



# HUMAN RESOURCES RULES

2020

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## SECTION 1: GENERAL PROVISIONS

### 1.01 PURPOSE

The Human Resources Rules (referred to herein as “Rules”) sets forth the personnel rules anticipated in Salem Revised Code (SRC) 2.425. The Rules provide the practices and procedures followed by the City of Salem in the administration of its human resources program.

In the event an apparent conflict exists between these Rules and applicable law, the Rules shall be construed to the extent possible to be consistent with the applicable law, but if the Rules cannot be construed to be consistent, the applicable law shall control. Notwithstanding the above, a Rule that provides greater benefit to employees than that provided by applicable law shall not be deemed in conflict with applicable law to the extent allowed by applicable law. Should any section or portion of these Rules be unlawful or unenforceable, all other sections and provisions of the Rules shall remain in effect. The provisions of these Rules are not conditions of employment. The City reserves the right at any time to withdraw or amend any portion of these Rules as they apply to current or future employees.

Nothing contained herein creates, nor should be construed to create, contractual or vested rights.

Employees of the Salem Housing Authority can find their Human Resources Rules at <\\sha-fs\groups\Plans and Policies\HR Rules\SHA HR Rules.pdf>.

### 1.02 AUTHORITY

The administration of the human resources program and personnel rules is established in SRC 2.415 - 2.435. The Human Resources Director is appointed by and responsible to the City Manager. The Human Resources Director is responsible for administering the human resources program, maintaining the personnel rules, and making necessary amendments or revisions to the Rules.

### 1.03 COLLECTIVE BARGAINING AGREEMENTS

The City has collective bargaining agreements with the Salem Professional Fire Fighters, International Association of Fire Fighters, Local 314 (IAFF), the Salem Police Employees' Union (SPEU), 911 Professional Communication Employees' Association (PCEA), Local 2067, American Federation of State, County, and Municipal Employees (AFSCME), and the Salem City Attorney's Collective Bargaining Unit (SCABU). The provisions of these Human Resources Rules apply only for matters not addressed in the collective bargaining agreements. In the event of a conflict between these Rules and any applicable collective bargaining agreement, the collective bargaining agreement shall control.

#### 1.04 APPLICATION TO CIVIL SERVICE

These Rules shall apply to employees in civil service classifications in the Fire Department only to the extent that they do not conflict with the Civil Service provisions of the City Charter and any Civil Service Rules promulgated pursuant to the City Charter. Provisions relating to the appointment, promotion, and tenure of employees in Civil Service classifications are contained in the Civil Service provisions of the City Charter and the Civil Service Rules. To the extent that there is any conflict between any of these Rules and the Civil Service provisions of the Charter, the Charter provisions shall control.

#### 1.05 APPLICABILITY

- A. CAREER SERVICE. Career service (full-time and part-time) is comprised of all budgeted full-time equivalent (FTE) positions with the City of Salem that are not included in the exempt service. Unless otherwise specifically noted, these Rules apply to the career service only.
- B. EXEMPT SERVICE. City of Salem employees in the exempt service are at-will and serve at the discretion of the appointing authority. Positions in the exempt service are not subject to the provisions of these Rules except where noted. In the event an employee who is a member of the exempt service is hired for a position in the career service covered by these rules, the employee will be required to complete a probationary period in the new role, in accordance with section 5.02 of these rules. As used in these rules, exempt service does not necessarily mean the position is over-time exempt under FLSA.

The exempt service is comprised of the:

- City Manager
- Deputy City Manager
- City Attorney
- Department Directors
- Seasonal, part-time exempt, or limited duration positions
- Municipal Judge and Municipal Pro Tempore Judges
- Hearings Officers

#### 1.06 ADOPTION AND AMENDMENT OF RULES

The Human Resources Director shall prepare and recommend revisions and amendments to the Rules and policies necessary to carry out the provisions of the SRC, and state or federal law.

Provisions of these Rules which may be required by federal and state laws are subject to immediate change in order to comply with current and future changes in laws and regulations.

## 1.07 PERSONNEL RECORDS

The Human Resources Department (“Human Resources”) will maintain personnel records for all City employees. These records shall be the official records of the City and shall contain official reports, memos, letters, personnel actions, etc., relating to employee performance and employment status. Department directors or designees shall submit the appropriate documentation to Human Resources to ensure that the City appoints and pays all employees in accordance with these Rules.

Personnel files shall *not* contain:

- Medical records
- Conviction or arrest records
- Records of investigation of criminal conduct
- Confidential reports from previous employers
- Information related to an employee’s citizenship or immigration status
- I-9 forms
- EEOC Self-Identification Information
- Other materials that are excluded or maintained separately by federal or state law

Human Resources shall keep medical records, I-9 forms, and confidential reports in separate files and shall maintain those documents as prescribed under state or federal law ([Link to APP #4.6 HIPPA Policy](#)).

No information shall be placed in an employee’s personnel record that reflects critically upon an employee unless it bears either the signature or initials or electronic acknowledgment of the employee indicating that the employee has seen the document. If the employee has seen the document but refuses to sign, initial, or electronically acknowledge it, the supervisor must make a notation that the employee received a copy of the document and refused to acknowledge or sign. The employee’s department shall provide the employee with a copy of the document when making it part of the employee’s personnel record.

Letters of caution, consultation, warning, admonishment, or reprimand shall not be used in any subsequent evaluation or disciplinary proceeding involving the employee after three years of having been placed in the personnel record, unless there have been recurrences of a similar nature. After the three-year period, and in the absence of one or more recurrence of a similar infraction, the employee may request that the Human Resources Director remove the letters. Human Resources will not remove information if it pertains to an employee’s pay or benefits.

- A. RECORDS REVIEW. Employees may review their records in the Human Resources Department during regular City office hours. Supervisors will have access to the personnel records of subordinates. Supervisors will not be allowed access to medical files, I-9 records, confidential records or workers’ compensation

records. Personnel records shall not be removed from the Human Resources Department.

B. EMPLOYEE ADDRESS. Employees are responsible for ensuring that their personal information (legal name, home address, home telephone number, person to call in case of emergency, etc.) is up-to-date and accurate.

C. PUBLIC DISCLOSURE. Information in personnel records will be treated as exempt from public disclosure to the extent provided by Oregon Public Records Law. The City will only release information in personnel records which is exempt under Oregon's Public Records Law or when required to by law.

D. CHANGES TO EMPLOYEE STATUS AND PAY. City departments must report to Human Resources every change to an employee's status or pay. These changes include, but are not limited to:

- Appointment
- Change of pay rate
- Demotion
- Dismissal
- Internal appointment
- Layoff
- Leave of absence
- Leave without pay
- Military leave
- Other administrative leave
- Performance evaluation
- Promotion
- Protected leave
- Reassignment
- Reclassification
- Suspension

## 1.08 RESIDENCY

The City of Salem encourages employees to live within the city limits. Employees whose jobs require that they respond to emergency situations must live close enough to the city so that they can respond to the emergency needs of the city within a reasonable time as determined by the City of Salem.

## SECTION 2: CLASSIFICATION PLAN

### 2.01 PURPOSE

The purpose of the classification plan is to provide a systematic arrangement of positions



classifications and to provide accurate descriptions and specifications for each classification.

The classification plan shall standardize titles, each of which shall be indicative of a definite range of duties and responsibilities and have the same meaning throughout all divisions of the City of Salem.

## 2.02 MAINTENANCE

The Human Resources Director shall be responsible to the City Manager for the maintenance of a position classification plan which shall group all positions based upon their duties, authority, and responsibilities. The Human Resources Director may allocate positions to the appropriate classification and may make revisions in the classification plan which shall consist of additions, abolishment, consolidations, divisions, or amendments to existing classifications. All newly created classifications require adoption by City Council.

## 2.03 CLASSIFICATION SPECIFICATIONS

- A. **CONTENT OF SPECIFICATIONS.** Human Resources shall write and maintain classification specifications for all active job classifications in the city. A classification specification is the written description of a classification and shall include a title, EEOC category, FLSA designation, statement of job duties, authority, responsibility, essential functions, physical requirements and minimum qualifications.

The classification title shall be the official title used on all personnel actions, payroll records, budget documents, official records, and reports relating to the position. Any other working title desired and authorized to be used by the Department Director may be used as a designation of any particular position. The working title shall be an accurate reflection of actual duties and responsibilities of a position but shall not be intended to elevate one's position or role in the organization.

- B. **INTERPRETATION OF SPECIFICATIONS.** Classification specifications are descriptive and not restrictive. They are intended to indicate the kinds of duties that may be assigned to any position allocated to the classification. They are not to be construed as prescribing the exact duties or responsibilities of any position, or as limiting or modifying the authority of a department director to assign, direct, and control the work of employees. The use of a particular expression or illustration of a task or duty shall not exclude other duties not mentioned of a similar kind or quality, nor shall any specific omission necessarily mean that such factor is not included.
- C. **NEW POSITIONS.** FTE positions that do not exist in the current budget may only be added by approval of the City Council. The Department Director or designee must submit a memo requesting a new position and the essential job duties for the

proposed position to the Human Resources Director. Human Resources will review the information provided and determine the proper classification for the position.

The new position request will be forwarded by Human Resources to the City Manager for final review and approval by City Council. New or additional FTE requested by departments through the budget process should be submitted to Human Resources for a classification review prior to submission to the Budget Office. Human Resources will review the proposed positions and will determine the proper classification for the new position(s).

- D. USE IN ALLOCATION. In determining the classification to which any position should be allocated, the specification describing each classification shall be considered as a whole. Consideration shall be given to the essential functions, general duties, consequence of error, complexity of tasks, supervisory responsibilities, scope of authority, specific tasks, distinguishing features, overall job purpose, qualification requirements, and relationships to other classifications.

#### 2.04 RECLASSIFICATION OF POSITIONS.

Requests for reclassification may be initiated for the following:

- A. HUMAN RESOURCES INITIATED REVIEW. Human Resources will periodically review a classification to determine whether the duties and other criteria outlined in the classification properly reflect the position requirements.
- B. DEPARTMENT INITIATED REVIEW. A department director, supervisor, or employee may request a review. Requests must be submitted to the Human Resources Director through the employee's chain of command. The request must include a Position Questionnaire Form outlining the employee's current job duties. The employee's immediate supervisor must complete and sign the supervisor section of the Position Questionnaire Form. Human Resources will evaluate the documentation and request additional information when necessary to determine if a reclassification is warranted. Unless the incumbent's job duties have changed substantially, a reclassification review will only be considered once every other year.
- C. EXISTING POSITIONS. Employees shall perform duties and responsibilities as outlined according to their assigned classification specification. If an employee has been assigned a duty or duties that are not anticipated in the employee's classification specification, the supervisor shall review the classification specification to determine if the duties are appropriate for that employee's classification. After such review, if there continues to be a question about the appropriateness of the duty, the supervisor shall request a determination by Human Resources prior to the assignment of the duty to the employee. If Human Resources determines the duty is not anticipated in the employee's classification, the Department Director shall either assign the duty to an employee in a

classification for which the duties are anticipated or request a reclassification of the position.

- D. VACANT POSITION. When a department director desires to change the classification of a vacant position, a written request with justification and documentation must be submitted to the Human Resources Director.
- E. PROGRAM CHANGES. Changes in department programs or reorganizations may require a position with a different classification. If a department requires a position with a different classification based on organizational need, the Department Director or designee must submit a written request with justification which outlines the essential job duties of the proposed position to the Human Resources Director. Reclassifications that are anticipated as part of the budget process must be submitted to Human Resources for a classification review prior to submission to the Budget Office.

## 2.05 EFFECT OF RECLASSIFICATION ON INCUMBENT

- A. CLASSIFICATION TO LOWER LEVEL POSITION. Human Resources will determine if the incumbent meets the minimum qualifications for the position. If the incumbent meets the minimum qualifications of the classification, the employee will be reclassified to the lower level position. The wages of the employee who is placed in the lower classification will remain frozen until the pay grade of the new classification reaches the employee's current salary. The reclassified employee will not be placed on probationary status.

If the incumbent employee does not meet the minimum qualifications of the classification, the position will be filled through a competitive selection process. The incumbent employee may apply for the position. The employee will be subject to layoff according to these rules or the applicable collective bargaining agreement should they be unsuccessful in the competitive process.

- B. CLASSIFICATION TO HIGHER-LEVEL POSITION. Human Resources will determine if the incumbent meets the minimum qualifications for the classification. Human Resources will also evaluate if the incumbent has been performing the higher-level duties and if the change in duties has occurred by the gradual addition or inclusion over a substantial period of time. If the Department Director indicates a need for the employee to continue the higher-level duties, and the incumbent employee meets the minimum qualifications and has been performing the higher-level job duties, the employee will be reclassified to the higher classification. The reclassified employee will not be placed on probationary status.

If the incumbent employee has not been performing the higher-level duties and does not meet the minimum qualifications of the classification, the position will be filled through a competitive selection process. The incumbent employee may apply for the position. The employee will be subject to layoff according to these rules or

the applicable collective bargaining agreement should they be unsuccessful in the competitive process.

### SECTION 3: COMPENSATION

#### 3.01 GENERAL PROVISIONS

The City will adopt and maintain a compensation plan that establishes pay ranges for all classifications and will be based upon comparable public sector labor market data. Compensation plans for classifications covered by a collective bargaining agreement are subject to the collective bargaining process. The City strives to be within five percent of the comparable labor market average for unrepresented positions. Compensation for each classification will include a minimum and maximum rate and such intermediate rates as are considered necessary and equitable. Flat rates may be used instead of salary ranges where appropriate.

