



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, June 19, 2012

**Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon**

**5:30pm URA Board of Directors
Joint Work Session with SURPAC**

7:00pm Regular City Council Meeting



Home of the Tualatin River National Wildlife Refuge

5:30PM URA BOARD WORK SESSION

REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CONSENT:

A. Approval of June 5, 2012 City Council Meeting Minutes

5. PRESENTATIONS

A. Recognition of Gerry and Dottie Edy, Sherwood Helping Hands

B. Recognition of Mark Christie, Sherwood School District Board of Directors

6. CITIZEN COMMENTS

7. NEW BUSINESS

**A. Resolution 2012-034 Approving amendments to City of Sherwood Employee Manual
(Anna Lee, Human Resource Manager)**

8. PUBLIC HEARINGS

**A. Ordinance 2012-008 Amending multiple sections of the Zoning and Community Development Code relating to landscaping, off-street parking and loading requirements
(Michelle Miller, Associate Planner) (continued from June 5th meeting)**

9. CITY MANAGER & STAFF DEPT. REPORTS

10. COUNCIL ANNOUNCEMENTS

How to Find Out What's on the Council Schedule:

City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, by the Friday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the YMCA, the Senior Center, and the City's bulletin board at Albertson's. Council meeting materials are available to the public at the Library.

To Schedule a Presentation before Council:

If you would like to appear before Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder Sylvia Murphy by calling 503-625-4246 or by e-mail to: murphys@sherwoodoregon.gov

AGENDA

**SHERWOOD CITY COUNCIL
June 19, 2012**

**5:30 pm URA Board Joint
Work Session with SURPAC**

7:00pm Regular City Council Meeting

**Sherwood City Hall
22560 Pine Street
Sherwood, OR 97140**



SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
June 5, 2012

CITY COUNCIL WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 6:08 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Councilors Matt Langer, Linda Henderson, Krisanna Clark and Bill Butterfield. Council President Dave Grant and Councilor Robyn Folsom were absent.
3. **STAFF PRESENT:** City Manager Pro Tem Tom Pessemier, Finance Director Craig Gibons, Police Chief Jeff Groth, Human Resource Manager Anna Lee, Planning Manager Julia Hajduk, Associate Planner Michelle Miller, Senior Planner Brad Kilby and City Recorder Sylvia Murphy.
4. **TOPICS DISCUSSED:**
 - A. **City Employee Manual:** Tom Pessemier explained the processes for amending the City's Employee Manual and briefed the Council on proposed amendments. Tom informed the Council staff will be bringing forward legislation on June 19th for Council consideration of adopting amendments to the manual.
 - B. **Sign Code:** Senior Planner Brad Kilby presented information to the Council on the Planning Commission's recommendations for code amendments and distributed documents (see record, Exhibit A, Code language) and (Exhibit B, Summary of Planning Commission's recommendations). Discussion followed. Tom Pessemier informed the Council staff is working on the code and proposing to bring forward legislation at a future Council meeting for consideration of adoption.
5. **ADJOURN:**

Mayor Mays adjourned the work session at 7:00 pm.

REGULAR CITY COUNCIL SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:10 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **COUNCIL PRESENT:** Mayor Keith Mays, Councilors Bill Butterfield, Matt Langer, Linda Henderson and Krisanna Clark. Council President Dave Grant and Councilor Robyn Folsom were absent.
4. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Pro Tem Tom Pessemier, Finance Director Craig Gibons, Police Chief Jeff Groth, Community Services Director Kristen Switzer,

Accounting Manager Julie Blums, Police Captain Mark Daniel, Police Captain Jim Reed, Planning Manager Julia Hajduk, Associate Planner Michelle Miller, Senior Planner Brad Kilby, City Engineer Bob Galati, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy. City Attorney Chris Crean.

Mayor Mays addressed the Consent Agenda and asked for a motion.

5. CONSENT:

- A. Approval of May 15, 2012 City Council Meeting Minutes**
- B. Resolution 2012-025 Establishing and appointing committees of the Sherwood Town Center Plan**
- C. Resolution 2012-026 Certifying the provision of certain municipal services in order to qualify the City to receive State Revenues**
- D. Resolution 2012-027 of the City of Sherwood authorizing the City Manager, Pro Tem to enter into a contract with the firm of Hawkins Delafield & Wood for Bond Attorney Services**

MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR BILL BUTTERFIELD, ALL PRESENT MEMBERS VOTED IN FAVOR (GRANT AND FOLSOM WERE ABSENT).

Mayor Mays addressed the next agenda item.

6. PRESENTATIONS:

A. Recognition of Retiring Police Captain James Reed

Mayor Mays stated this presentation was not listed on the agenda and wanted to take the opportunity to recognize retiring Police Captain Jim Reed. Mayor Mays commended Captain Reed for his service and commitment to the City and presented him with a Certificate of Appreciation.

B. Recognition of 2012 Robin Hood Festival Maid Marian Court Members

Mayor Mays welcomed Racquel Douglas the 2012 Robin Hood Festival Maid Marian Court Coordinator and the Junior and Senior Court members. Ms. Douglas came forward and read a brief bio for each member of the court and the City Council presented the court members with a Certificate of Recognition. Junior Court members were; Kaitlyn Starling, Kayla Wagner, Annika Tuggy, Thabetha Shippy. Senior Court members were; Emily Marsh, Janika Jordan and Maid Marian, Miriam Marsh.

Mayor Mays addressed the next agenda item.

7. CITIZEN COMMENTS:

Eugene Stewart 22595 SW Pine Street Sherwood came forward and spoke of the Sherwood Senior Center and the reorganization of Loaves & Fishes and stated at a recent meeting he was informed of reductions in staffing and commented regarding changes to the director position. Mr. Stewart informed the Council the meal program for the last year ending May 30, 2012, provided 3515 home delivered meals by 29 volunteers and served an average of 11,980 meals in the dining room with the support of volunteers and their contribution of 9003 hours. Mr. Stewart stated the center is surviving on their volunteers and said the Council should define what the Senior Center should be. Mr. Stewart

expressed the need for a Director and said there were no written policies in place for the center. Mr. Stewart referenced the City of Wilsonville which has a commission for their senior citizens. Mr. Stewart commented regarding receiving federal funds for the Sherwood Center and meeting the requirements for receiving those funds.

Mayor Mays replied regarding an increase in the proposed budget for support of the senior center and stated part of the problem was in sharing a Director with the City of Tualatin. Mayor Mays stated that continuing to meet and see what can be done better has a lot of value and needs to be done on a regular basis.

Mr. Stewart stated that the new director will be required to raise \$28,000 and suggested that the no alcohol policy be reviewed to enable the center to rent out the hall referring to the City of Tualatin's policy to use a monitor when alcohol is present.

With no other citizen comments received, Mayor Mays addressed the next agenda item.

6. NEW BUSINESS:

A. Resolution 2012-028 to authorize and direct staff to negotiate an agreement with Washington County for a Community Development Block Grant for improvements to the Marjorie Stewart Senior Center

Community Services Director Kristen Switzer recapped the staff report and informed Council that the agreement is similar to those signed in the past but this year the County is requiring that the City sign a promissory note and a trust deed. Kristen state that the City Attorney's office has recommended further negotiation with the County.

