



MYRTLE CREEK CITY COUNCIL
REGULAR COUNCIL MEETING AGENDA
MYRTLE CREEK COUNCIL CHAMBER

AGENDA PACKET
January 3, 2023

All city public meetings are being digitally recorded for sound and video camera surveillance.

The City Council of the City of Myrtle Creek will meet on **Tuesday, January 3, 2023, at 5:30 PM** in the Myrtle Creek Council Chamber, 207 NW Pleasant Street, Myrtle Creek, Oregon.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for other accommodations for persons with disabilities, or for remote access should be made at least 48 hours in advance of the meeting to the City Recorder at 541-863-3171.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and or/meeting.

REGULAR COUNCIL MEETING – 5:30 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the “Citizens Heard on Non-Agenda Items” section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.

- 1. Call to Order/Roll Call**
- 2. Pledge of Allegiance**
- 3. Oath of Office**
- 4. Office Appointments**
- 5. Public Presentations** – *Items that do not require immediate council action, such as presentations, discussions of potential future action items.*
- 6. Consent Agenda** – *Requires a motion*
The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately upon request.
 - 6.1** Approval of minutes of the Regular City Council Meeting for December 6, 2022

7. Resolutions

7.1 **Resolution 23-01** – A Resolution Adopting Revised Personnel Rules

8. Regular Agenda

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

8.1 Springbrook Special Road District

8.2 Tag and Scada System Upgrade

8.3 Suppression Tank Re-Lining & Coating Proposals

8.4 Homelessness Review Committee

8.5 2021/2022 Annual Audit Presentation

9. Citizens Heard on Non-Agenda Items

10. City Administrator Report

11. Mayor and Councilor – Committee Reports and Councilor Comments

12. Executive Session

The Myrtle Creek City Council will go into Executive Session Under ORS 192.660(2)(d). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660 but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

13. Adjournment



CITY OF MYRTLE CREEK

REGULAR MEETING OF THE CITY COUNCIL

DATE: December 6, 2022

PLACE: Council Chambers, 207 NW Pleasant St., Myrtle Creek, Oregon

PRESIDING OFFICER: Mayor Matthew Hald

COUNCILORS PRESENT: Councilors: Bill Burnett, Susan Harris, Robert Chaney, Sr.

COUNCILORS ABSENT: Kathi Otero, Angie Criss

A quorum was present throughout the meeting.

STAFF IN ATTENDANCE: City Administrator Lonnie Rainville, City Recorder Joanna Bilbrey, Finance Officer Lesley Hiscocks

CALL TO ORDER: Mayor Matthew Hald called the December 6, 2022 meeting to order at 5:30 PM

PLEDGE OF ALLEGIANCE

PUBLIC PRESENTATION

No items for public presentation.

PROCLAMATION

Proclamation read by City Recorder Joanna Bilbrey certifying the election results of the November 8, 2022, General Election. Mayor Matthew Hald was reelected to a new term, Council Position 2 was filled by Luke Dillon and Council Position 4 was filled by Diana Larson.

CONSENT AGENDA

Part 1

Motion was made by Councilor Harris with correction noted (correct Call to Order) and seconded by Councilor Chaney to approve the Meeting Minutes for November 15, 2022 as presented. Discussion:

None

Vote: Motion passed unanimously.

RESOLUTION 22-17

Motion was made by Councilor Chaney to approve Resolution 22-17 A Resolution Declaring City Owned Property Surplus and Disposing of Same.. Motion was seconded by Councilor Harris.

Discussion: none

Vote: Motion passed unanimously.

REGULAR AGENDA

Equipment Purchase – Kubota Tractor

Currently all departments share one City owned tractor. In the spring the Parks Department and the Public Works Department both have heavy workloads that require use of a tractor. We have the funds through ARPA to purchase a tractor. This would increase the efficiency of both departments.

Motion was made by Councilor Burnett to approve the City purchase of a Kubota Tractor in the amount of \$25,858.90. Motion was seconded by Councilor Harris. *Discussion: Councilor Harris asked if there were attachments being purchased.*

Vote: Motion passed unanimously.

Springbrook Software Upgrade

Finance Officer Lesley Hiscock shared about issues with our current Springbrook software and the benefits of upgrading the software to a cloud based version.

Motion was made by Councilor Burnett to approve the City to purchase the Springbrook software upgrade in the amount of \$30,000. Motion was seconded by Councilor Chaney. *Discussion: Councilor Chaney asked how long the data would be accessible. City Administrator Lonnie Rainville shared that Springbrook complies with the retention schedule for municipalities.*

Vote: Motion passed unanimously.

Planning Commission Term Renewals

Motion was made by Councilor Harris to reappoint Angel Smith to the Myrtle Creek Planning Commission with a term expiring in December 2026. Motion was seconded by Councilor Burnett.

Discussion: none

Vote: Motion passed unanimously.

Motion was made by Councilor Harris to reappoint Sharon Umphlett to the Myrtle Creek Planning Commission with a term expiring in December 2026. Motion was seconded by Councilor Chaney.

Discussion: none

Vote: Motion passed unanimously.

2nd Meeting of December

Motion was made by Councilor Harris to cancel the 2nd meeting of December which is on December 20, 2022. Motion was seconded by Councilor Burnett. *Discussion: none*

Vote: Motion passed unanimously.

CITIZENS HEARD ON NON-AGENDA ITEMS

No items presented

CITY ADMINISTRATOR REPORT

The City Administrator and the Public Works Department have created a schedule to begin clearing the vegetation around the old hospital building. Debris and vehicles in the parking lot will have to be removed prior to the lead and asbestos abatement. Mayor Hald asked if items that are being disposed of

are going to be documented. The mayor asked about the cost and how we are going to remove the vehicles. The vehicles will not be removed from the property, just moved out of the way for abatement purposes. The City Administrator shared that he has spoken with the Chief of Police regarding Measure 114, there has been an order to delay the Measure. The new website is close to going live. January and February are going to be busy for the Council: Council Handbook, Employee Handbook, union negotiations, council goals, new parking lot, waterplant improvements, homelessness updates to Ordinances, and budget planning.

MAYOR AND COUNCILOR – COMMITTEE REPORTS AND COUNCILOR COMMENTS

Councilor Chaney shared that the Christmas Tree lighting was well attended and shared that the Lions Chili Feed is this Saturday and volunteers are needed. Councilor Harris shared that the Community Thanksgiving Dinner was successful and that the Cork & Keg walk helped some of the local businesses. The Mayor shared that the Douglas County Mail was selected as the business of the month. The Mayor also shared that it was great to see the community involvement in the tree lighting.

ADJOURNMENT

Mayor Matthew Hald adjourned the regular meeting of the City Council for December 6, 2022 at 6:02 P.M.

Matthew Hald, Mayor

Attest:

Joanna Bilbrey
City Recorder

**CITY OF MYRTLE CREEK
OREGON
RESOLUTION 23-01**

A RESOLUTION ADOPTING REVISED PERSONNEL RULES
--

Whereas, Ordinance No. 597 gives authority to City Council to adopt and change personnel rules by resolution; and

Whereas, the personnel rules have not been reviewed since 2005, and

Whereas, federal, state, and local regulations have changed since that time; and

Whereas, the City of Myrtle Creek finds it necessary to update the personnel rules to follow current federal, state, and local guidelines;

NOW, THEREFORE, BE IT RESOLVED that the Myrtle Creek City Council hereby adopts the new and updated City of Myrtle Creek Personnel Rules, and shall become effective immediately upon its passage

ADOPTED BY THE CITY COUNCIL this 3rd day of January 2023.

PASSED AND APPROVED BY THE MAYOR this 3rd day of January 2023.

Matthew Hald, Mayor

ATTEST: _____
Joanna Bilbrey
City Recorder



**Employee Handbook
Updated January 2023**

Welcome!

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

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between the City of Myrtle Creek and its employees, other than those found in applicable collective bargaining agreements. The policies stated in this handbook are subject to change at any time at the sole discretion of the City of Myrtle Creek with or without prior notice. This handbook supersedes any prior handbooks or written policies of the City of Myrtle Creek that are inconsistent with its provisions. It does not, however, substitute for collective bargaining agreement provisions. To the extent that a provision in a valid collective bargaining agreement contradicts or is inconsistent with what is in this employee handbook, the collective bargaining agreement provision controls.

This handbook does not create a contract of employment between the City of Myrtle Creek and its employees. With the exception of employees who are subject to a collective bargaining agreement, all employment at the City of Myrtle Creek is "at will." That means that either employees or the City of Myrtle Creek may terminate this relationship at any time, for any reason, with or without cause or notice (unless employees are subject to a collective bargaining agreement or written contract of employment). No supervisor, manager, or representative of the City of Myrtle Creek other than the City Administrator has the authority to enter into any agreement with employees regarding the terms of your employment that changes our at-will relationship or deviates from the provisions in this handbook, unless the change or deviation is put in writing and signed by the City of Myrtle Creek (or that is included in a collective bargaining agreement).

