

PERSONNEL HANDBOOK

CITY OF DUNES CITY



Effective: FEBRUARY 12, 2020

Welcome!

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

This Personnel Handbook describes, in summary, the personnel policies and procedures that govern the relationship between Dunes City and its staff, including temporary employees, other than those found in applicable contracts and agreements. The policies stated in this handbook are subject to change at any time at the sole discretion of Dunes City with or without prior notice. This handbook supersedes any prior handbooks or written policies of Dunes City that are inconsistent with its provisions. It does not, however, substitute for collective bargaining agreement provisions. You may receive updated information concerning changes in policy from time to time, and those updates should be kept with your copy of the handbook. If you have any questions about any of the provisions in this 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 Dunes City and its personnel. With the exception of employees subject to a collective bargaining agreement, all service at Dunes City is "at will." That means that either you or Dunes City may terminate this relationship at any time, for any reason, with or without cause or notice (unless you are subject to a collective bargaining agreement or written contract of employment). No supervisor, manager, or representative of Dunes City other than the City Administrator has the authority to enter into any agreement with you regarding the terms of your service 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 (or that is included in a collective bargaining agreement.)

Sincerely,

Robert Forsythe
Mayor
Dunes City, Oregon

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I. Equal Employment Opportunity (EEO) Policies

The following EEO Policies apply to all employees. Members of management, elected officials and all employees 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

Dunes 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's status, domestic violence victim status, or any other status protected by applicable federal, Oregon, or local law. Dunes 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.

Dunes 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

Dunes 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 or the Mayor.

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

C. No-Harassment Policy

Dunes 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, Dunes 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 Mayor 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 Dunes City-related or Dunes City-sponsored trips (such as conference or work-related travel), and during off-hours when that off-duty conduct creates an unlawful hostile work environment for any of Dunes City's employees. **Such harassment is prohibited whether committed by Dunes City employees or by non-employees, such as elected officials members of the community, temporary personnel, and vendors.**

Sexual Harassment

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

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

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; graphic comments about an individual's body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling, unwelcome touching or assault; sexually suggestive, insulting or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex. This is not a complete list.

Other Forms of Prohibited Harassment

Dunes City's policy also prohibits harassment against an individual based on the individual's race, color, religion, sex, pregnancy, national origin, age, sexual orientation, gender identity, marital status, disability, genetic information, veteran status, domestic violence victim status, or any other 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:

1. Jokes, pictures (including drawings), epithets, or slurs;
2. Negative stereotyping;
3. Displaying racist symbols anywhere on Dunes City property;
4. "Teasing" or mimicking the characteristics of someone with a physical or mental disability;
5. Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't have them;
6. Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
7. 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.

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 to and should bring the matter to the attention of the City Administrator or the Mayor, or any member of the City Council as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witnesses harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that he/she wants it to stop.

Investigation and Confidentiality

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with Dunes City's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, Dunes 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 Dunes 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 Dunes 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 has caused him/her harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

Protection Against Retaliation

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

Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action, up to and including termination of employment.

*See also the Policy on Non-Retaliation, below.)*Other Resources Available to Employees

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

Other Employee Rights

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

Dunes 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 Dunes 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 Dunes City regarding his/her experience and/or employment status, the employee should contact the City Administrator or the Mayor. 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 (7) days to revoke the agreement after signing it.

D. No-Bullying Policy

Dunes 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 of 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 hurt-full, insulting or humiliating; using a person as a 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 have witnessed an incident of bullying, or who have credible information about an incident, are expected to and should bring the matter to the attention of the City Administrator or the Mayor 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. Reporting Improper or Unlawful Conduct – No Retaliation

Employees may report reasonable concerns about Dunes 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 an employee reasonably believes is evidence of:

1. A violation of any federal, Oregon, or local law, rules or regulations by the City;
2. Mismanagement, gross waste of funds, abuse of authority;
3. A substantial and specific danger to public health and safety resulting from actions of the City; or
4. 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.

F. Employee Reporting Options

In addition to the City's Open-Door Policy (See Section V, paragraph H on page ____), employees who wish to report improper or unlawful conduct should first talk to the City Administrator. If you are not comfortable speaking with the City Administrator, or you are not satisfied with the City Administrator's response, you are encouraged to speak with the Mayor. The City Administrator and the Mayor are required to inform the City Council 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 under Oregon law.

G. 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 City Council with the City; or 4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies to situations where the information disclosed was lawfully accessed by the reporting employee.

H. Policy Against Retaliation

Dunes 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 Dunes City policy).

In addition, Dunes 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 Dunes 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 protection 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

A. Introductory Period of Employment

All new employees, including temporary employees and current employees who are promoted or transferred within Dunes City, are hired into an introductory training period that generally lasts no less than Three (3) months. The introductory period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your manager. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance, and job responsibilities will be considered during the introductory period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge, skills and abilities, and the requirements of the position match. It is also an opportunity for you to decide if Dunes City meets your expectations of an employer.

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

Employees are not guaranteed any length of employment upon hire or transfer/promotion; both you and Dunes City may terminate the employment relationship during the introductory period for any or no reason. Further, completion of the introductory period or continuation of employment after the introductory period does not entitle you to remain employed by Dunes City for any definite period of time. Both you and Dunes City are free to terminate the employment relationship, at any time, with or without notice, and for any reason not prohibited by law.