Mayor Mays commented regarding Washington County going beyond the federal requirements in imposing additional requirements in their agreement. Mayor Mays asked staff for the timeline of the project. Kristen replied that there will need to be an RFP and some of the design elements of the improvements finalized before the project goes out to bid and it would be July or August before the project would be ready to proceed.

City Manager Pro Tem Tom Pessemier stated that the resolution indicates staff authorization to negotiate with the County and staff will have to come back with a new resolution for approval to sign the contract.

Councilor Butterfield asked regarding cost of engineering for the RFP, Kristen explained that the RFP will be written by staff in house. Kristen explained that any staff time for overhead and administration will not be reimbursed by the County and is part of the City's match.

Mayor Mays stated that the City and City Council are excited about this project and he wanted to get the agreement right with the county.

With no other Council questions or comments, Mayor Mays asked for a motion.

MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT RESOLUTION 2012-028, SECONDED BY COUNCILOR KRISANNA CLARK, ALL PRESENT MEMBERS VOTED IN FAVOR. (GRANT AND FOLSOM WERE ABSENT).

Mayor Mays addressed the next agenda item.

B. Resolution 2012-029 Adopting the Capital Improvement Project Plan for Fiscal Year 2013

Finance Director Craig Gibons described and stated requirements for a Capital Improvement Plan (CIP) and explained that a CIP is a compilation of committed projects, future planned projects, and projects that need to be done. Craig informed the Council the CIP plan was a planning document and not a commitment document.

Councilor Langer asked regarding the frontage road near the Sherwood Elks lodge. Tom Pessemier replied that the CIP does not have any expenditures for the frontage road and the supposition from staff is that private development will construct any roadways out there.

Mayor Mays stated that the CIP was an important planning document which helps the City think long term. Mayor Mays stated that sometimes plans change because of external circumstances and gave the economy as an example.

With no other Council questions or comments, Mayor Mays asked for a motion.

MOTION: FROM COUNCILOR BILL BUTTERFIELD TO ADOPT RESOLUTION 2012-029, SECONDED BY COUNCILOR LINDA HENDERSON, ALL PRESENT MEMBERS VOTED IN FAVOR. (GRANT AND FOLSOM WERE ABSENT).

Mayor Mays addressed the next agenda item and asked the City Recorder to read the public hearing statement.

7. PUBLIC HEARINGS

A. Resolution 2012-030 Adopting a Supplemental Budget and making appropriations

Finance Director Craig Gibons recapped the staff report and stated that three funds were affected; the Asset Depreciation Fund, which did not allocate enough money to close out the fund because the beginning fund balance was higher than anticipated, the Street Capital Fund which had significant changes because project timing did not tie in well with what was planned, but the money for the projects are within the budget for those projects, and the Telecommunications Fund which was changed from an inter-fund transfer to an inter-fund loan which changes the transfer payment to a loan payment.

Mayor Mays opened the public hearing to received testimony. With none received, Mayor Mays closed the public hearing.

With no comments or questions from the Council, Mayor Mays asked for a motion.

MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT RESOLUTION 2012-030, SECONDED BY COUNCILOR BILL BUTTERFIELD, ALL PRESENT MEMBERS VOTED IN FAVOR. (GRANT AND FOLSOM WERE ABSENT).

Mayor Mays addressed the next agenda item.

B. Resolution 2012-031 Declaring the City's election to receive State Revenues

Craig Gibons stated that the resolution was the City's election to receive state revenue such as gas tax, cigarette taxes other taxes.

Mayor Mays opened the public hearing to received testimony. With none received, Mayor Mays closed the public hearing.

With no comments or questions from the Council, Mayor Mays asked for a motion.

MOTION: FROM COUNCILOR KRISANNA CLARK TO ADOPT RESOLUTION 2012-031, SECONDED BY COUNCILOR MATT LANGER, ALL PRESENT MEMBERS VOTED IN FAVOR. (GRANT AND FOLSOM WERE ABSENT).

Mayor Mays addressed the next agenda item.

C. Resolution 2012-032 Adopting a Schedule of Fees as authorized by the City Zoning and Community Development Code, establishing fees for miscellaneous City services and establishing an effective date

Craig Gibons explained that the resolution included the Fee Schedule for FY 2012-2013 that will be effective July 1, 2012 and stated the staff memo includes only those fees that have changed.

Mayor Mays opened the public hearing to received testimony.

Eugene Stewart 22595 SW Pine Street Sherwood came forward and asked if this part included the System Development Charges and stated he would like to suggest that Council reflect on what would happen if fees were not collected up front, but to encourage people to build by not having such a high price. Mr. Stewart suggested taking a percentage of the increased property taxes and dedicating them for capital improvements. Mr. Stewart commented that the high price seems to be a hang up and Sherwood is far enough off the freeway that commercial enterprises are not willing to spend money to come out here. Mr. Stewart advocated thinking of a way to entice businesses and use the increased value to pay for the things that we need to do instead of trying to catch it up front. Mr. Stewart commented that when we first did our plan for the city we envisioned that it would be about 40% commercial and business and 60% residential to keep a good balance and lower the tax burden on the citizens. Mr. Stewart recommended taking a look at decreasing the fees to encourage businesses to come and stated it is not going to be corrected overnight.

Councilor Henderson asked for an explanation of how SDC's are set. Tom Pessemier explained that System Development Charges are set based on needs of growth related activities inside the City. Tom stated the process typically starts with a plan like a transportation plan, parks master plan and water master plan. Tom stated the City has master plans for all of the System Development charges that are in place which are reviewed by the Planning Commission and approved by the Council. Tom stated the City develops a methodology to decide how to calculate the fees which is noticed to the public and adopted by ordinance. Tom stated there are some SDC's that are outside of the City such as the County TDT and there is a very involved process for each fee. Tom stated the City tries to look at one each year to keep them up to date.

Councilor Henderson asked if SDC increases were proposed in this resolution. Tom Pessemier replied that the SDC fees are tied to the engineering news report which shows a 2.2% increase. Craig Gibons added that Clean Water Services is increasing theirs, but we have no control over that.

Councilor Henderson referenced page 88 of the Council packet and asked in regards to increases in fees for field use and if these fees were to be used to maintain turf fields.

Mayor Mays replied that there is a fund for the High School field.

Tom Pessemier stated that staff has taken a look at the possibility of raising fees to generate enough money to repair the turf field and it is impractical with the number of users we have on the fields. Tom stated that staff is recommending coming to Council at a future date with a more robust plan that can identify other funding mechanisms to get there because trying to do it just through fees is prohibitive.

Councilor Henderson commented that the current revenue stream is not enough to keep up with the capital expenses of replacement.

Mayor Mays replied that the City needs to set aside maintenance dollars in every budget and be disciplined through the budget process.

Councilor Henderson asked in regards to a film permit fee. Tom Pessemier replied that it is typical for cities to have a film permit and stated that there were a couple of productions last year and the City had no way to recover money for staff time for those productions.

Councilor Henderson stated she supported the film permit fee.

Councilor Langer commented regarding water bills and stated that the City did not raise fees on the water bill but the Clean Water Services fees that appear on the water bills have increased.

With no other comments or questions, Mayor Mays asked for a motion.

MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT RESOLUTION 2012-032, SECONDED BY COUNCILOR BILL BUTTERFIELD, ALL PRESENT MEMBERS VOTED IN FAVOR. (GRANT AND FOLSOM WERE ABSENT).

Mayor Mays addressed the next agenda item.

D. Resolution 2012-033 Adopting the 2012-13 Budget of the City of Sherwood, making appropriations, imposing and categorizing taxes, and authorizing the City Manager to take such action necessary to carry out the adopted budget

Craig Gibons stated that some items were missed since the budget committee approved the budget and recommended some modification be made. Craig explained that there was an overstated value in the Operations side of the Water Fund and a vacant position was deleted from the Public Works budget that needed to be put back in the budget. Craig stated that Hwy 99 will be resurfaced and the Red Flex traffic loops will have to be replaced. Craig stated that the State will bill the City and Red Flex will reimburse the City so a pass through fund has been created. Craig stated that the resolution is worded so that adopting the approved budget includes these recommended changes.

Mayor Mays opened the public hearing to receive testimony, with none received he closed the public hearing.

Mayor Mays stated he appreciated staff noticing the mistakes and clarifying them in the modification as well as recognizing a recent decision from the state and how it impacts the City directly or indirectly.

With no discussion or questions from the Council, Mayor Mays asked for a motion.

MOTION: FROM COUNCILOR MATT LANGER TO ADOPT RESOLUTION 2012-033, SECONDED BY COUNCILOR LINDA HENDERSON, ALL PRESENT MEMBERS VOTED IN FAVOR. (GRANT AND FOLSOM WERE ABSENT).

Mayor Mays addressed the next agenda item.

E. Ordinance 2012-008 Amending multiple sections of the Zoning and Community Development Code relating to landscaping, off-street parking and loading requirements

Michelle Miller Associate Planner briefed the Council with a presentation (see record, Exhibit C) and stated she will give an overview of the changes proposed to the development code regarding landscaping, off street parking and on site circulation. Michelle referred to the exhibits for the ordinance that contained the Planning Commission recommendation, proposed code language changes and testimony received at the Planning Commission hearing. Michelle stated that the process began many months ago where staff looked at issues of existing language, the language and parking lot layouts from other jurisdictions, held an open house, met with landscape developers and architects about the proposed code language changes, held two public hearings with the Planning Commission and had a work session with Council.

Michelle stated that landscaping design can enhance or detract from a commercial or industrial site and can draw people in to a commercial building or make them not want to enter, so the Planning Commission was asked to consider what makes a great parking lot. Michelle stated that the Planning Commission wanted to increase the quality of the landscaping and said parking lots should be a safe environment to walk from their cars to the business. Michelle added that the Planning Commission wanted more trees in the parking lots and to give direction on the type of landscaping that would make the sites more visually appealing. Michelle stated that the City needed compliance with the Metro Functional Plan and the minimum parking requirements.

Michelle stated that when staff reviews parking lot landscaping they look at street trees, perimeter landscaping, which separates different uses like residential from commercial or industrial, parking area landscaping, and visual corridor which vary between 10 and 25 feet depending on the size of the street involved. Michelle showed some examples of a visual corridor, street trees, landscape islands, and pedestrian walkways.

Michelle stated that some proposed changes are landscaping based on the number of parking spaces, a shift from the current standard of 10% overall site landscaping, and the ratio of islands per parking space is reduced and dependent upon the type of land use. Michelle added that the size of required landscape islands is increasing and the landscape islands need to be covered with landscaping and at least one tree. Michelle stated that the number of trees and shrubs is based on

parking spaces rather than the current standard which calls for a variety of groundcover, shrubs and trees.

Michelle went into further detail regarding landscaping based on parking spaces and stated that there is an increase from the current standard which is 45 sq. ft. for each parking space. Michelle referred to the chart in the presentation and stated that the landscape island ratios have been reduced. Michelle stated that the minimum size of the landscape islands increases from 64 sq. ft. to 90 sq. ft. and that landscape islands are to be entirely landscaped with shrubs, groundcover, and at least one tree.

Michelle noted that some of the overall changes are to increase the overall quality of the landscaping and to give more direction to planning staff as to what type of landscaping would be required. Michelle stated that currently staff has no direction as to how many trees would be required on a site, it strictly states variety and there is no direction to a developer as to what the community feels in an important amount of trees on a site.

Michelle stated that some other proposed landscaping updates will be the use of a combination of trees, that existing vegetation can count toward landscaping and there is credit for preserving existing trees, and the use of a number trees and shrubs throughout the site.

Michelle commented regarding parking lot layout changes and stated that there is a category for mixed use shared parking clarification. Michelle stated staff is requesting that visitor parking be added to multi-family sites to increase the amount of parking on multi-family sites and give some flexibility for visitors to the site. Michelle said that staff is also requesting that minimum parking standards be increased for warehouse instead of straight industrial, because sometimes those sites don't require as much parking for employment as a warehouse would. Michelle added that a garage may count toward the off street parking requirement based on a Metro comment that was raised during the course of the Planning Commission recommendation.

Michelle added that other parking design updates included a wheel stop exception, a new table for angled parking that was hard to follow in the past, the allowance for uncovered bike parking, and said pedestrian pathways should be included for parking areas in larger sites.

Mayor Mays asked if there was any testimony from the bicycling community.

Michelle replied that no issues were raised for allowing uncovered bike parking.

Michelle showed an aerial of the Albertson's parking lot in the presentation and indicated that one of the tools that the Planning Commission used was the Albertson's parking lot. Michelle stated that the Planning Commission felt that the Albertson's parking lot was an example of something that they would like to see and it stood out to them as an example of a good landscape design for parking lots. Michelle stated that staff did a detailed review of how much landscaping was on the site and showed where the perimeter landscaping and the interior parking lot landscaping were. Michelle stated that the Albertson's site had well over the amount of landscaping that would be required at about 5000 sq. ft. more than the new standard and approximately 14% of the overall site. Michelle added that the number of trees on the site was 34 trees and with approximately 200 parking spaces 52 trees would be required under the new standard.

Michelle stated that staff recommends City Council hold a public hearing on the parking lot and landscaping code amendments and offered to answer any Council questions.

Mayor Mays stated that he had a major concern over the suggested change of counting garage space towards required parking and stated that the net affect will be single homes and multi-family with no driveway or short driveways you cannot technically park on because they can be in the sidewalk and you cannot block the sidewalk.

Michelle replied that there is a 20 foot front yard setback which is required that would be part of the yard and would allow for a driveway coming in.

Mayor Mays asked regarding the design standards used for single family detached, duplex and triplex units and stated that the benefit is for multi-family and to make garages that are used as storage to count toward parking.

Michelle replied that multi-family has a different standard and those parking requirements are based on the number of bedrooms per unit.

Mayor Mays wanted clarification regarding changes allowing multi-family to build garages and count them towards a parking space.

Michelle confirmed that this is the current standard. Tom Pessemier suggested that the current standard be researched during public testimony.

Mayor Mays referred to page 152, in the packet, Section a., and asked regarding preferential spaces for carpool or vanpools and stated he could see the value for that in our community for office commercial and industrial. Mayor Mays asked how it applied for retail commercial and sited Target with approximately 50 employees and asked if they came in today under this standard would they have to assign 1 in 20 parking slots to be carpool.