Employees 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 employees have any questions about any of the provisions in the handbook, or any policies that are issued after the handbook, please ask the City Administrator.

Sincerely,

Lonnie Rainville
City Administrator
City of Myrtle Creek

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I. Equal Employment Opportunity (EEO) Policies

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

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

A. No-Discrimination, No-Retaliation Policy

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

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

B. Statement Regarding Pay Equity

The City of Myrtle Creek 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 or federal 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 of Myrtle Creek pays wages or other compensation to other employees for work of comparable character are encouraged to discuss the issue with the City Administrator.

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

C. No-Harassment Policy

The City of Myrtle Creek prohibits harassment and sexual harassment in the workplace, or harassment and sexual harassment outside of the workplace that violates its employees, volunteers, and interns' right to work in a harassment-free workplace. Specifically, the City of Myrtle Creek 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 harassment. Further, all employees are

responsible for respecting the rights of other employees and to refrain from engaging in conduct prohibited by this policy, regardless of the circumstances, and regardless of whether others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or with the City Administrator, at any time if they have questions relating to the issues of discrimination or harassment.

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

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

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual’s body, sexual prowess, or deficiency; talking about employees 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

The City of Myrtle Creek policy also prohibits harassment such as verbal, written, or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual’s protected class or protected activity, and can include:

- Jokes, pictures (including drawings), epithets, or slurs;
- Negative stereotyping;
- Displaying racist symbols anywhere on City of Myrtle Creek property;

- “Teasing” or mimicking the characteristics of someone with a physical or mental disability;
- Criticizing or making fun of another person’s religious beliefs, or “pushing” employees’ religious beliefs on someone who doesn’t have them;
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.
- Negative comments or teasing a person about their natural hair, hair texture, hair type or hair style (see definition of “race” on page 1). Employees may not touch another employee’s hair without permission to do so, even if the touch is extended out of curiosity or as a compliment.

This is not a complete list. All employees are expected to exercise common sense and refrain from other similar kinds of unprofessional 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 and should bring the matter to the attention of their supervisor or the City Administrator as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form. 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 the City of Myrtle Creek’s need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, City of Myrtle Creek will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Protection Against Retaliation

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

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

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

Other Resources Available to Employees

The City of Myrtle Creek provides an Employee Assistance Program (EAP) to employees and dependents who are enrolled in City of Myrtle Creek's medical coverage. For access to confidential help 24 hours a day, seven days a week. The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

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

Other Employee Rights

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

The City of Myrtle Creek is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the City of Myrtle Creek to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City of Myrtle Creek regarding his/her experience and/or employment status, the employee should contact the City Administrator. The employee's request to enter into such an agreement must be in writing (email is acceptable).

Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that the City of Myrtle Creek and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

D. No-Bullying Policy

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

- Verbal Bullying: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
- Gesture Bullying: Non-verbal threatening gestures, glances that can convey threatening messages.

- 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.
- 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 and should bring the matter to the attention of their supervisor or a member of management as soon as possible. If conduct in violation of this policy is found to have occurred, the City of Myrtle Creek will take prompt, appropriate action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

E. Disability Accommodation Policy

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

Accommodations

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

Requesting an Accommodation

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, the City of Myrtle Creek) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

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

F. Pregnancy Accommodation Policy

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact their supervisor or the City Administrator to discuss their options for continuing to work and, if necessary, leave of absence options. The City of Myrtle Creek will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on the City of Myrtle Creek's operations.

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

Requesting a Pregnancy-Related Accommodation

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

No Discrimination, No Retaliation

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

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

Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law, or speak with the City Administrator.

II. Classification and Compensation

A. Probationary Period of Employment

All new employees, including current employees who are promoted or transferred within the City of Myrtle Creek, are hired into an introductory training period that generally lasts no less than 180 days or as defined in a collective bargaining agreement. The probationary period is an extension of the employee selection process. During this period, employees are considered to be in training and under observation and evaluation by employee's manager. Evaluation of employee's adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the probationary period. This period gives employees an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if employee's knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for an employee to decide if the City of Myrtle Creek meets their expectations of an employer.

At or before the end of the probationary period, a decision about the employee's employment status will be made. The City of Myrtle Creek will decide whether to: (1) Extend employee's probationary period; (2) Move employee to regular, full-time or regular, part-time status; or (3) Terminate employee's employment.

Employees are not guaranteed any length of employment upon hire or transfer/promotion; both employees and the City of Myrtle Creek may terminate the employment relationship during the probationary period for any lawful reason. Further, completion of the probationary period or continuation of employment after the probationary period does not entitle employees to remain employed by City of Myrtle Creek for any definite period of time. Both employees and City of Myrtle Creek 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

The City of Myrtle Creek classifies employees as follows:

- Regular Full-time: Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in City of Myrtle Creek's benefit programs.
- Regular Part-time: Employment requiring less than 40 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 40 hours will not constitute a change in benefit status. Regular, part-time employees working 40 hours or less per week are not eligible for benefits except those mandated by applicable law.
- Temporary/Seasonal: 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 or seasonal employment can either be full-time or part-time. Temporary or seasonal employees are not eligible for benefits other than those mandated by applicable law.

Additionally, all employees are defined by federal and Oregon law as either “exempt” or “nonexempt,” which determines whether the employee is eligible for overtime.

Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all City of Myrtle Creek rules and procedures.

C. The Workweek

The City of Myrtle Creek has established regular working hours to promote a productive work environment that will serve our citizens. The general office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. but may vary based on department need.

The normal workday is eight (8) hours, and the normal work week is 40 hours but may vary based on collective bargaining agreement. If employees are a non-exempt employee, employees should not begin work before employees normal starting time nor continue to work beyond the normal quitting time without advance approval from employee’s direct supervisor.

The direct supervisor will schedule specific work hours for individual employees. Changes to work schedules may be made on an individual basis based on business necessity, at the discretion of the direct supervisor. Management reserves the right to modify schedules consistent with the needs of the City.

D. Meal Periods and Rest Breaks

Non-exempt employees are required to take a paid, uninterrupted 10-minute or duration identified in a collective bargaining agreement, rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

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

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

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

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

E. Rest Breaks for Expression of Breast Milk

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

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

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

Notice

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

Storage

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

F. Overtime

Time-and-a-Half

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

Limitation on Overtime Pay

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

Assignment of Overtime Work

Employees may be required to work overtime. When overtime work is required by the City of Myrtle Creek on a particular job on a shift commencing on a day other than Saturday, Sunday, or a holiday, the non-exempt employee performing that job at the conclusion of his/her straight-time hours will normally be expected to continue to perform the job on an overtime basis. When overtime work is assigned by the City of Myrtle Creek 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 the City of Myrtle Creek on a Sunday or on a holiday, the City of Myrtle Creek will endeavor to give the employees required to work notice of their assignment during their last shift worked prior to such Sunday or holiday.

Supervisor Authorization

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

Compensatory (Comp) Time

Overtime hours can be paid or, at the employee's option with the City of Myrtle Creek's approval, accumulated at time and one-half up to a maximum of 60 hours or as defined by a collective bargaining agreement and taken as comp time off. Employees are encouraged to work with their manager/supervisor to schedule and use comp time within 90 days of when it is accrued. At the discretion of an employee's manager/supervisor, employees who have accrued less than 60 comp hours may be able to choose whether to have the accrued comp time cashed out at the rate earned by the employee at the time the employee receives the payment. Any hours not taken in the fiscal year in which they were earned will be paid to the employee with the last payroll check in June of each year. When an employee is separated from employment with the City of Myrtle Creek, any remaining comp time will be paid to the employee.

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 City of

Myrtle Creek business. Filling out another employee's timecard, allowing another employee to fill out employee's timecard, or altering any timecard will be grounds for discipline up to and including termination. An employee who fails to record his/her time may be subjected to discipline as well.

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

H. Employee-Incurred Expenses and Reimbursements

The City of Myrtle Creek will pay actual and reasonable business-related expenses employees incur in the performance of employee's job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by employees supervisor/manager before they are incurred. The City of Myrtle Creek will not pay for or reimburse the costs incurred by a spouse, registered same-sex domestic partner or travel companion who accompanies the employee on City of Myrtle Creek-approved travel.

Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts) within one month of the expense being incurred or the employee risks forfeiting his/her payment or reimbursement.

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

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

I. Payroll Policies

Employees will be paid every the 15th and last day of the month.