Each department director is responsible for ensuring that sufficient funds are available to cover the cost of compensation and that no budgetary deficit will be created.

The City provides Cost of Living Adjustment (COLA) to represented staff as provided in the applicable collective bargaining agreement. COLA for unrepresented staff, occurs in conjunction with the annual budget. The HR Director will make a recommendation to the City Manager of the annual COLA for unrepresented classifications. The recommendation will be based on the increases provided to the represented staff and the labor market conditions. The City Manager has the final decision on the COLA amount to be considered as part of the budget process for unrepresented staff.

#### 3.02 ALLOCATION OF PAY RANGES

Human Resources will periodically review pay ranges to determine if the pay rates and other compensation are comparable to other similarly situated public employers. Factors such as internal equity, turnover, recruiting, and the City's ability to pay may be considered. The Human Resources Director will, where appropriate, make recommendations for selective pay grade adjustments for unrepresented classifications to the City Manager. Pay grade adjustments approved by the City Manager for unrepresented staff will typically be completed and submitted as part of the annual budget process. All pay grade adjustments are subject to approval by the City Council.

The Human Resources Director will review the duties of each new position to determine the appropriate classification and pay range. Classifications and pay ranges for represented positions are subject to the applicable collective bargaining agreement.

- A. SALARY RATES. The rate of pay may be hourly or monthly depending upon the conditions of employment. Hourly rates are determined by dividing the annual salary by 2,080 hours (2,912 hours for sworn fire fighters on 24-hour shifts). Monthly rates are determined by dividing the annual salary by 12.

Each career status, part-time exempt, and limited duration employee shall be paid an amount equal to one of the steps within the salary range for the classification in which the individual is employed. Pay rates are established and published for each step in the pay grade.

Seasonal employees shall have a single base rate of pay based on the assigned classification.

- B. **RATE PAID AT APPOINTMENT.** Generally, an employee will be appointed at the minimum rate or step for the classification. Oregon state law prohibits the use of the candidate's salary history in determining compensation. In determining appointment each department shall consider the qualifications of the candidate, the resulting salary relationship with others in the same classification, education, training and experience or any combination of these factors. Initial appointment at higher than step four of the pay range assigned to the classification requires approval from the Human Resources Director prior to the offer being extended.
- C. **PAY GRADE ADJUSTMENT.** A pay grade adjustment is a change in the rates of pay in the grade assigned to a particular classification. Pay grade adjustments, unless otherwise provided for in a collective bargaining agreement, typically start at the beginning of a fiscal year. Adjustments are to be distinguished from merit salary increases and are not intended to give recognition to length or quality of service but are to be based upon negotiated or prevailing rates of pay for the various classifications. When an employee's pay grade is adjusted to a higher range, the employee will be placed at the closest step in the new pay grade that will generate an increase in pay.

If the pay grade adjustment results in a lower range, the employee's salary may be frozen until the new pay grade reaches the employee's present salary.

Pay grade adjustments will not change an employee's salary review date for future merit increases.

### 3.03 SALARY ADMINISTRATION

- A. **MERIT INCREASES.** Department directors shall recommend to the Human Resources Director merit increases, unless provided by the collective bargaining agreement, only for those career status employees whose performance has met appropriate standards of work performance. Merit increases are not automatic. Merit increases will be to the next step of the pay grade for the classification.
- B. **EXTRA-MERITORIOUS INCREASES.** Department directors may request a one-step extra-meritorious pay increase for career status employees in recognition of exemplary service. Exemplary service occurs when an employee performs work, not normally expected of their position, for 25 percent or more of the time during

the annual performance cycle. The employee may not have received AIC or WOC for the same work. The Department Director shall submit a written request to the Human Resources Director that includes a brief description of the normal job requirement of the employee and the reasons why the employee deserves an extra-meritorious pay adjustment. An extra-meritorious increase will generally not be granted based on the employee being considered the best performer in a group or superior to another employee in the same classification nor will they be granted based on the same justification in a subsequent year. Extra-meritorious increases may not be granted above the final step in the pay grade.

- B. **ELIGIBILITY FOR MERIT INCREASES.** A new employee or promoted employee shall be eligible for a merit increase on the first of the month (i.e., the salary review date), following satisfactory completion of the probationary period. Employees are eligible for subsequent merit increases upon satisfactory completion of each 12 months of service. Merit increases are not permitted above the top step in the pay range. An employee whose probationary period is extended will not be eligible for a merit increase until the probationary period is satisfactorily completed.

A merit increase will not be withheld more than three months. If employee performance is so deficient as to not merit a salary increase before the end of the third month, action will be taken to evaluate whether to demote, reassign, or terminate the employee with the approval of the Human Resources Director or designee.

Employees will be evaluated annually (or according to any schedule that is established as a result of an unsatisfactory rating or performance or conduct problem).

Part-time exempt employees, unless provided by collective bargaining Agreement, (employees exempt from benefits eligibility not overtime exempt) shall be eligible for merit increases in one step increments until the top step of the pay grade is reached.

- D. **PROMOTION.** An employee who is promoted will receive a pay increase to a rate equal to a one step increase in the employee's current pay grade (or as defined by collective bargaining agreement). If the increase is not sufficient to place the salary within the new pay grade, the salary will be advanced to the first step of the new pay grade. The increase may not exceed the top step of the higher range.

If appropriate and approved by the Department Director and the Human Resources Director, the employee may be placed at a higher rate.

The employee will be placed on probation to the classification. Upon satisfactory completion of the probationary period, the employee will be eligible to proceed to the next step of the pay grade, and annually thereafter on the salary review date,

provided the merit increase does not exceed the range designated for the classification.

- E. DEMOTION. If an employee is demoted to a class having a lower salary range for reasons which do not reflect discredit upon the City or employee, the salary rate shall not be reduced as long as the rate is within the salary range of the lower classification. If the rate is not within the salary range of the lower classification, the salary rate may be reduced to the top step of the new range or to whatever rate in the range is determined by the Department Director and the Human Resources Director to be appropriate based on the experience and qualifications of the employee.

Demotion for cause (unsatisfactory conduct or performance) will result in a reduction in salary to any step in the pay grade of the lower classification determined by the Department Director and approved by the Human Resources Director.

If the employee is demoted to a classification they have never held before, they will be placed on probation to the classification.

- F. RECLASSIFICATION. An employee who is reclassified into a classification that has a higher salary range will receive a pay increase. The pay increase will be to the closest step in the pay scale of the new position that will generate an increase in pay, unless such increase is not sufficient to place the salary within the new salary range, in which case the salary will be advanced to the first step of the new range. The employee will not be placed on probationary status if the employee has previously been performing the duties of the higher classification.

The salary of the employee who is reclassified into a classification that has a lower salary range will be frozen until the new range reaches the employee's present pay level.

- G. LATERAL TRANSFER. When an employee is transferred from one classification to another classification having the same salary range, the employee's pay will remain the same. The employee will be placed on probation to the classification if they have not previously served a probationary period in the classification.

### 3.04 OVERTIME

- A. POLICY. It is the policy of the City to minimize the need for overtime work. All overtime, except in cases of emergency, must be authorized by the employee's supervisor prior to the employee working overtime.

Overtime compensation for represented employees is addressed in the applicable collective bargaining agreement.

- B. ELIGIBILITY. Unrepresented employees are eligible for overtime compensation pursuant to these rules and/or federal and state law.
- C. OVERTIME RATES. Overtime eligible unrepresented employees shall be paid at the rate of one and one-half times for time worked in excess of the regularly scheduled work day or 40 hours in a work week. Overtime shall be rounded to the nearest quarter hour. Eligible unrepresented employees may have the option of requesting compensation or compensatory time off at the rate of one and one-half hours for each overtime hour worked.

Unless otherwise provided by a collective bargaining agreement, part-time career, part-time exempt, and seasonal employees are eligible for overtime pay only for time worked in excess of 40 hours in a work week. The overtime rate of pay shall be one and one-half hour for each overtime hour worked.

- D. COMPENSATORY TIME-OFF. Compensatory time-off instead of cash compensation may be granted at the request of the unrepresented employee at the rate of one and one-half hour paid leave for each overtime hour worked. Leave will be granted by a supervisor within a reasonable period of making a request, subject to the operational needs of the work unit.

Compensatory time off may be accrued to a maximum of 120 hours or as defined by collective bargaining agreement.

All accrued compensatory time shall be paid at separation of employment.

Part-time exempt and seasonal employees are not eligible for compensatory time or compensatory time off. If an employee is promoted or reclassified to a position not eligible for compensatory time accrual, accrued compensatory time-off will be paid to the employee at the salary level in effect prior to the promotion or reclassification.

An employee may request payment for accrued compensatory time. Such requests must be presented in writing to Payroll at least 10 calendar days in advance of the next pay date.

### 3.05 ACTING-IN-CAPACITY

Acting-in-capacity (AIC) occurs when a career employee is formally assigned the responsibilities of a higher classification on a full-time continuous basis.

AIC assignments are typically limited to performing the duties of a vacant position. Vacant positions may include the incumbent's absence from work for reasons of protected leave, an approved leave of absence with or without pay, or other absence that exceeds two weeks. AIC assignments are temporary and not intended to be permanent. The employee shall be compensated at their regular rate of pay plus five percent (5%), but in



no event less than step one, nor in excess of top step, of the higher salary range. Such designation must be approved by the Department Director.

The employee assigned AIC must possess the minimum qualifications for the position and possess any specific certifications or licenses required for the assigned position. Employees can be assigned to a higher classification on a temporary basis due to specialized projects or assignments.

The supervisor must formally designate an employee as AIC by completing HR064, AIC memo and forwarding it to the Human Resources Department for approval. The supervisor must identify the position which is vacant or necessity for the organization and the expected duration of the AIC assignment.

Employees performing the duties of a vacant department director for 160 consecutive working hours may be eligible for a rate equal to five percent (5%) more than the employee's regular rate or such other higher rate as approved and determined appropriate by the City Manager. The designation of AIC as a department director requires the approval of the City Manager.

In most circumstances, represented employees may not be assigned AIC into an unrepresented direct supervisory or managerial role. Prior approval by the Human Resources Director is required anytime a represented employee will be AIC in an unrepresented supervisory or managerial role.

### 3.06 WORKING-OUT-OF-CLASSIFICATION

An employee is working out-of-class (WOC) when a department director assigns an employee some of the duties of a higher classification. The typical duration of a WOC will be between one and eighty hours but may be extended with permission of the Human Resources Director or designee in exigent circumstances. However, WOC is temporary and not intended to be permanent.

The assigned employee need not possess the minimum qualifications for the position of the higher classification but must hold all the necessary certifications or licenses required for the assigned duties. In order to qualify for working in higher classification compensation, the employee must assume and satisfactorily perform the responsibilities as outlined in the classification specification of the higher classification.

Employees will not be designated as WOC for covering breaks, lunches, routine meetings, performing on-the-job training, or other such short duration assignments.

Any employee formally designated by a supervisor as working in a higher classification for two weeks or less, shall be compensated at their regular rate of pay plus five percent (5%), but in no event less than step one, nor in excess of top step, of the higher salary range. Such designation must be approved by the supervisor and recorded on the employee's time sheet.

### 3.07 PAY PROCEDURES AND POLICIES

- A. **PAY PERIODS.** Employees shall be paid in 26 bi-weekly payments. In the event a regularly scheduled pay date falls on a holiday, the last preceding workday shall be the regular pay day. Notwithstanding the above, for Thanksgiving, the pay day will be the Friday after Thanksgiving for electronic deposits and the Monday after Thanksgiving for paychecks and copies of electronic deposits.
- B. **DIRECT DEPOSIT.** Direct deposit to a financial institution of the employee's selection shall be the default payroll payment method for all new employees. Employees may elect a paper check by completing a written change submission with payroll. In the event an emergency impacts the City's ability to undertake check processing, printed payroll checks may be delayed for an undetermined period.
- C. **PAY CARDS.** Employees are eligible to enroll and receive their earnings in the form of a pay card in lieu of a pay check or direct deposit. Pay cards are funded electronically and may be used as an alternative to direct deposit. Employees are responsible to work directly with the financial institution or card service provider for all card issues.

**STATEMENT OF EARNINGS.** The City may issue statement of earnings (pay stubs) electronically. Employees who do not have a City email address or access to the City network, may request a paper copy of their statement of earnings. Requested copies shall be mailed to the home address the City has on file for the employee.

### 3.08 TIMEKEEPING

All hourly employees are required to keep accurate records of actual working time to ensure that employees are paid for all time worked, to provide an accurate record of attendance, and to comply with federal and state laws, unless otherwise provided for under collective bargaining agreements. FLSA exempt employees may be required to record all time worked for billing purposes.

Hourly employees (employees who are identified as being eligible to receive overtime) should not begin work prior to the start of their shift, perform work at home nor work past the end of their shift, without prior authorization by their supervisor.

## SECTION 4: RECRUITMENT AND SELECTION

### 4.01 GENERAL PROVISIONS

The City's recruitment and selection process shall be designed to provide an open, competitive system for filling positions. All or portions of the following procedures may be

followed when filling vacancies in the exempt service. Recruitment and selection will be coordinated by Human Resources with cooperation from the hiring department.

#### 4.02 EQUAL EMPLOYMENT OPPORTUNITY

City of Salem provides equal employment opportunity to all persons in matters affecting, but not limited to, recruitment, compensation, benefits, promotions, training, discipline, transfer, and layoff practices without regard to a person's race, color, religion, national origin, sex, age, marital status, domestic partnership, veteran status, disability, familial status, sexual orientation, gender identity, source of income, or any other legally protected status.