Michelle replied that assuming Target has 200 parking spaces then 2% of the parking spaces would be four parking spaces that could be marked for Van or Car pool.

Mayor Mays asked if there was a difference for retail. Michelle stated it was for all new development.

Mayor Mays referred to shared parking found at the top of page 151 in the packet and asked if all property owners have to agree to share.

Michelle responded that it is an option that can be used for sites having trouble meeting the minimum parking requirements and if they want to reduce the amount of parking that is required a shared use agreement can be developed.

Mayor Mays gave an example of Albertson's and Target using the shared parking standard and commented that one developer cannot impose a shared parking agreement on another property owner. Michelle confirmed.

Mayor Mays asked regarding tree canopy and commented that there was testimony concerning the tree requirement being on the high side. Mayor Mays suggested that it might be more reasonable if the tree requirement counted the street trees as well and added that it would achieve what was wanted with the example of the Albertson's and the theater parking lots.

Michelle replied that it was discussed at the work session as a possible outcome because the Albertson's site was what the Planning Commission believed to be a great example of what we wanted to see with respect to the number of trees on a site. Michelle commented that adding street trees to that site would achieve the number of trees required in the new code standards and not enough trees was the one issue that the Albertson's site was lacking. Michelle stated that she had suggested code language ready if Council would like to see where it could be added in.

Councilor Bill Butterfield stated he was concerned about the size of the parking stalls and what kind of vegetation he would park under. Mr. Butterfield stated he didn't see anything addressing the type and the size of the vegetation and commented that there was nothing preventing a cherry tree in the parking lot. Mr. Butterfield added that every tree on the property should count towards the requirement.

Michelle replied that the current parking lot dimensions of 9' x 20' for standard and 8 ½' x 18' for a compact space are not changing and 25% of the overall site is allowed to be compact spaces.

Mr. Butterfield commented regarding the proposed carpool and vanpool requirement and stated that with the handicap parking requirement you cannot get within 100 feet of the store and imposing van and carpool stalls pushes the consumer even farther out to the street.

Michelle answered that the car and vanpool requirement is existing language that was never defined what percentage that would be encouraged and businesses are now required to put those in place but the number was not given as to percentage. Michelle stated that 2% was considered adequate and is another Metro functional plan requirement.

Mr. Butterfield commented that he has not seen any designated carpool or vanpool parking stalls.

Michelle replied that it is for all new development so perhaps there have been mechanisms for getting away from that and added that Lake Oswego also has this requirement at 5% for over 20 employees.

Michelle responded with respect to the cherry trees in the landscaping and stated that most of the landscaping requirements would be found in the landscape manuals with a list of recommended trees and the hope is that a developer or property owner would put in trees that customers and clientele would want to park under and not be prohibitive in that manner.

Mr. Butterfield acknowledge that there was a list of recommended trees but stated there was not a list of trees that cannot be planted. Michelle stated that within the street tree requirements there are prohibitive lists and the code suggests that trees are native or able to grow in the Pacific Northwest. Michelle agreed that a cherry tree would qualify and there could be a list of prohibited trees for landscaping.

Councilor Krisanna Clark commented regarding the 2% parking spaces required for carpools and asked if it was enacted after development within the City and this might be why they have not been seen.

Michelle confirmed and stated it was required but she wasn't sure if the City had any. Mayor Mays stated there might be one at the schools.

Councilor Matt Langer commented regarding existing trees and asked if they are given any extra credit for preserving them.

Michelle confirmed and stated they will be given credit based on the size and caliper of the existing tree with extra credit for every 3" of diameter.

Mr. Langer commented that he did not think the carpool spaces were necessary in our community and commented regarding the enormous size of parking lots. Mr. Langer stated there were a few technical reasons that push the parking lots to be so big and it might have to do with the 99W trip cap, as well as the parking stall lengths and widths. Mr. Langer wanted to make sure that when revising the language if there is a way to avoid large parking lots, and commented that they aren't even full on the day after Thanksgiving.

Michelle indicated that Councilor Langer recognized that our minimum parking standards do count for the worst case scenario and what can happen when you add all the different uses that a site like Target has with all the different types of businesses. Michelle added that what we are trying to do with the shared and multiple use proposed language is some delineation to be able to show how one parking space can be used for two different businesses and gave an example of a Red Robin customer going to Target while in the same space.

Tom Pessemier asked to address the question regarding multi-family and asked council to go to the table on page 154 in the packet. Tom stated the table addresses minimum and maximum parking standards and pointed out an asterisk for a provision for building a garage in association for a residential dwelling on multi-family.

Mayor Mays expressed that he felt this was bad planning and he would advocate for a change.

Mayor Mays opened the public hearing to received testimony.

Eugene Stewart 22595 SW Pine Street Sherwood came forward and asked if increasing the parking lot size takes away from the buildable size for the building. Mr. Stewart asked if the builder has to shrink the size of the building to meet the parking standards and if it takes away from building fees. Mr. Stewart commented that in Downtown all of the trees are overkill in some respects because you cannot identify the business signs behind the trees. Mr. Stewart asked what is the cost to the developer and commented that the people who shop there are going to pay the price. Mr. Stewart commented regarding the Albertson's parking lot and stated Les Schwab was kept clean with the lawns trimmed and was more appealing to him. Mr. Stewart asked regarding trees blocking solar panels and suggested the need for more study on the effects. Mr. Stewart commented that there were a lot of flat roofs in downtown that could be plugged by leaves and cause leakages. Mr. Stewart asked if the 2% parking for carpool and vanpools was for people coming to work in Sherwood or for people carpooling to Portland, Beaverton or Hillsboro and suggested if that were the case then to develop a site away from the congested commercial area.

Mayor Mays answered that the vanpool language was for those carpooling to a place of business in Sherwood and not to go off to another location. Mayor Mays stated that Old Town does not have parking standards and the proposed parking standard has a minimum and a maximum and folks who are not wanting to build as many spots for their new business can come in at the lower end or elect to have more intense and higher level of parking in their project.

Tom Pessemier added that he had received written testimony from Susan Claus that will become part of the public record for anyone to take a look at.

Mayor Mays asked what Metro advocates regarding carpool and vanpool.

Michelle replied that if a business has over 20 employees there needs to be van or carpool.

Mayor Mays asked if the standard could be set at 0.01% so that the most any project would be required would be one parking space or if Metro had set a minimum standard.

Planning Manager Julia Hajduk added that if there is not something from Metro as to a percentage her recommendation would be to leave it as it is and added that the intent was to make it more clear not more complicated.

Tom Pessemier made a point of order that the public testimony portion of the hearing had not been closed. Mayor Mays closed the public hearing.

Mr. Butterfield asked how the carpool parking was enforced. Mayor Mays responded that signs would be posted and it would be self-reporting as to how it was used. Julia confirmed and stated signage would be inspected as part of the final site plan review.

Councilor Clark asked if we were required to have the carpooling spaces.

Mayor Mays responded that there is a Metro requirement and the question is if Metro requires a percentage.

Ms. Clark asked if we were allowed a stipulation that excluded commercial property adding that she did not see the applicability to a commercial property like Target.

Mayor Mays stated that the intent was to provide incentive for employees to carpool and the developer could put it anywhere on the site.

Ms. Clark pointed out that the code states preferential spaces which sounded like the best spaces.