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

Net pay will be either physical check or direct deposit into an authorized banking institution account. If an employee requests to pick up his/her paycheck from City of Myrtle Creek, only the employee named on the paycheck will be allowed to do so unless the employee provides written permission to the City of Myrtle Creek for someone else to receive the check.

J. Statement Regarding Pay Practices

The City of Myrtle Creek makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event employees believe that the City of Myrtle Creek has made any improper deductions, has failed to pay employees for all hours worked or for overtime, has failed to pay employees in accordance with the law, or has failed to

properly calculate employees wages in any way, employees must immediately report the error to the Finance Officer. The City of Myrtle Creek will investigate all reports of incorrect pay and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination for reporting an error or complaint regarding the City of Myrtle Creek's pay practices.

K. 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 employees personnel records current with regard to pay, deductions, benefits and other matters is important. If employees have changes in any of the following items, please notify the Finance Officer to ensure that the proper updates are completed as quickly as possible:

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

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

L. Performance Reviews

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

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

Reviews will generally include the following:

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

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

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

III. Time Off and Leaves of Absence

A. Attendance, Punctuality and Reporting Absences

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

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor no later than one hour before the start of the employee's shift/work day. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. A no call/no show lasting three days may be considered job abandonment and may result in termination of employment.

B. Vacation

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

<u>Years of Service</u>	<u>Accrual Rate</u>
1 st through 2 nd year	6.67 hrs monthly
3 rd through 5 th year	8 hrs monthly
6 th through 8 th year	9 hrs monthly
9 th through 12 th year	10 hrs monthly
13 th through 17 th year	12 hrs monthly
17+ years	13.33 hrs monthly

Employees must schedule vacations with their supervisor at least two weeks in advance of the date(s) the employee wishes to take as vacation.

Vacation Maximum Accumulation

Full-time regular employees may accrue vacation leave to a maximum of 240. If the maximum accrual is reached, additional vacation leave will not accrue until the leave balance has been brought down below the maximum hours allowed.

Vacation Pay upon Termination

Upon separation of employment, employees who have completed six months of employment will be paid for unused vacation time that has been earned through the last day of work.

C. Sick Leave

Regular full-time employees employed by the City for ninety (90) days shall be entitled to accrue sick leave at a rate of 8 hours per month, based on 40 hour work week. Employees begin to accrue paid sick leave on the first day of employment but may not use paid sick leave until the 91st day of employment. After the 91st day of employment, paid sick leave may be used as it is accrued.

Pay Rate and Carryover

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

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

Use of Sick Leave

Accrued sick leave may be used each calendar year for any of the following reasons:

1. For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her covered family member.
2. "Family member" means the eligible employee's spouse, same-gender domestic partner (as described in ORS 106.300 to 106.340), biological child, adopted child, stepchild, foster child; same-gender domestic partner's child, parent, adoptive parent, stepparent, foster parent, parent-in-law; same-gender domestic partner's parent, grandparent, grandchild; and any individual with whom the employee has or had an *in loco parentis* relationship.
3. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
4. 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.

5. In the event of certain public health emergencies or other reasons specified under Oregon’s sick leave law.
6. Employees absent from work for a qualifying reason must use accrued sick time hours for that reason and on each subsequent day of absence.

Employee Notice of Need for Sick Leave

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

Unforeseeable Sick Leave: If the need for sick leave is unforeseeable, the employee must notify their supervisor as soon as practicable and comply generally with the City of Myrtle Creek’s call-in procedures.

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

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

Sick Leave Documentation

If an employee takes more than three consecutive scheduled workdays as sick leave, the City of Myrtle Creek 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.

Sick Leave Abuse

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

D. Holidays and Floating Holidays

The City of Myrtle Creek recognizes ten holidays each year. All full-time employees employee for at least 30 days will receive their regular straight-time compensation for each holiday.

The holidays celebrated are:

1. New Year’s Day January 1st

- | | | |
|-----|------------------------|-----------------------------|
| 2. | Martin Luther King Day | 3rd Monday in January |
| 3. | Presidents' Day | 3rd Monday in February |
| 4. | Memorial Day | Last Monday in May |
| 5. | Independence Day | July 4th |
| 6. | Labor Day | First Monday in September |
| 7. | Veterans Day | November 11 th |
| 8. | Thanksgiving Day | Fourth Thursday in November |
| 9. | Day after Thanksgiving | Friday after Thanksgiving |
| 10. | Christmas Day | December 25th |

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

To be eligible for holiday pay, an employee must have worked his/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 City of Myrtle Creek 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 alternate day of vacation at a later date.

Any hourly, non-exempt employee required to work on a holiday will receive double-time payment (Holiday pay plus regular hours. for the hours worked. If the time worked results in more than 40 hours worked in the week overtime pay provisions will be applied.

Floating Holidays

Employees scheduled to work on a holiday may elect to have additional days off with pay (known as “floating holidays”) during a calendar year in leu of receiving the holiday pay on the day worked.

Floating holidays may only be used in full-day increments; partial days are not allowed.

Employees must coordinate requests for floating holidays with their supervisor and Finance Officer.

E. Family Medical Leave

Statement of No FMLA/OFLA Coverage

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

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

deployment. To be an eligible employee and entitled to this leave, the employee must have worked an average of 20 hours per week prior to beginning the requested leave.

F. Leave Donation

The City of Myrtle Creek has implemented a leave donation program to allow employees to voluntarily donate sick or vacation time off to another employee who exhausts, or is likely to exhaust, accumulated paid leave due to an employee's family medical emergency that would otherwise likely cause the employee to take unpaid leave or terminate employment. A "family medical emergency" is defined as a medical condition of the employee or an immediate family member that will require prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, child, or parent.

Any City of Myrtle Creek employee who has worked at least six months in a benefits-eligible position is eligible to participate in the program as a recipient. Any employee who has sick or vacation time available may participate in the program as a donor. Donations may be made between any employees. The City of Myrtle Creek will keep donations confidential and donors will remain anonymous.

Employees seeking donated leave must provide the City of Myrtle Creek with medical verification of the need for the time off, which includes a certification of the employee's or family member's medical emergency and need for time off, and an estimated return-to-work date (if any).

An employee who is receiving, or is eligible to receive, any type of retirement disability, short-term or long-term disability, or other supplemental income is not eligible to receive donated leave.

Employees who receive donated leave may receive no more than 40 hours within a calendar year. Any paid sick leave not used by the recipient for the specified incident will be returned to the donor employee.

Donated leave may not be used to extend employment beyond the point that it would otherwise end by operation of law, rule, policy, or regulation. For example, if an employee would have otherwise been terminated due to layoff or other reasons, donated leave may not be used to extend employment.

Employees who would like to request donated leave are required to complete a Donated Leave Request Form and submit it to the Finance Officer.

G. Bereavement Leave

Up to 24 hours of paid bereavement leave will be granted to employees who have worked for the City of Myrtle Creek for 90 or more days. This leave is provided to employees who have experienced the death of a family member; employees, may use accrued sick leave during the extended bereavement leave period. "Family Member" is defined to include the employee's spouse, same-sex domestic partner (registered), child, parent, parent-in-law, grandparent, or

grandchild, or the same relations of an employee's same-sex domestic partner (registered) or spouse. Requests for bereavement leave must be made to the employee's immediate supervisor before the leave is to begin. Please see the City Administrator for more information.

H. Jury and Witness Duty

Jury Duty

The City of Myrtle Creek will grant employees paid time off for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's supervisor to verify the need for such leave.

The employee is expected to report for work when doing so does not conflict with court obligations. It is the employee's responsibility to keep his/her supervisor or manager informed about the amount of time required for jury duty.

Witness Duty

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

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

I. Religious Observances Leave and Accommodation Policy

The City of Myrtle Creek respects the sincerely held religious beliefs and observances of all employees. The City of Myrtle Creek will make, upon request, an accommodation for such beliefs and observances when a reasonable accommodation is available that does not create an undue hardship on the City of Myrtle Creek'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. Employees Request for religious leave or accommodation should be made to their supervisor and may require the requesting employee to provide proof of the "sincerely held" religious belief.

J. Crime Victim Leave Policy

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

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

Employees who are eligible for crime victim leave must:

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

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

K. Domestic Violence Leave and Accommodation Policy

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

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

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

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

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

If more leave than originally authorized needs to be taken, the employee should give the City of Myrtle Creek notice as soon as is practicable prior to the end of the authorized leave.

When taking leave in an unanticipated or emergency situation, the employee must give verbal or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee’s behalf.

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

L. Military Leave

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

Further, eligible employees called for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, may be entitled to leave with pay for all regular workdays that fall within a period not to exceed 15 calendar days in any federal training year. Weekend drill obligations are not considered “federal active duty” for training under this policy; other requirements apply. Please contact the Finance Officer for more information and to make arrangements for this paid leave.