B. Employee Classification

Dunes City classifies employees as follows:

1. Regular Full-time: Employment in an established position requiring 32 hours or more of work per week. Generally, full-time employees are eligible to participate in Dunes City's benefit programs. Regular Full-Time employees are considered as "non-exempt" employees.

2. Regular Part-time: Employment requiring less than 32 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 32 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. Regular part-time employees are considered as “non-exempt” employees.

3. Oregon Part-time: Employment requiring less than 600 hours of work per year. A part-time schedule, such as portions of days or weeks, will be established. No work in excess of 600 hours per year is allowed. Oregon Part-time employees are not eligible for benefits except those mandated by applicable law. Oregon Part-time employees are considered as “exempt” employees.

4. 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. Temporary employees are considered “non-exempt” employees.

5. Contract: Employment in a job subject to an over-riding contract between Dunes City and another individual or entity, usually for a specific scope of work such as road maintenance. Contract employment can either be full-time or part-time. Contract employees are not eligible for benefits other than those mandated by applicable law. Contract employees are considered as “exempt” employees except as specifically described in the over-riding contract.

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

C. The Workweek

The workweek is a Seven (7) day period beginning Monday at 12:00 a.m. through Sunday at 11:59 p.m. Typically, business hours are from Monday through Thursday, 9:00 a.m. through 5:00 p.m. Employees may request the opportunity to vary their work schedules, including working from home, with the approval of the City Administrator, to better accommodate personal responsibilities.

D. Meal Periods and Rest Breaks

All employees are required to take a paid, uninterrupted Ten (10) minute rest break for every Four (4) 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 (2) hours, the employee must take a rest break for that segment.

Non-exempt employees are required to take at least a Thirty (30) minute unpaid meal period when the work period is Six (6) 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 (6) hours. Meal periods and rest breaks are mandatory and are not optional. An employee's meal period and rest break(s) may not be taken together as one break. Meal periods and rest breaks may not be "skipped" in order to come in late or leave early. An employee who fails to abide by this policy and applicable laws may be subject to discipline, up to and including termination.

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

<u>Length of Work Project</u>	Requirement	
	<u>Rest Breaks</u>	<u>Meal Periods</u>
2 hours or less	0	0
2 hours & 1 minute to 5 hours 59 minutes	1	0
6 hours	1	1
6 hours & 1 minute to 10 hours	2	1
10 hours & 1 minute to 13 hours & 59 minutes	3	1

E. Working From Home

On occasion, employees may request permission from the City Administrator to perform some of their job duties from home. When working from home, employees must track and report their time with their normal reporting process. Employees should also submit requests for reimbursement for any expenses associated with supplies or tools necessary to perform the job duties from home. Where possible, employees should notify the City Administrator of anticipated costs associated with such reimbursement prior to the use of such supplies and tools. Approval of the reimbursement will not be unreasonably withheld.

F. Overtime

Time and a Half

Dunes City pays one and one-half times a non-exempt employee's hourly rate for all hours worked over 40 in any workweek, except as may be limited or restricted by a written contract of employment. (See "Employee Classifications," above.)

Limitation on Overtime Pay

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

Assignment of Overtime Work

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

When overtime is required by Dunes City on a Sunday or on a holiday, Dunes 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.

City Administrator Authorization

No overtime may be worked by non-exempt employees unless specifically authorized by the City Administrator, the Mayor, or any Two (2) members of the City Council. Employees who work unauthorized overtime may be subject to discipline, up to and including termination.

G. Timekeeping Requirements

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

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

H. Employee-Incurred Expenses and Reimbursements

Dunes City 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 the City Administrator before they are incurred. Dunes City will not pay for or reimburse the costs incurred by a spouse, registered domestic partner or travel companion who accompanies the employee on Dunes City approved travel.

Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts) within One (1) month of the expense being incurred or the employee risks forfeiting their payment or reimbursement. (See Forms in Appendix A. hereto.)

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

1. Conferences or Workshops;
2. Education;
3. Meals;
4. 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 Dunes City.

I. Payroll Policies

Employees will be paid monthly. For all employees, “month” is defined as the 1st to the 31st, and those are the dates employees should report on their timecard.

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

Compensation for employment with Dunes City may be subject to the Fair Labor Standards Act (FLSA). It is each employee’s responsibility to monitor and record an accurate status of the hours worked per payroll period to ensure that the employee is properly paid for time worked.

All employees shall report their hours worked on the forms provided by the City. It is the responsibility of each employee to properly complete a timecard recording the time worked during every payroll period and to sign each timecard. By signing the timecard, each employee is verifying its accuracy. Signed and completed timecards must be turned in on a monthly basis to the City Administrator, except the timecard for the City Administrator, who shall report hours worked directly to the Mayor or, in the absence of the Mayor, the President of the City Council. The City Administrator will keep proper records as to vacations, sick leave, hours worked and overtime accrued and taken.

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

Dunes City makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event you believe that Dunes City has made any improper deductions, has failed to pay you for all hours worked or for overtime, or has failed to properly calculate your wages in any way, you must immediately report the error to the City Administrator, the Mayor, or any City Council member. Dunes 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 because he or she has reported any errors or complaints regarding Dunes City's pay practices.

