

GARIBALDI ORDINANCE

Ordinance No. 130

AN ORDINANCE ESTABLISHING A PERSONNEL POLICY, RULES, POLICIES AND PROCEDURES FOR CITY EMPLOYEES AND SALARY COMPENSATION AND REPEALING ORDINANCE 52.

THE CITY OF GARIBALDI ORDAINS AS FOLLOWS:

Section 1. General Provisions. The general provisions for the personnel policy, rules, policies, procedures, and salary compensation are as follows:

A. Purpose. The purpose of the personnel policy is to establish an equitable and uniform procedure for dealing with personnel matters; to attract and retain in municipal service, the best and most competent persons available, to assure that all appointments and promotions of municipal employees will be based on merit and fitness, and to provide satisfactory working conditions and a reasonable degree of job security for qualified employees.

B. Scope. The rules, policies, and procedures shall provide the means for the recruitment, selection, development, and maintenance of an effective and responsive work force. They shall include policies and procedures for employee hiring and advancement, training and career development, salary administration, retirement, fringe benefits, discipline, discharge, and other related activities.

C. Administration. The Mayor, with the consent of the City Council, shall be responsible for:

1. Administering all the provisions of this resolution and provisions not specifically reserved to the City Council.
2. Preparing, or causing to be prepared, provisions and revisions of or amendments to such resolution for presentation to the City Council as recommendations.

D. Separability. If any section, subsection, sentence clause, or phrase of this ordinance is for any reason held to be invalid unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

E. Adoption. The City of Garibaldi hereby adopts as their personnel policy the rules, policies, procedures, salary compensation, definitions and guidelines for disciplining city employees as contained in Sections 2 and 3.

F. Repeal. Ordinance 52 is hereby repealed. Any other ordinance or resolution inconsistent with this ordinance is hereby repealed to the extent of the inconsistency.

Section 2. Rules, Policies, and Procedures.

A. Terms of Appointment.

It is the policy of the City of Garibaldi to provide equal employment opportunity to all persons seeking employment with the City.

1. To prohibit discrimination in employment based on race, religion, color, sex (including pregnancy, childbirth, and related medical conditions), national origin, marital status, sexual preference, family relationship, age (between 18 and 70), or physical or mental handicap.
2. To ensure that all vacancies be filled solely on the basis of merit, qualifications, and fitness. These qualities shall be determined through careful and impartial evaluation of:
 - a. The applicant's level of education and/or training relative to the requirements of the position applied for.
 - b. The applicant's physical and/or mental fitness relative to the requirements of the position applied for.
 - c. The results of an oral interview.
 - d. When deemed relevant and necessary, the results of an competitive written examination or demonstration test, designed to fairly and effectively test the abilities and aptitudes of applicants relative to the duties required in the position being applied for.
3. To ensure that all statements submitted on an individual applicant's application or attached resume are verified prior to appointment.
4. To provide for medical examinations of applicants for positions whose duties make such information relevant to the hiring process to identify existing conditions for future reference and not for purposes of denying employment.
5. To encourage local residents to apply for openings in City employment and to encourage those hired from outside the City to take up residence in the City and participate in civic affairs.

B. Terms of Continuing Employment.

1. Probationary Period

- a. All original and promotional appointments shall be tentative and subject to a probationary period of not less than six nor more than twelve consecutive month of service.
- b. During the initial probationary period, the employee shall not be eligible for vacation benefits, but he shall earn vacation credit to be taken at a later date.
- c. During the initial probationary period, a probationary employee may be terminated for cause at any time. The probationary employee has the right of appeal to the first two steps of the appeals procedure. (Sec. 2E:4-c)
- d. In the case of promotional appointments, the promoted employee may be demoted at any time during the probationary period; provided that the probationary employee be reinstated in the class designation from which he was promoted, even though this necessitates the layoff of the

employee occupying that position.

e. Upon completion of the probationary period, the employee shall be considered as having satisfactorily demonstrated qualification for the position, shall gain regular status, and shall be so informed by his supervisor in writing.

2. Attendance

a. Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves of absence contained herein.

b. Absence from work, for any other reason than those specified in these policies, requires the prior approval of the employee's immediate supervisor.

c. Employees are to make a sincere effort to notify their supervisors as soon as possible of any unforeseen absences and should indicate the reasons for the absence in question at the time.

d. Should the absence continue beyond the first day, the employee should notify his supervisor on a daily basis, unless other arrangements have been approved by the supervisor.

e. Unauthorized absences shall constitute absence without pay and may lead to disciplinary action.

f. Departments will maintain an up-to-date record of all employees attendance, hours worked, and compensatory time.

