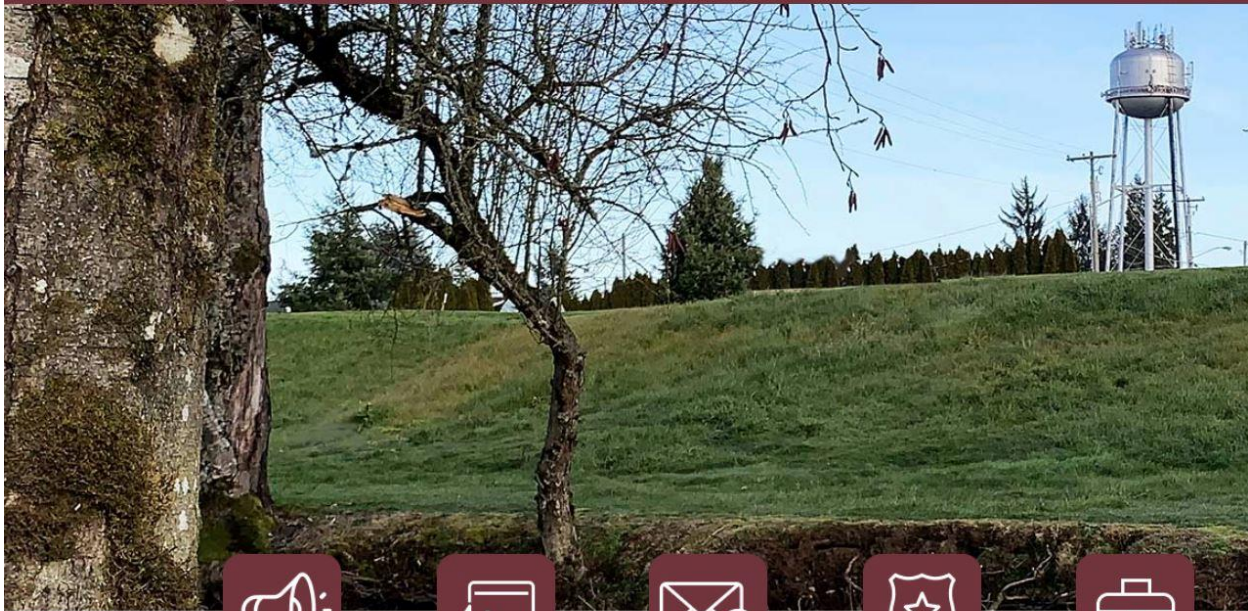




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# *City of Aumsville*

## *STAFF REPORT*

To: Mayor  
City Council

From: Ron Harding, City Administrator

Date: September 14, 2020, City Council Meeting

Subject: Employee Handbook Updates

### **Recommendation**

To approve updated version of the employee handbook as presented.

### **Background**

The 2019 legislative session passed a number of employee-related bills. Cities are required to offer certain benefits and to approve certain processes related to employees in the workplace. The requirements are to have new policies written and in place by July 1<sup>st</sup> to address the new laws. CIS, our risk carrier, worked for months to have the pre-loss division draft language and policies to cover the required changes, but took longer than expected as there was little guidance provided with the new laws on exactly how to comply. CIS finished the changes and provided a draft handbook just after the first of the year before COVID 19 derailed our workload.

Changes in policies were written to accommodate the simplest and least confusing approach to the new policies. Rather than write multiple sections with multiple levels of coverage to address different statuses, we choose to combine many of the policies to make the document more understandable. Below is a specific list of those changes.

### **Current Situation**

#### ***Revisions from 2019 Edition of CIS' Sample Employee Handbook***

The 2020 version of this handbook added a new policy, Pregnancy Accommodations, in response to HB 2341, signed into law in 2019. We also added a significantly revised No-Harassment Policy that includes the difficult language required under 479 and SB 726, both of which were signed into law in 2019. Under the new laws, all Oregon public sector employers are required to have a harassment in the workplace policy in effect by January 1, 2020, that instructs employers regarding what must be in such a policy. CIS' sample policy includes all of the new law's requirements; it is not, in the opinion of CIS, an employer-friendly policy, nor is it fair. But given the requirements of the law, and the specific statements that must be included in the policy per that law, employers are given little-to-no choice here. Further complicating the matter, BOLI is not expected to issue a "model" policy that complies with the law until sometime in mid-2020. If the model policy dramatically differs from CIS' sample policy, CIS will reach out to its members and let them know of any recommended revisions.

CIS also updated: (1) The No-Discrimination, No-Retaliation Policy (added “gender identity” and “domestic violence victim status” and some language prohibiting retaliation against someone in a protected class recognized under the law); (2) The Rest Breaks for Expression of Breast Milk Policy (to reflect changes to Oregon’s law that went into effect in 2019); (3) The OFLA and OFLA/FMLA Policies (to reflect that time off under OFLA may be taken for procedures relating to organ donation); and (4) The PERS Benefits Policy (added language to reflect the option for CIS members to allow PERS-eligible employees to retire and then be hired back effective January 1, 2020), (per SB 1049).

In addition to these laws outlined by CIS staff memo in the paragraph above we changed bereavement leave to 40 hours paid. The law requires 40 hours unpaid and the city has offered 24 hours paid. It is not used often. It was cleaner to just meet the 40 hour requirement and make it paid.

Sick leave was a similar situation. We offered paid sick leave; the law requires 40 hours provided once the employee exceeds the 91<sup>st</sup> day of employment. We will offer the 40 hours paid and credit it against the bank or future banked sick leave.

One item of significant change but not required by law was to limit the sick leave accrual. CIS has suggested this change for a long time and we implemented it in this edition. We are limiting sick leave at 720 hours. If someone has accrual more than that, they will stop accruing until they fall below that cap.

If you have any question, I am happy to answer them.

### **Motion**

- I move to approve the 2020 employee handbook as presented
- I move to approve the 2020 employee handbook with the following modifications.
- I move that the 2020 employee handbook be remanded back to staff to provide additional research and or modification.



# City of Aumsville

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Office (503) 749-2030 -- FAX: (503) 749-1852  
Email: [cityadministrator@aumsville.us](mailto:cityadministrator@aumsville.us)



## Employee Handbook

Updated September 2020



Welcome!

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

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between the city and its employees. The policies stated in this handbook are subject to change at any time at the sole discretion of the City of Aumsville, with or without prior notice. This handbook supersedes any prior handbooks or written policies of our organization that are inconsistent with its provisions. You may receive updated information concerning changes in policy from time to time, and those updates will be made to our original electronic master and will be kept in our shared folder. Employees will be asked to review these policies once a year and sign acknowledgment of receipt. If you have any questions about any of the provisions in the handbook, or any policies that are issued after the handbook, please ask the City Administrator.

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

Sincerely,

Ron Harding  
City Administrator  
City of Aumsville

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## **I. Equal Employment Opportunity (EEO) Policies**

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

All employees are encouraged to discuss these EEO Policies with the city administrator at any time if they have questions relating to the issues of harassment, discrimination or bullying, or what it means to work in a respectful workplace.

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

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

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

### **B. Statement Regarding Pay Equity**

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

*See also* "Statement Regarding Pay Practices" policy, below.

## C. No-Harassment Policy

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

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

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

### 1. Sexual Harassment

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

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



Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting, or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex.

This is not a complete list.

## **2. Other Forms of Prohibited Harassment**

The City's policy also prohibits harassment against an individual based on the individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

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

- Jokes, pictures (including drawings), epithets, or slurs;
- Negative stereotyping;

Displaying racist symbols anywhere on the City's property;

- "Teasing" or mimicking the characteristics of someone with a physical or mental disability;
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't have them;
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

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

### **3. Complaint Procedure**

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

### **4. Investigation and Confidentiality**

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

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

### **5. Protection Against Retaliation**

The City prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing or discriminatory conduct, or has participated in an investigation of such conduct.