Dunes City reviews and re-establishes salary and hourly pay rates annually during its budget cycle. While every effort will be made to provide regular merit increases, increases are not automatic and will be based on performance and as funds are available.

J. Reporting Changes to an Employee's Personal Data

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

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

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

K. Performance Reviews

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

Dunes City's goal is to provide an employee with his/her first formal performance evaluation within Six (6) months after hire or promotion. After the initial evaluation, Dunes City will strive to provide a formal performance review on an annual basis.

Reviews will generally include the following:

1. An evaluation of the employee's quality and quantity of work;
2. A review of exceptional employee accomplishments;
3. Establishment of goals for career development and job enrichment;
4. A review of areas needing improvement;
5. Setting of performance goals for the employee for the following year.

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

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

III. Time Off and Leaves of Absence

A. Attendance, Punctuality and Reporting Absences

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

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time should inform the City Administrator, or in the absence of the City Administrator, the Mayor, via telephone call or text message no later than Three (3) hours after the start of the employee's 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 (3) days may be considered job abandonment and may be deemed an employee's voluntary resignation of employment.

B. Vacation

It is the policy of Dunes City to provide only salaried exempt employees and regular non-exempt employees 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 or her employment anniversary date. For salaried exempt employees and regular non-exempt employees, vacation accrues as follows:

1. At the end of the first year of service, one week, or Forty (40) hours of vacation.
2. Two (2) years or more but less than Five (5) years of service, Two (2) weeks, or Eighty (80) hours of vacation per year.
3. Five (5) years or more but less than Ten (10) years of service, Three (3) weeks, or One Hundred and Twenty (120) hours of vacation per year;
4. Ten (10) years or more of service, Four weeks or One Hundred and Sixty (160) hours of vacation per year.

Vacation does not accrue between employment anniversary dates and may not be taken until it is earned. Vacation time must be used in the anniversary year after which it is earned and may not be carried over past the employee's next anniversary date. For example, an employee with Two (2) weeks' vacation as of his or her third anniversary date must use the Two (2) weeks prior to his or her fourth anniversary date. If an employee fails to take his or her earned vacation time before the employee's anniversary date in violation of this policy, the employee will not earn any further vacation until the unused vacation has been taken.

Earned vacation must be taken. Employees are not entitled to pay in lieu of taking time off for vacation, and will not be paid for accrued, but unused vacation at the time of termination (regardless of the reason). Vacation must be scheduled with one's supervisor at least Two (2) weeks in advance of the date(s) the employee wishes to take as vacation.

C. Sick Leave

Dunes City provides all employees with paid 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 kitchen area and is incorporated here by reference.

1. Eligibility and Accrual of Sick Leave

Under Oregon's Sick Leave Law and this policy, "employee" includes salaried, regular, temporary, part-time, full-time, hourly, salaried exempt and non-exempt employees. It does not include Contract Employees.

On January 1st of each year, every employee is credited with Forty (40) hours of paid sick leave on a front-loaded basis. The leave is available for use immediately by the employee. The City Administrator will keep track of all sick leave accrual and usage. After an employee uses all 40 hours of sick leave before a new year begins, further absences for sick leave will be leave without pay.

2. Carryover

Sick leave is meant to be used and does not carry over. Any unused sick leave has no monetary value and will not be paid for (cashed out) upon separation from employment. If an employee leaves employment and is re-hired within One Hundred and Eighty (180) days, the employee's sick leave will be restored at the same amount that existed at the time employee left employment.

3. Use of Sick Leave

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

a. For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her covered family members.

"Family member" means the eligible employee's grandparent, grandchild, spouse, or registered domestic partner, and the domestic partner's child or parent; the employee's stepchild, parent-in-law or a person with whom the employee was or is in a relationship of *in loco parentis* (like a parent or guardian); and the employee's biological, adoptive or foster parent or child.

b. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.

c. If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).

d. In the event of certain public health emergencies or other reasons specified under Oregon's sick leave law.

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

4. 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 using Dunes City's call in/notification procedures. (See Section III (A) of this Personnel Handbook.) Generally, an employee must provide at least Ten (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 Dunes City. Employee must notify the City Administrator of any change in the expected duration of sick leave as soon as practicable.

Unforeseeable Sick Leave. If the need for sick leave is unforeseeable, the employee must notify the City Administrator, or in the absence of the City Administrator, the Mayor, as soon as practicable and comply generally with Dunes City's call-in procedures. (See Section III (A) of this Personnel Handbook.) Generally, an employee should notify his or her immediate supervisor of unforeseeable sick leave at least Thirty (30) minutes prior to the beginning of his/her shift, unless physically unable to do so, at which time notice should be given as soon as possible.

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 our operations, Dunes City may deny the use and legal protections of sick leave.

5. Sick Leave Documentation

If an employee takes more than Three (3) consecutive scheduled workdays as sick leave, Dunes 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. Healthcare provider means a person licensed, certified or otherwise authorized or permitted by Oregon state law to administer health care or dispense medication in the ordinary course of business or practice of a profession, and includes a health care facility.

6. Sick Leave Abuse

If Dunes 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, Dunes City may require documentation from a healthcare provider on a more frequent basis. Employees found to have abused sick leave as described herein may also be subject to discipline, up to and including termination.