3. In-Service Training

a. Employees are encouraged to participate in training programs when such programs are available and relate to the employees job description.

b. In some cases, attendance at in-service training programs may be required by the employee's immediate supervisor. In such cases, failure to participate without prior arrangement with the supervisor may be considered cause for disciplinary action.

c. The employees costs for such approved training will be paid by the City.

d. Training courses not related to employee's current job description will not be taken during regular working hours unless authorized by the City Council.

4. Policies Activity

a. No city employee, official, or private person shall solicit any assessments, contributions, or services for any political party from any employee in the City service.

b. Nothing contained within this section shall affect the right of

the employee to hold membership in the support of political party, to vote as he chooses, to privately express his opinions on all political subjects and candidates, to maintain political neutrality, or to attend political meetings.

5. Outside Employment

Full-time employees shall be allowed to hold gainful employment, including self-employment, to the extent that such employment is secondary to, and does not interfere with the performance of the duties required by his City employment.

6. Family Relationships

a. Two members of the same immediate family may not be employed at the same time if such employment will result in an employee supervising a member of his immediate family.

b. The provisions of this section shall apply to promotions, demotions, transfers, reinstatements, and new appointments.

7. General Conduct

a. Public relations shall be an intergral part of each employee's job.

b. All employees shall be neat and clean in appearance and shall conduct themselves in a manner which is appropriate for an employee in the public service.

c. Employees shall be courteous, efficient, and helpful to everyone in their work and shall do the best job possible on every assignment.

8. Annual Evaluations

a. By March 31st of each year, each employee will be evaluated in writing by his immediate supervisor on the appropriate evaluation form. The employee and the supervisor will confer on that evaluation noting areas require attention and devise a plan to accomplish such improvements.

b. The City Cuncil member who is commissioner for a department of the City shall evaluate the head of such department.

C. Terms of Altered Status.

1. Transfers

Requests from employees for transfers from one department to another shall be made in writing and shall be directed to the employee's present department head and appointing power. Such requests shall be given consideration when a suitabl vacancy occurs; however, no employee shall be transferred to a position for which he does not possess the minimum qualifications.

2. Promotions

a. All job vacancies, whenever possible, shall be filled by promoting qualified employees within the City service.

b. Nevertheless, the appointing power may recruit applicants from outside the City service whenever he has reason to believe that better qualified applicants are available outside the City service.

c. The appointment to fill the vacancy shall be made on a competitive basis, utilizing the criteria for appointments established in Section A of these rules. Where qualifications abilities are relatively equal, seniority within the City service shall be the determining factor.

3. Layoffs

If there are changes of duties in the organization, lack of work, or lack of funds, the appointing power may layoff employees; however, the appointing power shall first make every reasonable effort to intergrate those employees into another department by transfer. When layoffs are required, the appointing power shall base the decision on relative merit, and shall give due consideration to seniority in the City service only where two or more candidates' qualifications and abilities are relatively equal. Whenever possible, two weeks advance written notice of impending layoff will be given to affected employees by thieir immediate supervisor.

4. Resignations

a. To resign in good standing, an employee shall give the appointing power not less than 10 working days prior notice of such resignation, unless the appointing power agreed to permit a shorter period of notice because of extenuating circumstances. The Notice of resignation shall be in writing and shall contain the reasons for leaving the City service.

b. Failure to comply with this section shall be entered in the employee's service record and may be cause for denying future employment with the City.

D. General Conditions of Employment.

1. Legal Liability

a. Employees shall abide by all laws and regulations which govern the performance of their duties, and shall perform their duties as reasonable, prudent persons. Employees who are reasonably cautious and prudent in the performance of their duties are not negligent and, therefore, neither legally nor morally liable for accidents or injuries which may occur.

b. If an employee is reckless or negligent in the performance of duties and responsibilities, and if an accident results from such reckless or negligent performance of duties and responsibilities, the employee may be held personally and legally liable.

2. Safety

a. Department heads, supervisors, and employees shall act in such a way as to ensure the safety of themselves, fellow employees and the public.

b. When accidents occur on City property, the employee shall contact his supervisor immediately and the supervisor shall complete an accident report form. In case of a motor vehicle accident, the Police Department shall also be notified immediately.

c. The Mayor shall be notified of all accidents involving City employees and City equipment as soon as possible.

d. All city employees may be required to be continually certified in basic first aid and C.P.R.