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

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

## **6. Other Resources Available to Employees**

The City provides an Employee Assistance Program (EAP) through Cascade Centers to employees and dependents who are enrolled in the City's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to [www.cascadecenters.com](http://www.cascadecenters.com). The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others. The City cannot provide legal resources to its employees or referrals to specific attorneys. Employees may contact the Oregon State Bar for more information: <https://www.osbar.org/public/>.

## **7. Other Employee Rights**

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

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

under this paragraph, nondisclosure and non-disparagement are terms that the City and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

#### **D. No-Bullying Policy**

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

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

This is not a complete list.

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

## **E. Disability Accommodation Policy**

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

### **1. Accommodations**

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

### **2. Requesting an Accommodation**

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

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

## **A. Pregnancy Accommodation Policy**

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact the city administrator to discuss their options for continuing to work and, if necessary, leave of absence options. The City will provide one or more reasonable accommodations

pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on the City's operations.

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

### **1. Requesting a Pregnancy-Related Accommodation**

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

### **2. No Discrimination, No Retaliation**

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

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

### **3. Leave of Absence Options for Pregnant Employees**

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law, See policies in Section III or speak with the city administrator.

## **A. Reporting Improper or Unlawful Conduct — No Retaliation**

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

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

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

### **1. Employee Reporting Options**

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

Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation. If the City were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

## **2. Additional Protection for Reporting Employees**

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

## **3. Policy Against Retaliation**

The City will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he/she is disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by the City policy).

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

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

## **II. Employment Status**

Employees are not guaranteed any length of employment upon hire or transfer/promotion; both you and the City may terminate the employment relationship at any time, for any lawful reason. Further, completion of the introductory period or



continuation of employment after the introductory period does not entitle you to remain employed by the City for any definite period of time. Both you and the City are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law.

## **A. Employee Classification**

The City classifies employees as follows:

1. Regular Full-time: Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in the City's benefit programs.
2. Regular Part-time: Employment requiring less than 40 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 40 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees are not eligible for benefits except those mandated by applicable law.
3. Temporary: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employment can either be full-time or part-time. Temporary employees are not eligible for benefits other than those mandated by applicable law.

Additionally, all employees are defined by federal and Oregon law as either "exempt" or "nonexempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all City rules and procedures.

## **B. The Workweek**

The workweek is a seven-day work period beginning Sunday at 12:00 a.m. through Saturday at 11:59 p.m. Business hours are from Monday through Friday, 8:00 a.m. through 5:00 p.m.

## **C. Meal Periods and Rest Breaks**

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

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

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

Sample rest and meal break schedules are listed below. Employees with questions about the rest or meal breaks available should contact the city administrator.

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

#### **D. Rest Breaks for Expression of Breast Milk**

The City will provide reasonable rest periods to accommodate an employee who needs to express milk for her child eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, or if the employee is exempt from overtime laws, the employee is entitled to take a reasonable period each time the employee has a need to express milk.

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

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

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

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

### **1. Notice**

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

### **2. Storage**

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

## **E. Overtime**

### **1. Time-and-a-Half**

The City pays one and one-half times a non-exempt employee's hourly rate for all hours worked over 40 in any workweek. *See* "Employee Classification" above.

### **2. Limitation on Overtime Pay**

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

### **3. Assignment of Overtime Work**

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

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

### **4. Supervisor Authorization**

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

### **5. Compensatory (Comp) Time**

Employees are encouraged to flex schedules with the approval of their supervisor to avoid accruing overtime. Overtime hours can be paid with the City Administrator's approval, or accumulated at time and one-half, up to a maximum of 80 hours, and taken as compensatory (comp) time off at the discretion of an employee's supervisor. If an employee separates from employment with the City of Aumsville, any remaining comp time will be paid to the employee. If employees meet their 80-hour maximum, no additional comp time will be approved without the consent of the City Administrator. Compensatory time accumulated shall not exceed 80 hours. Once this maximum

accumulation has been reached, all overtime compensation authorized by the department head and earned by the employee, shall be taken within 12 calendar months from the time it is earned.

Overtime compensation will not be granted to the City Administrator or department heads as exempt employees. Exempt employees are encouraged to flex their schedules when feasible and should keep the administrator apprised of regular work schedules. Exempt employees who work more than four hours in any given day will be considered to have worked a full day, likewise city Administrator and exempt employees working any day less than four hours is considered a day off and the exempt employee must use the appropriate leave for the entire day. Flexing your schedule can only be done during the week incurred and cannot be combined with a parcel schedule to make up minimum hours worked.

Administrative leave may be accrued on an hour for hour basis for exempt employees. Administrative leave is not capped but has no monetary value on separation.

Compensation for the public works department staff, except department head, will be a minimum of one hour, at time and a half for call-outs after regular working hours, emergency service calls. (Employees must have left for the day and returned to work for the purpose of minimum call out compensation). Normally scheduled weekend or holiday work will be a minimum of two hours, at time and a half. Exempted from this provision are callbacks to take care of incidental administrative tasks or to take corrective measures, e.g., return keys, correct a report, return evidence, de minimis activities, etc.

Police department, except the exempt chief of police, who is required to report for work or a court appearance outside their regular shift will be paid time and a half. A minimum of two hours for a callback on a regular workday and three hours for a callback on a scheduled day off. Exempted from this provision are callbacks to take care of incidental administrative tasks or to take corrective measures, e.g., return keys, correct a report, return evidence, de minimis activities, etc.

## **F. Timekeeping Requirements**

All non-exempt employees must accurately record time worked on a timesheet for payroll purposes. Employees are required to record their own time at the beginning and end of each work period, including before and after the meal period. Employees also must record their time whenever they leave the building for any reason other than City business. Filling out another employee's timesheet, allowing another employee to fill out your timecard, or altering any timecard will be grounds for discipline up to and including

termination. An employee who fails to record his/her time may be subjected to discipline as well.

Salaried exempt employees also may be required to record their time on either a timecard or timesheet. These employees will be instructed separately on this process.

To ensure accurate and timely accounting of hours worked, leave used, and overtime earned, timesheets must be submitted for department head approval by the fifth business day following the end of each payroll period. Failure to submit timesheets by or before the 7<sup>th</sup> and 22<sup>nd</sup> of each month may be subject to discipline, as well as delayed payment of any overtime earned.

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

The City of Aumsville will pay actual and reasonable business-related expenses you incur in the performance of your job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by your supervisor before they are incurred. The City of Aumsville will not pay for, or reimburse, the costs incurred by a spouse, registered domestic partner, or travel companion who accompanies the employee on City-approved travel. Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts) within one month of the expense being incurred, or the employee risks forfeiting their payment or reimbursement. Reimbursements are for actual expenses and not considered a per-diem.

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

- a) Conferences or Workshops: must be authorized, and expenses must be within approved budget.
- b) Lodging shall be paid at the lowest available rate.
- c) Meals: Are paid on overnight trips at actual cost, not to exceed:
  - a. Breakfast - \$12.00
  - b. Lunch - \$15.00
  - c. Dinner - \$24.00
- d) When meals are provided as part of training, no additional compensation will be provided.
- e) Mileage and Parking: Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the

employee and will not be reimbursed by the City of Aumsville. If a city vehicle is available and reasonable to use, employees are required to use the city vehicle. Employees using their personal vehicle must have that approved by their supervisor and must include this in their travel expense approval. This authorization is contingent on budget availability and approval of supervisor. Mileage reimbursement rate is established by the Internal Revenue Service.

- f) Travel time to and from training venues is considered normal work hours. If overtime would be needed it must be included and approved at part of the training approval.

## **H. Uniforms**

It is the intent of the City of Aumsville that uniforms provided to the Police and Public Works departments shall remain the property of the City. All uniforms shall be returned to the City upon employees' termination of employment. Additionally, the City intends that its citizens know that they are dealing with a representative of the City. It is important that uniforms are provided with the Aumsville logo, both for the police department and the public works department. Such uniforms should not be worn by employees outside the scope of their official duties and capacities. An employee who wears the uniform outside the scope of their employment is subject to disciplinary action pursuant to the Employee Handbook. It shall be mandatory for all uniformed employees who are within the scope of their employment and working for the City of Aumsville to have the proper uniform on at all times. Incidental use of the uniform, such as for a brief stop at the store on the way home from work, shall not be considered a violation of the rules set forth herein.