IV. Employee Benefits

A. Healthcare Benefits

Employees who meet the definition of “benefit eligible” under both the City of Myrtle Creek policy and that of its health insurance provider are entitled to the benefit options offered by the City of Myrtle Creek. Generally speaking, that means the City of Myrtle Creek offers medical insurance for all of its regular, full-time employees unless otherwise established by law. The City of Myrtle Creek pays the majority of the cost of individual coverage for its regular, full-time employees. Part-time employees are not eligible for health-insurance coverage. Those employees who wish to have their dependents included in the insurance plan are required to pay a portion of the monthly premium for that coverage on a payroll deduction basis.

The group insurance policy and the summary plan description issued to employees set out the terms and conditions of the health insurance plan offered by the City of Myrtle Creek. These documents govern all issues relating to employee health insurance. As other employee benefits are offered by the City of Myrtle Creek, employees will be advised and provided with copies of relevant plan documents. Copies are available from the Finance Officer.

B. Employee Assistance Program (EAP)

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

There are educational tools as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and gym membership discounts.

More information regarding this service can be obtained by contacting the Finance Officer.

C. Workers' Compensation and Safety on the Job

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

Steps to Take if Employees are Injured on the Job

If employees are injured on the job, the City of Myrtle Creek wants to know about it and expects to be informed no later than 24 hours after an employee's injury (report all work-related injuries to the supervisor).

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

1. Report any work-related injury to employee's supervisor. Employees must report the injury no later than 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 Finance Officer.

Failure to timely follow these steps may negatively affect employee's ability to receive benefits.

Early Return-to-Work Program

The City's Return-to-Work program provides guidelines for returning employees to work at the earliest possible time after employees have suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable employees to return to employee's regular job in a reasonable period of time.

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

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

Overlap with Other Laws

The City of Myrtle Creek will account for other leave and disability laws that might also apply to employee's situation, such as the Americans with Disabilities Act (ADA). If, after

returning from a workers' compensation leave, it is determined that employees are unable to perform the essential functions of their position because of a qualifying disability, employees may be entitled to a reasonable accommodation, as governed by the ADA and/or applicable Oregon laws covering disabilities in the workplace.

D. PERS (Public Employees' Retirement System) Benefits

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

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

V. Miscellaneous Policies

A. Alcohol/Drug Use, Abuse and Testing

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

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

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

Prohibited Conduct

The following examples of prohibited conduct do not apply to law enforcement employees who possess drugs, alcohol or other items identified in this policy in connection with law enforcement work.

- Possession, transfer, use or being under the influence of any alcohol while on City of Myrtle Creek property, on City of Myrtle Creek time, while driving City of Myrtle Creek vehicles (or personal vehicles while on City of Myrtle Creek business), or in other

circumstances which adversely affect City of Myrtle Creek operations or safety of City of Myrtle Creek employees or others.

- The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol “hangover” adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on City of Myrtle Creek property, on City of Myrtle Creek time, while driving City of Myrtle Creek vehicles (or personal vehicles while on City of Myrtle Creek business), or in other circumstances which adversely affect City of Myrtle Creek operations or safety of City of Myrtle Creek employees. Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug, or other controlled substance in system while on City of Myrtle Creek property or on City of Myrtle Creek 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, or any other state’s law.
- Bringing to City of Myrtle Creek property, or possessing, items or objects on City of Myrtle Creek property that contain any “controlled substance,” including, for example, “pot brownies”, “edibles” and candy containing marijuana. No employee, regardless of position held, may knowingly serve items containing marijuana or any other “controlled substance” to co-workers, members of the public, or elected officials while on work time or on/in City of Myrtle Creek property.
- Bringing equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (or controlled substances), such as pipes, bongs, “vape” pens, smoking masks, roach clips, and or other drug paraphernalia.
- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live

or dried marijuana plants to City of Myrtle Creek property. This prohibition does not apply to employees who possess such items in connection with law enforcement work.

Prescription Drugs and Medical Marijuana

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

Employees must inform their supervisor about their use of any prescription or over-the-counter drugs that could affect their ability to safely perform the duties of their position. If an employee's use of such prescription drugs could adversely affect City of Myrtle Creek operations or safety of City of Myrtle Creek employees or other persons, the City of Myrtle Creek may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide the City of Myrtle Creek with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

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

Testing

The City of Myrtle Creek reserves the right to:

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

Reasonable Cause Testing

If there is reasonable cause to suspect that an employee is under the influence of controlled substances or alcohol during work hours or has used drugs or alcohol in violation of this

policy, the City of Myrtle Creek may require the employee to undergo testing for controlled substances or alcohol.

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

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

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

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

Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on City of Myrtle Creek property or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, the City of Myrtle Creek may search furniture, equipment or other property provided to the employee by the City of Myrtle Creek, including but not limited to, clothes (uniforms), locker, toolbox, and

desk. Employees should have no expectation of privacy in any property, equipment or supplies provided by the City of Myrtle Creek to employee.

Employee Refusal to Test/Search

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

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

Crimes Involving Drugs and/or Alcohol

Employees shall report:

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

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

Drug and Alcohol Treatment

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

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

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

Although the City of Myrtle Creek 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 the City of Myrtle Creek policy is discovered, the employee's willingness to seek City of Myrtle Creek or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

Discipline and Consequences of Prohibited Conduct

An employee who violates this policy will be subject to either termination or a last-chance agreement.

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

Confidentiality

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

B. Mobile Devices Policy

This policy applies to employee use of cell phones, smart phones, tablets and similar devices, all of which are referred to as “mobile devices” in this policy.

Cell Phones and Mobile Devices in General

Employees are allowed to bring personal mobile devices to work with them. During working hours, however, employees should refrain from using them except for approved work related purposes, an emergency or during a meal period or rest break.

Employees who use personal or City of Myrtle Creek-provided mobile devices may not violate the City of Myrtle Creek’s policies against harassment and discrimination. Thus, employees who use a personal or City of Myrtle Creek-provided mobile device to send a text or instant message to another employee (or to a citizen or someone not employed by the City of Myrtle Creek) that is harassing or otherwise in violation of the City of Myrtle Creek’s policies prohibiting discrimination, harassment, bullying and retaliation will be subject to discipline up to and including termination.

Nonexempt employees may not use City of Myrtle Creek-provided mobile device for personal purposes outside of their normal work schedule without written authorization in advance from their supervisor. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination. Nothing in this policy removes a nonexempt employee’s obligation from recording time for all hours worked.

Employee Use of City of Myrtle Creek -Provided or Paid For Mobile Devices

Mobile devices may be made available to City of Myrtle Creek employees on a limited basis to conduct City of Myrtle Creek’s business. Determinations as to which employees receive City of Myrtle Creek-provided mobile devices will be made on a case-by-case basis; employees are not guaranteed a cell phone or cellular device. In some cases, the City of

Myrtle Creek may provide a monthly cellular telephone allowance to employees who regularly make calls on behalf of the City of Myrtle Creek away from the office (see the Finance Officer for more information).

Employees who receive a mobile device from the City of Myrtle Creek must agree to not use the mobile device for personal use except in emergency situations and must abide by all aspects of the Mobile Device Policy. Further, employees who receive a cell phone or mobile device from the City of Myrtle Creek must acknowledge and understand that because the mobile device is paid for and provided by the City of Myrtle Creek, or subsidized by the City of Myrtle Creek, any communications (including text messages) received by or sent from the mobile device may be subject to inspection and review if the City of Myrtle Creek has reasonable grounds to believe that the employee's use of the cell phone violates any aspect of the Mobile Device Policy or any other City of Myrtle Creek policy. Employees should have no reasonable expectation of privacy on a City of Myrtle Creek-provided or -paid for mobile device. An employee who refuses to provide the City of Myrtle Creek access to his/her personal mobile device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

Family and friends may not use an employee's City of Myrtle Creek-provided mobile device.

Mobile Devices and Public Records

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

Mobile Device Use While Driving

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

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

C. Use of City of Myrtle Creek Email and Electronic Equipment and Services

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

Ownership

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

Use

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

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

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

Inspection and Monitoring – No Right to Privacy

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

All information and communications in any format, stored by any means on City of Myrtle Creek's electronic equipment or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the City of Myrtle Creek's ownership of the electronic information, electronic equipment or services, or the City of Myrtle Creek's right to inspect such information. The City of Myrtle Creek reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail and other such material to monitor the use of all of the City of Myrtle Creek's electronic equipment and services, including all communications and internet usage and resources/sites visited. The City of Myrtle Creek will override all personal passwords if it becomes necessary to do so for any reason.

Personal Hardware and Software

Employees may not install personal hardware or software on the City of Myrtle Creek's computer systems or mobile devices without approval from the City Administrator. All software installed on City devices must be inspected and installed by the City's IT support service and must be licensed. Copying or transferring of City of Myrtle Creek-owned software to a personal device/equipment may be done only for personal devices/equipment used for City of Myrtle Creek business and with the written authorization of the City Administrator.