3. Cost Consciousness

a. City employees shall practice every economy possible in the discharge of their duties.

b. Employees are encouraged to recommend to their supervisors work procedures which will result in savings or improved services to the public.

4. Employee Organizations

Employees of the City shall have the right to form, join and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining on matters relating to wages, hours, and working conditions.

E. Administration of Discipline.

1. Grounds

a. When an employee's conduct falls below desirable standards, he may be subject to disciplinary action.

b. General reasons for which an employee may be disciplined include:

i. Drinking intoxicating beverages or abuse of nonprescription drugs on the job or arriving on the job under the influence of intoxicating beverages or drugs. Exceptions may be made at the discretion of employee's supervisor concerning prescription drugs if they do not adversely effect employee's job performance and requirements.

ii. Violation of lawful duty

iii. Insubordination

iv. Breach of discipline

v. Being habitually absent or tardy for any reason

vi. Accepting fees, gifts, or other valuable things as a condition for the performance of the employee's official duties for the City.

vii. Unwillingness to perform tasks as assigned.

2. Procedures

a. Disciplinary action ranges from oral or written reprimands to suspension, demotion, and finally dismissal from the City service, and depends on the severity of the offense as well as the number and frequency of previous acts of misconduct.

b. It shall be a duty of all City employees to comply with and to assist in carrying into effect the provisions of the City's personnel rules and regulations. No employee shall be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established by such personnel rules and regulations.

c. When it is deemed necessary to immediately relieve an employee of his job responsibilities pending an investigation of facts prior to reaching a final decision, the employee should be placed on suspension without pay and informed in writing of the reason(s) for suspension. Should the findings indicate that the employee was found innocent of the charges, the employee will be reimbursed for time lost.

3. Guidelines for the Disciplining of City Employees

a. Document the offense(s).

- i. Date
- ii. Time
- iii. Place
- iv. Circumstantial Situation - Details of the incident
- v. Action(s) taken by the employee

b. Notify the employee of the undersired behavior/job performance.

When discussing such issues, the supervisor/manager should avoid the "lone" use of words such as judgment or maturity. Explain to the employee what the circumstances were, what activity(ies) he engaged in, why such action(s) is/are unacceptable, and what he should do to correct the deficiency(ies).

c. Allow the employee an opportunity to respond in writing and discuss any and all allegations lodged against him.

d. Consult Resources

- i. Current Contract between the City and the employee
- ii. Other Supervisors who have dealt with similar problems
- iii. City/Departmental Policies or other pertinent legal documents
- iv. Personnel Office

- e. Decide what disciplinary action, if any, is to be taken.
- f. Notify the employee of your tentative decision and give him an opportunity to refute any charges before the decision is formally finalized.

4. Appeals and Grievances

a. All permanent employees shall have the right to appeal disciplinary action taken against them within 5 working days after the effective date of disciplinary action. Appeals shall be made as grievances in accordance with the provisions of section "c" below.

b. The City shall promptly consider and equitably adjust employee grievances relating to employment conditions and relationships. Furthermore, both supervisors and employee are expected to resolve problems informally as they arise, if possible.

c. The following steps shall be followed in submitting and processing a grievance:

Step 1. The aggrieved employee or group of employees shall present the signed, written grievance to the immediate supervisor within 5 working days of its occurrence - not including the day of occurrence. The supervisor shall give his reply in writing within 5 working days of the date of presentation of the grievance - not including the date of presentation.

Step 2. If the grievance is not settled in Step 1, the supervisor shall prepare a detailed, written, and dated report which report is to be signed by the aggrieved employee or group of employees, and jointly presented to the Mayor and Department Commissioner within 5 working days after the supervisor's written reply is given - not including the day the answer is given. The Mayor shall reply in writing to the grievance within 5 working days of the date of the presentation of the written grievance - not including the day of presentation. (Starting with January 14, 1986, all sessions will be tape recorded.)