D. Holidays

Dunes City recognizes Eleven (11) holidays each year. All employees, including temporary employees, will receive their regular straight time compensation for each holiday. 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 4th)
6. Labor Day
7. Indigenous Peoples Day (formerly Columbus Day)
8. Thanksgiving Day
9. A half day off the day before Christmas and Thanksgiving
10. Christmas Day
11. Veterans Day

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

To be eligible for holiday pay, an employee must have worked his or her regularly scheduled hours the workday before and the workday after the holiday, or have been on an approved vacation day or any other excused absence under Dunes City policy.

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

E. Family Medical Leave

Statement of No FMLA/OFLA Coverage.

Dunes 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 Dunes 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 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 Fourteen (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 Twenty (20) hours per week prior to beginning the requested leave.

F. Bereavement Leave

Bereavement leave will be granted to employees in the event of absence necessitated by the death of a family member. In event of the death of an employee’s spouse, child, parent, or sibling, the employee will be granted Three (3) days off work with pay. In the event of the death of an employee’s grandparent, father- or mother-in-law, or son- or daughter- in-law, the employee will be granted One (1) day off with pay. Sick leave or vacation days may be used if additional time off is needed. Requests for bereavement leave should be made to the City Administrator, or in the absence of the City Administrator, the Mayor, before the leave is to begin.

G. Jury and Witness Duty

Jury Duty

Dunes City 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 City Administrator to verify the need for such leave. Although jury duty leave is unpaid, the employee may keep the jury duty pay he or she receives, and the employee may use any accrued vacation or sick leave during the stint 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 the City Administrator informed about the amount of time required for jury duty.

Witness Duty

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

Except for employee absences covered under Dunes City’s “Crime Victim Leave Policy” or “Domestic Violence Leave and Accommodation Policy,” employees who are subpoenaed to testify in non-work-related legal proceeding must use any available vacation time to cover their

absence from work. If the employee does not have any available vacation time, the employee's absences may be unexcused and may subject the employee to discipline, up to and including termination. Employees must present a copy of the subpoena served on them to the City Administrator for scheduling and verification purposes no later than Twenty-Four (24) hours after being served.

H. Religious Observances Leave and Accommodation Policy

Dunes City respects the religious beliefs and practices of all employees. Dunes City will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on Dunes 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 Twenty-Five (25) hours per week for One Hundred and Eighty (180) days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his or her immediately family member (defined below) has suffered financial, social, psychological or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

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

Employees who are eligible for crime victim leave must:

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

J. Domestic Violence Leave and Accommodation.

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

Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for a 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 employee may use any accrued vacation, sick leave or similar paid time off while on this type of leave.

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

Notice of need to take leave should be provided by submitting a request for leave in writing to the City Administrator as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. The Employee's immediate supervisor will then generally require certification of the need for 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 Dunes 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 oral or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any other person on the employee's behalf.

Finally, employees who are victims of domestic violence, harassment, sexual assault or stalking may be entitled to a "reasonable safety accommodation" that will allow the employee to more safely continue to work, unless such an accommodation would impose an "undue hardship" on Dunes 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.

IV. Employee Benefits

A. Health Care Benefits

Dunes City does not offer health care benefits to any of its employees.

B. Workers Compensation and Safety on the Job

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

Steps to Take if You are Injured on the Job

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

1. Immediately report any work-related injury to your supervisor. You must report the injury at the time it happens, and no later than Twenty-Four (24) hours after injury.
2. Seek medical treatment and follow-up care if required.
3. Promptly complete a written Employee's Claim Form (Form 801) and return it to the City Administrator. (See Forms – Appendix A.)

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

Return to Work

If you require workers' compensation leave, Dunes City will strive to re-employ you to the most suitable vacant position available. However, you must first submit documentation from a health care provider who is familiar with your condition demonstrating your ability to return to work and perform the essential functions of the position.

When returning from 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/re-employment decisions are subject to the terms of any applicable agreement. Dunes City does not discriminate against employees who suffer a workplace injury or illness.

C. PERS (Public Employees' Retirement System) Benefits

Dunes City participates in the Public Employees Retirement System (PERS), with regard to its full-time salaried employees and part-time regular employees working more than 600 hours per year, therefore, your designation as a Tier I, Tier II, or Oregon Public Service Retirement Plan (OPSRP) member will depend on your employment status and prior PERS service and PERS rules. Dunes City does not participate in PERS with regard to temporary or contract employees. An employee's designation and eligibility for participation in PERS or the OPSRP are determined by law. For more information about these plans, please contact PERS at 1-888-320-7377 or visit their website at www.oregon.gov/PERS. For information about Dunes City's contributions to employee PERS or OPSRP plans, please see the City Administrator.

V. Miscellaneous Policies

A. Zero Tolerance Policy

Dunes City works to maintain a safe and efficient work environment. All employees, including temporary 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 risk damage to Dunes City's reputation.

Dunes 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 significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

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

1. Prohibited Conduct.

a. Possession, transfer, use or being under the influence of any alcohol while on Dunes City property, on Dunes City time, while driving Dunes City vehicles (or personal vehicles while on Dunes City business), or in other circumstances which adversely affect Dunes City operations or safety of Dunes City employees or others.