The City will make reasonable accommodation for qualified disabled applicants seeking employment with the City ([Link to APP #4.3 Reasonable Accommodations in Employment](#)).

All vacant positions shall be filled in accordance with the Human Resources Rules. A department director or designated supervisor desiring to fill a vacant position shall notify Human Resources. Human Resources shall refer to the Department Director or designated supervisor the applicants who have been screened in accordance with these Rules.

#### 4.03 VACANT POSITIONS

A. REQUISITION FOR RECRUITMENT. Departments must submit, via NEOGOV a Requisition for Recruitment with proper authorization when a request to recruit is made. The hiring department will ensure that a requisition for the recruitment is based on vacancies in authorized positions and for which funding has been approved, unless the Human Resources Director approves the recruitment for the purposes of generating a list of qualified applicants for future vacancies.

#### B. TYPES OF RECRUITMENTS.

1. OPEN COMPETITIVE RECRUITMENTS. Open competitive recruitments will be open to all applicants and must be posted for a minimum of seven (7) calendar days. Open competitive recruitments may also be posted as open until filled or open continuous. Postings that are open until filled or open continuous will be reviewed by the Human Resources Director and approved on a case by case basis.

2. INTERNAL RECRUITMENTS. Internal recruitments are intended to provide developmental opportunities for current employees (interns, volunteers, seasonal, and temporary employees) who desire a position or career change, regardless of whether the job opportunity resides in their current profession, or represents a reassignment, internal appointment, promotion, or voluntary demotion. In order to qualify for an internal recruitment, applicants must be

active City employees as of the closing date of the recruitment. Internal recruitments will be posted on the City website for seven days.

3. SEASONAL & PART-TIME EXEMPT RECRUITMENTS. Departments may request to recruit for part-time exempt or seasonal staff to fill a temporary staffing need to cover vacancies for staff on vacation, sick, or other leave, or for seasonal or other temporary assignments. Collective bargaining agreements may limit the use of part-exempt employees in some classifications.

#### 4.04 RECRUITMENT ANNOUNCEMENTS

All job announcements will specify the job title, minimum and maximum rates of pay for the classification, duties, required minimum qualifications, final date on which applications will be received, and other pertinent information. Human Resources will work with departments to determine the dates of recruitments for filling current and projected vacancies.

#### 4.05 APPLICATIONS

Applications must be submitted online by 11:59 p.m. Pacific Standard Time (PST) on the final filing date listed in the recruitment or the closing date on the job announcement. Applications, once submitted, become the property of the City and may be disposed of in accordance with state law. A separate application must be submitted for each job vacancy. The City may require additional or supplemental materials from applicants.

#### 4.06 SELECTION PROCEDURES

Any positions not filled pursuant to Civil Service Rules, reinstatement or reemployment rights under collective bargaining agreements, shall be filled as provided in these Rules.

- A. GRADING APPLICATIONS. Human Resources, in partnership with representatives from the hiring department, will review the experience, education, training and exam answers, if applicable, to determine a final score for each application. Persons considered for appointment to positions with the City shall meet or exceed the minimum or desirable qualifications for the class as stated in the class specification.
- B. VETERAN PREFERENCE. Human Resources will add appropriate veteran preference points to the application, testing, and interview scores according to the procedure set forth in the Oregon Revised Statutes (ORS Chapter 408).
- C. DISQUALIFICATION. The Human Resources Director or designee may disqualify an applicant at any time during the recruitment process from employment consideration for reasons including but not limited to:

1. Failure to meet the minimum qualifications of the classification for which the application was made.
2. Inability to perform the essential duties of the class specifications with or without reasonable accommodation.
3. Conviction of a crime which would disqualify the applicant from the duties of the position.
4. Use or attempted use of political influence, bribery, threats, or intimidation to secure an advantage in obtaining appointment.
5. False or misleading statement or omission in the application or at any stage in the hiring process.
6. Violation of the City Charter, Salem Revised Code, or any of these Rules.
7. Failure of the applicant to be present at the time and place designated for any portion of the examination process or inappropriate behavior during the interview process.
8. Poor job performance while employed in another position in the City or other employment.
9. Prior involuntary separation from City employment, entrance into a separation agreement, or resignation in lieu of termination for reasons which the Human Resources Director deems sufficient to disqualify the person from consideration for re-employment.
10. Failure to pass a background check, Department of Motor Vehicles check, drug/alcohol test, if applicable, physical examination, or any other pre-employment examination required for the position.

D. EXAMINATIONS. Human Resources will work with departments to determine the type of competitive examination the City will administer in order to fairly test and determine an applicant's qualifications to perform the duties of the vacant position. Tests may include, but are not limited to, written examinations, performance tests, experience and education ratings, oral examinations, demonstrations of skills and tests of physical ability to perform the essential job functions, or any combination of tests. Tests may be conducted at any allowed time during the hiring process. Persons selected for employment may be required, based on the position applied for, to take and pass a drug test and/or pass a pre-employment physical.

E. INTERVIEW LISTS. Interview lists for open competitive and internal recruitments will consist of the names of applicants who submitted completed applications, meet the minimum qualifications of the position recruitment, and who passed open

competitive tests or departmental review (if applicable). Human Resources will forward the interview list to the hiring department (except for recruitments of civil service classifications in the Fire Department). Human Resources will notify applicants of their eligibility for an interview. The hiring department must fairly consider all applicants on the list. Notification to applicants should be at least five days before the interview date, if practical.

- F. ELIGIBILITY LISTS. Eligibility lists may be used to fill vacant positions by accessing a previously established applicant list for the same classification. The order of names on an eligibility list shall be determined through the use of one or more screening methods and by applying veteran preference points as required by state law. An eligibility list shall be valid usually up to six months from the closing of the recruitment from which the list was developed. An eligibility list may be valid longer than six months subject to approval by the Human Resources Director or otherwise provided by the Civil Service Rules.

#### 4.07 PAID TIME FOR JOB INTERVIEWS

Department directors shall grant employees in career and exempt positions time off with pay to take any City examination if the examination or participation in an interview occurs during the employee's regularly scheduled work hours. Employees must request the time off prior to the examination or interview.

#### 4.08 APPOINTMENTS

Departments should appoint employees at the beginning of a pay period on Mondays following the pay period end date. If this causes undue hardship on the department, the department may request that the Human Resource Director allow for appointment on a day other than the beginning of a pay period.

All appointments must be made in writing and include: the name of the appointee, classification, date of appointment, starting rate of pay, classification title, representation status, probation period, and hours of work. A copy of the written appointment must be submitted to Human Resources prior to the start date of the appointment.

No employee may hold appointment to more than one City position at the same time.

##### A. CAREER POSITIONS.

1. Full-time career status (FTE) positions are positions that have a 1.0 budgeted FTE. As used in these Rules, 1.0 FTE is defined as an employee who works 2,080 hours or more annually for all employees other than sworn fire fighters, and 2,912 hours or more for sworn fire fighters.
2. Part-time career status (PTC) positions are positions that are not part-time exempt service appointments and have a budgeted FTE of less than 1.0. Part-

time career status positions accrue benefits on a prorated basis, based on the budgeted FTE for the position. To be eligible for benefits at the pro-rated amount, a PTC employee must work a minimum of 20 hours per week.

B. EXEMPT SERVICE POSITIONS.

1. PART-TIME EXEMPT SERVICE POSITIONS (PTE). (exempt from most employee benefits not FLSA overtime exempt) appointments shall be made according to the following criteria:

- a. PTE employees shall not work more than an average of 29 hours per week during the rolling 12-month period beginning on the date of hire and shall not exceed 1,200 hours per calendar year. PERS retirees may have additional restrictions.
- b. PTE employees are not eligible for city benefits unless specifically provided for by law, collective bargaining agreement, or these Rules.
- c. PTE employees are at will employees, unless otherwise provided for by law, collective bargaining agreement, or these Rules.
- d. Except as provided in subsection (e) below, PTE appointments shall be made in accordance with the selection and recruitment procedures in this chapter.
- e. Career status employees who retire in good standing may apply for open positions and return to City service as a PTE after a 13-week break in service, unless otherwise provided for by collective bargaining agreement. Department directors may request a waiver of the break in service requirement, provided there is a need by the department for the expertise. Waiver of the break in service must have prior approval by the Human Resources Director and department director.

2. SEASONAL POSITIONS. Department directors may make seasonal appointments where additional employees are needed during a particular time frame to perform seasonal tasks or temporary assignments, provided budgeted funds are available to pay the costs of the position.

- a. Seasonal appointments shall not exceed six months from date of hire. Seasonal student interns may work up to the equivalent of the academic year for some assignments based on the department or program needs.
- b. A successive seasonal appointment of the same person shall not be made unless there is a minimum of a 13-week break in service.

- c. Seasonal employees are not eligible for city benefits unless specifically provided for by law, collective bargaining agreement, or these Rules.
  - d. Seasonal employees are at will employees, unless otherwise provided for by law, collective bargaining agreement, or these Rules.
  - e. Seasonal appointments may only be to existing classifications designated as seasonal and on the existing seasonal pay plan.
3. EMERGENCY DIRECT HIRE. Department directors may request approval for an emergency direct hire of a part-time career position in order to continue critical business services. Emergency direct hires are subject to prior approval by the Human Resources Director or City Manager.
- a. Emergency direct hire PTC appointments shall not work more than an average of 29 hours per week in any six-month period during the rolling 12-month period beginning on the date of hire and shall not exceed 600 hours per calendar year.
  - b. Emergency direct hire PTC appointments are not eligible for city benefits unless specifically provided for by law, collective bargaining agreement, or these Rules.
  - c. Emergency direct hire PTC employees are employed in the unit to which their classification is assigned, unless otherwise provided for by law, collective bargaining agreement, or these Rules.
  - d. Employees may work only one emergency direct hire PTC appointment per calendar year.
4. LIMITED DURATION POSITIONS. Limited duration positions are temporary positions within the City of Salem which a department or division hire employees for a specific duration of time either due to funding constraints or project/program-based needs.
- a. Positions will be identified by classification and candidates will be employed in the unit to which the classification is assigned.
  - b. Limited duration positions may be a benefited position and follow applicable rules or collective bargain agreements, with the exception that they are at will employees and have no property rights, grievance rights, layoff or recall rights, and expectation of continued employment past the end of their assignment.



#### 4.09 ONBOARDING/ORIENTATION

All new part time exempt, seasonal or career employees are required to attend new employee orientation on their first day of employment, Career employees are generally the first Monday of each new pay period, and PTE or seasonal are the following Monday. Hiring supervisors must request approval from the Human Resources Director for the new employee not to attend new employee orientation on their first day of employment. Seasonal and PTE employees who are appointed to a career position must attend the first scheduled new employee orientation following appointment.

### SECTION 5: PROBATION PERIOD AND SERVICE DATES

#### 5.01 PURPOSE

Probationary service provides a working trial period during which an employee in a career position is required to demonstrate that the employee can perform the essential functions of the position. This article applies to all employees except those in the exempt service.

#### 5.02 INITIAL APPOINTMENT

All initial career appointments shall be subject to a probationary period of 12 months unless otherwise specified by a collective bargaining agreement. An employee being hired from the exempt service to the career service is an initial appointment.

The probationary period shall be utilized by department directors, managers, or supervisors as an opportunity to observe the employee's work performance, assist the employee in acquiring the skills needed for the position, and to end employment of any employee whose work performance fails to meet the required standards. Supervisors will evaluate the performance of their employees at mid-probation and 30 days before probation ends.

Generally, leaves of absence will not be authorized during the initial trial service period. However, in the event that a leave of absence occurs, with or without pay, for 15 consecutive calendar days or more, the probationary period will be adjusted or extended by the total number of calendar days of the leave of absence.

Probationary employees may resign or be terminated without cause or notice at any time for any reason. Employees serving their initial probationary period are not considered to have any vested property rights during their initial probationary period.

#### 5.03 CHANGE OF APPOINTMENT

An employee who receives a promotion, demotion, or lateral transfer must complete the remainder of their 12-month initial trial service, or six full calendar months of probation to the classification, whichever is longer, unless otherwise specified by a collective bargaining agreement. Promotion to Lieutenant or Sergeant will serve a full 12-month

probation to the classification. Appointments should be made at the beginning of the pay period. During the probation to the classification, the employee is required to demonstrate the ability to perform the essential functions of the position to which the employee has been appointed. The trial service to the classification will begin the first full month worked in a position in the new classification.

Movement from a non-confidential class to the equivalent confidential class is not considered a promotion.

#### 5.04 PRIOR SERVICE CREDIT

Seasonal, limited duration, or part-time exempt employees appointed to a career service position in the same classification they served as a seasonal, limited duration or part-time exempt employee, may have all or part of the time spent in the position count as part of the probationary period if there was no break in service between the seasonal or part-time exempt appointment and the probationary appointment. The service credits may not exceed six months. The Department Director and Human Resources Director must approve the granting of prior service credit at the time of appointment.

#### 5.05 ACTION AT THE END OF PROBATION

Prior to completion of an employee's probation period, the Department Director or supervisor must take one of the following actions:

- A. Request the employee be given career status by submitting the employee's performance review to Human Resources. The performance review will affirm that the services of the employee have been found to be satisfactory and recommend that the employee be given career status.
- B. Contact Human Resources and recommend that the employee's services be terminated or, in the case of a promoted employee, that the employee be returned to their previous classification if a vacant position exists in that classification. A Personnel Action Form shall be submitted to Human Resources.
- C. The Department Director may, with the concurrence of the Human Resources Director, extend an employee's probationary period for a specified time not to exceed an additional three months. The employee shall be notified of the reason for extension and another performance evaluation shall be required at the end of this additional period.