Julia stated she has seen this more commonly used in office buildings and larger developments.

Ms. Clark clarified that it was more for employees and could be designated close to the employee entrance.

Mayor Mays stated the ordinance did not have to be adopted tonight and asked for Council's perspective on the counting of garages towards any parking standard in any residential zone.

Councilor Linda Henderson asked for an example of a multi-family development where parking garages were counted towards the parking requirement and confirmed that Creekview was one of them.

Julia added that this is why staff is proposing visitor spaces and explained that Metro was against them until staff explained the situation and that there is no transit in Sherwood. Julia explained that Metro would allow the visitor parking but held firm on the garages. There was discussion about the parking issues specifically at the Creekview site regarding complaints and concerns received from staff and the resulting parking spaces added.

Ms. Henderson asked for help in understanding Metro viewpoint or why the City complied.

Julia replied that the City is required to comply with Metro's Functional Plan Requirements and they set a maximum/minimum and Cities were not allowed to require more than the minimum amount which for a multi-family development is based on the number of bedrooms.

Michelle added that this language is Metro's Functional Plan required minimums and as staff sought comments Metro pointed out that the code language did not meet with the garage requirement. Michelle stated a compromise was developed which allows one on street parking if there was 28 feet of street frontage.

Ms. Henderson asked how that applied to Creekview. Mayor Mays replied that it wouldn't.

Julia added that there is a minimum for an apartment complex and there is an added requirement for visitors parking.

Julia replied that the standard was not in place for Creekview and there was no requirement for visitor parking which is the problem.

Michelle added that the new code allows for 15% of the parking to be visitor parking so that we are creating more parking in those multi-family developments.

Mayor Mays asked what percentage of the parking at Creekview were garages. Julia answered that she was unsure and offered to pull the file.

Mayor Mays suggested continuing the ordinance and stated he would like to see language to include the total street count to include street trees. Michelle interjected and stated she has a few places she can add that language for Council consideration, Mayor Mays replied that would be great. Mayor Mays said Council would like to know what Metro's is suggesting as required language, the minimum required language on carpool/vanpool and said he would like suggested language for Council to consider that requires, that calls garages storage units and not parking spaces and they don't go towards any parking standard in any zone, and as a backup find out roughly how many garages as a percentage of the overall parking at Creekview were garages. Mayor Mays stated we could keep the standard, call a garage a storage which they generally are, and still have on top of that a 15% visitor parking standard on top of the minimum, and said this would be really good from his perspective.

Michelle replied are the thoughts for multi-family overall? Mayor replied 15% in multi-family, not all residential.

Tom Pessemier said he appreciates the direction and referenced a previous project where the City challenged Metro in regards to the Regional Function Plan and suggested that it would be best if staff were able to work things out with Metro and come back with things that we can possibly do rather than challenging their standards resulting in a potential LUBA appeal.

Mayor Mays replied, this would be fine and said from his perspective a three wall structure with a door that rolls up can be called storage and he doesn't think Metro has the authority to tell us that it is not.

Mr. Butterfield added that he would like to see included a list of fruit bearing and sap bearing trees as being prohibited and said if they want to have them next to the building or on the street that would be fine.

Michelle stated that an option would be to include that in the manual we are creating and create a prohibited list that includes those types of messy trees. Michelle said staff can explore this. Tom Pessemier added that staff can look at this and include that language or add it to the ordinance.

Mayor Mays asked for other feedback on the proposed ordinance.

Ms. Henderson suggested that if staff goes back to Metro that we suggest a member of Metro staff visit Sherwood and look at the Creekview site and the parking issues in that area. Ms. Henderson commented regarding issues on Cedar Brook Way and potential issues with emergency vehicle access. Ms. Henderson suggested pictures be shown to Metro staff or a site visit to have a dialog that this is not a good fit for our community.

Julia replied that she will see how far discussions with Metro will go.

Councilor Henderson asked if in these discussions can we require a visitor parking permit.

Mayor Mays commented that he looks at Metro requirements and in finding loopholes, he addresses them to try and fix them and asked can we, as part of the minimum standard, can we say that those must be in the project and not on-street parking; none of the required parking can be along the street and then require a big street with angled parking on both sides. Mayor Mays stated this is just a thought in being creative.

Tom Pessemier thanked the Council for their comments and all the passion they expressed regarding the issue and stated it helps staff to know which direction to go when they go back to Metro as standards may not work for all jurisdictions.

Mayor Mays referenced a Tri-met level of service with buses looping through neighborhoods and doing a great job, then we might be less passionate, but we have a deadhead that comes down town and bolts out. It goes down Hwy 99 and that's it.

Councilor Clark suggested when staff communicates with Metro that they have a video clip showing the issues at different times of the day and different days of the week to allow Metro to really see the issues and impacts to the community.

Brief Council discussion occurred regarding the Council meeting schedule in July and Council's availability due to the holiday, it was suggested to continue to June 19th and if this was not sufficient time for staff to gather more information the Council could continue to another future date at that time.

With no other Council discussion, the following motion was received.

MOTION: FROM MAYOR MAYS TO CONTINUE ORDINANCE 2012-008 TO JUNE 19, 2012 AND STAFF WILL RETURN WITH FEEDBACK ON POINTS RAISED WITH SUGGESTED LANGUAGE, OPTIONS, AS A REMINDER THE PUBLIC HEARING IS CLOSED AND COUNCIL CAN CHOOSE TO REOPEN IT ON THE 19TH IF THEY SO CHOOSE, SECONDED BY COUNCILOR LINDA HENDERSON. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (GRANT AND FOLSOM WERE ABSENT).

Mayor Mays thanked Council and staff and addressed the next agenda item.

8. CITY MANAGER AND DEPARTMENT REPORTS

City Manager pro tem Tom Pessemier reported on a successful Cannery Plaza Ribbon Cutting event and thanked Community Services Director Kristen Switzer and Public Works for a job well done. Tom stated we had a few issues with the water feature and staff will have the contractor look at it in hopes that it will be on this summer.

Mayor Mays addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS

Mayor Mays reminded of The Sherwood Cruisin' event this coming Saturday.

Councilor Langer reported the Sherwood Main Street conducted their "1st Fridays" on the same evening of the Plaza ribbon cutting with down town businesses staying open to 9pm or later with some business offering free items. Mr. Langer stated this promotion will be going on for several months on the first Friday of every month in the downtown area.

With no other announcements, Mayor Mays adjourned to a URA Board meeting.

10. ADJOURN TO URA BOARD OF DIRECTORS MEETING

Mayor Mays adjourned at 9:07 pm and convened to a URA Board of Directors meeting.

Submitted by:

Sylvia Murphy, CMC, City Recorder

Keith S. Mays, Mayor

Council Meeting Date: June 19, 2012

Agenda Item: New Business

TO: Sherwood City Council

FROM: Anna Lee, HR Manager

SUBJECT: RESOLUTION 2012-034 Approving Amendments to City of Sherwood Employee Manual

ISSUE:

Should the City adopt the Amendments to the City of Sherwood Employee Manual?

BACKGROUND:

The updates and amendments are to bring the Employee Manual in line with updated employment laws and best business practices for City Administration. The City of Sherwood Employee Manual last update was in 2009.