### **1. Police Uniforms**

Upon employment, the city shall provide police department employees with the following police uniforms and uniform equipment, to include:

- a) Police Officers – Three long sleeve uniform shorts, three short sleeve uniform shirts, one polo shirt with the Aumsville Police Department (APD) logo, three pairs of uniform trousers, one winter coat with APD logo, shoulder patches as needed, one badge, one tie, one vest (magnum light – level 11), one set of rain gear with APD logo, one hat with APD logo, and one pair of uniform boots.
- b) Reserve Police Officers – Two short sleeve uniform shirts, one polo shirt with APD logo, two pairs of uniform trousers, one winter coat, shoulder patches as needed, one badge, one vest (at solo status – see cautionary explanation), one set of rain gear (at solo status), and one pair of uniform boots.

Note: When the reserve officer achieves solo status with the Aumsville Police Department, he/she will be furnished a protective vest. If the reserve officer

terminates employment after issuance of the vest, the city will retain the vest; unless the reserve officer wishes to keep the vest, such reserve may do so by reimbursing the city for its current worth, as determined by the chief of police.

The city shall replace worn police uniforms at the sole discretion of the chief of police or designee, as allowed by budget constraints. Upon leaving the city's service, all uniforms in the possession of the employee shall be returned to the city, in a condition that meets the satisfaction of the chief of police.

## **2. Public Works Uniforms**

Upon employment, the city shall provide each public works employee with a supply of work shirts and sweatshirts, with the City of Aumsville Public Works logo. The city shall replace worn work shirts and sweatshirts at the sole discretion of the public works director, if the budget should allow.

The City shall give each full-time public works employee a yearly \$350.00 uniform allowance for work pants, rain gear, shoes, etc. as needed for their employment, as budget allows.

## **III. Payroll Policies**

You will be paid twice monthly – on the 15<sup>th</sup>, or the last weekday before the 15<sup>th</sup>, and last weekday of the month. For hourly (non-exempt) employees, "month" is defined as the 1<sup>st</sup> to the 31<sup>st</sup>, and timesheets are considered late after the 7<sup>th</sup> and the 22<sup>nd</sup> of each month. If these dates fall on a weekend, timesheets are due the previous working day. It's the employee's responsibility to return the appropriate timesheet to the payroll department complete and on time. The City of Aumsville does not provide advance payments of salary or loans from salary to be earned.

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

### **A. Statement Regarding Pay Practices**

The City makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event you believe that the City has made any improper deductions, has failed to pay you for all hours worked or for overtime, has failed to pay you in accordance with the law, or has failed to properly calculate your wages in any way, you



must immediately report the error to the city administrator. The City will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination for reporting an error or complaint regarding the City's pay practices. See also "Statement Regarding Pay Equity" policy, above.

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

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

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

Employees may not intentionally withhold information from the City about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, the City may require employees to provide proof of marital status/domestic partnership status. Employees who violate this policy may be subject to discipline, up to and including termination.

## **B. Performance Reviews**

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

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

Reviews will generally include the following:

- An evaluation of the employee's quality and quantity of work
- A review of exceptional employee accomplishments
- Establishment of goals for career development and job enrichment
- A review of areas needing improvement
- Setting of performance goals for the employee for the following year

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than 30 days following the date the performance evaluation was received.

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

## **C. Time Off and Leaves of Absence**

### **1. Attendance, Punctuality, and Reporting Absences**

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

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor no later than 30 minutes before the start of the employee's shift/work day. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. A no call/no show lasting three days may be considered job abandonment and may result in termination of employment. Repeated late arrivals, unauthorized changes in schedule that indicate a pattern regardless of notification is considered a violation of this section as well as conduct expected from employees. Attending work on time as scheduled is a basic requirement of your employment; violations of this policy may result in discipline, including and up to termination.

## 2. Vacation

It is the policy of the City to provide each full-time employee with vacation time on a periodic basis. The amount of vacation to which an employee becomes entitled is determined by the employee's length of service as of his/her employment anniversary date. For regular, full-time employees, vacation accrues as follows:

### 1. VACATION SCHEDULE

0 - 5 years of service; 8 hours per month; total 96 hours per year.

5 - 10 years of service; 10 hours per month; total 120 hours per year.

Any years of service after 10 years, shall gain one 8-hour day per year thereafter.

All employees shall be entitled to payment for unused accrued vacation leave upon separation from city service. Such payment shall be computed on a pro-rated basis at a rate of pay applicable at the time of separation.

The maximum accrued vacation days shall be 25 days or 200 hours; based on an 8-hour day. Employees who work shifts more than 8 hours per day accrue vacation at the same rate as those who work an 8-hour day. Those employees working less than a 40-hour week will have their vacation days pro-rated based on the percentage of full-time hours. Employees may carry over hours at the end of the fiscal year, not to exceed the maximum accrual of 200 hours.

Regular, part-time employees earn vacation on semi-monthly rate in the proportion to their normally scheduled number of hours.

## 3. Sick Leave

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

Employees with questions about this policy may contact the city administrator. Please also refer to the Oregon Sick Leave Law poster that is posted in the break room and is incorporated here by reference.

## 4. Eligibility and Accrual of Paid Sick Leave

Under Oregon's Paid Sick Leave Law and this policy, "employee" includes part-time, full-time, hourly, salaried, exempt and non-exempt employees.

Employees begin to accrue paid sick leave on the first day of employment but may not use paid sick leave until the 91<sup>st</sup> day of employment. After the 91<sup>st</sup> day of employment, paid sick leave may be used as it is accrued.

All Full-Time Employees shall earn sick leave with full pay at the rate of one regular 8-hour workday for each calendar month of service. Part-Time/Full-Time/Benefits Employees shall be earned based on a percentage of the regularly scheduled hours. Employees may accrue and use a minimum of 40 hours of paid sick leave per calendar year. Paid sick leave will be capped at 720 hours of accrual. After that number is reached, sick leave will no longer accrue.

### **5. Pay Rate and Carryover**

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

Sick leave is meant to be used or carried over; any unused sick leave will not be cashed out upon separation from employment. If an employee leaves employment and is rehired within 180 days, the employee's sick leave balance will be restored.

Employees may carry over up to a maximum of 720 hours of accrued and unused sick leave for use in a subsequent calendar year. Sick leave accrual is capped at 720 hours.

### **6. Bonus days**

A sick leave accrual bonus shall be earned per the following schedule by all Full-Time Employees. Part-Time/Benefits Employees shall be based on a percentage of the regularly scheduled hours worked versus a full-time employee on the following schedule. Employees must have been employed for the full calendar year for the bonus to be applicable.

### **Sick Leave Accrual Bonus Schedule**

0 calendar year sick leave days (total of less than eight hours) used: 3 bonus time-off days  
1-2 calendar year sick leave (eight hour) days used: 2 bonus time-off days  
3-4 calendar year sick leave (eight hour) days used: 1 bonus time-off day

Scheduling of bonus day(s) off shall be by agreement between the employee and department head. Employees should try to provide department head with a two-week notice of time wanted off for bonus day(s). Accrued bonus day(s) shall be used by each December 1<sup>st</sup>. Bonus days have no monetary value.

## **7. Use of Sick Leave**

Employees may use up to the maximum amount of sick leave accrued in any calendar year of paid sick leave for any of the following reasons:

- For the diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or need for preventive medical care. This is available for the employee or his/her covered family member.
  - “Family member” means the eligible employee’s spouse, same-gender domestic partner (as described in ORS 106.300 to 106.340), biological child, adopted child, stepchild, foster child; same-gender domestic partner’s child, parent, adoptive parent, stepparent, foster parent, parent-in-law; same-gender domestic partner’s parent, grandparent, grandchild; and any individual with whom the employee has or had an *in loco parentis* relationship.
- For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
- If the employee, or the employee’s minor child or dependent, is a victim of domestic violence, harassment, sexual assault, or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon’s domestic violence leave law (ORS 659A.272).
- In the event of certain public health emergencies or other reasons specified under Oregon’s sick leave law.