Unauthorized Access

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

Security

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

Inappropriate Web Sites

The City of Myrtle Creek's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful or other objectionable materials, or that would otherwise violate the City of Myrtle Creek'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 employees own or someone else's web log or blog, journal or diary, personal or commercial website, social networking web site, web bulletin board or a chat room, whether or not associated or affiliated with the City of Myrtle Creek, as well as any other form of electronic communication.

Ultimately, employees are solely responsible for what employees post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any employee conduct that adversely affects employees job performance, the performance of co-workers, or otherwise adversely affects our citizens or people who work on behalf of the

City of Myrtle Creek or the City of Myrtle Creek's legitimate business interests may result in disciplinary action up to and including termination.

Prohibited Postings

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

Do not create a link from employees blog, website or other social networking site to a City of Myrtle Creek-owned or maintained website without identifying that the you are a City of Myrtle Creek employee.

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

Encouraged Conduct

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

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

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

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

Request for Employee Social Media Passwords

The City of Myrtle Creek's supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through the employee's or applicant's **username** and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a username and password that would otherwise allow a supervisor/manager to access a private email account not provided by the City of Myrtle Creek.

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

E. Confidential City of Myrtle Creek Information

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

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

F. Ethics

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

We at the City of Myrtle Creek 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 employees are coming to the City of Myrtle Creek from work in the private sector, employees 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 employees have questions about whether an activity meets the City of Myrtle Creek's or Oregon's ethical standards, please talk with the City Administrator. Employees who violate the Ethics Policy, or who violate Oregon ethics laws, may be subject to disciplinary action up to and including termination.

G. Open-Door Policy

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

H. Outside Employment

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

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

Employees may not accept outside employment that involves:

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

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

I. Criminal Arrests and Convictions

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

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

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

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

J. Political Activity

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

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

K. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the City of Myrtle Creek (see “Holidays” section, above), the City of Myrtle Creek is open for business to the public Monday through Friday during normal business hours. Departments may have hours of operation that vary based on operational needs. If there are circumstances beyond the city’s control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the City Administrator (or his/her designee) will decide whether to and to what extent the City of Myrtle Creek will close. This will occur in the form of an email or text to Department Directors who will then notify their employees of the closure. Employees will receive inclement weather pay if the City Administrator issue a city-wide closure for inclement weather. Employees who have to work, (i.e. public works, police) will have the hours banked for future use.

M. Driving While on Business

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

The City of Myrtle Creek may verify the validity of employee's driver's license and/or employee's driving record at the time of hire and at any point during employee's employment.

While on City of Myrtle Creek business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within 72 hours of the change or new restrictions/limitations. See also, "Mobile Device Use While Driving" policy, above.

Employees who receive a ticket or citation while driving a City of Myrtle Creek-owned vehicle or while on City of Myrtle Creek business will be responsible for paying the fine (if any) associated with the ticket or citation and may face discipline up to and including termination.

N. Workplace Violence

The City of Myrtle Creek recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person's life, health, well-being, family, or property will be dealt with in a zero-tolerance manner by the City of Myrtle Creek.

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with the City of Myrtle Creek, or that threaten the safety, security or financial interests of the City of Myrtle Creek. Employees are also strongly encouraged to report threats or acts of violence by non-employees, such as vendors or citizens, against any employee, volunteer or elected official. Employees should make such reports directly to their immediate supervisor or City Administrator.

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

O. Workplace Inspections — No Right to Privacy or Confidentiality

This policy applies to inspections and investigations conducted by the City of Myrtle Creek pursuant to policy or law unless otherwise modified by a different policy in this Handbook.

An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voicemail systems and computer systems. *Employees are strongly discouraged from storing personal items in the desks, lockers, work areas, file cabinets and other office equipment or furniture, as well as voicemail and computer systems assigned to them by the City of Myrtle Creek; 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

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

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

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

Q. Hiring of Family Members

Relatives of current employees, or individuals involved in an intimate personal or financial relationship with a current employee, are eligible for hire at the City of Myrtle Creek subject to the same selection process and job requirements and will be evaluated in the same manner as any other applicant. However, persons will not be hired or promoted into positions in which one family member (as defined by Oregon law) or person involved in an intimate personal or financial relationship, would fall under the direct line of supervision of the other family member or partner.

All employees shall avoid being in a position where they are subject to supervisory or oversight authority by a family member, member of their household, or a person with whom they have an intimate personal or financial relationship. If the relative relationship is established after employment as a result of organizational restructure, marriage, or a development of an intimate personal or financial relationship, the employees involved have an obligation to immediately inform their supervisor, or City Administrator. The employees and the City of Myrtle Creek will jointly make a good faith effort to find an alternative assignment for one of the two employees. Depending on business need, this may include, but is not limited to restructuring duties, assignment to another position, and assignment to another shift or change in supervision. If no alternative assignment is available, the two employees will have 30 days to decide who will resign. If a decision is not made within 30 days, the City of Myrtle Creek will make the final decision, based on the operational and financial needs.

Policy violations including, but not limited to, failure to disclose a family relation, or an intimate personal or financial relationship, will be investigated by the City of Myrtle Creek. Policy violations may result in progressive discipline of employees, up to and including

termination of employment. Supervisors and lead workers may be disciplined for taking employment actions based upon the relationship.

VI. Termination of Employment

A. Workplace Rules and Prohibited Conduct

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

- Falsification of employment or other City of Myrtle Creek records.
- Recording of work time of another employee or allowing any other employee to record work time or allowing falsification of any time sheets (employee's own or another employee's).
- Theft or the deliberate or careless damage or destruction of any City of Myrtle Creek property, or the property of any other employee, citizen, vendor or third party.
- Unauthorized use of City of Myrtle Creek equipment, materials or facilities.
- Provoking a fight or fighting during work hours or on City of Myrtle Creek property.
- Carrying firearms or any other dangerous weapon on City of Myrtle Creek premises at any time.
- Engaging in criminal conduct while at work.
- Causing, creating or participating in a significant or substantial disruption of work during working hours on City of Myrtle Creek property.
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another City of Myrtle Creek employee, customer or vendor.
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Failure to observe work schedules, including rest breaks and meal periods. Employees are expected to be at work on time, remain until their workday ends, and perform the work assigned to or requested of employees.
- Sleeping or malingering on the job.
- Excessive personal telephone calls or texts during working hours.
- Unprofessional appearance during normal business hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City of Myrtle Creek.
- Misrepresentation of City of Myrtle Creek policies, practices, procedures, or employee's status or authority to enter into agreements on behalf of the City of Myrtle Creek. Employees may not use the City of Myrtle Creek's name, logo, likeness, facilities, assets or other resources of the City of Myrtle Creek for personal gain or private interests.
- Violations of the Ethics Policy or Oregon's Ethics laws.
- Violation of any safety, health, security or City of Myrtle Creek policy, rule or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the City of Myrtle Creek or outside regulatory or legislative bodies.

- Harassment or discrimination that violates City of Myrtle Creek policy.

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

B. Corrective Action/Discipline Policy

Employees are expected to perform to the best of their abilities at all times. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an act that is inappropriate. When performance or conduct does not meet City of Myrtle Creek standards, the City of Myrtle Creek will determine whether it will terminate the employee’s employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline (such as, in no particular order, verbal warnings, written warnings, suspensions without pay, and demotions). The corrective action process will not always commence with a verbal counseling or include a sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offense.

In lieu of terminating the employment of an employee for serious violations of City of Myrtle Creek policies, procedures and rules and for other inappropriate behavior or conduct, the City of Myrtle Creek may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement. The City of Myrtle Creek may also choose to send the employee to a training or an education opportunity.

In all cases, the City of Myrtle Creek will determine the nature and extent of any discipline based upon the circumstances of each individual case and, where applicable, collective bargaining agreement provisions. The City of Myrtle Creek may proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when the City of Myrtle Creek deems such action appropriate. The City of Myrtle Creek retains the right to terminate any employee’s employment at any time and for any reason, with or without advance notice or other prior disciplinary action (other than those employees who are subject to a collective bargaining agreement or contract of employment).

C. Retirement or Resignation from Employment

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

Employees who miss three or more consecutive workdays without contacting their immediate supervisor are typically considered to have resigned their employment.

If the employee’s decision to resign is based on a situation that could be corrected, the employee is encouraged to discuss it with the City Administrator before making a final decision.

Employees must return all City of Myrtle Creek property, including phones, computers, identification cards, credit cards, keys, and manuals, to their immediate supervisor on or before their last day of work.