A staff study of the current publication and policies concluded amendments, additions and deletions were necessary in order to implement current policies; legislative changes; legal changes, and best business practices. In the best interest of the City of Sherwood and general housekeeping items.

FINDINGS:

The approval for the amendments to the City Employee Manual 2012, will keep the City administrative procedures updated for operation and best business practices.

RECOMMENDATION: MOTION TO ADOPT RESOLUTION 2012-034.

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1 GENERAL PROVISIONS

1.1 TITLE

- 1.1.1 This document shall be entitled “The City of Sherwood Employee Manual” and may hereinafter be cited and referred to as the “Manual.”

1.2 PURPOSE

- 1.2.1 The purpose of this Manual is to establish a system of personnel administration for the City of Sherwood and to implement fair and uniform procedures and regulations for the recruitment, hiring, development, and retention of an effective and responsible work force.

These Rules do not constitute a contract of employment. The City retains the prerogative to change, substitute, interpret and discontinue the policies and benefits described herein, at any time, with or without notice to employees.

No person shall be deemed to have a vested interest in, or legitimate expectation of, continued employment with the City or any policy or benefit described herein or otherwise generally practiced by the City.

No contract of employment can be created, nor can an employee’s status be modified, except by written agreement signed by the City Manager on behalf of the City. Whenever a question arises as to the meaning or interpretation of any policy or practice of the City, the interpretation given by the City Manager and/or his/her designees shall be final and binding.

Some City employees are covered by a collective bargaining agreement with a union representative. In any situation where the terms of this employee manual conflict with any provision of a collective bargaining agreement in effect, the collective bargaining agreement shall be the controlling document for any employees covered by that agreement.

This Manual supersedes all previous Personnel Rules/Employee Manuals, and is superseded by all current Legislation.

1.3 CAPTIONS

- 1.3.1 The captions and headings in this Manual are for convenience and reference only, and are not to be used to interpret or define the provisions of sections or subsections.

1.4 SEVERABILITY

- 1.4.1 If any section or subsection of this Manual shall at any time be deemed invalid or unenforceable, the remaining provisions shall not be affected thereby, and shall remain valid and enforceable to the extent permitted by law.

1.5 ADMINISTRATION

- 1.5.1 The City Manager is designated as administrator of this Manual and shall be responsible for determining any permitted exceptions to the Manual, unless another individual or body is otherwise specifically authorized to do so. Unless otherwise permitted, all exceptions shall be made in writing.

1.6 EQUAL EMPLOYMENT OPPORTUNITY

- 1.6.1 **Generally** - The City's policy is to treat all applicants and employees fairly and equally, and to recruit, hire, train, promote, demote, layoff, discipline, dismiss, or conduct any other personnel actions without regard to the applicant's or employee's race, color, religion, creed, national origin, age, physical or mental disability, gender (sex), marital or veteran status, or any other basis prohibited by federal, state or local law.
- 1.6.2 **Reasonable Accommodation** – The City of Sherwood will afford reasonable accommodation to qualified applicants and employees with a known disability, unless to provide such accommodation creates an undue hardship on the City's operations.
- 1.6.3 **Invitation to Self-Identify Physical and Mental Disabilities** – Any employee who is a disabled person may voluntarily inform the Human Resource Manager or City Manager of any physical or mental disability and may suggest methods of reasonable accommodation. This information is confidential and will be used only to evaluate reasonable accommodation alternatives to permit you to perform the essential functions of the job in a safe and efficient manner. Refusal to volunteer this information will not subject an employee to any adverse treatment or penalty.
- 1.6.4 **Job Performance** – Any employee who believes that he/she is having difficulty in continuing to meet the performance requirements of the job due to a physical or mental disability is encouraged to advise the Human Resource Manager or City Manager regarding the nature of the disability, the work limitation covered by the disability, and any suggested reasonable accommodation.
- 1.6.5 **Treatment and Conduct** - It is the policy of the City of Sherwood that all employees be able to work in a setting free from unlawful discrimination, including harassment, on the basis of race, color, religion, gender (sex), national origin, age or disability. *Reference Appendix D - "Prohibition of Harassment Including Sexual Harassment"*

1.7 DEFINITIONS

- 1.7.1 **Anniversary Date** – A date established for each employee, exactly one year from the time an employee has successfully completed his or her trial employment period.
- 1.7.2 **Applicant** – An individual who has completed and submitted a resume and/or an application for employment with the City of Sherwood.
- 1.7.3 **Appointment** – The offer to, and the acceptance by, a person of a position in the City on either a temporary or regular basis.
- 1.7.4 **Charter** – The City of Sherwood Charter of 1984.
- 1.7.5 **City** – The City of Sherwood.
- 1.7.6 **City Manager** – The chief executive officer of the City of Sherwood or that chief executive officer's designee. Unless otherwise noted, all references to the City Manager in this Manual are deemed to include the Manager's designee.
- 1.7.7 **Class** – A group of job positions that are sufficiently alike in general duties, responsibilities, and entrance qualifications to warrant use of the same range of pay steps.
- 1.7.8 **Class Title** – The designation given to a class and to each position allocated to a class. This title may take the form of a number.
- 1.7.9 **Classification Plan** – A written statement assigning certain positions in the City service into classes according to their general duties, responsibilities, and entrance qualifications.
- 1.7.10 **Classified Service** – All positions and offices in the City service, which are not specifically included in the unclassified service.
- 1.7.11 **Compensation Plan** – The official schedule of compensation for City employees, as approved by the City Council, assigning each position to a class composed of a range of pay steps.
- 1.7.12 **Demotion** – The assignment of an employee from a position in one class to a position in another class that has a lower range of pay steps.
- 1.7.13 **Department Head** – The chief administrative officer of each City department or that chief administrative officer's designee. Unless otherwise noted, all references to Department Head in this Manual are deemed to include the Department Head's designee.
- 1.7.14 **Disciplinary Probation** – A condition where a regular employee is placed on probation for disciplinary reasons.

- 1.7.15 **Dismissal** – A permanent involuntary separation of an employee from the City service.
- 1.7.16 **Employee** – An incumbent of a City job position, including individuals in a leave without pay status. This term includes all officers in the City service.
- 1.7.17 **Examination** – An oral interview, physical or written test, or the results of such interview or test, which is used to determine eligibility or relative merit, fitness, and ability to discharge the duties of the position to which the applicant or employee seeks appointment or promotion.
- 1.7.18 **Exempt Employee** – An employee who holds an exempt administrative, professional or executive position.
- 1.7.19 **Full Time Employee** – An employee who is hired to work a predetermined schedule of forty (40) or more hours per regular City workweek.
- 1.7.20 **Grievance** – Any dispute or question concerning the interpretation or application of this Manual.
- 1.7.21 **Immediate Family** – An employee's spouse, children, stepchildren, parents, stepparents, siblings, or other bona-fide dependents.
- 1.7.22 **Job Description** – A written statement describing the position, title, general duties, responsibilities and entrance qualifications of a job position in the City service.
- 1.7.23 **Layoff** – An involuntary, non-disciplinary separation from the City service for any reason which is in the best interest of the City and necessitates a reduction in the number of City employees.
- 1.7.24 **Leave Without Pay** – An approved period of unpaid absence from the City service for a specified period of time with specific reemployment privileges.
- 1.7.25 **Nonexempt Employee** – Any employee who is not employed in an exempt administrative, professional or executive position.
- 1.7.26 **Overtime** – The authorized time worked by an employee in excess of forty (40) hours a week.
- 1.7.27 **Overtime Pay** – The compensation paid to an employee for authorized overtime work.
- 1.7.28 **Part Time Employee** – An employee who is hired to work a predetermined schedule of less than forty (40) hours per regular City workweek.
- 1.7.29 **Pay Rate** – The specific salary or hourly rate of pay for a position.
- 1.7.30 **Pay Steps** – Pay rates having a sequential relationship to one another, and assigned to a class of positions as the compensation for that class.