#### 5.06 CONTINUOUS SERVICE DATE

The continuous service date is the date a new employee is first appointed, or the date designated by the City if adjusted due to leave of absence without pay.

The continuous service date shall be used for determining length of service in connection with layoff and any other matters involving seniority.

Employees who are on leave of absence without pay for 15 consecutive calendar days or more shall have their continuous service date adjusted by the total number of calendar days that they are on such leave. The continuous service date shall not be adjusted for leaves protected under federal and state laws.

#### 5.07 ANNIVERSARY DATE

The anniversary date is the first day of the first full calendar month worked. If an employee begins employment with the City on the first regular City business day of a month, the anniversary date will be the first day of that month. The first regular City business day is defined as the first day of the month which falls between 12:01 a.m. Monday and 12:00 p.m. Friday, except for holidays.

If an employee begins employment on the second regular City business day or later of a month, the anniversary date will be the first day of the next calendar month.

The anniversary date shall be used to determine employee leave accruals. In the event of promotion or demotion, the anniversary date is not adjusted.

Adjustment of the continuous service date can result in an adjustment of the anniversary date if the continuous service date adjustment results in that date being moved to a later month or later than the first working day of a month (per section 5.06).

#### 5.08 SALARY REVIEW DATE

The salary review date is the date an employee is eligible for a merit increase. The salary review date is the first date of the first full calendar month following successful completion of the probation period, and annually thereafter until reaching top step of the pay range.

If an employee's probation period changes due to extension of probation or serving probation to a classification for promotion or demotion, then the salary review date is adjusted to reflect the new probation period.

If the anniversary date is adjusted due to a change of the continuous service date (per section 5.06), there will be a corresponding adjustment to the salary review date.

#### 5.09 RESTORATION OF SERVICE CREDIT

An employee who voluntarily resigns and who is later rehired by the City shall have a new continuous service date established and will not receive prior service credit for previous employment.

An employee in the career service who has been recalled from a layoff eligibility list shall receive prior service credit for the length of service prior to the layoff. The employee's continuous service date shall be adjusted by the number of calendar days they were not employed by the City and the anniversary date shall be adjusted accordingly.

## SECTION 6: WORK SCHEDULES

### 6.01 WORK SCHEDULES

The normal work week shall be 40 hours and the normal work day shall be eight hours. Some departments, divisions, units, or sections have work days and hours which vary according to the department operating schedules. In order to provide the best service to the public, department directors may establish operating schedules for departments which vary from the traditional work schedule of Monday through Friday, 8:00 a.m. to 5:00 p.m.

Represented employees should consult the applicable collective bargaining agreement regarding work schedules and/or shifts.

- A. **ATTENDANCE.** Employees are expected to be at their work location or work station at the beginning of the shift, leaving for and returning from breaks and lunch on time, and continuing to work until the end of the shift. Failure to do so could result in disciplinary action up to and including termination.
- B. **ABSENCE WITHOUT LEAVE.** An employee who does not have sufficient leave time accrued and is not covered by protected leave may request a leave of absence without pay from the Department Director. The Department Director may approve a leave of absence without pay of up to 60 days. A leave of absence without pay will not be granted until an employee has exhausted all other forms of leave.
- C. **ABSENCE WITHOUT NOTIFICATION.** No employee may be absent from duty without advance notification to the supervisor, division manager, or department director. If the employee is unable to give advance notice, then the employee must contact the supervisor within 30 minutes of the scheduled starting time.

An absence of three or more consecutive work days, without proper notification, may result in the Human Resources Director declaring the position abandoned and a due process for discharge will be initiated.

- D. **FLEXIBLE WORK SCHEDULES.** Departments may establish employee work schedules which vary from the normal work schedule. All flexible work schedules must have prior approval of the Department Director. Flexible schedules must provide for a 40-hour work week for hourly employees and conform to applicable state laws and collective bargaining agreements.

E. REMOTE WORK

The City of Salem considers remote working to be a viable, flexible work option for employees who meet eligibility criteria. Remote work may not be appropriate for all assignments or classifications.

Determining which employees or job classifications are suitable for remote work and the frequency of such work is at the discretion of the Department Director.

Authorization of remote work in no way changes the employee's terms and conditions of employment with the City ([Link to APP #4.8 Remote Work Policy](#)).

- F. JOB SHARING. Employees who wish to participate in a job share arrangement must submit a written request to the Department Director. The Department Director will evaluate the request and determine the employees' qualifications, the impact of the proposed job share on the department's service delivery, and the percent of time to be worked by each employee in the job share position.

The employees participating in a job share agreement must develop a written agreement that designates who will accrue the position's benefits. Changes to the agreement may only be made during the annual open enrollment period or if agreeable to both parties, in the event of a qualifying event change. The total cost of a job share position shall not exceed one full time position. The department must attach a copy of the employees' agreement to each of the Personnel Action Forms that appoint the employees to the job share position. The department must also submit copies of the agreement to the benefits and payroll divisions ([Link to Job Share Agreement](#)).

Unless otherwise provided for in a collective bargaining agreement, the City reserves the right to rescind authorization for a job share at any time for any reason. In the event that the authorization for a job share is rescinded, the most senior employee sharing the position would have preference to continue in a full-time capacity. Layoff would occur as outlined in these Rules or the applicable collective bargaining agreement.

The City does not recruit for job share arrangements. When a vacancy occurs in a job share agreement, the remaining job share employee will be responsible for fulfilling all of the duties and FTE requirements of the position.

No employee may hold appointment to more than one City position at the same time.

## 6.02 MEAL AND BREAK PERIODS

Meal and break periods will be provided to non-exempt hourly employees as required by federal and state laws or as provided by the applicable collective bargaining agreement. Hourly employees working six or more hours a day will receive an unpaid meal period of 30 minutes to one hour. Employees may not take shorter meal breaks or skip meal breaks in order to leave early. Hourly employees must take a paid 15-minute break period approximately midway through each four consecutive hours of work. Employees may not skip break periods to leave early or extend a meal period.

## SECTION 7: EMPLOYMENT POLICIES

### 7.01 TRAINING

The City encourages and promotes training and development opportunities for employees. Training assists the City in creating a positive work environment where employees are informed, productive, valued, and respected. The City takes a proactive role in establishing a workplace that is safe and free of harassment, discrimination, or retaliation.

- A. TRAINING ACTIVITIES. Human Resources offers training opportunities that support the growth and development of all City employees. Human Resources also assists departments in meeting their training needs. Training activities may include on-the-job training, department-specific training, one-on-one coaching, group facilitation, mentoring, computer-based learning, and conferences.

Employees must obtain supervisory approval before registering for training sessions that occur during work hours or incur an expense for the City. Travel or training that will occur outside the states of Oregon or Washington requires prior authorization by the Department Director. Travel outside of the United States requires approval from the Human Resources Director and may require the department to purchase supplemental insurance coverages.

- B. COSTS. Costs for instructional fees, lodging, meals, and travel will be paid by the City as appropriate for approved training activities. Employees assigned to mandatory training activities will be paid at the regular rate or overtime rate, whichever is appropriate following the Fair Labor Standards Act (FLSA) regulations on training/travel compensation. Employees must obtain supervisor approval before registering for or incurring any expenses related to training.

Employees will receive no compensation for time spent outside regular work hours participating in training that was not authorized or approved by the City or in activities for which they receive tuition reimbursement.

- C. TUITION REIMBURSEMENT PROGRAM. Employees seeking tuition reimbursement must submit a written request [Link to Tuition Reimbursement](#)

[Request Form](#) to the Department Director or designee prior to enrolling in the course of study at an accredited institution of higher education.

Tuition reimbursement may be requested for only one course during any one quarter or semester. The course must be job related or related to an identified promotional opportunity that the employee is working toward and hoping to obtain during the following two years.

The employee's request may be declined by the Department Director for lack of funds. Departments are responsible for the costs of the tuition reimbursement program.

Tuition reimbursement is subject to all IRS rules. To be eligible for the Tuition Reimbursement Program, an employee must have current career service status.

- D. NEW EMPLOYEE ORIENTATION. The City provides an orientation to familiarize new employees with City-wide policies and procedures. New employee orientation is mandatory for all new employees on the first day of employment (per Section 4 of these Rules). All new employees must complete and sign a checklist and sign off on key City policies that were received at new employee orientation. The departments will provide employees with an orientation to the department and the new position they were hired into.
- E. MANDATED TRAINING. The City may mandate training for new and existing staff as deemed necessary and appropriate. Staff will be notified in advance of mandated training.

## 7.02 EDUCATIONAL LEAVE

- A. EDUCATIONAL LEAVE WITH PAY. Educational leave with pay may be granted for the purpose of attending an accredited institution of higher education or other recognized training facility for a period greater than five working days.
  - 1. ELIGIBILITY. Eligibility for educational leave with pay shall be limited to employees in technical professional and managerial positions who are able to meet the entrance requirements for a planned academic program of direct benefit to the City. Normally, those eligible for educational leave shall have been employed in the career service for a period of at least two years.
  - 2. COSTS. Requests for educational leave with pay shall outline costs of tuition, travel, scholarships, stipends, salary, and employee replacement costs for the period of such leave.
  - 3. APPROVAL OF LEAVE. The Department Director may approve educational leave for periods of two weeks or less. Educational leaves greater than two weeks shall require the approval of the Human Resources Director.

- B. EDUCATIONAL LEAVE WITHOUT PAY. Educational leave without pay requires approval by both the Department Director and Human Resources Director.

### 7.03 NEPOTISM

State law (ORS 244.175) prohibits nepotism in public employment. Nepotism is favoritism or bias shown, by a supervisor or employee with supervisory oversight, to a family member, member of their household, or someone with whom the supervisor has an intimate personal or financial relationship. 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. Whenever possible, nepotistic situations shall be prevented from occurring at the time of appointment, transfer, promotion, evaluation, or grievance review.

When potential nepotistic situations arise as a result of organizational restructure, marriage, or development of an intimate personal or financial relationship, the employees involved have an obligation to immediately inform their Department Director or Human Resources. The employees and the City 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, it may be necessary for one of the employees to resign.

Policy violations including, but not limited to, failure to disclose nepotistic relationships will be investigated by the Department Director or Human Resources. 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 nepotistic relationships.

### 7.04 OCCUPATIONAL SAFETY

The City is committed to providing a safe and healthy workplace for all employees and complying with the Oregon Occupational Safety and Health Administration (OR-OSHA) rules. All City employees are required to maintain and promote a safe and healthy workplace (safety information is available at [Link to Risk Management](#)).

### 7.05 WORK CLOTHES, UNIFORMS, OR PROTECTIVE SAFETY DEVICES

The City may provide work clothes, uniforms, or protective safety devices to employees in jobs that require such items and are necessary to effectively perform work duties. All City issued clothing or devices shall remain the property of the City and must be returned to the City before replacement clothing or devices are issued or when the employee leaves employment with the City.



- A. **RESPONSIBILITY.** Work clothes, uniforms, or protective safety devices for City positions will be identified and maintained by departments/divisions as required due to the nature of the job and state or federal safety requirements.

The cost of maintaining, cleaning, and laundering protective clothing or uniforms may be paid by the City or the employee. Uniform items which become damaged to an extent not readily and inexpensively repaired by the employee shall be repaired or replaced by the City.

It is the responsibility of the employee who is issued uniforms or clothing to return all items at the time of termination. Failure to return issued clothing may preclude consideration for future re-employment with the City. The employee may be required to reimburse the City for any lost items.

- B. **TAX STATUS.** The value of City provided protective clothing or uniforms (including cash advances for uniforms) may be considered a taxable fringe benefit by the IRS. The City complies with IRS regulations related to taxable fringe benefits.

Typically, the value of work clothing provided by the employer is not taxable to the employee when both of the following conditions are met:

- The work clothes are required as a condition of employment, *and*
- The clothing is not suitable or adaptable for everyday wear.

Uniforms for firefighters, law enforcement officers and required protective clothing such as safety shoes or boots, safety glasses, hard hats and work gloves are examples of clothing excluded by the IRS.

#### 7.06 WORKERS' COMPENSATION

The City provides workers' compensation insurance as required by state law. Employees will be provided all the benefits and rights in accordance with ORS 656 and 659.

Pursuant to ORS 659A.043 & 659A.046, employees have re-employment rights after a compensable on the job injury. Employees who have had a compensable injury must provide the Human Resources Director written notice that they wish to be considered for re-employment within two work days of the date they are released to return to work. The notification must be accompanied by a certificate from the attending physician who describes the types of work which the worker is able to perform and any physical limitations which may preclude the worker from some types of work. The City does not guarantee that the work available and suitable for the injured worker to perform will be at the same skill or salary level as the work formerly performed.

If an employee is returned to work within three years from the date the employee filed the workers' compensation claim giving rise to those rights, the employee shall be treated as a laid off employee for the purposes of determining the continuous service date.

Reemployment rights only apply to compensable claims filed while the claimant was employed by the City.

#### 7.07 TRANSITIONAL DUTY PROGRAM

Employees who have a compensable on the job injury and who are temporarily unable to perform the duties of their regular position may be assigned to a temporary transitional duty position. Transitional duty assignments are temporary work assignments, in which the physical requirements do not exceed the limitations placed on the employee by the health care provider. During the period of transitional duty, the employee will receive pay for all hours worked and benefits as though the employee continued in their normal assignment, less any premium payments of which the employee is no longer eligible because of duties they are not performing while on transitional duty.