Step 3. If the grievance is not settled in Step 2, the written grievances shall be presented along with all pertinent correspondence, records, and information accumulated to date to the City Council within 5 working days after the Mayor's response is given. The City Council shall meet with the aggrieved employee or group of employees, the immediate supervisory personnel, and the Mayor. The City Council shall reply to the grievance in writing within 5 working days of the date of presentation of the written grievance. The decision of the City Council shall be final and binding on all parties involved.

d. If the grievance procedures are not initiated within the time limits established by this section, the grievance shall be considered not to have existed.

e. Any grievance not taken to the next step of the grievance procedure shall be considered settled on the basis of the last reply made in accordance with the provisions of this section.

f. If the City fails to meet or answer any grievance within the time limits prescribed for such action, such grievance shall automatically advance to the next step. If the City fails to meet or answer any grievance on the last step of the grievance procedure within the time limits prescribed for such action, it shall be deemed that the City has considered the grievance to be in favor of the grievant and shall resolve the matter accordingly.

g. The time limits prescribed in this section for the initiation and completion of the steps of the grievance procedure may be extended by mutual consent of the parties involved. Likewise, any step in the grievance procedure may be eliminated by mutual consent. Mutual consent shall be indicated in writing and shall be signed by all parties involved.

h. No employee shall be disciplined or discriminated against in any way because of the employee's proper use of the grievance procedure.

F. Personnel Records.

1. A personnel record is to be maintained for each employee in the service of the City.

2. The personnel record shall show the employee's name, current address, title of position held, the department to which assigned, date of initial employment, salary, change in employment status, training received, and such other information as may be considered pertinent. The employee has the responsibility to see that the employer is provided with current address information.

3. A Personnel Action Form shall be used as a single document to initiate and update personnel records.

4. Employee personnel records shall be considered confidential and shall be accessible only to the following:

a. The employee concerned.

b. Selected City Officials authorized by the Mayor.

G. Benefits.

1. All City employees will be covered under Social Security, Public Employee's Retirement System, Workman's Compensation, and State Unemployment Benefits. The City will pay for the employees portion of P.E.R.S. costs. Upon retirement, employees may have the option of continuing their health and life insurance coverage at their own expense.

2. Full-time employees will be provided with life insurance coverage as per Plan III or Plan V of the League of Oregon Cities' schedule. This coverage shall include the Accidental Death and Dismemberment option. In addition, the employee will have the option of increasing their life insurance coverage up to an amount equal to that provided by the City. The employee will also be given the option of the Dependent Life Insurance plan. These two options would be at the employee's expense.

3. All full-time employees and their dependents will be covered under a health insurance plan.

H. Leave Provisions.

1. Paid Leaves

a. Vacation

All regular, full-time employees of the City who have been full-time employees for a period of six months shall be entitled to an annual vacation leave of 5 working days with pay. All regular, full-time employees who have been full-time employees for a period of one year or more shall be entitled to an annual vacation leave for a total of 10 working days with pay. The year, for the purpose of computing earned vacation leave, shall be on a work year basis; that is, it shall be computed from the day the employee becomes a full-time employee to a period 12 months hence. Any person who has served for 12 months in any City department or departments without formal termination of service during such period shall be deemed to have been continuously employed. Employees whose terms of employment are less than six months shall not be allowed any vacation credit. The annual vacation leave of 10 working days with pay shall continue for the first five years of continuous employment. Thenceforth, it shall be as follows: from the end of 5 years through 9 years, it shall be 15 working annual leave; from the end of 10 years through 14 years, it shall be 20 working days annual leave; all vacation time to be taken within each calendar year, unless otherwise approved by the City Council

With the concurrence of the City Council, vacation may be used as sick leave when long term illness has terminated the latter.

Upon retirement or termination of a regular full-time employee, he shall be paid a lump sum for all unused vacation leave accrued in conformance with the provisions of this policy.

b. Holidays

All regular, full-time employees shall be entitled to seven holidays off with pay. If any of such holidays shall at any time fall on Sunday, then the following Monday shall be a holiday; if such holiday shall fall on Saturday, when the preceeding Friday shall be a holiday.

Acknowledged Holidays are:

1. New Years Day
2. President's day
3. Memorial day
4. 4th of July
5. Labor Day
6. Veteran's Day
7. Thanksgiving
8. Christmas

If it is necessary for employees to work on authorized holidays, such

work shall be construed as overtime and shall be compensated by time off computed at 1 & 1/2 times the regular rate of pay.

An unexcused absence immediately before or after a holiday will result in forfeiture of the pay for that holiday.

c. Personal Leave

One day per year will be allowed for personal reasons other than those covered elsewhere in these rules. Such leave may not be accumulated.

d. Sick Leave

All regular City employees shall be allowed sick leave with full pay computed on the basis of one full working day for each full month of service. This allowance is regard to sickness and injuries sustained while off duty for the reason that injury sustained while working for the City is covered by Worker's Compensation Insurance. Persons drawing sick leave and also receiving Worker's Compensation will be deducted from an employee's salary while drawing sick leave. No sick leave credit shall be allowed an employee until he has worked for six months. At the end of this period, credit shall be computed from the date of employment.