The conduct prohibited by this rule includes consumption of any intoxicating liquor within Four (4) 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, the employee's immediate supervisor may impose the Reasonable Cause Testing provisions of this Personnel Handbook. (*See Section V(3)*)

below.) If such testing demonstrates that the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.

b. 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 Dunes City property, on Dunes City time, while driving Dunes City vehicles (or personal vehicles while on Dunes City business), or in other circumstances which adversely affect Dunes City operations or safety of Dunes City employees. Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in their system while on Dunes City property or on Dunes City time.

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, Colorado, or any other state's law.

c. Bringing to Dunes City property, or possessing, items or objects on Dunes City property that contain any "controlled substance," including, for example, edibles such as "pot brownies" and candy containing marijuana or marijuana derivatives. 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 Dunes City property.

d. 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.

e. 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 Dunes City property.

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 Dunes City operations.

If an employee's job duties regularly require the employee to operate Dunes City equipment or vehicles, the employee must inform their supervisor about any prescription drugs that they are using which could adversely affect their physical or mental faculties to any perceptible degree. If an employee's use of such prescription drugs could adversely affect Dunes City operations or safety of Dunes City employees or other persons, Dunes City may reassign the employee using the 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.

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 the City Administrator other means of accommodating the disability in the workplace, as Dunes City will not agree to allow an employee to use medical marijuana as an accommodation.

3. Reasonable Cause Testing

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

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

a. The term "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, psychoneurological examinations and other tests of saliva, blood and urine. No testing shall be performed under this rule without the approval of the City Administrator or the City Administrator's designee.

b. "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:

- (1) A pattern of abnormal or erratic behavior;
- (2) Information provided by a reliable and credible source;
- (3.). A work-related accident;

(4) 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);

(5) Unexplained significant deterioration in individual job performance;

(6) Unexplained or suspicious absenteeism or tardiness;

(7) Employee admissions regarding drug or alcohol use; and

(8) Unexplained absences from normal work areas where there is reason to suspect drug or alcohol-related activity.

The City Administrator should detail in writing the specific facts, symptoms or observations that form the basis for the determination that reasonable cause exists to warrant alcohol or controlled substance testing of an employee or a search of the employee's property. Whenever possible, the City Administrator should locate a City Council Member or the Mayor or other witness to corroborate his/her "reasonable cause" findings.

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by the end of the workday upon which the results were received. 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 Twenty-Four (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 cause or contribute to accidents that seriously damage a Dunes City vehicle, machinery, equipment or property or result in an injury to themselves, another employee, or another person other than a City employee requiring offsite medical attention.

5. Search of Property

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

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

7. Crimes and Arrests

Employees shall report:

- a. Any criminal arrest or conviction for any activity that does or may bring discredit to the City, and/or any drug- or alcohol-related activity within Five (5) days of the arrest or conviction;
- b. Entry into a court-ordered drug or diversion program; or
- c. 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

Dunes 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. Dunes City is willing to help such employees obtain appropriate treatment.

Although Dunes 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 Dunes City policy is discovered, the employee's willingness to seek Dunes 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 or her substance abuse issue and/or performance or safety issues. The Last Chance Agreement shall be written to inform the employee of the problems noticed with his or her performance and to specify the performance required for the employee to achieve in order to continue to be employed by Dunes City. The Last Chance Agreement shall be filed in the employee's personnel file.

Violation of the provisions of the 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 or agency is prohibited unless written authorization is obtained from the employee.

B. Cellular Devices Policy

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

1. Cell phones and Cellular Devices in General (both Dunes City-provided and personal phones/cellular devices):

Employees are allowed to bring personal cell phones and Cellular Devices to work with them. During working hours, however, use of personal cell phones and cellular devices is prohibited, except in an emergency or during a meal period or rest break. Emergency is defined as a serious, unexpected, and often dangerous situation requiring immediate attention.

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

Non-exempt employees may not use their personal or Dunes 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 unless reporting an absence. (See Section III (A)). Employees who violate this policy may be subject to discipline, up to and including termination.

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

Cell phones/Cellular Devices are made available to Dunes City employees on a limited basis to conduct Dunes City business. Determinations as to which employees receive Dunes 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, Dunes City may provide a monthly cellular telephone allowed to employees who regularly make calls on behalf of Dunes City away from the office. See the City Administrator for more information.

Employees who receive a cell phone or Cellular Device from Dunes City must agree to not use the cell phone/Cellular Device for personal use except in an unexpected and usually dangerous situation that calls for immediate action, and must abide by all aspects of the Cellular Device Policy. Further, employees who receive a cell phone or Cellular Device from Dunes City must acknowledge and understand that because the cell phone/Cellular Device is paid for and provided by Dunes City, or subsidized by Dunes City, any communications (including text messages) received by or sent from the cell phone/Cellular Device may be subject to inspection and review if Dunes 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 Dunes City policy. An employee who refuses to provide Dunes City access to his or 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 Dunes City-provided cell phones or Cellular Devices to call 1-900 or 1-976 or similar "pay per minute" services. Further, family and friends may not use an employee's Dunes City provided cell phone/Cellular Device.

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

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

4. Cell Phones/Cellular Devices and Public Records

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

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 hand-held cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of Dunes City vehicles and the operation of private vehicles while an employee is on work time. It also applies to elected officials who may, from time to time, be operating Dunes City vehicles. It applies equally to the usage of privately-owned cell phones and phones provided or subsidized by Dunes City.