Employees who are injured but do not have a compensable on-the-job injury may be assigned to a temporary transitional duty position provided that such assignment does not place an undue risk on the employee or the City. Transitional duty assignments are temporary and shall not normally exceed six consecutive calendar months. During the period of transitional duty, the employee will receive pay for all hours worked and benefits as though the employee continued in their normal assignment, less any premium payments of which the employee is no longer eligible because of duties they are not performing while on transitional duty.

#### 7.08 EXAMINATION PROGRAM

- A. MANDATORY EVALUATIONS. Mandatory evaluations may be required for certain job assignments to comply with outside regulatory agencies. Mandatory evaluations include but are not limited to: Commercial Driver's License (CDL), audiometric testing, pulmonary testing related respiratory protection, and asbestos physicals for those whose duties include asbestos abatement.
- B. OR-OSHA. OR-OSHA requires that the City provide preventative vaccination to employees with potential exposure to blood or other potentially infectious materials. Post-exposure vaccinations and screening for tuberculosis, tetanus, and other blood borne pathogens will be provided on a case by case basis as determined by a healthcare provider. The cost associated with occupational related vaccinations will be paid by the City. Employees who decline to receive preventative vaccination(s) will be asked to sign a waiver noting their refusal.
- C. PRE-EMPLOYMENT EXAMINATIONS. All candidates for employment in designated classifications will be required to participate in a pre-employment examination. Pre-employment physicals will be completed by a qualified healthcare provider of the City's choice. Candidates may be eliminated from consideration for employment based on the examining healthcare provider's report.

## 7.09 REASONABLE ACCOMODATION IN EMPLOYMENT

The City will not discriminate against qualified individuals with disabilities, on the basis of their disability, in employment or employment practices. The City shall engage in an interactive process when a need is identified or an accommodation is requested ([Link to APP #4.3 Reasonable Accommodations in Employment Policy](#)).

## 7.10 MOVING EXPENSE REIMBURSEMENT

The City may authorize moving expense reimbursement for prospective employees in certain professional, highly technical, or specialized positions, following IRS moving expense regulations. Authorization for moving expense reimbursement up to \$5,000 must be approved in advance by the applicable Department Director. Moving expenses in excess of \$5,000 requires the advance approval by the Human Resources Director or City Manager. Reimbursement for allowable moving expenses will adhere to IRS regulations, requiring proof of receipts for moving expenses, and the reimbursement will be treated as taxable income by the recipient employee.

In order to be eligible for reimbursement, prospective employees must live more than 50 miles from the City of Salem, and the move must be completed within one year of appointment to the job. The hiring department is responsible for all approved moving expense reimbursement.

## SECTION 8: EMPLOYEE CONDUCT

### 8.01 STANDARD OF CONDUCT

All employees are required to conduct themselves, while representing the City, in a manner that is in the public interest as opposed to individual interests. In order to render the best possible service to the public and to reflect credit on the City, high standards of conduct are essential (SRC chapter 12). The continued employment of every employee shall be conditioned on acceptable behavior and satisfactory performance of duties.

Employees are expected to treat all individuals with respect and dignity and to maintain an environment free from discrimination, harassment or retaliation ([Link to APP #4.4 Non-Discrimination, Harassment, Retaliation Policy](#)). All employees and volunteers are responsible to immediately notify Human Resources or the appropriate department management if they observe or become aware of a situation involving discrimination, harassment or retaliation ([HR Complaint Form](#)).

## 8.02 DISCIPLINE

The principal objective of disciplinary action shall be to address misconduct and improve the employee's performance and efficiency. The City will utilize progressive discipline when appropriate. Specific types of disciplinary action may include: oral reprimand, written reprimand, temporary or permanent reduction in pay, suspension, demotion, and discharge.

Progressive discipline does not preclude the City from eliminating or foregoing steps, when appropriate, due to the nature, severity, or accumulation of misconduct. The specific disciplinary actions taken and the order in which disciplinary actions are taken depend on the nature and severity of the performance deficiency or behavior, the employee's work history, position held, and prior disciplinary actions.

Violations of different rules may be considered the same as repeated violations of the same rule for purposes of progressive discipline. Serious violations, as determined by the City, may be dealt with by any of the above measures on the first offense or subsequent offenses.

Any improper conduct by a probationary employee may be considered cause for disciplinary action. Any employee may be terminated without cause or notice at any time during the probationary period.

Serious violations, as determined by the City, may be dealt with by any of the above measures on the first offense or subsequent offenses.

## 8.03 CAUSES FOR DISCIPLINARY ACTION

Any action by an employee which tends to affect the employee's ability to perform assigned duties, which threatens the safe and productive conduct of City operations, or which endangers City personnel or property is improper conduct. Improper conduct includes, but is not limited to:

- A. Improper use of one's position as an employee for personal advantage or gain.
- B. Use of intoxicants or being intoxicated while on duty.
- C. Insubordination.
- D. Conviction of a felony or misdemeanor that is related to the position held by the employee.
- E. Offensive conduct or language toward the public, other City employees, or City officials.
- F. Inefficiency, incompetence, or inattention to duty.

- G. Improper or unauthorized use of City vehicles or equipment.
- H. Theft of City property.
- I. Claim of sick leave under false pretenses or misuse of sick leave.
- J. Conviction of or pleading guilty to a crime which in the City's judgment would render the person unfit to perform the essential job functions of a particular position.
- K. Absence from duty without leave, failure to report after leave of absence has expired or after such leave of absence has been disapproved, revoked, or canceled by proper authorities.
- L. Unlawful discrimination, harassment, workplace violence, or actions and/or language which creates a hostile work environment as defined by law or City policy.
- M. Willful violation of any of the provisions of the City Charter, Salem Revised Code, ordinances, these Rules, or any rules or regulations which may be prescribed by the City Manager, department director, or supervisory staff.
- N. Solicitation or acceptance by an employee of any reward, gift, or other form of monetary or non-monetary remuneration other than provided by the City as compensation for the performance of duties.
- O. Violation of provisions of the Code of Ethics (Chapter 12, Salem Revised Code).
- P. Failure to adhere to assigned working hours and scheduled workdays, excessive absenteeism or tardiness, and theft of City time.
- Q. Failure of required drug and/or alcohol test.
- R. Violations of the City's safety standards and practices.
- S. Willful giving of false information or withholding information with the intent to deceive.
- T. Intentional falsification, omission, or misrepresentation of official statements or document.

#### 8.04 APPEALS OF DISCIPLINARY ACTION

Unrepresented career employees may appeal disciplinary action that resulted in economic sanctions. Employees who have not attained career status may not appeal any disciplinary action through these Rules.

Appeals of disciplinary action by represented employees are addressed in the applicable collective bargaining agreements and in some cases the Civil Service Rules.

Unrepresented career status employees may appeal in writing to the Human Resources Director any disciplinary action of economic consequence, including pay reduction, unpaid suspension, demotion, and dismissal within ten (10) business days of the action. In the event that the employee appealing disciplinary action reports to the Human Resources Director, another member of executive management will be designated by the City Manager to respond to the appeal. The written appeal must contain the following:

1. The date of the circumstances giving rise to the appeal and the date of the employee's first knowledge of those circumstances if later.
2. A clear and complete account of the circumstances that resulted in the disciplinary action.
3. The specific provision(s) of the Human Resources Rules, SRC, policy or principle of just cause the employee believes was violated or misapplied.
4. The remedy sought by the employee.

The Human Resources Director or designee will respond to the employee and provide a copy to the Department Director within fifteen (15) business days from the date the appeal was received by Human Resources. In the event that termination and appeal are from an employee who was within the Human Resources Director's chain of command, the City Manager will designate another Department Director to respond. If the appeal remains unresolved after the fifteen (15) day period, the employee may, within five (5) business days submit the appeal to the City Manager.

The City Manager or designee will respond to the employee within fifteen (15) days from the date the appeal was received by the City Manager's Office. The response of the City Manager will be final and will resolve the appeal.

Any or all-time limits specified in the disciplinary appeal procedure may be waived by mutual consent of the parties.

#### SECTION 9: SEPARATION OF EMPLOYMENT

### 9.01 RESIGNATION

An employee may resign or retire from City service by providing written notice to the Department Director, supervisor, or Human Resources. An employee must give two weeks' notice to be seen as having resigned in good standing. The Department Director may, in extenuating circumstances, permit a shorter notification period.

The department must submit the Personnel Action Form to Human Resources with the resignation or retirement letter. The effective date on the Personnel Action Form must be the last day the employee worked.

### 9.02 LAYOFF

Layoff procedures for all unrepresented career status positions shall be covered by these Rules. Unless provided for in a collective bargaining agreement, part-time exempt, limited duration, and seasonal employees are at will employees and have no layoff rights.

Layoff procedures for represented employees are established by provisions of the applicable collective bargaining agreements or the Civil Service Rules.

A department director may layoff an employee without prejudice because of changes in duties in the organization, lack of funds, curtailment of work, program, or services, or for any other legitimate reason as determined by the City.

A. ORDER OF SEPARATION. The department will identify the position(s) to be eliminated. In the event there is more than one position in the same classification within the department, the order of layoff will be based on the following factors:

- Retention of specific programs or services
- Job skills and ability
- History of discipline and/or corrective actions
- Special skills, licenses, registrations, and/or certifications
- Efficiency of City operation
- Experience, education, and training
- The division, location, and job

Evaluation of these factors is at the City's discretion. When all the factors are equal, the City will lay off or reduce the hours of the employee with the least length of service.

B. NOTIFICATION. Any department contemplating eliminating a position and laying off an employee must contact Human Resources as early as possible but not less than twenty (20) work days prior to the proposed layoff. The Department Director or designee shall notify the employee in writing of a pending layoff at least ten (10) work days before the effective date. The notice must state the reason and effective

date of the layoff. The appointing authority must send a copy of the notification to Human Resources.

- C. OFFER OF ALTERNATIVE EMPLOYMENT. A department director may, with the approval of the Human Resources Director, offer an employee who is laid off a vacant position in another classification for which, in the City's judgment, the employee is qualified. If the employee accepts such an appointment, the employee's name shall be placed on the layoff eligible list for the employee's present classification. If the employee is offered a position and does not accept appointment in another classification, the employee's name shall, upon layoff, be placed on the layoff eligible list for the employee's present classification.
- D. LAID OFF EMPLOYEES ON LAYOFF LIST. The names of career status employees who have completed probationary status and have satisfactory employment record and who have been recommended for re-employment by their department director shall be placed on a layoff eligible list. The laid off employee will remain on the recall list and have recall rights to vacant positions in the same classification, same FTE allocation and same department in which they were laid off. Laid off employees will remain on the recall list for a period of one year following the date of layoff. The order of names on layoff eligible lists shall be determined by seniority of service as determined by continuous service date. Laid off employees who have been notified in writing that they are being recalled to a vacant position must report to work within 14 calendar days or their names will be removed from the layoff eligible list. The City will attempt to contact the employee by certified mail at the last address listed in the employee's personnel file. If the letter is returned unclaimed, the employee's name will be removed from the layoff eligible list.
- E. DECLINATION OF APPOINTMENT FROM LAYOFF LIST. An employee who is offered appointment to a vacant position in the laid off classification may decline within 10 days of being offered the position. Declining the appointment shall result in removal of the employee's name from the layoff eligible list.
- F. REFUSAL TO RE-EMPLOY FROM LAYOFF LIST. A department director may, with approval of the Human Resources Director, refuse to re-employ an employee from a layoff list when, in the judgment of the Department Director, the position to be filled requires knowledge, skills, and abilities which the employee does not possess in sufficient amount to make it probable the employee can satisfactorily perform the duties. If an employee is refused re-employment, such refusal shall not cause the employee's name to be removed from the layoff list.
- G. RIGHTS UPON RECALL. When an employee on layoff status is recalled by the City, the amount of sick leave which that employee had accrued at the time of layoff shall be reinstated. This applies to employees returning to the job class from which they were laid off as well as to those accepting replacement employment.



The period of being laid-off shall be treated as a leave of absence without pay for the purposes of adjustment of continuous service.

### 9.03 SEPARATION PROCEDURES

- A. RETURN OF CITY PROPERTY. Upon termination of employment, an employee must return all City property in the employee's possession by the last day of employment. It is the supervisor's responsibility to ensure the return of City-issued equipment.
- B. FINAL PAYCHECK. The City requests two weeks advance notice prior to any resignation or retirement. An employee who provides at least 48 hours' notice, excluding Saturdays, Sundays, and holidays, will receive the final paycheck on the last day worked. If such notice is not given, the employee will receive the paycheck within five days, excluding Saturdays, Sundays, and holidays, or on the next regularly scheduled payday, whichever first occurs. An employee will receive the final paycheck immediately if the separation is involuntary.
- C. LAST DAY WORKED. An employee's last actual day and hour of work is the effective date and hour of termination. Employees who resign may not use vacation, holiday, compensatory, administrative leave, or unpaid leave to extend their date of termination past their last day actually worked.
- D. EXIT INTERVIEWS. Any employee separating from employment may request or be requested to participate in an exit interview conducted by the Human Resources Director or designee.

### 9.04 DEATH OF EMPLOYEE

Upon notification of an employee's death, the Department Director or designee must immediately:

- Notify the Human Resources Department's Benefits Manager or designee to ensure prompt notification is made to the applicable insurance carriers.
- Submit a Personnel Action Form notifying Human Resources that the employee is deceased.
- Submit the employee's final timecard and payment request to Payroll for processing.
- Coordinate with Human Resources for disbursement of pay.
- Facilitate the return of personal or retrieval of City property.