D. References

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

By policy, the City of Myrtle Creek discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

Employee Acknowledgement

Acknowledgment of Receipt of Personnel Policies

I acknowledge that I have received and will read a copy of the City of Myrtle Creek's Employee Handbook. I also understand that a copy of the handbook is available to me at any time to review at City Hall.

I understand that the City of Myrtle Creek has adopted the 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 the City of Myrtle Creek's sole discretion. I also understand that the handbook has control over any other contradictory statements, other than those found in applicable collective bargaining agreements. I acknowledge that the 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 the City of Myrtle Creek or I may terminate my employment relationship at any time, for any lawful reason, with or without cause, and with or without notice, unless my employment is covered under a collective bargaining agreement. Other than promises that may be found in that collective bargaining agreement, I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement.

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

During my employment with the City of Myrtle Creek, 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.

Springbrook Special Road District
PO Box 2014
Myrtle Creek, OR 97457

February 2, 2021

The City of Myrtle Creek
207 NW Pleasant St.
Myrtle Creek, OR 97457

To Whom It May Concern,

On June 16, 2020 The City of Myrtle Creek officially withdrew three properties from the Springbrook Special Road District. This section of the road is a gravel road. The Springbrook Board would like to propose that we collaborate on the annual maintenance of the road.

Springbrook Road, the gravel portion, is approximately two miles, the withdrawn portion being approximately two tenths of a mile or 10% of the road. We are proposing The City of Myrtle Creek work together with us to cover the cost of the grading/rolling/rock and dust abatement. Last year the cost of annual maintenance was as follows:

Grading/rolling/rock:	\$5, 809.00	
Dust abatement:	\$8,040.00	
Total:	\$13,849.00	Split: \$1,384.90/\$12,464.10

Therefore, the split cost would have been 10/90, The City of Myrtle Creek/Springbrook Special Road District. We are not asking for a specific dollar amount, just the percentage split, as the costs change each year.

Current Springbrook Road District board members are:

Robert Hase	541-670-2274
Mike Sherwood	541-863-9501
Sandy Edwards	541-680-9060

We look forward to your input.

Sincerely,

Springbrook Road District Board
springbrookrddistrict@gmail.com

Myrtle Creek - City Council Agenda Report

Agenda item: SCADA System Upgrade

Meeting Date:	January 3, 2023	Primary Staff Contact:	Steve Ledbetter
Department:	Public Works	E-Mail:	sledbetter@myrtlecreek.org
Secondary Dept.:		Secondary Contact:	

Issue before the Council:

Approval to upgrade SCADA system for sewer plant

Staff Recommendation:

Staff recommends the approval to upgrade the SCADA system for the sewer plant.

Background:

Refer to letter from Public Works Director

Related City Policies:

Procurement policy

Fiscal Impact:

\$89,446, the cost of new hardware and software. Project will be allocated to the Sewer Plant Capital Project Budget which has \$95,000 budgeted.

Council Options:

Council can approve the upgrade of the sewer plant SCADA system.

Council can deny the upgrade of the sewer plant SCADA system.

Council can take no action.

Potential Motion:

I motion to approve the City to upgrade the sewer plant SCADA system in the amount of \$89,446 which will be allocated to the sewer plant capital budget.



CITY OF MYRTLE CREEK

P.O. BOX 940, 207 NW PLEASANT ST., MYRTLE CREEK OR 97457
(541) 863-3171 FAX (541) 863-6851

December 16, 2022

Repair and upgrade of the wastewater plant S.C.A.D.A. system:

We have the SCADA at the wastewater plant that was installed in 2003, this system allows us to make operational changes to the process. In October of this year, we lost the hard drive in the computer that controls the system. It was repaired as well as it could be but we were informed at that time that our entire SCADA system was obsolete. The problem with that is if we lose one of our PLC's (our system has 4 of them), which are no longer available, we will lose the ability to control the system. We need to upgrade this system as it is critical to sewer plant operations.

The upgrade will be done over a couple of budget cycles because of the cost. The first phase will be to upgrade all of the PLC's, purchase a new computer, and upgrade the Rockwell software and configuration. The cost of the first phase is around \$80,000, I had budgeted \$75,000 in capital equipment to upgrade our centrifuge but feel we can wait on that upgrade as the SCADA system is much more critical to operations. I also have \$10,000 in system improvements so the money for the first phase is already budgeted, I would recommend that we proceed with this critical repair and upgrade as I consider this an emergency as we have to be able to monitor operations and make adjustments accordingly and monitor the flows coming in and going out. If this system goes down, we will lose those abilities until repairs are made.

Thank You, Steve Ledbetter

A handwritten signature in black ink that reads "Steve Ledbetter".

Public works director



Quote

The Automation Group, Inc.

www.tag-inc.us

CCB #172838

Phone: 541-359-3755

Quote #221215G

Dec. 15, 2022

Steve Ledbetter
Myrtle Creek WWTP

RE: Myrtle Creek WWTP - PLC & SCADA System Upgrade

Project Scope:

TAG is providing a Quote to Supply and install the following SCADA System Upgrade including program conversions. The 4 PLC Processors will be upgraded to the current L8x series and 3 of the Panelviews will be upgraded. The ControlNet connection from the HMI/SCADA to the PLC will be replaced with Ethernet.

Materials:

- Dell PC with RAID 1 SSDrives and Monitor – Windows 10
- Support Contract to upgrade existing software – PLC and HMI Development
- Upgrade from RSView 32 to FTView SE Station
- Dream Reports
- (3) Panelviews
- (4) L81 Processors
- (4) Ethernet Switches
- Direct Burial Shielded Cat6A Ethernet Cable

Tasks:

- Convert RSView 32 HMI Program to FTView SE Station
- Upgrade All Rockwell Software and install on PC
- Upgrade and install (3) Panelviews
- Install (4) Ethernet Switches
- Convert and Install (4) PLC Processors
- Install and Setup Reports for Alarming and Flow Totals
- Install and terminate Ethernet cabling between Processors

Clarification/Exclusions:

- Pricing is based on retrieving the Panelview programs from the existing units or from backups. If the files are not found then the Panelview development will be an additional cost.
- TAG's Labor Pricing is not affected by the National Supply Chain Shortages, but due to Vendors rapidly increasing material prices, we may need to reprice some materials at time of order.
- Lead Times for specific materials are very unpredictable at this time and cannot be verified until orders are placed. We are also seeing some items slipping from the predicted delivery dates after order by a few weeks and also seeing some items showing up early. TAG will track progress on orders and provide updates.
- Payments with Credit Cards will have additional charges added to the price below based on the current % rate of the processor.

Price.....\$89,446.00

Thank you,
Gary Jenks
Gary Jenks
(541) 912-3766
gjenks@tag-inc.us

TAG standard terms apply

Myrtle Creek - City Council Agenda Report

Agenda item: Painting of South Water Tank

Meeting Date:	January 3, 2023	Primary Staff Contact:	Lonnie Rainville
Department:	Public Works	E-Mail:	lrainville@myrtlecreek.org
Secondary Dept.:		Secondary Contact:	

Issue before the Council:

Approval to put out to bid exterior painting of South Water Tank

Staff Recommendation:

Staff recommends the approval to put the painting of the exterior of the South Water Tank out for bid.

Background:

During the last inspection of the south tank, it was identified that there were areas where the tank paint had begun to flake off and areas of rust were forming. In order to maintain the integrity of the tank it was recommend painting the exterior of the tank.

We had the company that does the tank inspections for the city provide an estimate for the cost of painting the tank. The estimate came in at \$195,300 for the exterior painting. City procurement policy would require the project to be put out for bid. If approved the project would be put out to Mid-January with a bid closing date the Mid-February. The project would need to be completed prior to the end of May, prior to high water usage begins.

Related City Policies:

Procurement policy

Fiscal Impact:

\$195,300 to be paid 50% out of Water Construction Capital Project and 50% ARPA.

Council Options:

Council can approve to put the project out to bid

Council can deny putting the project out to bid.

Council can take no action.

Potential Motion:

I motion to approve the City to put the painting of the south water tank out to bid.