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

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

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

*Unforeseeable Sick Leave:* If the need for sick leave is unforeseeable, the employee must notify the city administrator as soon as practicable and comply generally with City's call-in procedures. See Section III.C.1.

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

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

### **9. Sick Leave Documentation**

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

### **10. Donation of Sick Leave**

To be eligible to donate sick leave, you must have been an employee of the city for a minimum of 24 months and have at least a 160 sick leave hour balance remaining. Employees cannot donate more than 120 hours of sick leave in any calendar year, subject to approval by the city administrator. An employee may request and be eligible to receive donated sick leave for one of the eligible sick leave reasons in Section 6.

Employees must have exhausted his/her own accrued and unused sick leave, vacation leave, longevity leave, personal leave, bonus days, floating holiday and compensatory time balances to be eligible to receive donated leave. Employee may not request donated leave when they are eligible to receive or are receiving worker's compensation.

An eligible employee must submit a written request for donated leave to the city administrator. Donated leave will be approved solely at the discretion of the city administrator.

- If an employee is unable to submit a written request, the city will accept a written request from a family member or other responsible party.
- A certification from an attending physician or practitioner must accompany the request, verifying that a qualifying medical need exists for either the employee or an immediate family member. The certification must state the estimated amount of time the employee will need away from work; it must also be consistent with the amount the employee is using and requesting. Medical certification obtained for other purposes such as OFLA may also be used for the purpose of verifying an employee's eligibility to receive donated leave.
- The request must include the specific amount of time requested based on the projected need and the signed approval of eligible donor(s).

Donated hours transfer from the donor's accrued leave as needed by the recipient. If the total leave donated exceeds the total amount of leave needed, the unneeded leave remains in the donor's accrued leave balance. Donated leave may be taken on an intermittent basis for the same condition and only after an employee has met the initial eligibility criteria listed in this section.

Donated Sick Leave shall not affect sick leave accrual bonus earnings.

### **11. Sick Leave Abuse**

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

### **D. Holidays and Floating Holidays**

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

1. New Year's Day
2. Martin Luther King, Jr.'s Birthday
3. President's Day
4. Memorial Day
5. Independence Day (July 4)
6. Labor Day
7. Veterans Day (Nov. 11)
8. Thanksgiving Day
9. Christmas Day

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

If an employee is on vacation when a holiday is observed, the employee will be paid for the holiday and will be granted an alternate day of vacation later.

If an employee's workday is greater than a regular 8-hour workday, the 8-hour holiday compensation still applies. One and one-half times the hourly pay rate or compensatory time off, in addition to an 8-hour holiday, shall be granted for hours worked on a regularly scheduled holiday.

### **1. Floating Holidays**

Employees may select two additional days off with pay (known as "floating holidays") awarded during the first payroll period in January. Floating holidays may only be used in full-day increments; partial days are not allowed. Employees must coordinate requests for floating holidays with their immediate supervisor.

### **2. Personal Leave**

Full-Time and Part-Time/Benefits Employees shall be given one personal leave day each year awarded during first payroll period in January.

### **3. Longevity Leave**

To inspire and reward longevity in city service, the following schedule of Longevity Leave shall be earned by all Full-Time and Part-Time/Benefits Employees.



#### **4. Longevity Leave Schedule**

5 years of service; 1 day (8 hours) per year  
10 years of service; 2 days (16 hours) per year  
15 years of service; 3 days (24 hours) per year  
20 or more years of service; 5 days (40 hours) per year

Full-Time Employees shall receive a regular 8-hour day; Part-Time/Benefits Employees regular workday shall be based on a percentage of the regularly scheduled hours worked versus a full-time employee.

Accrued annual floating holidays, personal and longevity day(s) shall be used by the last day of the calendar year in which they are awarded. There shall be no compensation payment for Floating Holidays, Personal and Longevity leave upon separation; New employee: Floating holidays and personal leave benefits do not begin until January of the year after your employment date

#### **E. Statement of No FMLA/OFLA Coverage**

City employees are not eligible for leaves of absence under the Oregon Family Leave Act (OFLA) or the federal Family Medical Leave Act (FMLA) due to the entity's small size.

One exception is that the City will honor requests from eligible employees to take a leave of absence under the Oregon Military Family Leave Act. Thus, during a period of military conflict, as defined by law, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces ("Military Spouse"), and who has been notified of an impending call or order to active duty (or who has been deployed) is entitled to a total of 14 days of unpaid leave per deployment after the Military Spouse has been notified of an impending call or order to active duty and before deployment and when the Military Spouse is on leave from deployment. To be an eligible employee and entitled to this leave, the employee must have worked an average of 20 hours per week prior to beginning the requested leave.

#### **F. Bereavement Leave**

Up to 40 hours of bereavement leave will be granted to employees who have worked for the City for 90 or more days. This leave is provided to employees who have experienced the death of a family member and is paid; however, employees may use accrued sick leave during the bereavement leave period if more time is needed. "Family Member" is defined to include the employee's spouse, same-sex domestic

partner (registered), child, parent, parent-in-law, grandparent, or grandchild, or the same relations of an employee's same-sex domestic partner (registered) or spouse. Requests for bereavement leave must be made to the employee's immediate supervisor before the leave is to begin. This leave will be administered in accordance with Oregon's sick leave law. If additional off time is needed, employees may use sick, vacation, or other forms of accrued leave. Please see the city administrator for more information.

## **G. Jury and Witness Duty**

### **1. Jury Duty**

The City of Aumsville will grant employees time off for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's immediate supervisor to verify the need for such leave. The city will pay the employees regular salary or scheduled pay for the time the employee is on jury duty up to one work week. Employees must turn over jury duty pay in order to qualify for City compensation. If the Jury duty requires attendance for more than one week the employee may use any accrued vacation, personal, comp, and longevity leave during the extent of jury service.

The employee is expected to report for work when doing so does not conflict with court obligations. It is the employee's responsibility to keep his or her immediate supervisor informed about the amount of time required for jury duty. If the jury duty is less than one full workday the employee is expected to report to work for the remainder of that time.

### **2. Witness Duty**

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

Except for employee absences covered under the City's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time, personal, longevity, and comp leave to cover their absence from work. If the employee does not have any available vacation time, the employee's absences may be unexcused and may subject the employee to discipline, up to and including termination. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

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

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

## **I. Crime Victim Leave Policy**

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

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

Employees who are eligible for crime victim leave must:

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

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

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

All employees are eligible for reasonable unpaid leave to address domestic violence, harassment, sexual assault, or stalking of the employee or his/her minor dependents. Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for

or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

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

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

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

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

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

## **K. Military Leave**

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

Further, eligible employees called for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve, or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, may be entitled to leave with pay for all regular

workdays that fall within a period not to exceed 15 calendar days in any federal training year. Weekend drill obligations are not considered "federal active duty" for training under this policy; other requirements apply. Please contact the city administrator for more information and to make arrangements for this paid leave.

## **L. Personal Leave**

An employee, who has completed at least one year of service with the City, may request an unpaid personal leave of absence. Duration and approval are at the discretion of the City Administrator. A personal leave must be requested in writing at least one month in advance, unless necessitated by an emergency, in which case oral notification should be followed by written application for the leave. Personal leave may be granted at the City Administrator's discretion provided the leave does not seriously disrupt the City's operations. All unused, accrued vacation and personal days must be used before an unpaid personal leave will be granted. Vacation and sick leave will not be accrued during the period of unpaid personal leave.

## **IV. Employee Benefits**

### **A. General Benefits**

Employees who meet the definition of "benefit eligible" under both City policy and that of its health insurance provider are entitled to the benefit options offered by the City. All employees shall be covered for industrial accidents and disease.