All employees, including elected officials and temporary employees, are prohibited from using hand-held cell phones for any purpose while driving on Dunes City-authorized or Dunes City-related business. This policy also prohibits the use of a cell phone or other devices to send or receive text or “instant” messages while driving on Dunes City business. Should an employee or elected official need to make a business call while driving, the employee or elected official must locate a lawfully designated area to park and make the call, unless the employee or elected official 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 or elected official should locate a lawfully designated area to park to continue or make the call, even if the employee or elected official is using a hands-free device. Violation of this policy will subject the employee to discipline, up to and including termination. Elected officials who violate this policy may be subject to disciplinary action as determined by the City Council, including fines and penalties.

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

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

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

2. Use. All of Dunes City’s electronic equipment, facilities and services are provided and intended for Dunes City business purposes only and not for personal matters, communications or entertainment.

Access to the Internet, websites and other electronic services paid for by Dunes City are to be used for Dunes City business only. This means, for example, that no person may use the Dunes City-provided internet, or Dunes City electronic equipment, facilities and services to:

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

Further, employees may not use Dunes City-provided email addresses to create or manage personal accounts (e.g., shopping web sites, personal bank accounts, and social media accounts). Dunes City email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the City Administrator or, in the case of the City Administrator, the Mayor or president of the City Council.

Employees may request permission from the City Administrator for occasional use of the Dunes City copy machine for free personal copies, provided however, such request does not exceed Eight (8) free copies per month.

3. Inspection and Monitoring

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

All information and communication in any format, stored by any means on Dunes City's electronic equipment, facilities or services, are subject to inspection at any time without notice.

Personal passwords are not allowed. Passwords will be issued by the City Administrator for purposes of security, but the use of a personal password does not affect Dunes City's ownership of the electronic information, electronic equipment, facilities, or services, or Dunes City's right to inspect such information. Dunes 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 Dunes City electronic equipment, facilities and services, including all communications and Internet usage and resources visited. Dunes City will override all personal passwords if it becomes necessary to do so for any reason.

4. Personal Hardware and Software

No employee may install personal hardware or software on Dunes City's computer systems without approval from the City Administrator. All software installed on Dunes City's computer systems must be licensed. Copying or transferring of Dunes City-owned software may be done only with the written authorization of the City Administrator.

5. Unauthorized Access

No employee is permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by the Dunes City Administrator. No employee can examine, change or use another person's files, output or user name unless they have 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.

7. Inappropriate Websites

Dunes 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 Dunes 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 website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with Dunes City, as well as any other form of electronic communication.

Ultimately, all employees, including temporary employees, are solely responsible for what they post online. Before creating online content, consider some of the risks and reward that are involved. Keep in mind that any conduct that adversely affects job performance, the performance of coworkers, or otherwise adversely affects our citizens or people who work on behalf of Dunes City or Dunes City's legitimate business interests may result in disciplinary action, up to and including termination.

1. Prohibited Postings

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

No one is permitted to create a link from a personal blog, web site or other social networking site to a Dunes City-owned or -maintained web site without identifying yourself as a Dunes City employee.

All employees may only express their personal opinions. All employees are prohibited from representing themselves as a spokesperson for Dunes City unless specifically authorized to do so by the City Administrator, the Mayor, or the City Council. If Dunes City is a subject of the content you are creating, be clear and open about the fact that you are a Dunes City employee, and make it clear that your views do not represent those of Dunes City or its employees or elected officials.

2. Encouraged Conduct

All employees are encouraged to always be fair and courteous to coworkers, the citizens we serve, other Dunes City employees and elected officials, and suppliers or other third parties who do business with Dunes City. Also, keep in mind that work-related complaints are more likely to be resolved by speaking directly with coworkers or by utilizing our 'Open Door Policy' than by posting complaints to a social media outlet. (See Section V. (G) below.) Nevertheless, if a complaint or criticism is posted, all employees should avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, coworkers, Dunes City employees or elected officials, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or other status protected by law or Dunes City policy.

3. Request for Employee Social Media Passwords

The Dunes City Administrator, Mayor and City Council members are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through employee's or applicant's user name and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, username and password that would otherwise allow the City Administrator, Mayor or any City Council member to access a private email account not provided by Dunes City.

E. Confidential Dunes City Information

All employees must not access, use or disclose sensitive or confidential information or data except in accordance with Dunes 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, up to and including termination.

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 Dunes City, may be removed from the Dunes City Hall premises without permission from the City Administrator. Likewise, any material(s) developed by Dunes City's employees in the performance of their jobs is the property of Dunes City and may not be used for personal or financial gain. Additionally, the contents of records or information otherwise obtained in regard to Dunes City's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

F. Ethics

At Dunes 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 and/or integrity, or that might cause their personal interests to conflict with the interest of Dunes City or the Dunes City citizens.

We at Dunes 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 Dunes 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 Dunes 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. Communications and Media Contacts

Dunes City business communications from any employee to individuals and entities outside of City office staff must first be reviewed and approved by the City Administrator prior to making the communication, unless otherwise instructed by the City Administrator.