- 1.7.31 **Position** – The duties and responsibilities assigned to an employee, requiring the full time, part time or temporary employment of one (1) person.
- 1.7.32 **Promotion** – The assignment of an employee from a position in one class to a position in another class with a higher range of pay steps and a significant change in responsibilities, duties, supervision, or other job related duties.
- 1.7.33 **Reclassification** – The assignment of a position to a different class, with a higher, lower or lateral range of pay steps, due to material change in the duties and responsibilities of the position.
- 1.7.34 **Regular Employee** – An employee who has successfully completed his or her trial employment period.
- 1.7.35 **Resignation** – A voluntary separation of an employee from the City service by notification from the employee.
- 1.7.36 **Selection Process** – Any written or oral test, physical examination, interview, or other criteria which is used to measure an employee's or applicant's skills, knowledge, and ability to discharge the duties and responsibilities of the position to which the employee or applicant seeks promotion or appointment.
- 1.7.37 **Seniority** – The length of time an employee has been employed by the City, by a specific department or in a specific position, since the date of initial or any subsequent appointment.
- 1.7.38 **Suspension** – An enforced period of absence for disciplinary reasons or pending investigation of charges made against an employee.
- 1.7.39 **Temporary Employee** – An employee who is hired for a position for a limited period of time, generally not to exceed six (6) months.
- 1.7.40 **Trial Employee** – An employee who has not completed the trial employment period.
- 1.7.41 **Trial Employment Period** – The first one hundred eighty two (182) calendar days of continuous employment for all employees.
- 1.7.42 **Unclassified Service** – All positions and offices in the City service, which are excluded from the classified service.
- 1.7.43 **Workday** – The regular City workday for full time employees consists of a work shift of eight (8) consecutive work hours plus an unpaid sixty (60) minute meal period within any consecutive twenty four (24) hour period. This manual, the City Manager and/or the Department Head may establish other normal workdays for individual employees or certain classes of employees to best suit the needs of the department.

1.7.44 **Workweek** – The regular City workweek is a period of one hundred sixty eight (168) consecutive hours that begins at 12:01 a.m. Sunday and ends at midnight on the following Saturday.

2 RECRUITMENT POLICIES AND PRACTICES

2.1 RECRUITMENT

- 2.1.1 **Generally** – The City shall use whatever means are appropriate to recruit qualified applicants for any job vacancies, including but not necessarily limited to, internal job postings, help-wanted advertisements, or public and private employment agencies. All job postings will be posted on the City website simultaneously with external posting.
- 2.1.2 **Publication** – Any published announcements of position vacancies shall include class and position title, qualifications, principal job duties, the dates applications will be accepted, and the place and manner of filing applications. All announcements shall state that the City is an “Equal Opportunity Employer.” The City may add any additional information to the published announcements, as deemed appropriate.
- 2.1.3 **Forms** – All applications for open positions shall be made on the forms provided and/or in the manner required by the City. Any information submitted shall be verified and investigated by the City prior to appointment, to the extent necessary to determine the applicant’s qualifications for appointment. Any false information supplied as part of an application for employment may be grounds for rejection of the applicant or immediate dismissal of an employee.

2.2 SELECTION

- 2.2.1 **Merit and Fitness** – The City Manager shall establish procedures for the initial selection or promotion of employees. All selection procedures and rules shall relate to the applicants’ or employees’ merit, fitness and ability to discharge the duties and responsibilities of the position to which the applicant or employee seeks appointment or promotion. Prior experience and training may be considered when evaluating an applicants’ or employees’ fitness for a particular position.
- 2.2.2 **Examinations** – Selection procedures may include examinations that measure the applicants’ or employees’ job-related ability, knowledge and skills. The appropriate form of each examination shall be determined and may include, but need not be limited to, oral, written, graded, pass-fail, or physical examinations, resume analysis, employment references, reports of supervisors, performance evaluations, and work sampling. All selection procedures shall comply with the City’s Equal Employment Opportunity policies.
- 2.2.3 **Physical Examinations** – Any medical or physical examination required by the City of an applicant or employee will be conducted at the City’s expense by a qualified health care provider before an applicant is appointed or an employee is

promoted to a particular position. Where appropriate, minimum medical and physical standards may be established that relate to the essential functions of the duties and responsibilities of a particular position. The standards may differ based on the duties and responsibilities of each position. No appointment or promotion shall be effective until the applicant or employee demonstrates satisfaction of any required minimum medical or physical standards. Failure to meet the required standards will result in disqualification for appointment or promotion of the position.

- 2.2.4 **Pre-Employment Drug Testing** – All final applicants for employment (excluding emergency hires) shall be required to submit to a urinalysis. If the test is positive, employment is denied unless a defense for authorized prescription drugs is successful. The applicant may reapply in one year. Reference Appendix E – *Alcohol and Drug Policy*.

2.3 EMPLOYMENT OF RELATIVES

- 2.3.1 **Generally** – Individuals who are related by blood, marriage or adoption will be given equal consideration for employment with other applicants for positions, or with other employees for transfers or promotions. Related individuals will not, however, be considered for positions when the City Manager determines that a reporting, auditing, or supervisory relationship would exist between the related individuals.

- 2.3.2 **Marriage** – If two (2) employees in the positions defined above were to become related to one another, one must transfer to another department where the reporting, auditing or supervisory relationship would not exist. If a transfer cannot be accomplished due to the unavailability of an open position for which the employee is qualified, one of the employees must resign from the City service. The decision as to which employee will transfer or resign will be made in the first instance by the employees involved. If the employees do not decide which employee will transfer or resign within thirty (30) calendar days of becoming related to one another, the City Manager shall determine which employee will transfer or resign based on the best business interest of the City.

2.4 RESIDENCY

- 2.4.1 Residency within the City of Sherwood shall not be a condition of initial appointment or continued employment, except as otherwise required by the provisions of State law, the City Charter, or applicable City ordinances and resolutions. Provided, however, that an employee's selection of residence shall not interfere with the daily performance of his or her duties and responsibilities, as determined by the City Manager and/or Department Head. Telephones may be required of employees where assigned job duties and responsibilities dictate.