Sick leave with pay may be accumulated to a total not to exceed 60 working days. One half of any unused calendar year sick leave credit shall be carried over to the next calendar year.

Sick leave is granted by the City as insurance and security against the possibility of illness or inability to work on the part of the employee. In no sense shall such leave be considered a right which the employee may use for any purpose other than actual illness.

The City may require a certificate from attending physician for personnel absent on sick leave for more than 3 continuous days. No compensation for accrued sick leave shall be allowed to any employee when he is separated from the City service except upon retirement where one-half of accumulated sick leave is given credit under the rules of the Public Employees Retirement System. Sick leave shall not be accrued during any period of leave of absence without pay other than military leave.

e. Compassionate Leave

In the event of a death or verifiable serious illness in the immediate family, a full-time employee may be granted a leave of absence not to exceed 3 work days per year with pay.

f. Judicial Leave

Judicial leave shall be granted in accordance with the provisions of Oregon State law. This leave is to be treated as paid leave, except that monies received from such duties, excluding expense monies, will be deducted from employee's salary.

2. Unpaid Leaves

a. Leaves of Absence

Leave without pay must have the approval of the appointing authority and will be granted only if the employee's absence does not materially affect the physical or economical operation of his work and if the circumstances warrant such leave.

b. Maternity Leave

Leave will be granted when circumstances require it and for such a period of time as it requires.

c. Military Leave

Military leave shall be granted in accordance with the provisions of Oregon state law. This leave is to be treated as unpaid except that benefits will continue to accrue during such leave.

d. Voting Leave

When an employee's work schedule is such that he would not be able to vote prior to or after his normally scheduled working hours, he shall be granted reasonable time off duty to vote without loss of pay, accrued vacation, or sick leave.

I. Overtime and Compensatory Time.

Employees shall be compensated for overtime in accordance with Oregon State Wage and Hour Laws and the Fair Labor Standards Act -- where applicable. Any work performed in excess of 8 hours in one day or 40 hours in one week constitutes overtime. If budgeted funds are available, the employee shall be paid at one and one-half times the employee's regular rate of pay. If budgeted funds are not available for payment, compensatory time off will be allowed at the rate of one and one-half times the employee's regular rate of pay. If budgeted funds are not available for payment, compensatory time off will be allowed at the rate of one and one-half times the amount of overtime worked.

It shall be the responsibility of the employee's supervisor to adjust work schedules to ensure that compensatory time off is utilized as soon as feasible. Compensatory time shall not be allowed to accrue to an amount greater than 16 hours.

J. Salary Compensation.

Step increases should not be considered automatic, but are dependent on a satisfactory rating on the employees annual evaluation and the City's ability to pay the same. Should revenues be reduced, salary adjustments will be instituted only after other costs saving measures have been instituted.

Section 3. Definitions

As used in this document, the following terms shall have meanings indicate:

Appointing Authority - The City Council of the City of Garibaldi

Benefits - refers only the Health, Unemployment, and Retirement provisions.

Breach of Discipline - breaking of established rules and guidelines for job performance.

Employee - salaried personnel whether such contract be for full-time or part time employment.

Full-time employee - an employee who works the normal amount of working hours for the class assigned.

He/His - to be considered to cover individuals of either sex.

Hours of - The normal work day shall consist of 8 consecutive hours with an unpaid lunch period and a paid 10 minute break in mid morning and mid afternoon.

Immediate family - to include the husband, wife, son daughter, father, mother, brother, sister, father-in-law, mother-in-law, or other relative living in the employees household.

Insubordination - unwillingness to submit to job related requests of supervisors.

Lawful Duty - tasks prescribed by Statute and arising in the performance of ones duties.

Negligent - behaves with disregard for safety rules and precautions which would be observed by the average responsible adult in a performance of any given action.

Maternity Leave - leave relating to pregnancy or birth and the health of a dependant.

Part-time employee - an employee who is employed for less than the normal number of working hours.

Sexual preferance - refers to an individuals choice of sexual partners, the race, sex, etc. of which is considered to be a matter of personal preference and not a job related variable.

Work day - not to include weekends, holidays, and other days when the office is not open for normal business transactions.

Work week - the normal work week will run from Monday thru Friday

13⁸ PASSED AND ADOPTED by the City Council and APPROVED by the Mayor this day of January, 1986.

C. Joanne Dalziel
C. JOANNE DALZIEL Mayor

ASSEST:

Saundra Jones
SAUNDRA JONES City Recorder