Contacts with members of the news media is reserved only for the City Administrator, the Mayor, and City Council members. Staff is prohibited from discussing Dunes City issues with the news media.

H. Open-Door Policy

Dunes City's Open-Door Policy is based on our belief that employee suggestions for improving Dunes City are welcome at any time. If you have a complaint, suggestions, or question about your job, working conditions, or the treatment you are receiving from anyone in Dunes City, please raise them first with the City Administrator. If you are not satisfied with the response from the City Administrator, or if your issue involves the City Administrator, request to have the facts/situation reviewed by the Mayor or City Council President.

I. Outside Employment

Generally, employees may obtain employment with an employer other than Dunes 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:

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

2. 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

3. Receipt of money or other consideration for performance of duties that the employee is required to perform for Dunes City.

Dunes City requires employees to report outside employment that may violate the terms of this policy to the City Administrator.

J. Criminal Arrests and Convictions

All employees, including temporary employees, must promptly and fully disclose to the City Administrator or, in the case of the City Administrator, the Mayor or President of the City Council, 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 Dunes City property, or in a Dunes City vehicle (See “Zero Tolerance 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.

K. 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:

1. Be required to give money or services to aid any political committee or any political campaign;

2. 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 policy is not intended to restrict the right of Dunes City employees to express their personal political views; or

3. Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

L. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by Dunes City (*See* Section III (D)), Dunes City is open for business on Mondays through Thursdays from 10:00 a.m. to 4:00 p.m. Staff working hours, however, are from 9:00 a.m. to 5:00 p.m., Mondays through Thursdays. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make our office location inaccessible for all or part of a regularly scheduled workday, the City Administrator will decide whether to and to what extent Dunes City will close. Information about an office closure will be distributed to employees, to the greatest extent possible by the City Administrator via text message or telephone contact.

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 the City Administrator. If you cannot reach the office and are able to serve Dunes City from home, you should do so subject to approval by the City Administrator. Safety and trustworthy approach are your guides.

M. Driving While on Business

All employees, including temporary employees and elected officials using a private vehicle to conduct Dunes City business must possess a valid driver's license and must carry auto liability insurance. All employees and elected officials who use their own vehicles for authorized Dunes City business should make any necessary arrangements with their insurance carriers.

Dunes 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 Dunes City business, all vehicle drivers (employees or others) 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 the City Administrator of any subsequent restrictions, limitations, or other change in their driving status within Seventy-Two (72) hours of the change or new restricts/limitations. (*See* Section V. (J)).

While on Dunes City business, vehicle drivers (employees or others) will be reimbursed for mileage at the current rate as set by the United States Department of the Treasury for mileage

reimbursement. To be reimbursed for such mileage, a written request must be submitted to the City Administrator within Thirty (30) days of the date such travel was made.

N. Workplace Violence

Dunes 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 or member of the public against another person's life, health, well-being, family, or property will be dealt with in a zero-tolerance manner by Dunes 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 Dunes City, or that threaten the safety, security or financial interests of Dunes City. Employees should make such reports directly to the City Administrator.

O. Workplace Inspections – No Right to Privacy or Confidentiality

This policy applies to inspections and investigations conducted by Dunes 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, voice mail systems, and computer systems. Employees are strongly discouraged from storing personal items in the desks, lockers, work areas, file cabinets, and other office equipment or furniture, as well as voice mail and computer systems assigned to them by Dunes 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.

P. Smoke-Free Workplace

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

Dunes City buildings and vehicles are tobacco-free areas. Further, Dunes City prohibits tobacco use in or around Dunes City vehicles and equipment or machinery.

If you wish to smoke, you must do so outside of Dunes 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 Ten (10) feet of building entrances and other

openings, including second story windows. Dunes City has established employee smoking areas that the City Administrator can show you.

Q. Safeguarding Social Security Numbers

It is the policy of Dunes City to protect the confidentiality of its employees' and applicants' Social Security numbers (SSNs) obtained and used in the course of business. All elected officials, managers and employees are expected to adhere to this policy. Any employee violating the provisions of this policy will be disciplined in accordance with company policy, up to and including termination.

1. Procedure. SSNs will be collected from applicants and employees as required to meet federal or State reporting requirements. These purposes include:

- a. To conduct pre-employment background checks.
- b. To verify eligibility for employment.
- c. To withhold federal and State taxes.
- d. To comply with State new-hire reporting
- e. To facilitate enrollment in company benefits plans.

SSNs may also be collected from creditors, suppliers or independent contractors where no tax identification or employer identification number is accessible. SSNs so obtained will be subject to the same provisions of the privacy policy as those for applicants and employees.

2. Use of SSNs. Except for verification and reporting uses for the above referenced reasons, no SSN or portion of an SSN will be used in the conduct of the City's business. In addition:

a. No SSN or portion of an SSN will be permitted to be used for identification badges, parking permits, timecards, employee rosters, employee identification records, computer passwords, company account records, licenses, agreements or contracts.

b. No SSN or portion of an SSN will be used in open computer transmissions or company distributions or through the company intranet except where such transmission of information is by secure connection or is encrypted. As examples, reporting of payroll withholding taxes and benefits plan participation require such data; thus, such transmissions of data will be handled through secured computer transmission only.