CITY OF MYRTLE CREEK 500 KG STEEL WELDED FIRE SUPPRESSION TANK RE- LINING PROPOSAL COATING PROPOSAL

Applicators of High-Performance Coatings | Potable Water Storage Facilities 1500
Standiford Ave. Modesto, CA 95355. Ph: (209) 303-3460 Fax: (408) 707-1490

Any Questions

Chris
Christophersen

(209) 303 3460

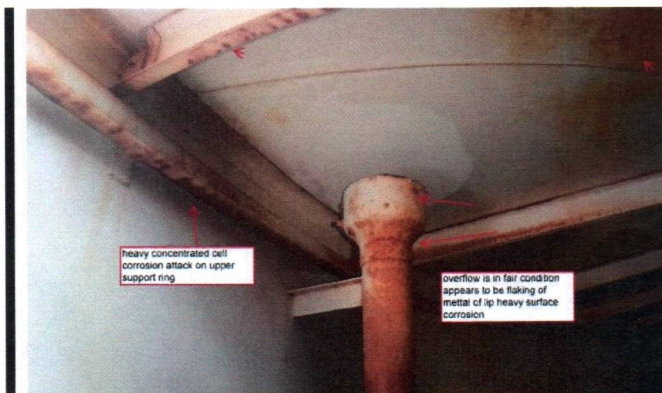
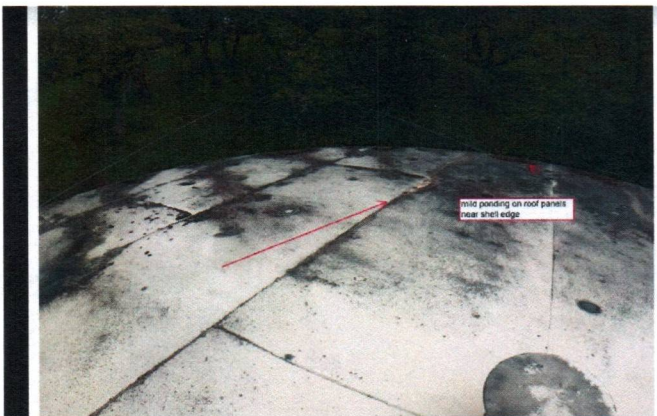
chris@mitdivingcoating.com



Business Address:

1500 Standiford Avenue
Modesto CA, 95355
Office: (209) 382-9155
Mobile: (209) 303-3460
chris@mitdivingcoating.com
Fax:(408) 707-1490

December 8th, 2022
Steve Ledbetter
Public Works Director
City Of Myrtle Creek
Phone: 541-863-5300
Cell (541)-643-6709
Fax: 541-863-0431
sledbetter@ci.myrtle-
creek.or.us



Site Location:

43.01797, -123.28824

Interior Relining
500KG On-Grade
Steel-Bolted
75'D x 32'H

Dear Steve,

We are pleased to quote the following for the above referenced tank interior needs.

We will provide equipment, materials, labor, and insurance. This will be for the complete interior preparations and application of the 500KG Steel welded water tank.

Scope of Work | 500KG Steel-Welded Tank Interior Re-Lining.

INTERIOR | Poly urea 5502 or Sherplate / macropoxy 646

Complete interior sandblasting to a near white metal blast finish. SSPC No 10 (minimum)

Profile: 2- 3 mil (75 micron) dense, sharp anchor profile

DESCRIPTION Polyeuro® 5502-PW is ANSI/NSF 61 or equivalent approved for direct contact with potable water. It is a fast setting, rapid curing, 100% solids, flexible, aromatic, two component spray polyurea that can be applied to suitably prepared concrete and metal surfaces. Its extremely fast gel time makes it suitable for applications down to -20°F. It may be applied in single or multiple applications without appreciable sagging and is relatively insensitive to moisture and temperature allowing application in most temperatures. Polyeuro® 5502-PW offers a tack free time of less than forty-five seconds and exhibits 450% elongation upon curing with 50 Shore D hardness.

FEATURES

- ❖ ANSI/NSF 61 Approved for Potable Water
- ❖ Zero VOC (100% Solids)
- ❖ Excellent Thermal Stability
- ❖ Seamless
- ❖ Odorless
- ❖ Low Temperature Flexibility
- ❖ Meets USDA Criteria
- ❖ Good Chemical Resistance
- ❖ No Toxic Vapors
- ❖ Suitable for 5 gallon tanks or larger
- ❖ Coats Carbon or Mild Steel Metals without primer
- ❖ Installed With or Without Reinforcement in Transitional Areas

TYPICAL USES

- ❖ Potable Water Tanks
- ❖ Concrete or Metal
- ❖ Potable Water Pipes

COLORS

- ❖ Clear/Neutral.
- ❖ Custom colors are available upon request.

PACKAGING

- ❖ 10 gallon kit: 5 gallons Part-A (Isocyanate side) and 5 gallons Part-B (Resin side).
- ❖ 100 gallon kit: 50 gallons Part-A (Isocyanate side) and 50 gallons Part-B (Resin side).

Interior Quote will be \$364,075.00

Exterior Quote will be \$195,300.00

Payment Terms

50% upfront 50% upon completion

Insurance

Marine Industrial Tank Inc has a minimum of \$2,000,000 liability and \$2,000,000 aggregate insurance.

Conditions of Re-coating Rates

Marine Industrial Tank Inc will clean up area and remove all equipment and trash upon completion, maintaining an orderly and clean work area daily and throughout the project. Any Fabrication needed that is not listed above will be added as a second line item if needed Total does not include any temporary water system, abrasive, hazardous or lead paint abatement and or disposal.

Initial Here _____

Chris Christophersen, Lead Estimator

Date: Dec 8th, 2022

To accept, please sign and date proposal. Please fax both pages to (408) 707-1490.

Printed Name and Title

Date

Signature



Myrtle Creek

Homelessness in Public
Spaces Review

January 2023

Background on Issue:

Over the past few years, the homelessness crisis has intensified and the legal parameters around how a city manages its public property to comply with all legal principles and protects its public investments and become a priority for city governance. Two key federal court cases, *Martin v. Boise* and *Blake v. Grants Pass*, have created precedence for manner in which cities regulate their public property. In addition to these two cases Oregon enacted HB 3115 which expanded and codified several of the key holdings within the court decisions and HB 3124 which dictated the manner in which cities can regulate their public property regarding its use by people experiencing homelessness.

Legal Review:

A. The Eighth Amendment to the U.S. Constitution

The Eighth Amendment to the U.S. Constitution states that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. In 1962, the U.S. Supreme Court, in *Robinson v. California*, established the principle that “the Eighth Amendment prohibits the state from punishing an involuntary act or condition if it is the unavoidable consequence of one’s status or being.” 370 U.S. 660 (1962).

B. Martin v. Boise

In 2018, the U.S. 9th Circuit Court of Appeals, in *Martin v. Boise*, interpreted the Supreme Court’s decision in *Robinson* to mean that the Eighth Amendment to the U.S. Constitution prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter because sitting, lying, and sleeping are universal and unavoidable consequences of being human. The court declared that a governmental entity cannot criminalize conduct that is an unavoidable consequence of being homeless – namely sitting, lying, or sleeping.

The 9th Circuit clearly stated in its *Martin* opinion that its decision was intentionally narrow, and that some restrictions on sitting, lying, or sleeping outside at particular times or in particular locations, or prohibitions on obstructing the rights of way or erecting certain structures, might be permissible.

Cities are allowed to impose city-wide prohibitions against persons sitting, sleeping, or lying in public, provided the city has a shelter that is accessible to the person experiencing homelessness against whom the prohibition is being enforced. Even if a city lacks enough shelter space to accommodate the specific person experiencing homelessness against whom the prohibition is being enforced, it is still allowed to limit sitting, sleeping, and lying in public places through reasonable restrictions on the time, place and manner of these acts (where, when, and how) although what constitutes a reasonable time, place and manner restriction is often difficult to define.

What is clear from the *Martin* decision is the following:

1. Cities cannot punish a person who is experiencing homelessness for sitting, sleeping, or lying on public property when that person has no place else to go;
2. Cities are not required to build or provide shelters for persons experiencing homelessness;
3. Cities can continue to impose the traditional sit, sleep, and lie prohibitions and regulations on persons who do have access to shelter; and
4. Cities are allowed to build or provide shelters for persons experiencing homelessness.

After *Martin*, the following is unknown:

1. What other involuntary acts or human conditions, aside from sleeping, lying and sitting, are considered to be an unavoidable consequence of one's status or being?
2. Which specific time, place and manner restrictions can cities impose to regulate when, where, and how a person can sleep, lie or sit on a public property?
3. What specific prohibitions can cities impose that will bar a person who is experiencing homelessness from obstructing the right of way?
4. What specific prohibitions can cities impose that will prevent a person who is experiencing homelessness from erecting a structure, be it temporary or permanent, on public property?

C. Blake v. Grants Pass

Adding to the *Martin* case the 9th Circuit or the U.S. Supreme Court, issued an opinion, *Blake v. Grants Pass*, which provided some clarity, but also provided an additional layer of complexity.