1. Full-Time Employees and Part-Time/Benefits Employees shall have mandatory life, accidental death and dismemberment, salary continuation insurance, and shall be entitled to group medical, dental, vision, dependent life, and supplemental employee/spousal life insurance coverage.
2. After six months' regular employment, Full-Time Employees, Part-Time/Benefits Employees, and any other employee who works an average of 50 hours per month or 600 hours per year (Qualified Employee) are required to participate in the Public Employees Retirement Systems (PERS).
3. Accrued annual floating holidays, personal, bonus, and longevity day(s) shall be used by each December 31<sup>st</sup>. There shall be no compensation payment for Floating Holidays, Personal, Bonus, and Longevity leave; any unused leave is lost at termination.
4. All Full-Time Employees shall earn sick leave with full pay at the rate of one regular 8-hour workday for each calendar month of service. Part-Time/Benefits Employees shall be earned based on a percentage of the regularly scheduled hours versus a full-time employee for each calendar month of service.

5. Vacation shall be earned according to the previously outlined schedule by all Full-Time Employees. Part-Time/Benefits Employees vacation shall be earned based on a percentage of the regularly scheduled hours worked.
6. Full-Time and Part-Time/Benefit employees are entitled to paid holidays. (See Holiday schedule)
7. Full-time and Part-time employees are entitled to up to \$3,500.00 in legal counsel per incident if coverage is not provided through the city's insurance policy. The coverage is only provided for on the job incidents as a result of an action while on duty. The allowance does not apply to automobile accidents.

Employees who meet the definition of "benefit eligible" under both the City of Aumsville policy and that of its health insurance provider are entitled to the benefit options offered by the City of Aumsville. As other employee benefits are offered by the City of Aumsville, employees will be advised and provided with copies of relevant plan documents. Copies are available from the City Administrator.

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

This free, confidential service is provided by Cascade Centers and is available to all employees and dependents covered on a CIS Regence or Kaiser medical plan. The EAP can be used to assist employees and eligible family members with any personal problems, large or small. Each covered employee and eligible family members can receive up to five (5) personal counseling sessions per situation per year. Sessions can be face to face, over the phone, or online for concerns such as marital conflict, conflict at work, depressions, stress management, family relationships, anxiety, alcohol or drug abuse, grieving a loss, and career development services.

Cascade Centers also provides educational tools as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and gym membership discounts.

More information regarding this service can be obtained by contacting the city administrator, or you can contact Cascade Centers directly at 1-800-433-2320, or at [www.cacadecenters.com](http://www.cacadecenters.com).

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

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

## **1. Steps to Take if You are Injured on the Job**

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

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

- a) For medical emergencies, call 911 immediately. For non-emergency incidents, Contact CIS Rapid Care at 855-959-2741. A nurse will assist you in choosing treatment options and facilities, as well as initiate the claim reporting steps for processing.
- b) Report any work-related injury to your supervisor. You must report the injury no later than 24 hours after injury. Seek medical treatment and follow-up care if required.

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

## **2. Return to Work**

If you require workers' compensation leave, City will strive to reemploy you in the most suitable vacant position available at the conclusion of that leave. However, you must first submit documentation from a healthcare provider who is familiar with your condition certifying your ability to return to work and perform the essential functions of the position.

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

## **3. Early Return-to-Work Program**

Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable

accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job in a reasonable period of time.

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

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

#### **4. Overlap with Other Laws**

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

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

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

The City will consider allowing PERS-eligible employees to retire from his/her employment with the City and then rehiring them, as permitted under Oregon law. The City will consider, among other factors, the uniqueness of the employee's skills or experience, the needs of the City, and the ability of existing employees to perform the work of the retiring employee. Please see the city administrator for more information.



## V. Miscellaneous Policies

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

The City works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with or depends upon them and risks damage to the City's reputation.

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

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

#### 1. Prohibited Conduct

- Possession, transfer, use or being under the influence of any alcohol while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations or safety of City employees or others.
- Law enforcement employees may possess or transfer alcohol during the performance of their law enforcement duties, *e.g.*, collecting evidence.
  - The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture, or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug, or other controlled substance while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations or safety of City employees. Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug, or other controlled substance in system while on City property or on City time.

- Law enforcement employees may possess narcotics, drugs, or other controlled substances while engaging in law enforcement duties, e.g., collecting or transporting evidence.
- The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.
- As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.
- Bringing to City property, or possessing, items or objects on City property that contain any "controlled substance," including, for example, "pot brownies" and candy containing marijuana. This prohibition does not apply to law enforcement employees who bring or possess such items in connection with law-enforcement work. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to coworkers, members of the public, or elected officials while on work time or on/in City property.
- Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling, or otherwise introducing marijuana (among other drugs), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and or other drug paraphernalia. This prohibition does not apply to employees who possess such items in connection with law enforcement work.
- Bringing equipment, products, or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to City property. This prohibition does not apply to employees who possess such items in connection with law enforcement work.

## **2. Prescription Drugs and Medical Marijuana**

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

Employees must inform their supervisor about their use of any prescription or over-the-counter drugs that could affect their ability to safely perform the duties of their position. If an employee's use of such prescription drugs could adversely affect City operations or safety of City employees or other persons, City may reassign the employee using the

prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide the City with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required).

The use of marijuana, which is a Schedule 1 controlled substance under federal law, is expressly prohibited under this policy, even if its medical use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with their supervisor other means of accommodating the disability in the workplace, as the City will not agree to allow an employee to use medical marijuana as an accommodation. (See "Disability Accommodation Policy," above.)

### **3. Reasonable Cause Testing**

If there is reasonable cause to suspect that an employee is under the influence of controlled substances or alcohol during work hours or has used drugs or alcohol in violation of this policy, the City may require the employee to undergo testing for controlled substances or alcohol.

As used in this policy, unless the context indicates otherwise:

- The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood, and urine. No testing shall be performed under this rule without the approval of the city administrator or his/her designee.
- "Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:
  - a pattern of abnormal or erratic behavior;
  - information provided by a reliable and credible source;
  - direct observation of drug or alcohol use;
  - presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
  - unexplained significant deterioration in individual job performance;
  - unexplained or suspicious absenteeism or tardiness;

- employee admissions regarding drug or alcohol use; and
- unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

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

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

#### **4. Post-Accident Testing**

Employees are subject to testing when they: (a) cause or contribute to accidents that seriously damage a City vehicle, machinery, equipment or property; (b) result in an injury to themselves or another employee requiring offsite medical attention; or (c) when City has reasonable cause to believe that the accident or injury may have been caused by drug or alcohol use.

#### **5. Search of Property**

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

#### **6. Employee Refusal to Test/Search**

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

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

## 7. Crimes Involving Drugs and/or Alcohol

Employees shall report:

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

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

## 8. Drug and Alcohol Treatment

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

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

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

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

## **9. Discipline and Consequences of Prohibited Conduct**

An employee who tests positive for drugs or alcohol in accordance with this policy will be subject to either termination or a last-chance agreement.

A last-chance agreement is an agreement whereby an employee who would otherwise be terminated is provided an opportunity to address his/her substance abuse issue and/or performance or safety issues. The last-chance agreement will inform the employee of the problems noted with his/her performance and to specify the performance required for the employee to achieve in order to continue to be employed by the City. Violation of the provisions of a last-chance agreement shall result in immediate termination of the employee, notwithstanding the provisions of any other personnel rule.

## **10. Confidentiality**

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

## **B. Cellular Devices Policy**

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

### **1. Cell Phones and Cellular Devices in General**

Employees are allowed to bring personal cell phones and cellular devices to work with them. During working hours, however, employees should refrain from using them except in an emergency or during a meal period or rest break.

Employees who use personal or City-provided cell phones/cellular devices may not violate the City's policies against harassment and discrimination. Thus, employees who use a personal or City-provided cell phone/cellular device to send a text or instant message to another employee (or to a citizen or someone not employed by the City) that is harassing or otherwise in violation of the City's no-harassment and no-discrimination policies will be subject to discipline up to and including termination. Nonexempt employees may not use their personal or City-provided cell phone/cellular device for work purposes outside of their normal work schedule without written authorization in advance from the city administrator. This includes, but is not limited to,

reviewing, sending, and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination.