## SECTION 10: EMPLOYEE BENEFITS

### 10.01 PURPOSE

The City provides employee benefits. Except where noted, all benefits set forth in these Rules apply to all unrepresented career employees. Limited duration employees who work more than 0.5 FTE will be provided benefits as set forth in these Rules. Limited benefits may be provided to seasonal and part-time exempt employees when required by federal or state law.

Represented employees shall refer to their respective collective bargaining agreements for matters involving eligibility, enrollment, premium contributions, and coverage during leaves of absence.

### 10.02 HEALTH INSURANCE

The City provides health insurance benefit options including medical, prescription, dental, and vision coverage for employees and their eligible dependents.

#### A. ELIGIBILITY.

1. All unrepresented employees in the career and exempt service.
2. Part-time career with a budgeted FTE of 0.5 or greater are eligible to receive City contributions up to the percentage of the budgeted full-time equivalency of the position held. The employee is responsible for paying the remainder of the premium.
3. Part-time exempt and seasonal employees are not eligible to participate in the City's health insurance program, unless enrollment is required by federal or state law.
4. Limited duration employees hired to work 0.5 hours or more per week are eligible to receive City contributions up to the percentage of the FTE equivalency for the position held.

#### B. ENROLLMENT. Enrollment in the City's health insurance program is limited to the following periods:

1. Within 30 days of the initial benefits orientation with Human Resources.
2. During the City designated annual open enrollment period, for coverage effective January 1st of the following year.
3. Within 30 calendar days of a qualifying event.

C. PREMIUMS. The City will pay such portion of the monthly premium for eligible unrepresented employees as authorized by the City Council. The employee will be responsible for paying the remainder. If an employee contribution is required, no City contribution will be made without the employee contribution being made.

D. COBRA AND EARLY RETIREES. The City of Salem complies with all state and federal laws on early retiree benefits and COBRA. Health plan participants no longer eligible for coverage as an active member, may be eligible to purchase coverage under the City's health insurance program for a limited time in accordance with federal and state laws.

#### 10.03 LONG TERM DISABILITY INSURANCE

The City provides long term disability insurance to all unrepresented employees in the career and exempt service. Seasonal and part-time exempt employees are not eligible for long term disability insurance. The City will pay the monthly premiums for eligible unrepresented employees as authorized by City Council.

#### 10.04 LIFE INSURANCE

The City of Salem provides all unrepresented career service employees with term life insurance and accidental death and dismemberment (AD&D) insurance. Seasonal and part-time exempt employees are not eligible for life and AD&D insurance. The City will pay the monthly premiums for eligible unrepresented employees as authorized by City Council.

#### 10.05 EMPLOYEE BENEFITS DURING LEAVES OF ABSENCE

A. PAID LEAVE. Benefits coverage will continue during all paid leaves of absence. Participation and coverage will continue as if the employee continued working.

B. PROTECTED LEAVE. Coverage will continue during authorized protected leave whether paid or unpaid. Participation and coverage will continue as if the employee continued working.

C. AUTHORIZED UNPAID LEAVE. Participation and coverage will continue through the month in which authorized unpaid leave begins. Employees may elect to continue coverage at their own expense through COBRA

#### 10.06 RETIREMENT

A. PERS/OPSRP. The City of Salem participates in the Oregon Public Employees Retirement System (PERS) and Oregon Public Service Retirement Plan (OPSRP). Subject to the provision of Oregon law, the City will contribute 6% of eligible employee wages and participate in the sick leave conversion program.

- B. DEFERRED COMPENSATION. Employees may elect to contribute pre-tax income through payroll deduction to the City sponsored 457 Deferred Compensation Plan. Contributions are limited to amounts specified by the Internal Revenue Service (IRS).

Unrepresented new employees hired on or after January 1, 2018, will be automatically enrolled in the City's deferred compensation program, at the rate of one percent (1%) of their pre-tax wages, unless the employee chooses to opt out.

#### 10.07 VOLUNTARY BENEFITS

The City offers a variety of optional insurance programs. Employees who participate in optional insurance programs do so through payroll withholdings at their own expense. An employee on unpaid leave status must make their own arrangements with the Human Resources Department benefits representative to continue insurance benefits at their own expense, subject to the contract terms and conditions between the City and the insurance carriers.

#### 10.08 EMPLOYEE ASSISTANCE PROGRAM

The City maintains an Employee Assistance Program (EAP). EAP provides for confidential counseling sessions for eligible unrepresented career service and exempt service employees and their families, subject to the limitations of the EAP plan. Employees may access EAP services voluntarily without referral. Management may make a mandatory EAP referral to address an employee's unacceptable workplace behavior or job performance issue.

### SECTION 11: HOLIDAYS

- A. HOLIDAYS. The following are recognized holidays for unrepresented employees in the City career and exempt service.

- New Year's Day – January 1
- Martin Luther King, Jr. Holiday – third Monday in January
- Presidents Day – third Monday in February
- Memorial Day – last Monday in May
- Independence Day – July 4
- Labor Day – first Monday in September
- Veterans Day – November 11
- Thanksgiving Day – fourth Thursday in November
- Friday after Thanksgiving
- Christmas Day – December 25

In addition to the foregoing, any other special day declared to be a holiday by the City Council shall be deemed a holiday.

Holidays and holiday leave/banks for represented employees are established in the appropriate collective bargaining agreements.

- B. FLOATING HOLIDAYS. Career status employees will accrue two, eight-hour floating holidays in January of each year. Employees hired after January 1st shall receive one floating holiday during their first year of employment.

Floating holidays may be used by an employee, with the prior approval of their supervisor, on any work shift requested by the employee. Operational needs shall be the determining factor in the supervisor's approval or denial of such leave requests.

An employee who terminates employment shall be entitled to payment for accrued floating holiday leave. An employee shall not be allowed to extend their termination date by utilizing accrued holiday time.

- C. HOLIDAY BANKS. Accrued holiday leave banks that existed on January 1, 2016, may be taken as leave or cashed out at separation of employment. New holiday hours shall not be added to pre-existing holiday leave banks.

All holiday hours accrued in a calendar year and not taken as leave (except those that existed prior to January 1, 2016) will be paid to the employee on the paycheck for the first full pay period in December.

- D. TIME WORKED ON A HOLIDAY. Working on a holiday is strongly discouraged and not permissible for accruing additional holiday leave hours. Unrepresented employees must have Department Director approval prior to working a recognized holiday. In the event an exempt employee must work on a holiday, the employee will accrue 8 hours of holiday leave to be taken at a later date.

Unrepresented employees who are required to work on a holiday, will have the holiday hours banked for future use and are eligible for overtime compensation shall receive 1½ time compensation for the time worked on a recognized holiday. Additional holiday compensation is not paid for time worked on floating holidays.

Police Sergeants, and Lieutenants who are assigned to patrol, and Communications Shift Supervisors who work on a holiday, shall receive 1½ time compensation for the time worked and shall accrue the holiday to be taken at a later date or to be paid off.

- E. WEEKEND HOLIDAYS. Whenever a holiday falls on Saturday, the preceding Friday shall be observed as a holiday. Whenever a holiday falls on Sunday, the following Monday shall be observed as a holiday. Employees working an irregular work week shall observe the actual holiday as the holiday if it occurs on one of their regularly scheduled work days.

- F. HOLIDAY COMPENSATION. An employee must be on paid status the last scheduled work day before and the first scheduled work day after the holiday in order to receive holiday compensation. Part-time career employees will receive prorated compensation for holidays on the same basis that the budgeted FTE of their position bears to a full-time position.
- G. HOLIDAY EXCHANGE. Holiday exchange program is a way to allow salaried exempt employees to work on holidays in exchange for an additional day off at a later time. Holiday's exchanged expire on December 31<sup>st</sup> and have no cash value. To take advantage of this program, an employee must notify their supervisor as well as complete the HR067 Holiday Exchange Form and submit it to their department Human Resources Analyst.
- H. RELIGIOUS OBSERVANCES. A department will attempt to accommodate an employee's request to be away from work for religious observances. Such time off shall be charged to paid leave other than sick leave. If no paid leave is available, time shall be charged as unpaid leave. The City will make a reasonable accommodation unless it results in undue hardship on the department's operational needs or resources.
- I. HARDSHIP PAYMENT REQUEST. Unless otherwise provided in the employee's collective bargaining agreement, employees can request hardship payment of accrued holiday leave subject to approval by the Human Resources Director. Hardship is defined as a real financial emergency caused by an event beyond the employee's control. Medical expenses resulting from the sudden illness or accident; loss of or damage to property due to an accident, disaster, destruction, or theft; or other similarly extraordinary and unforeseeable circumstances arising as a result of events beyond the employee's control are examples of unforeseeable emergencies.

## SECTION 12: FORMS OF LEAVE

### 12.01 VACATION LEAVE

- A. ACCRUAL OF VACATION LEAVE. Vacation leave shall be earned at the rate shown below on the pay period following the accrual.

Vacation leaves and maximum accruals for represented employees are established in the appropriate collective bargaining agreements. Vacation leave for unrepresented employees shall accrue according to the schedules below.

UNREPRESENTED EMPLOYEES:

<u>MONTHS</u>	<u>HOURS BI-WEEKLY</u>	<u>DAYS/YEAR</u>
1 – 48	3.693	12.00
49 – 108	5.193	16.87
109 – 168	5.962	19.38
169 – 228	6.539	20.25
229 – 288	6.924	22.50
289 +	7.308	23.75

DEPARTMENT DIRECTORS:

<u>MONTHS</u>	<u>HOURS BI-WEEKLY</u>	<u>DAYS/YEAR</u>
1 – 48	5.193	16.87
49 – 108	6.231	20.25
109 – 288	6.924	22.50
289+	7.308	23.75

B. ACCRUAL FOR PART-TIME EMPLOYEES. Part-time career employees shall accrue prorated vacation hours based upon the relationship their authorized FTE bears to a full-time position. For example, a 0.5 FTE employee shall be eligible for one-half of the monthly accrual of a 1.0 FTE with the same months of service. Such proration shall be in increments of five percent. The maximum accrual allowed for part-time employees shall be based on the proration described herein applied to the maximums allowed in (E) below.

C. EFFECT OF UNPAID LEAVE. Employees having cumulative unpaid leave during a pay period shall accrue vacation leave at the following rates:

<u>HOURS UNPAID LEAVE</u>	<u>VACATION ACCRUAL</u>
0 – 18	100%
19 – 36	75%
37 – 55	50%
56 – 73	25%
74 – 80	0%

D. MAXIMUM ACCUMULATION. Unrepresented employees will have no maximum limit on vacation leave accumulations that may be used as leave. Vacation leave shall have maximum accumulation value at the time of separation of no more than two years total accumulation. Vacation time above the two-year cap will be forfeited at separation.

Unrepresented employees, who have more than two years of vacation accruals and have taken 80 hours of vacation leave in the preceding 12 months, may

request a payout of 40 hours of vacation leave in June of each year. Request for payout must be submitted for approval to the Department Director and are contingent upon the department's ability to pay.

- E. FIRE SERVICE MANAGEMENT. Fire service management employees who are promoted from a represented position shall be allowed to retain any accrued miscellaneous leave. No new hours will be added to the miscellaneous leave following promotion to an unrepresented management position. Upon separation, employees may not cash out more than a total of two years of accrued vacation and miscellaneous leave.
- F. SCHEDULING OF VACATIONS. Employees should be encouraged to take vacation leave as means to recharge physically and mentally, reduce stress, prevent burnout, and promote work-life balance. Vacation leave requests must be approved in advance with consideration given to the employee and the operational needs of the City.

Vacation requests that exceed 120 hours of continuous leave and are not related to authorized protected leave require Department Director approval.

- G. VACATION PAY UPON SEPARATION. An employee, who terminates after completion of the six-month initial probationary service to the City, shall be entitled to payment for accrued vacation leave.

Employees who have not completed six-months of their initial probation to the City will not be entitled to accrued leave payouts, unless vacation leave was offered as part of the initial appointment to the City. If vacation leave was included as part of the initial appointment, the employee will be entitled to vacation leave payout of either the amount included in the initial offer or their remaining front-loaded vacation balance, whichever is less.

The last day an employee works shall be the date of separation. An employee shall not be allowed to extend the date of separation by utilizing accrued leaves. Upon separation, employees may not cash out more than two years of accrued vacation. In case of death, compensation for accrued vacation leave shall be paid in the same manner that salary due to the decedent is paid.

- H. TRANSFER OF VACATION LEAVE. When an employee is transferred to or appointed to another department (excluding Salem Housing Authority), vacation credit shall be assumed by the new department.

## 12.02 SICK LEAVE

- A. ACCRUAL OF SICK LEAVE. Sick leave shall accrue at 3.692 hours bi-weekly. Employees having unpaid leave during a calendar month shall accrue sick leave



prorated in the same manner as vacation leave. Sick leave shall not accrue during any period of leave of absence without pay.

Unless otherwise covered by a collective bargaining agreement or law, seasonal and part-time exempt employees will accrue one hour of sick leave for every 30 hours of time worked. Seasonal and part-time exempt employees must work 90 days before becoming eligible to use accrued sick leave.