3. Storage of SSNs. All documents containing SSNs should be stored in locked, secured areas. All computer applications containing SSNs should be maintained on secured, authorized-access computer stations only.

4. Access to SSNs. Only persons who have a legitimate business reason will have access to SSNs. Such access will be granted by the City Administrator. Employees granted such access must take all necessary precautions to ensure the integrity of records that include such numbers when the records are not being used.

5. Destruction of SSNs. Records that include SSNs will be maintained in accordance with federal and State law. When such documents are released for destruction, the records will be destroyed by shredding.

6. State Laws. If this policy, or any part thereof, conflicts with Oregon law the State law should supersede this policy, or the relevant portion thereof.

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 Dunes City operations, some of which are described elsewhere in this Handbook, may also be grounds for discipline, up to and including termination.

1. Falsification of employment or other Dunes City records.
2. 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).
3. Theft or the deliberate or careless damage or destruction of any Dunes City property, or the property of any other employee, citizen, vendor, or third party.
4. Unauthorized use of Dunes City equipment, materials or facilities.
5. Provoking a fight or fighting during work hours on Dunes City property.
6. Carrying firearms or any other dangerous weapon on Dunes City premises at any time, unless you are subject to the exceptions identified in ORS 166.250
7. Engaging in criminal conduct while at work.
8. Causing, creating or participating in a significant or substantial disruption of work during working hours on Dunes City property.

9. Insubordination, including but not limited to failure or refusal to obey the orders or instructions of the City Administrator or the City Administrator's designee, or the use of abusive or threatening language toward another Dunes City employee, customer or vendor.

10. Failure to notify the City Administrator when unable to report to work, or when leaving work during normal working hours without permission from the City Administrator to do so.

11. 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.

12. Sleeping or malingering on the job.

13. Excessive personal telephone calls during working hours.

14. Unprofessional appearance during normal business hours.

15. Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by Dunes City.

16. Misrepresentation of Dunes City policies, practices, procedures, or your status or authority to enter into agreements on behalf of Dunes City. Employees may not use Dunes City's name, logo, likeness, facilities, assets or other resources of Dunes City for personal gain or private interests.

17. Violations of the Ethics Policy or Oregon's Ethics laws.

18. Violation of any safety, health, security, or Dunes 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 Dunes City or outside regulatory or legislative bodies.

19. Failure to timely pay water/sewer/tax accounts with Dunes City on time. This includes, without limitation, situations where the employee writes a check to Dunes City that is refused for payment due to non-sufficient funds.

20. Harassment or discrimination that violates Dunes City policy.

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

B. Corrective Action/Discipline Policy

All employees, including temporary employees, are expected to perform to the best of their abilities at all times. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an act that is inappropriate. When performance or conduct does not meet Dunes City standards, the City Administrator or, in the case of the City Administrator, the Mayor or president of the City Council, will determine whether the City 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 of 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 Dunes City policies, procedures and rules and for other inappropriate behavior or conduct, Dunes City may choose to provide the employee a final opportunity to continue employment in the form of a Last Chance Agreement. Dunes City may also choose to send the employee to training or an educational opportunity.

In all cases, Dunes City retains sole discretion to determine the nature and extent of any discipline based upon the circumstances of each individual case. Accordingly, Dunes City 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 Dunes City deems such action appropriate. Dunes City retains the right to terminate any employee's employment at any time and for any reason, with or without advance notice or other prior disciplinary action, other than those employees who are subject to a contract of employment that states otherwise.

C. Retirement or Resignation from Employment

If you choose to resign or retire, it is anticipated that you will give Dunes City as much notice as possible, preferably a minimum of Two (2) weeks. When giving your Two (2) weeks' notice, vacation, personal, or sick days should not be used in lieu of notice. If you do not give Two (2) weeks' notice of your intent to leave Dunes City, you will not be eligible for re-employment at a later date.

Employees who miss Three (3) or more consecutive workdays without contacting the City Administrator, or in the absence of the City Administrator, the Mayor, 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 Dunes City property, including phones, computers, identification cards, credit cards, keys, flash drives, hard drives, and manuals to the City Administrator before their last day of work.

D. References

All requests for references or recommendations must be directed to the City Administrator. No manager, supervisor, employee, or elected official is authorized to release references for current or former employees. All City employees and elected officials are expressly prohibited from providing LinkedIn “recommendations” or using a website on the Internet to discuss current or former employee’s performance or termination of employment.

By policy, Dunes 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

Acknowledgement of Receipt of Dunes City Personnel Handbook

I acknowledge that I have received and have read a copy of Dunes City's 2020 Personnel Handbook. I also understand that a copy of the Personnel Handbook is available to me at any time to review in the City Administrator's office.

I understand that Dunes City has adopted the Personnel Handbook only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in Dunes City's sole discretion. I also understand that the provisions of the Personnel Handbook take precedence over any other contradictory statements, other than those found in applicable employment contracts. I acknowledge that the Personnel Handbook is not an employment contract and is 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 Dunes City or I may terminate my employment relationship at any time, for any or no reason, with or without cause, and with or without advance notice, unless my employment is covered under an employment contract that states otherwise. Other than covenants that may be found in any employment 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 Dunes City's policies regarding equal employment opportunity and providing 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 the City Administrator, or in the absence of the City Administrator, to the Mayor or any City Council member.

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