## **2. Employee Use of City-Provided Cell Phones/Cellular Devices**

Cell phones/cellular devices are made available to City employees on a limited basis to conduct the City's business. Determinations as to which employees receive City-provided cell phones will be made on a case-by-case basis; employees are not guaranteed a cell phone or cellular device. In some cases, the City may provide a monthly cellular telephone allowance to employees who regularly make calls on behalf of the City away from the office (see the city administrator for more information). Employees who receive a cell phone or cellular device from the City must agree to not use the cell phone/cellular device for personal use except in emergency situations and must abide by all aspects of the Cellular Device Policy. Further, employees who receive a cell phone or cellular device from the City must acknowledge and understand that because the cell phone/cellular device is paid for and provided by City, or subsidized by City, any communications (including text messages) received by or sent from the cell phone/cellular device may be subject to inspection and review if City has reasonable grounds to believe that the employee's use of the cell phone violates any aspect of the Cellular Device Policy or any other City policy. An employee who refuses to provide the City access to his/her personal cell phone/cellular device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

Employees may not use City-provided cell phones or cellular devices to call 1-900, 1-976 or similar "pay per minute" services. Further, family and friends may not use an employee's City-provided cell phone/cellular device.

## **3. Employee Use of Cell Phones/Cellular Devices with Cameras**

Cameras of any type, including cell phones or cellular devices with built-in cameras and video photography options, may not be used during working hours, or at any City-sponsored function unless authorized to do so by the city administrator.

## **4. Cell Phones/Cellular Devices and Public Records**

City-related business conducted on City-provided or personal cell phones/cellular devices may be subject to disclosure and production under Oregon's Public Records laws or in connection with litigation filed against the City.

## **5. Cell Phone/Cellular Device Use While Driving**

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

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

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

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

### **1. Ownership**

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

### **2. Use**

All of the City's electronic equipment, facilities, and services are provided and intended for City business purposes only and not for personal matters, communications, or entertainment. Access to the Internet, websites, and other electronic services paid for by the City are to be used for City business. The City recognizes the value in



maintaining consistency in the working environment and does allow use of such devices for incidental use if limit and does not create a pattern of personal use. Examples are checking emails during break hours and individual copies of personal documents are allowed. This means, for example, that employees may not use the City-provided Internet, or City electronic equipment, facilities, and services to:

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

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

### **3. Inspection and Monitoring**

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

All information and communications in any format, stored by any means on the City's electronic equipment, facilities, or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the City's ownership of the electronic information, electronic equipment, facilities, or services, or the City's right to inspect such information. The City reserves the right to access and review electronic files,

documents, archived material, messages, email, voicemail, and other such material to monitor the use of all of the City's electronic equipment, facilities, and services, including all communications and internet usage and resources visited. The City will override all personal passwords if it becomes necessary to do so for any reason.

#### 4. Personal Hardware and Software

Employees may not install personal hardware or software on the City's computer systems without approval from the city administrator. All software installed on the City's computer systems must be licensed. Copying or transferring of City-owned software may be done only with the written authorization of the city administrator.

#### 5. Unauthorized Access

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by City management. No employee can examine, change, or use another person's files, output, or username unless he/she has explicit authorization from the city administrator to do so.

#### 6. Security

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

#### 7. Inappropriate Web Sites

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

#### D. Social Media

For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the internet, including to your own or someone else's web log or blog, journal or diary, personal or commercial website, social networking web site, web bulletin board or a chat room, whether or not associated or affiliated with the City, as well as any other form of electronic communication. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. **Keep in mind that**

**any of your conduct that adversely affects your job performance, the performance of co-workers, or otherwise adversely affects our citizens or people who work on behalf of the City or the City's legitimate business interests may result in disciplinary action up to and including termination.**

## **1. Prohibited Postings**

Employees will be subject to discipline, up to and including termination, if they create and post any text, images, or other media that violate any City policies, including the City's no-harassment and no-discrimination and workplace violence policies. Similarly, postings that include threats of violence, that are physically threatening or intimidating, bullying or harassing, will not be tolerated and may subject an employee to discipline, up to and including termination.

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

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

## **2. Encouraged Conduct**

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

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

Nothing in this policy is meant to prevent an employee from exercising his/her right to make a complaint of discrimination or other workplace misconduct, engage in lawful collective bargaining activity, or to express an opinion on a matter of public concern that does not unduly disrupt City operations. Employees are free to express themselves as private citizens on social media sites, but an employee's exercise of expression is balanced against the City's interest in the effective and efficient fulfillment of its responsibilities to the public.

### **3. Request for Employee Social Media Passwords**

The City's supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through the employee's or applicant's username and password, password, or other means of authentication that provides access to a personal social media account. This includes, without limitation, a username and password that would otherwise allow a supervisor/manager to access a private email account not provided by the City. Nothing in this policy prohibits the City from requiring an employee to produce content from his/her social media or internet account in connection with a City-sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

### **E. Confidential City Information**

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

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

## **F. Ethics**

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

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

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

## **G. Open-Door Policy**

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

## **H. Outside Employment**

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

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

Employees may not accept outside employment that involves:

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

The City requires employees to report outside employment to their city administrator before the outside employment begins. Thereafter, an employee must provide an update to his/her city administrator on an annual basis, or sooner if any changes in outside employment occurs. Employees who accept outside employment in violation of this policy may be subject to discipline, up to and including termination.

## **I. Criminal Arrests and Convictions**

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

1. All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas, or diversions that result from conduct which occurred while on duty, on City property, or in a City vehicle (see "Alcohol/Drug Use, Abuse and Testing" policy above);
2. All arrests, citations, convictions, guilty pleas, or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or
3. If you are arrested, cited, or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

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

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

## **J. Political Activity**

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

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

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

Except for regularly scheduled holidays identified by the City (see “Holidays” section, above), the City is open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the city administrator (or his/her designee) will decide whether to and to what extent the City will close. Your department supervisor will contact you and inform you of any closures.

In the event of extreme bad weather, we recognize that each employee’s ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you should contact your manager. If staff cannot reach the office and are able to serve the City from home, you should do so subject to approval by your manager or supervisor. Safety and a trustworthy approach are your guides.

### **1. Closure of City hall for emergency or non-emergency reasons**

The City Administrator has the authority to close city hall for any reason he or she feels is in the best interest of the public or employees, including, but not limited to, all staff training or events, community events, or other events that would require staff to be unavailable. It is at the city administrator’s discretion if compensation will be provided during that time.

## **L. Driving While on Business**

Employees using a private vehicle to conduct the City’s business must possess a valid driver’s license and must carry auto liability insurance. Employees who use their own vehicles for authorized City business use should make any necessary arrangements with their insurance carriers.

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

While on City business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within 72 hours of the change or new restrictions/limitations. See also, "Cell Phone Use While Driving" policy, above. Employees who receive a ticket or citation while driving a Company-owned vehicle or while on Company business will be responsible for paying the fine (if any) associated with the ticket or citation and may face discipline up to and including termination.

## **J. Workplace Violence**

The City recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person's life, health, well-being, family, or property will be dealt with in a zero-tolerance manner by the City. All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with the City, or that threaten the safety, security or financial interests of the City. Employees are also strongly encouraged to report threats or acts of violence by non-employees, such as vendors or citizens, against any employee, volunteer or elected official. Employees should make such reports directly to the city administrator.

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

## **K. Workplace Inspections — No Right to Privacy or Confidentiality**

This policy applies to inspections and investigations conducted by the City pursuant to policy or law unless otherwise modified by a different policy in this Handbook. An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voicemail systems, and computer systems. *Employees are strongly discouraged from storing personal items in the desks, lockers, work areas, file cabinets and other office*



*equipment or furniture, as well as voicemail and computer systems assigned to them by the City; these areas are not private.*

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

## **L. Tobacco-Free Workplace**

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

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

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

## **VI. Termination of Employment**

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

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

- Falsification of employment or other City records.
- Recording of work time of another employee or allowing any other employee to record your work time or allowing falsification of any time sheets (your own or another employee's).
- Theft or the deliberate or careless damage or destruction of any City property, or the property of any other employee, citizen, vendor, or third party.
- Unauthorized use of City equipment, materials, or facilities.