- B. **SICK LEAVE ACCRUAL DURING PROBATION.** New unrepresented employees will accrue and may use sick leave during their initial probation period. Sick leave may be used for sick leave after hours are earned. Employees having unpaid leave during a calendar month shall accrue sick leave prorated in the same manner as vacation leave.
- C. **TRANSFER OF SICK LEAVE.** When an employee is transferred to or appointed to another department, (excluding Salem Housing Authority) the sick leave credit shall be assumed by the new department.
- D. **USE OF SICK LEAVE.** Employees may use sick leave when unable to perform their work duties by reason of illness, off-the-job injury, pregnancy, post-partum recovery, necessity for medical or dental care, or by serious illness in their immediate families requiring the presence of the employee, for such period as the employee has sick leave credit.
- E. **POLICE AND FIRE MANAGEMENT ON-THE-JOB INJURY LEAVE.** When an employee suffers a compensable on-the-job injury, the employee is eligible to receive, for a period of six (6) months (1040 hours), an injury leave supplement equal to the difference between the workers' compensation program payments and the employee's regular gross pay. If the employee is still off work after six (6) months (1040 hours), the amount equal to the injury leave supplement will be converted at the employee's regular rate to an equivalent number of hours and deducted from the employee's accrued sick leave.
- F. **SICK LEAVE AND OUTSIDE EMPLOYMENT.** Employees may not use sick leave if continuing to work at another job during the same 24-hour period for which sick leave is requested.
- G. **CERTIFICATION OF ILLNESS.** A department director or the Human Resources Director may require certification of the health care practitioner to substantiate that an illness or injury prevents or did prevent the employee from working. At the City's discretion, the City may direct that an employee be examined by a physician or practitioner of the City's choice and at the City's expense to determine if the employee is able to fully perform the duties of their position.
- H. **SICK LEAVE INVESTIGATION.** If a supervisor believes that an employee is using sick leave for reasons other than the employee's own illness, the illness of an

immediate family member, injury, medical or dental care or other qualified protected leave, the supervisor may initiate an investigation by contacting Human Resources. If Human Resources agrees with the supervisor's assessment, Human Resources will conduct an investigation. As part of the investigation, Human Resources may contact the employee and ask the employee to provide information to address the concerns. Human Resources will share the investigation findings with the Department Director and the employee's supervisor.

- I. SICK LEAVE UPON SEPARATION. Employees will not be compensated for accrued sick leave at time of separation. Accrued sick leave hours will be reported to PERS as part of the sick leave conversion program for eligible employees in accordance with PERS rules and procedures.

### 12.03 BEREAVEMENT LEAVE

The City provides career status unrepresented employees and department directors a maximum of forty hours of City-paid bereavement leave, per qualifying occurrence, in the event of the death of a member of the employee's immediate family or household. The Department Director may grant up to eight (8) hours of City-paid bereavement leave for the death of a relative who is not immediate family.

Unpaid bereavement leave may be available to qualifying employees under the Oregon Family Medical Leave Act (OFLA). Employees may use accrued leave while using bereavement leave that is not City-paid. City-paid bereavement leave runs concurrently with OFLA.

### 12.04 COMPASSIONATE LEAVE

In the event that a City employee dies, other City employees may be granted, at the discretion of the Department Director or designee, up to three hours of paid leave to attend the service.

### 12.05 JURY DUTY

The City shall grant employees in the career service paid leave for jury duty. An employee excused from jury duty or a court appearance before the end of the workday shall report immediately to the employee's supervisor. The employee may retain payment for mileage but must remit all jury and witness fees to the City.

### 12.06 COURT APPEARANCE

Employees shall be granted time off for appearance in response to a subpoena before a court, legislative committee, or judicial or quasi-judicial body on a matter not related to their official duties. Employees will not be eligible for City-paid leave if they are subpoenaed for a nonwork-related dispute in which the employee is the plaintiff,

defendant, or a witness, or if it involves a dispute between the City and the employees. Employees will use accrued leave, if available.

Attendance in court in connection with an employee's official assigned duties, including the time required going to the court and returning to the regular work site, is considered time worked.

#### 12.07 LEAVES WITHOUT PAY

In instances where there will not be an undue hardship by the temporary absence of an employee, a department director may grant a leave of absence without pay not to exceed 90 calendar days. Leaves of absence without pay for periods in excess of 90 days must be approved by the Human Resources Director. Request for such leave must be in writing and must establish reasonable justification for approval of request. Such leave will not be approved for an employee who is accepting employment outside the City service.

#### 12.08 STATUTORY PROTECTED LEAVES

The City shall adhere to federal and state governing laws regarding protected leaves. Protected leaves include but are not limited to: Military Leave, Family Medical Leave, Oregon Family Medical Leave, Oregon Victims of Certain Crimes Leave, and Peace Corp Leave ([Link to APP #4.5 Protected Leave](#)).

#### 12.09 GOVERNMENT LEAVE

The City will provide leaves for military, Peace Corps, United States public health service and other public services as required by state and federal law.

##### A. MILITARY LEAVE

##### 1. REGULAR MILITARY DUTY LEAVE

- a. Any employee inducted or enlisted into active service in the Armed Forces of the United States shall be deemed absent on unpaid leave until released from active service unless the employee dies, resigns or is discharged from duty other than honorable conditions.
- b. In order to continue employment with the City after military duty, the employee must be qualified to perform the duties of their position and must notify the City of their intent to return to work.
- c. Employees returning to City service after military leave shall be restored to their old positions without loss of seniority or benefits and shall accrue seniority while on active military duty.

- d. Employer will continue to pay City paid health benefits for a period not to exceed one (1) year.

## 2. RESERVIST MILITARY DUTY LEAVE

- a. Employees who have worked for the City for six months or more are eligible for fifteen (15) days of paid military leave each federal fiscal year for the purpose of serving in temporary active or inactive duty. Such leave will be paid in compliance with current State and Federal law. If the employee is a member of the Oregon organized militia and is called to active state duty, the employee shall be paid in accordance with related state statutes.
- b. Employees are paid only for their regularly scheduled work days in compliance with current State and Federal law.
- c. Employees may receive, upon request, additional periods of leave for temporary active or inactive duty training. Such leave shall be without pay unless the employee requests the use of accrued vacation leave, holiday leave, or compensatory time.
- d. Employees who request military leave must complete the application process for protected leave and submit it to their department Human Resources Analyst prior to the beginning of the leave period.

## B. ALTERNATIVE DUTY LEAVE

- 1. Any full-time salaried career employee who serves as a volunteer in the Peace Corps shall be deemed absent on unpaid leave during the period of service up to a maximum of two years.
- 2. Upon returning, the employee shall have the right to be reinstated to the position held before the leave was granted.
- 3. Failure of the employee to return to work within 90 days of the termination of the service shall be cause for dismissal.

## 12.10 MILITARY LEAVE SHARING PROGRAM

A career employee is eligible to participate in the Military Leave Sharing Program as a recipient or donor in accordance with collective bargaining agreements or this section.

The intent of the Military Leave Sharing Program is to provide a means for employees to financially assist another employee who is on military leave and whose rate of pay while on active duty is less than the employee's base wages as a City of Salem employee. Donated leave is used to bridge the difference in income while the employee is on military leave.

- A. PARTICIPATION. Career employees on voluntary or involuntary active military duty may request donations. The employee must provide the anticipated date of return to work and documentation of the rate of pay the employee will receive, including any differentials and special pay, while on active military duty.
- B. DONATION. Employees may donate accrued vacation hours, holiday hours, or compensatory time hours to an individual employee or the Military Leave Pool. Donated leave is irrevocable by the donating employee.
- C. COMPUTATION. The dollar value of the donated leave will be calculated by multiplying the donor's hourly rate times the number of hours donated. The Military Leave Pool will contain a dollar amount, not a number of hours. When time is donated to a recipient, the number of hours awarded will be multiplied by the recipient's hourly rate to determine the dollar amount that will be subtracted from the pool.
- D. LIMITS ON DONATED LEAVE. The maximum donated leave an employee on military leave may receive is the equivalent of the difference between the employee's military rate of pay and the employee's City of Salem rate of pay for up to 18 months of work.

Donations are not available to employees on military leave for routine training or other similar activities.

#### 12.11 CATASTROPHIC LEAVE

A career employee is eligible to participate in the Catastrophic Leave Sharing Program as a recipient or donor in accordance with collective bargaining agreements or these Rules.

The intent of the Catastrophic Leave Sharing Program is to provide a means for employees to assist a coworker who is unable to work due to the employee's own catastrophic injury or illness, or to care for an immediate family member who has a catastrophic injury or illness.

- A. CATASTROPHIC INJURY OR ILLNESS. A catastrophic injury or illness is an injury, illness, impairment, or physical or mental condition which requires inpatient care in a hospital, hospice, or residential medical care facility; or an illness, disease, or condition, that in the medical judgment of the treating healthcare provider, poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care.
- B. IMMEDIATE FAMILY MEMBER. Immediate family member for purposes of catastrophic leave only is defined as spouse, same sex domestic partner, parent, parent-in-law, biological, adopted or foster child of the employee.

- C. DONATION. Employees may donate accrued vacation hours, holiday hours, or compensatory time hours to an individual or the Catastrophic Leave Pool. Donated leave is irrevocable by the donating employee.
- D. ELIGIBILITY. The recipient employee, or immediate supervisor of the employee, must apply for Catastrophic Leave. The employee may be granted up to 694 hours of donated leave during their tenure with the City. An employee may not use donated leave until exhaustion of all accrued leaves in the employee account. Donated leave hours not used by the employee will be transferred to the Catastrophic Leave Pool.
- E. COMPUTATION. The dollar value of the donated leave will be calculated by multiplying the donor's hourly rate times the number of hours donated. The Catastrophic Leave Pool will contain a dollar amount, not a number of hours. When time is donated to a recipient, the number of hours awarded will be multiplied by the recipient's hourly rate to determine the dollar amount that will be subtracted from the pool. The donating employee must have at least 40 hours combined vacation, holiday, or compensatory time to be eligible to donate.
- F. EXTENSION OF EMPLOYMENT. Donated leave may not be used to extend employment beyond the point that it would otherwise end by operation of law, rule or regulation (e.g. employee being terminated for layoff or other reasons).
- G. RETIREMENT, DISABILITY, LONG-TERM DISABILITY INSURANCE OR OTHER SUPPLEMENTAL INCOME. An employee who is eligible for any type of retirement disability, long-term disability insurance, or other supplemental income is not eligible to receive or use donated leave.

#### 12.12 ADMINISTRATIVE LEAVE

- A. Career employees who are assigned to classifications that are exempt from overtime will accrue up to 48 hours of administrative leave per year. Administrative leave will accrue the first and second pay checks of each month.
- B. Part-time career and limited duration employees who are assigned to classifications that are exempt from overtime shall receive a proration of this leave based upon the authorized FTE of their position.
- B. Administrative leave balance cannot exceed 48 hours. Administrative leave shall be available for use after it is accrued. Unused leave will not be paid at separation of employment.

#### 12.13 INCLEMENT WEATHER

During periods of inclement weather, public services, and emergency services continue

operations. This rule covers conditions that limit transportation or mobility such as snowstorms, ice storms, wind storms, earthquakes, volcanic eruptions, floods, or any formal declaration by the City Manager of inclement weather which may cause unsafe driving conditions for both public and private transportation. Employees are expected to report to work unless directed not to do so by the City Manager.

- A. In the event the City Manager determines to close operations due to inclement weather or hazardous road conditions, employees may request, and the City shall grant holiday leave, vacation leave, compensatory leave, or leave without pay to cover the lost time.
- B. Sick leave is not allowed for use under these circumstances.
- C. Where late arrivals or early departures are allowed, employees will be allowed to charge any absence due to inclement weather to vacation, compensatory time, or accrued holiday time, except as provided below.
- D. Employees may make up short periods of absence due to inclement weather within the work week, provided such activity does not conflict with applicable collective bargaining agreements, federal and state wage and hour laws, and that such adjusted work time does not result in additional overtime payment.

## SECTION 13: DRUG AND ALCOHOL TESTING

### 13.01 PURPOSE

The City is committed to maintaining a safe and healthy work place for all employees by identifying the misuse of alcohol and drugs. The misuse of alcohol and drugs can impair employee performance and may jeopardize the safety of co-workers and the general public (HR051 Drug-Free Workplace Act Notice).

Drugs and Alcohol - For the purposes of this Section, drugs and alcohol will be defined as alcohol and controlled substances as defined by ORS 475.005 Controlled Substances Act and the federal Controlled Substance Act (21 U.S.C. §812), excluding any substance lawfully prescribed for the employee's use as directed by a healthcare provider. Marijuana is defined as a drug for the purpose of these Rules, regardless of whether or not the marijuana was distributed for medical purposes. To the extent any applicable collective bargaining agreement differs from the conduct and procedures set forth in these Rules, employees represented by that bargaining unit will be subject to the terms set forth in that agreement.

### 13.02 PROHIBITED CONDUCT

- A. The buying, selling or providing controlled substances including marijuana while on City property or in City vehicles or equipment, or during work hours, including rest and meal periods.

- B. Being at work under the influence of or consumption of drugs or alcohol while in City vehicles or equipment at any time or on City property during work hours, including rest and meal periods.
- C. Possession of any controlled substance including marijuana (but excluding any substance lawfully prescribed for the employee's use which has not been obtained for the purpose of abuse) while on City property or in City vehicles or equipment at any time, or during work hours, including rest and meal periods.

### 13.03 TESTING

An employee may be tested for drugs and alcohol under the following circumstances:

- A. Employees who have a Commercial Driver License (CDL) shall be tested as required by state and/or federal Department of Transportation (DOT) law in addition to any other testing required by these Rules.
- B. Engaging in prohibited conduct.
- C. Employees in positions or classifications that are required by law, licensing, or grant funding to be tested.
- D. Following an on-the-job or motor vehicle accident which results in death, serious physical injury or extensive property damage.
- E. The employee was observed using alcohol, drugs, or other controlled substances while on duty or on City property.
- F. Based on a reasonable suspicion that the employee is under the influence. Reasonable suspicion exists when the employer holds a belief that it is reasonable under the totality of the circumstances existing at the time and place that the employee is more likely than not under the influence of drugs and/or alcohol as those terms are defined in these Rules.

Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

1. A pattern of abnormal or erratic behavior;
2. Direct observation of drug or alcohol use; or information provided by a reliable and credible source;
3. Presence of the mental or physical symptoms of drug or alcohol use (e.g., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);



4. A work-related accident in conjunction with other facts which together support reasonable suspicion.

An employee is considered under the influence when reasonable suspicion has been demonstrated and confirmed with a drug test and/or alcohol test.

Supervisors, who have successfully passed reasonable suspicion training, may require an employee to be drug and/or alcohol tested on the basis of reasonable suspicion but only after consultation with a second trained City supervisor, or the appropriate department director, or the Human Resources Director or designee. An employee required to test due to reasonable suspicion shall be transported by a supervisor to the testing location.

#### 13.04 TESTING PROCESS

Testing procedures for CDL will be performed in accordance with DOT requirements.

All other testing will be governed by industry practices for non-DOT testing. The standards include utilizing a Department of Health and Human Services certified laboratory that demonstrates experience and capacity of quality control, documentation, chain of custody, technical expertise and demonstrated proficiency testing. All alcohol tests will be performed by a Certified Breath Alcohol Technician using a breathalyzer for both initial and confirmation testing.

#### 13.05 TEST RESULTS

The drug testing company will contract with a certified medical review officer (MRO). The MRO will review preliminary non-negative drug test results with the employee and any relevant health care provider(s) before the results are reported to the City.

If an employee disagrees with the results of a drug test, the employee may request the sample be retested at the employee's expense. The request for retesting must be submitted in writing to the testing facility and Human Resources within five (5) business days. The result of any retest will be deemed final and binding and not subject to any further test. Failure to make a timely written request for a retest shall be deemed an acceptance of the test results. If an employee requests a retest, disciplinary action shall be held pending receipt of the results of the retesting.

The employee may be placed on administrative leave pending results of retesting.

Employees who test positive for alcohol or controlled substances shall be required to undergo an assessment with a substance abuse professional (SAP) at the earliest opportunity, regardless of whether disciplinary action is being considered or taken by the City.

Refusal to undergo testing will be considered a positive test result. The following are considered refusals to test:

- A. Refusal to submit to testing.
- B. Substituting, manipulating, tampering with, or adulterating a specimen.
- C. Failure to cooperate with the collection process in a manner that allows a sample to be collected.
- D. Failure to remain at the testing location until the testing process is complete.

The City may offer an employee diagnosed as having an alcohol and/or chemical dependency by an SAP, continued employment under the terms of a last chance agreement. Costs for the program may be covered under the City's current health insurance plan. Any costs not covered under the City's health insurance plan will be borne entirely by the employee.

The City is under no obligation to extend a last chance agreement. Last chance agreements for employees who possess a CDL must comply with DOT regulations.

#### 13.06 SEARCHES OF PROPERTY

- A. The City may conduct searches of City property or search any area directly connected to the City's operation.
- B. The City may search an area where an employee has an expectation of privacy (i.e., desk or locker) when the City has reason to believe alcohol, controlled substances, or other prohibited items are located in the area to be searched.
- C. Searches which do not reveal the presence of alcohol, controlled substances, drug related paraphernalia, or other prohibited items, but excluding any substance lawfully prescribed for the employee's use, shall result in no further action against the employee. The employee shall be informed of the search results and the matter shall be deemed closed.
- D. An employee shall be considered to have committed prohibited conduct when a search reveals the presence of alcohol, controlled substances, or other prohibited items, excluding any substance lawfully prescribed for the employee's use, in an area under the control of the employee or if the alcohol, controlled substance or other prohibited item can be directly connected to the employee. The City shall use appropriate custody and control procedures.
- E. Prohibited conduct described in this section may result in discipline up to and including termination.

SECTION 14: DEFINITIONS

14.01 DEFINITIONS

Certain terms used in these Rules are defined as follows:

**ALLOCATION:** The assignment of a position to a classification on the basis of the nature, type, duties, authority, difficulty, and responsibility of work actually performed in the position.

**ANNIVERSARY DATE:** The first day of the first full calendar month worked, or the day designated by the City as the Anniversary Date due to adjustment of the Continuous Service Date. The anniversary date is used to determine employee leave accruals.

**APPOINTING AUTHORITY:** The City Manager or department directors to whom authority is delegated to appoint all employees in the career and exempt service.

**APPOINTMENT:** The filling of a position by the appointing authority properly authorized by the City Manager or the Human Resources Director. Appointments include several types: seasonal, part-time exempt, part-time career, full-time career, and probationary.

**CAREER SERVICE:** All budgeted positions in the government of the City not included in the exempt or volunteer service as listed in Section 2.435 of the Salem Revised Codes.

**CAREER STATUS:** The status of employees who have successfully completed an initial probation period.

**CITY COUNCIL OR COUNCIL:** The mayor and eight councilors who represent various wards in the City.

**CITY MANAGER:** Chief Executive Officer and head of the administrative branch of the City government. The City Manager is appointed by and responsible to the City Council for the proper administration of all designated City affairs.

**CLASS OR CLASSIFICATION:** A group of positions with similar duties, responsibilities and authority, for which the same qualifications may be required and for which the same pay schedule shall be applied. Each position in the City service shall be allocated to a classification. The term "classification" is synonymous with the more commonly used term "class."

**CLASS SPECIFICATION:** The written description of a class containing a title, essential functions, statements of duties, authority, responsibilities and the desirable or minimum qualifications for the classification or position.

**CONTINUOUS SERVICE DATE:** The first day an employee actually worked in an authorized position, or the day designated by the City as the Continuous Service Date due to absences from work or breaks in service due to layoff or other unpaid leaves of absence. The continuous service date is used for determining length of service in connection with layoff and any other matters involving seniority.

**CONTROLLED SUBSTANCE:** As provided in ORS 475.005(6) (2005) et. seq.: a drug or its immediate precursor classified in Schedules I through V under the federal Controlled Substances Act, 21 U.S.C. 811 to 812, as modified under ORS 475.035. (This includes, but is not limited to marijuana, cocaine, opiates, amphetamines, and phencyclidine.)

**DEMOTION:** The movement of an employee to a class having a lower salary range. A voluntary demotion is a demotion initiated by an employee. An involuntary demotion is a demotion initiated by an appointing authority.

**DEPARTMENT:** A major organizational unit whose composition and duties are outlined in the City of Salem Revised Codes.

**DEPARTMENT DIRECTOR:** The administrative leader of a department who is appointed by the City Manager.

**EMPLOYEE:** Any person who is appointed to serve in the career or exempt service. All employees are classified in one or more of the ways specified in these Rules, except as expressly stated otherwise, the classification(s) does/do not guarantee employment nor employment in any specific classification for any specific length of time.

**EXEMPT SERVICE:** The exempt service is listed in Section 1.05 of these Rules and in SRC Section 2.435. Positions in the exempt service are not subject to the provisions of these Rules unless specifically noted.

**FIRE SERVICE:** The positions in the Salem Fire Department, except the Fire Chief, involved in firefighting, fire prevention, fire inspection, training, and related activities. See City Charter Section 29 (8) and (9).

**FLEX CLASSIFICATION:** Two classifications linked together in which a career employee may advance into the higher classification without further competition, providing the employee is performing the higher classification responsibilities and approval has been given by the Department Director and Human Resources Director.

**FULL-TIME EQUIVALENT ("FTE"):** A budgeted position which has daily, weekly, and monthly hours as established for full-time work, normally 2,080 hours a year or 40 hours a week. Sworn fire fighters assigned to a 24-hour shift normally work 2,912 hours per year or 56 hours per week.

**HOLIDAY:** The 24-hour period between 12:01 a.m. (0001 hours) and 12 midnight (2400 hours) of the day on which a holiday is observed.

**HUMAN RESOURCES DIRECTOR:** The individual appointed by the City Manager who is delegated the responsibility of administering the Human Resources Department, the Human Resources Rules, and such related duties as may be prescribed by the City Manager.

**IMMEDIATE FAMILY:** Includes mother, father, spouse, sister, brother, children, or other relatives or same sex partners residing in the employee's immediate household or other family member as required by federal or state law or collective bargaining agreement.

**JOB SHARE:** An agreement between two employees to fulfill the duties of one single budgeted FTE position.

**LAYOFF:** An involuntary separation from City employment due to shortage of funds or materials, abolishment of position, or for other reasons not reflecting discredit on the employee.

**LIMITED DURATION POSITIONS:** Limited duration positions may be full or part time depending on the individual department or program needs. Limited duration positions will not exceed 18 months. The duration cannot be extended or renewed.

**NEPOTISM:** Favoritism or bias shown by those acting in the capacity of a supervisor or by persons with oversight authority to family members or someone with whom they have a close personal or financial relationship.

**PART-TIME CAREER EMPLOYEES:** Employees appointed to authorized budgeted positions, of less than 1.0 FTE (less than 2,080 hours per fiscal year). Part-time career employees shall be considered in the career service.

**PART-TIME EXEMPT EMPLOYEES:** Employees appointed to work an average of 29 hours or less per week during the rolling 12-month period beginning on the date of hire and shall not exceed 1,200 hours per calendar year. Employees in these positions are exempt from receiving most employee benefits. They are not exempt from overtime provisions as provided under the FLSA or CBA where applicable.

**PERSONNEL ACTION:** Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or any other matter affecting status of employment.

**PERSONNEL FILE:** The official employee records maintained and controlled by the Human Resources Director for each individual employed by the City.

**POLICE SERVICE:** Sworn positions in the Salem Police Department, except the Police Chief, involved in law enforcement, investigations, administration, and training activities.

**POSITION:** A group of duties and responsibilities within a classification which is authorized and assigned by competent authority and which requires the full or part-time

services of an employee. The term "position" is synonymous with the more commonly used term "job."

**PROBATION TO THE CITY:** A period of 12 full calendar months, unless otherwise provided for under collective bargaining agreement, beginning at the Anniversary Date, during which an employee appointed to a position in the career service is required to demonstrate, by actual performance of the duties, fitness for the position to which the employee has been appointed. Any interruption of service for 15 total, cumulative, or consecutive days or more during the probationary period shall not be counted as part of such period.

**PROBATION TO THE CLASSIFICATION:** A period of six full calendar months (or 12 months for promotion to Lieutenant or Sergeant) following a promotion, demotion, or lateral transfer requiring a career employee to serve a probationary period, during which an employee is required to demonstrate, by actual performance of the duties, fitness for the classification in which the employee has been appointed. The period of probation to the classification will begin the first full month worked in a position in the new classification.

**PROMOTION:** The movement of an employee from a position in one classification to a position in another classification having a higher salary range, provided; however, that movement from a non-confidential class to the equivalent confidential class is not considered a promotion.

**REASSIGNMENT:** The reassignment of an employee from one particular job to another job in the same classification within the department.

**RECALL:** When the City reinstates a laid-off employee to a regular position or classification from a recall list.

**RECLASSIFICATION:** A change in the allocation of an individual position by raising it to a higher class, reducing it to a lower class, or by moving it to another class at the same level on the basis of significant changes in the essential functions, duties, authority, difficulty, or responsibility of the work assigned to such position.

**REPRESENTED EMPLOYEE:** An employee in a position that is covered by a collective bargaining agreement.

**REINSTATEMENT:** The return of a former employee to the employee's previous position following an approved leave of absence.

**SEASONAL APPOINTMENT:** Appointment limited to six months from date of hire to provide additional employees during a particular season. Seasonal employees are included in the exempt service.

**SALARY REVIEW DATE:** The first day an employee is eligible for a salary increase based on merit after successful completion of the probation period.

**SUSPENSION:** The temporary release of an employee from the employee's duties with or without pay.

**TRANSFER:** The movement of an employee from one position to another position of the same class or of another class having the same salary range, involving the performance of similar duties and requiring essentially the same basic qualifications. Also, the movement of an employee from one position in a non-confidential class to another position in the equivalent confidential class and vice-versa.

**TRANSITIONAL DUTY ASSIGNMENT:** The temporary assignment of an injured or ill career status employee to a position requiring a different level of physical or mental activity than the employee's regular position. Assignments are made by the Department Director in cooperation with the Human Resources Department upon written advice of competent medical authority. The term "transitional duty assignment" is synonymous with the more commonly used terms "light duty" or "restricted duty."

**UNREPRESENTED EMPLOYEE:** An employee who is appointed to serve in a classification or position which is not represented by a labor organization.

**VACANCY:** A duly authorized position which is not occupied and for which funds have been budgeted and which the City has determined needs to be filled.

**WORKWEEK:** A standard workweek is a seven-day period which begins on Monday at 0001 and ends Sunday at 2400. Most employees will be assigned a Monday through Friday workweek, not to exceed 40 hours in any one period. Exceptions include fire and police personnel assigned to shifts, employees who are on a flexible work schedule, or those employees who work other than an eight-hour work day.

#### APPENDIX A: ADMINISTRATIVE POLICIES AND PROCEDURES (APP)

The following APP's are referenced in the HR Rules:

1. APP #4.3 Reasonable Accommodations in Employment
2. APP #4.4 Non-Discrimination, Harassment, Retaliation
3. APP #4.5 Protected Leaves
4. APP #4.6 Health Insurance Portability and Accountability Act (HIPAA)
5. APP #4.8 Remote Work Policy