From the *Blake* case the following was defined:

1. Whether a city's prohibition is a civil or criminal violation is irrelevant. If the prohibition punishes an unavoidable consequence of one's status as a person experiencing homelessness, then the prohibition, regardless of its form, is unconstitutional.
2. Persons experiencing homelessness who must sleep outside are entitled to take necessary minimal measures to keep themselves warm and dry while they are sleeping.
3. A person does not have access to shelter if:
 - a. They cannot access the shelter because of their gender, age, disability or familial status;

- b. Accessing the shelter requires a person to submit themselves to religious teaching or doctrine for which they themselves do not believe;
- c. They cannot access the shelter because the shelter has a durational limitation that has been met or exceeded; or
- d. Accessing the shelter is prohibited because the person seeking access is under the influence of some substance (for example alcohol or drugs) or because of their past or criminal behavior.

Much like *Martin*, the *Blake* decision left some unanswered questions. The key unknown after *Blake*, is: What constitutes a minimal measure for a person to keep themselves warm and dry – is it access to a blanket, a tent, a fire, etc.?

D. House Bill 3115

HB 3115 requires that any city or county law regulating the acts of sitting, lying, sleeping or keeping warm and dry outside on public property must be “objectively reasonable” based on the totality of the circumstances as applied to all stakeholders, including persons experiencing homelessness. What is objectively reasonable may look different in different communities. The bill retains cities’ ability to enact reasonable time, place, and manner regulations, aiming to preserve the ability of cities to manage public spaces effectively for the benefit of an entire community.

HB 3115 has an implementation date of July 1, 2023, to allow local governments time to review and update ordinances.

HB 3115 codified into state law the requirements defined in *Martin* and *Blake*. The bill provided no further clarity to the judicial decisions, but it also imposed no new requirements or restrictions.

E. House Bill 3124

HB 3124 does two things. First, rules for how a city is to provide notice to homeless persons that an established campsite on public property is being closed, found at ORS 195.500, *et seq.* Second, it gives instructions on how a city is to oversee and manage property it removes from an established campsite located on public property. HB 3124 applies to public property; it is not applicable to private property. This means that the rules and restrictions imposed by HB 3124 are not applicable city-wide, rather they are only applicable to property classified as public.

When a city seeks to remove an established campsite located on public property, it must do so within certain parameters. A city is required to provide 72-hour notice of its intent to remove the established camp site. Notices of the intention to remove the established camp site must be posted at each entrance to the site. In the event of an exceptional emergency, or the presence of illegal activity other than camping at the established campsite, a city may act to remove an established camp site from public property with less than 72-hour notice. Examples of an

exceptional emergency include possible site contamination by hazardous materials, a public health emergency, or immediate danger to human life or safety.

While HB 3124 fails to define what constitutes an established camping site. With no clear definition of what the word established means, guidance on when the 72-hour notice provisions of HB 3124 apply is difficult to provide.

When removing items from established camp sites, the following are statutory requirements:

1. Items with no apparent value or utility may be discarded immediately;
2. Items in an unsanitary condition may be discarded immediately;
3. Law enforcement officials may retain weapons, drugs, and stolen property;
4. Items reasonably identified as belonging to an individual and that have apparent value or utility must be preserved for at least 30 days so that the owner can reclaim them;
and
5. Items removed from established camping sites must be stored in a facility located in the same community as the camping site from which it was removed.

Other Factors to be aware of

A. Motor Vehicles and Recreational Vehicles

The City should consider how its ordinances and policies relate to car and RV camping, and any legal consequences that might arise if such regulations are combined with ordinances regulating sitting, lying, sleeping, or camping on public property. Motor and recreational vehicles, their location on public property, their maintenance on public property, and how they are used on or removed from public property are heavily regulated by various state and local laws, and how those laws interact with a city's ordinance regulating sitting, lying, sleeping, or camping on public property is an important consideration of this process.

B. State Created Danger

In 1989, the U.S. Supreme Court, in *DeShaney v. Winnebago Cnty. Dep't of Soc. Servs.*, interpreted the Fourteenth Amendment to the U.S. Constitution to impose a duty upon the government to act when the government itself has created dangerous conditions. This interpretation created the legal principle known as State Created Danger. 489 U.S. 189 (1989). The 9th Circuit has interpreted the State Created Danger doctrine to mean that a governmental entity has a duty to act when the government actor "affirmatively places the plaintiff in danger *Human Rights v. City of Los Angeles*, 2021 WL 1546235.

The State Created Danger principle has three elements. First, the government's own actions must have created or exposed a person to an actual, particularized danger that the person would not have otherwise faced. Second, the danger must have been one that is known or

obvious. Third, the government must act with deliberate indifference to the danger. *Id.* Deliberate indifference requires proof of three elements:

- (1) there was an objectively substantial risk of harm;
- (2) the [state] was subjectively aware of facts from which an inference could be drawn that a substantial risk of serious harm existed; and
- (3) the [state] either actually drew that inference or a reasonable official would have been compelled to draw that inference.

Many cities are choosing to respond to the homeless crisis, the legal decisions of *Martin* and *Blake*, and HB 3115, by creating managed homeless camps where unhoused persons can find shelter and services that may open the door to many State Created Danger based claims of wrongdoing (e.g. failure to protect from violence, overdoses, etc. within the government sanctioned camp).

In California, at least one federal district court has recently ruled that cities have a duty to act to protect homeless persons from the dangers they face by living on the streets, with the court's opinion resting squarely on the State Created Danger principle.

When imposing reasonable time, place, and manner restrictions to regulate the sitting, sleeping or lying of persons on public rights of way, the City should consider whether its restrictions, and the enforcement of those restrictions, trigger issues under the State Created Danger principle. When removing persons and their belongings from public rights of way, cities should be mindful of whether the removal will implicate the State Created Danger principle.

C. What the City cannot do:

1. The City cannot punish a person who is experiencing homelessness for sitting, sleeping, or lying on public property when that person has no place else to go.
2. The City cannot prohibit persons experiencing homelessness from taking necessary minimal measures to keep themselves warm and dry when they must sleep outside.
3. The City cannot presume that a person experiencing homelessness has access to shelter if the available shelter options are:
 - a. Not accessible because of their gender, age, or familial status;
 - b. Ones which require a person to submit themselves to religious teaching or doctrine for which they themselves do not believe;
 - c. Not accessible because the shelter has a durational limitation that has been met or exceeded; or

- d. Ones which prohibit the person from entering the shelter because the person is under the influence of some substance (for example alcohol or drugs) or because of their past or criminal behavior.

D. What the City may potentially do:

1. The City may impose reasonable time, place, and manner restrictions on where persons, including those persons experiencing homelessness, may sit, sleep, or lie. Any such regulation imposed by a city should be carefully vetted with the city's legal advisor.
2. The City may prohibit persons, including those persons experiencing homelessness, from blocking rights of way. Any such regulation should be carefully reviewed by the city's legal advisor to ensure the regulation is reasonable and narrowly tailored.
3. The City may prohibit persons, including those persons experiencing homelessness, from erecting either temporary or permanent structures on public property. Given that cities are required, by *Blake*, to allow persons experiencing homelessness to take reasonable precautions to remain warm and dry when sleeping outside, any such provisions regulating the erection of structures, particularly temporary structures, should be carefully reviewed by a legal advisor to ensure the regulation complies with all relevant court decisions and Oregon statutes.
4. If a city chooses to remove a camp site, when the camp site is removed, cities may discard items with no apparent value or utility, may discard items that are in an unsanitary condition, and may allow law enforcement officials to retain weapons, drugs, and stolen property.
5. Cities may create managed camps where person experiencing homelessness can find safe shelter and access to needed resources. In creating a managed camp, cities should work closely with their legal advisor to ensure that in creating the camp they are not inadvertently positioning themselves for a State Created Danger allegation.

Next Steps:

Review all ordinances and policies with your legal advisor to determine which ordinances and policies, if any, are impacted by the court decisions or recently enacted statutes.

Review the City's response to the homelessness crisis with its legal advisor to ensure the chosen response is consistent with all court decisions and statutory enactments.

Decide if the City will exclude persons experiencing homelessness from certain areas of the city for violating a local or state law, the person must be provided the right to appeal that expulsion order, and the order must be stayed while the appeal is pending.

If the city chooses to remove a homeless person's established camp site, the city must provide at least 72-hour notice of its intent to remove the site, with notices being posted at entry point into the camp site.

If the city obtains possession of items reasonably identified as belonging to an individual and that item has apparent value or utility, the city must preserve that item for at least 30 days so that the owner can reclaim the property, and store that property in a location that complies with state law.

Codes Already Identified to be Reviewed for Compliance with Homelessness Legislation

- A. 18.90 – Off Street Parking
- B. 9.05.150 – Criminal Code-Prohibited Camping
- C. 18.75.110 – Land Use Declared to be Nuisance
- D. 12.25 – Parks
- E. 18.125 – Trailer Houses and Trailer Coaches

Reference:

League of Oregon Cities (June, 2022). Guide to Persons Experiencing Homelessness in Public Spaces.