- Provoking a fight or fighting during work hours or on City property.
- Carrying firearms or any other dangerous weapon on City premises at any time.
- Engaging in criminal conduct while at work.
- Causing, creating, or participating in a significant or substantial disruption of work during working hours on City property.
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor, city administrator, or member of management, or the use of abusive or threatening language toward another City employee, customer, or vendor.
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Failure to observe work schedules, including rest breaks and meal periods. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you.
- Sleeping or malingering on the job.
- Excessive personal telephone calls during working hours.
- Unprofessional appearance during normal business hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City.
- Misrepresentation of City policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City. Employees may not use the City's name, logo, likeness, facilities, assets, or other resources of the City for personal gain or private interests.
- Violations of the Ethics Policy or Oregon's Ethics laws.
- Violation of any safety, health, security, or City policy, rule, or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the City or outside regulatory or legislative bodies.
- Harassment or discrimination that violates City policy.
- Dishonest, malicious willful acts of misconduct, retaliation, or insubordination.

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

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

Employees are expected to perform to the best of their abilities always. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an act that is inappropriate. When performance or conduct does not meet City of Aumsville standards, City Administrator will determine whether

they will terminate the employee's employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline (such as, in no particular order, verbal warnings, written warnings, suspensions without pay, and demotions). The corrective action process will not always commence with a verbal counseling or include a sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offense.

In lieu of terminating employment of an employee for serious violations of the City of Aumsville policies, procedures, and rules and for other inappropriate behavior or conduct, the City of Aumsville may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement. The City Administrator may also choose to send the employee to training or an education opportunity. In all cases, the city administrator retains sole discretion to determine the nature and extent of any discipline based upon the circumstances of each individual case. Accordingly, the City of Aumsville reserves the right to proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when the City of Aumsville deems such action appropriate. The City of Aumsville retains the right to terminate any employee's employment at any time and for any reason, with or without notice or other prior disciplinary action (other than those employees who are subject to a contract of employment).

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

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

Employees who miss three or more consecutive workdays without contacting their immediate supervisor are typically considered to have resigned their employment. If the employee's decision to resign is based on a situation that could be corrected, the employee is encouraged to discuss it with the city administrator before making a final decision.

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

## **D. References**

All requests for references or recommendations must be directed to the city administrator. No manager, supervisor, or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn "recommendations" or using a website on the internet to discuss a current or former employee's performance or termination of employment. By policy, the City discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

## Employee Acknowledgement

Acknowledgment of Receipt of 2020 Personnel Policies

Employee Handbook approved September 2020

I acknowledge that I have received and will read a copy of the City of Aumsville's 2020 employee Handbook I also understand that a copy of the Personnel Policies is available to me at any time to review by contacting the City administrator.

I understand that the City has adopted the Personnel Policies Employee Handbook 2020 only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in the City's sole discretion. I also understand that the Personnel Policies control over any other contradictory statements . I acknowledge that the Personnel Policies are not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I understand that either City or I may terminate my employment relationship at any time, for any lawful reason, with or without cause, and with or without notice, unless my employment is covered under a Contract. I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement.

I have reviewed or will review the City's policies regarding equal employment opportunity and that the City aims to provide a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation, or harassment to Human Resources, the city administrator, or any trusted manager or supervisor.

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

I have read this acknowledgement carefully before signing.

---

Employee Signature

Date

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





# City of Aumsville



595 Main St., Aumsville, OR 97325

Office (503) 749-2030 TTY 711

FAX: (503) 749-1852

TO: Mayor and City Council  
FROM: Steve Oslie, Public Works Director  
SUBJECT: Public Works Report

September 10, 2020

**Water:** The wells pumped as follows:

Boone #1	Boone #2	Tower	Reservoir	Church	Total
1,821,500	7,242,000	2,853,260	385,000	8,990,100	21,291,860

A couple of minor water leaks were repaired this month.

Leaking toilets are residents' usual culprit for high water usage, but recently we have talked to many about the settings on their irrigation controllers. Some didn't realize that their sprinkler system was watering multiple times at night. Hopefully, we have helped some of the residents with that.

Our recent wildfire scare has reinforced the need for obtaining a power generator at the million-gallon reservoir. When the ash was falling from the sky, residents were out watering their yards and wetting down the roof of their homes. Water use more than doubled and the million-gallon reservoir water level was dropping fast. Although this was a concern, what if the power to our community was shut off for fire safety reasons? Two hours of water, in the water tower, is all we would have, and that would be without any fire department uses. On a good note here, the PSA's to limit that activity did help in reducing water use shortly after they were made.

**Sewer:** Communication with our engineer and DEQ continue to keep us on track with our MAO.

**Streets:** Street work is happening on Main St., Cleveland St., and a small project on Del Mar. We're keeping an eye on those projects.

Our contactor patched several street cuts we made while working on water lines.

**Parks:** I thought the corn giveaway went as planned. Although the event didn't have thousands of people attending, we were still very tired by the end of the day.

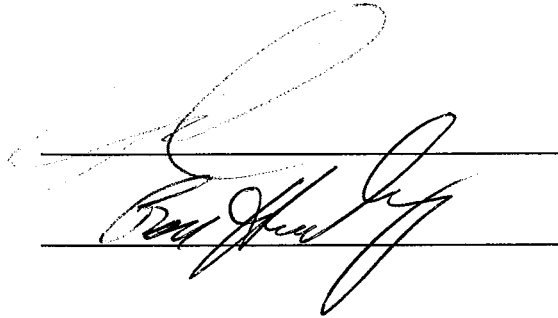
**General:** I am still working on the streaming set up at the community center. So far I had two people come out and try to make it work and they are at a loss as to why it doesn't.

# Accounts Payable Register

City of Aumsville

Fiscal: 2020-21  
Deposit Period: 2020-21 - August  
Check Period: 2020-21 - August - Second Council

<b>Riverview Community Bank</b>	<b>9001000967</b>			
<b>Check</b>				
<u>AUGUST 2020 PAYMENT CORRECTION</u>	RIVERVIEW COMMUNITY BANK	8/24/2020		\$33.99
	<b>Total</b>	<b>Check</b>		<b>\$33.99</b>
	<b>Total</b>	<b>9001000967</b>		<b>\$33.99</b>
	<b>Grand Total</b>			<b>\$33.99</b>



Handwritten signature of Brad Hoyer, positioned above two horizontal lines.



# Accounts Payable Register

City of Aumsville

Fiscal: 2020-21  
 Deposit Period: 2020-21 - August  
 Check Period: 2020-21 - August - Second Council

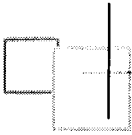
**Riverview Community Bank**

**9001000967**

**Check**

<u>54234</u>	ALL MY DOGS DOG GROOMING LLC	8/28/2020	\$5,000.00
<u>54235</u>	AMERICAN BARRICADE	8/28/2020	\$947.50
<u>54236</u>	BILL CASE FARMS, INC	8/28/2020	\$1,800.00
<u>54237</u>	CITY OF KEIZER	8/28/2020	\$210.00
<u>54238</u>	DAVISON AUTO PARTS INC	8/28/2020	\$114.92
<u>54239</u>	DELL MARKETING L.P.	8/28/2020	\$12,954.56
<u>54240</u>	FERGUSON WATERWORKS #3011	8/28/2020	\$183.48
<u>54241</u>	FIGARO'S PIZZA	8/28/2020	\$139.12
<u>54242</u>	JODI BARTLETT	8/28/2020	\$20.00
<u>54243</u>	METCOM 9-1-1	8/28/2020	\$7,870.50
<u>54244</u>	MNOP	8/28/2020	\$1,932.26
<u>54245</u>	NEUFELDT'S RESTAURANT	8/28/2020	\$5,000.00
<u>54246</u>	OAWU	8/28/2020	\$559.80
<u>54247</u>	OLD STYLE BARBER SHOP	8/28/2020	\$2,876.93
<u>54248</u>	SANTIAM HEATING & SHEETMETAL, INC.	8/28/2020	\$44.00
<u>54249</u>	SWEET COUNTRY SALON	8/28/2020	\$5,000.00
<u>54250</u>	T.G. NICHOL PLUMBING INC	8/28/2020	\$2,500.00
<u>54251</u>	THE PIZZA PEDDLER	8/28/2020	\$5,000.00
<u>54252</u>	TORNADO FITNESS, LLC	8/28/2020	\$5,000.00
<u>54253</u>	ULTRIX BUSINESS SOLUTIONS	8/28/2020	\$630.00
<u>54254</u>	WAVE	8/28/2020	\$9.95
<u>EFT Payment 8/27/2020 1:28:35 PM - 1</u>	CIS TRUST	8/28/2020	\$68,125.15
<u>EFT Payment 8/27/2020 1:28:35 PM - 2</u>	OREGON DEPARTMENT OF REVENUE	8/28/2020	\$64.95
<u>EFT Payment 8/27/2020 1:28:35 PM - 3</u>	RIVERVIEW COMMUNITY BANK	8/28/2020	\$38.90
<u>EFT Payment 8/27/2020 1:28:35 PM - 4</u>	ZIPLY FIBER	8/28/2020	\$638.73

<b>Total</b>	<b>Check</b>	<b>\$126,660.75</b>
<b>Total</b>	<b>9001000967</b>	<b>\$126,660.75</b>
<b>Grand Total</b>		<b>\$126,660.75</b>



# Payroll Register

City of Aumsville

Fiscal: 2020-21  
Deposit Period: 2020-21 - August  
Check Period: 2020-21 - August - Second Council

**Riverview Community Bank**

**9001000967**

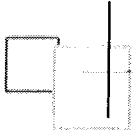
**Check**

<u>54255</u>	DAY SPRING FELLOWSHIP	8/31/2020	\$100.00
<u>54256</u>	NATIONWIDE RECOVERY SERVICE, INC	8/31/2020	\$498.67
<u>Direct Deposit Run - 8/27/2020</u>	Payroll Vendor	8/31/2020	\$38,116.78
<u>EFT 04622895</u>	EFTPS	8/31/2020	\$14,410.07
<u>EFT 51370827</u>	Oregon Department of Revenue	8/31/2020	\$3,930.67
<u>EFT 9052020</u>	CIS TRUST	8/31/2020	\$34,173.54
<u>EFT 9142020</u>	PERS	8/31/2020	\$12,367.51
<u>EFT 9152020</u>	AFLAC	8/31/2020	\$948.08
<u>EFT HSA8312020</u>	HSA Bank	8/31/2020	\$850.83
<u>EFT OSGP8312020</u>	VOYA - STATE OF OREGON - LG#:2234	8/31/2020	\$540.00
<u>EFT V8312020</u>	Valic	8/31/2020	\$450.00
	<b>Total</b>	<b>Check</b>	<b>\$106,386.15</b>
	<b>Total</b>	<b>9001000967</b>	<b>\$106,386.15</b>
	<b>Grand Total</b>		<b>\$106,386.15</b>




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# Accounts Payable Register



City of Aumsville

Fiscal: 2020-21  
Deposit Period: 2020-21 - August  
Check Period: 2020-21 - August - Second Council

**Riverview Community Bank**

**9001000967**

**Check**

54252

54257

TORNADO FITNESS, LLC  
TORNADO FITNESS, LLC

8/28/2020

9/3/2020

Void

\$5,000.00

**Total** **Check**

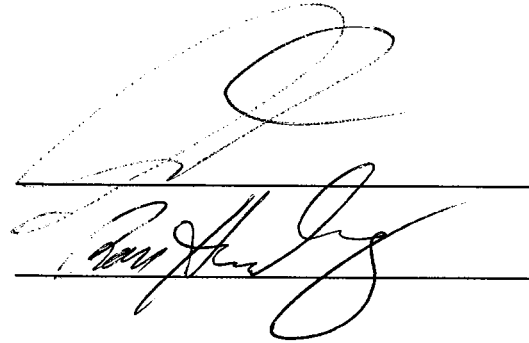
**\$5,000.00**

**Total** **9001000967**

**\$5,000.00**

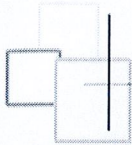
**Grand Total**

**\$5,000.00**



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# Accounts Payable Register

City of Aumsville

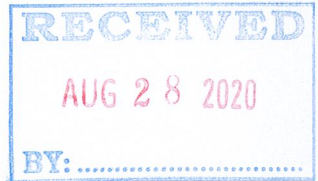
Fiscal: 2020-21  
Deposit Period: 2020-21 - September  
Check Period: 2020-21 - September - First Council

Number	Name	Print Date	Amount
<b>Riverview Community Bank</b>	<b>9001000967</b>		
<b>Check</b>			
<u>54262</u>	AUMSVILLE TRUST ACCOUNT	9/9/2020	\$226.70
<u>54263</u>	CITY OF SALEM	9/9/2020	\$1,592.50
<u>54264</u>	INNER HEALTH CHIROPRACTIC, LLC	9/9/2020	\$5,000.00
<u>54265</u>	MNOP	9/9/2020	\$424.00
<u>54266</u>	MOONLIGHT MAINTENANCE	9/9/2020	\$515.00
<u>54267</u>	ONE CALL CONCEPTS INC	9/9/2020	\$29.40
<u>54268</u>	PAPE MACHINERY EXCHANGE	9/9/2020	\$49.92
<u>54269</u>	RITZ SAFETY	9/9/2020	\$97.30
<u>54270</u>	STAYTON ACE HARDWARE	9/9/2020	\$20.65
<u>54271</u>	TICO'S COFFEE ROASTING	9/9/2020	\$5,000.00
<u>54272</u>	ULTREX BUSINESS SOLUTIONS	9/9/2020	\$63.11
<u>EFT Payment 9/8/2020 11:54:43 AM - 1</u>	INVOICE CLOUD	9/9/2020	\$1,699.82
<u>EFT Payment 9/8/2020 11:54:43 AM - 2</u>	PACIFIC POWER	9/9/2020	\$12,218.49
<u>EFT Payment 9/8/2020 11:54:43 AM - 3</u>	RIVERVIEW COMMUNITY BANK	9/9/2020	\$3,043.24
<u>EFT Payment 9/8/2020 11:54:43 AM - 4</u>	VERIZON WIRELESS	9/9/2020	\$40.85
	<b>Total</b>	<b>Check</b>	<b>\$30,020.98</b>
	<b>Total</b>	<b>9001000967</b>	<b>\$30,020.98</b>
	<b>Grand Total</b>		<b>\$30,020.98</b>



# EXCHANGE

EXCHANGE CLUB OF AUMSVILLE, OR



August 27, 2020

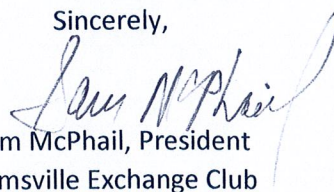
Aumsville City Council  
595 Main Street  
Aumsville OR 97325

Dear Honorable City Council Members:

On behalf of the Aumsville Exchange Club, thank you for the opportunity provided to us to volunteer as workers at this year's Corn Festival. Your generous offer of allowing us to keep all donations given for extra bags of corn resulted in \$3,174.85! These funds enable us to further support our local community through city programs and Exchange programs aimed at preventing child abuse.

We also thank City Administrator Ron Harding for facilitating this arrangement, and we look forward to continuing work with Ron on future City sponsored programs.

Sincerely,



Sam McPhail, President  
Aumsville Exchange Club

C: Ron Harding, City Administrator