2.5 TRIAL EMPLOYMENT

- 2.5.1 **Purpose** – The trial employment period shall be considered an integral part of the employee selection and examination process. The trial employment period shall be utilized to observe closely the employee's work, to secure the most effective adjustment of the new employee to his or her position, and for dismissing any employee whose overall work performance does not meet required performance standards.
- 2.5.2 **Length** – The trial employment period shall be the first one hundred eighty two (182) calendar days of continuous employment for all employees. The trial employment period may be extended by the City Manager or Department Head for any period not to exceed one hundred eighty three (183) additional calendar days. The trial period applies to new employees and to promoted, demoted, and reclassified employees.
- 2.5.3 **Evaluations** – During the trial employment period, an employee's supervisor, Department Head or the City Manager shall evaluate the employee's performance at regular intervals. A written performance evaluation shall be completed during the last month of the trial employment period or before the conclusion of any extended trial employment period.
- 2.5.4 **Dismissal** – Employees may be dismissed by the employee's Department Head or the City Manager at any time during the trial employment period for failure to meet acceptable performance standards, or for any other aspect of job performance or behavior that warrants dismissal, in the opinion of the employee's supervisor, Department Head, or the City Manager. Notice of dismissal shall be in writing.

3 EMPLOYMENT POLICIES AND PRACTICES

3.1 DISTRIBUTION OF EMPLOYEE MANUAL

- 3.1.1 All employees in the City service shall receive one copy of the Employee Manual at the time of hire. Each employee shall be required to sign a certification of receipt of the Manual. Employees shall be responsible for keeping current with the Manual and any subsequent amendments.

3.2 PERFORMANCE EVALUATIONS

- 3.2.1 **Generally** – Employees shall be evaluated in writing during the trial employment period as provided in the *Trial Employment* section. After successful completion of the trial employment period, an employee’s performance shall be evaluated in writing on or before the employee’s anniversary date. The employee’s supervisor, Department Head, or the City Manager may conduct oral or written performance evaluations at other times as are deemed necessary and appropriate.

- 3.2.2 **Content** – Regular performance evaluations shall be conducted in writing and completed by the employee’s supervisor, Department Head, or the City Manager. The performance of the employee with respect to each individual “essential” or “auxiliary” job duty as prescribed by the employee’s written job description, and the performance of the employee relative to the positive undertaking of their job responsibilities, response to job conditions, and handling of external contacts, as per the applicable sections of their job description, shall be evaluated with the following summary ratings:

- a. Meets or Exceeds Standards (eligible for increase)
- b. Does Not Meet Standards (not eligible for increase)

The criterion for each summary rating is established by the individual supervisor, Department Head, or the City Manager with reference to the employee’s job description.

Each summary rating, shall be accompanied by a written statement describing job related performance, the specific points on which that performance fall short, matches or exceeds expected standards, and reasonable and measurable criteria and deadlines for improving or sustaining performance.

- 3.2.3 **Consequences** – Any employee who receives a “Does Not Meet Standards” performance rating, shall not receive a pay step increase as per the compensation section entitled *Within-the-Range-Pay Increases*, and may be dismissed.

3.2.4 **Postpone for Leave without Pay** – If an employee’s anniversary date or yearly performance evaluation falls during a leave without pay period of thirty (30) calendar days or longer, the anniversary date and performance evaluation shall be postponed until the employee has returned to work and completed as many days of continuous employment as the length of the leave with pay period.

3.2.5 **Form** – Performance evaluations shall be in a form prescribed and approved by the City Manager. The performance evaluation form shall become a part of this Manual and is included as Appendix A. The City Manager may make administrative guidelines to assist supervisors and employees in the proper application of performance evaluation standards.

3.3 PROMOTIONS

3.3.1 **Generally** - The most senior current employee competing for an open position in the City service may be selected and promoted into that position when the City Manager determines (after consideration of the criteria listed in the *Selection* section) that the overall qualifications and abilities of outside applicants and current employees competing for an opening are equal.

3.4 LAYOFFS

3.4.1 **Generally** – Employees may be laid off whenever the City Manager or City Council determines that there is a shortage of work or funds, or that the abolishment of a position or other changes in the City’s organization is in the best interest of the City.

3.4.2 **Procedures** – Employees shall be selected for layoff based on merit and fitness. Performance evaluations may be undertaken and used as an aid in determining an employee’s merit and fitness at the time of layoff. The City Manager shall have the discretion to determine merit and fitness for purposes of layoff.

3.4.3 **Notice** – All employees shall receive written notice of the cause(s) for the layoff. Written notice of layoff shall be delivered personally or mailed by registered, certified or other similar special mail to the employee at his or her last known address.

3.4.4 **Reinstatement** – The City has no duty to recall laid-off employees when the circumstances necessitating the reduction in the number of employees change, nor to afford the laid-off employee preferential standing in the process of recruitment and selection of the new employees. Laid-off employees who are reinstated shall, however, be credited with their former length of service for the purposes of calculating seniority.

3.5 OUTSIDE WORK

- 3.5.1 **Notification** – City employees engaging in outside employment are encouraged to submit written notification to their Department Head, including the nature of the work and estimated number of hours to be worked.
- 3.5.2 **Impact** – Employee shall demonstrate to the Department Head's satisfaction that such outside employment or self-employment will not detract from the efficiency of the employee's completion of their assigned duties, create a real or potential conflict of interest or the appearance of impropriety, or otherwise conflict with the best business interest of the City. Under no circumstances may City equipment or resources be used in outside employment.
- 3.5.3 **Revocation** – The City Manager or Department Head shall have the right to take disciplinary action, up to and including dismissal, if at any time the Department Head determines that the employee's outside employment, or self-employment, detracts from the efficiency of the employee's completion of their assigned duties, created a real or potential conflict of interest or the appearance of impropriety, or otherwise conflicts with the best business interest of the City.
- 3.5.4 **Injury** – Employees who become injured or ill through any outside employment shall not be eligible to receive workers compensation through the City of Sherwood.

3.6 SOLICITATIONS

- 3.6.1 **Generally** - During work hours, employees may not solicit or distribute literature, for any purpose, in or on City property, buildings, facilities, or at City work sites, other than for City related business. Work hours include both the soliciting and the solicited employee's work hours. Solicitation between employees will be permitted during non-work hours such as before or after work, or during authorized meal or break periods.

3.7 POLITICAL ACTIVITIES

- 3.7.1 **Generally** – Initial or continuing employment shall not be denied on the basis of membership in, or support for, a political party, candidate, or philosophy. Except as may otherwise be allowed by the City Charter or City ordinance, any person who runs for, is elected or appointed to, holds or has held an elective City office, shall not be eligible for initial or continued employment with the City until one (1) year after the last day the prospective employee held such office.
- 3.7.2 **Prohibited Activities** – No employee or elected or appointed official shall solicit any contributions, assessments, or services on behalf of any candidate, political party, or organization from the City employee(s) during work hours. Employees shall not accept solicitations from private individuals during work hours. Any

solicitation undertaken during non-work hours shall comply with the provisions of the previous *Solicitation* section.

- 3.7.3 **Political Parties** – Nothing contained in this section shall affect the rights of employees to be members of, support, or otherwise participate in the activities of any political party or organization, to vote as the employee chooses, to express the employee’s opinions on political subjects or candidates, to maintain political neutrality, or to participate in nonpartisan activities of civil, community, social, professional or other similar organization. Provided, however, that during work hours in City uniform, while in or on City property, buildings, and facilities, or at City work sites, no City employees may actively work for, or against, or attempt to influence the election or defeat of, any candidate for Mayor or Council, or the recall of the Mayor or any Council member, or the election or defeat of any other political candidate or ballot measure. Violations of this section may be subject to the sanctions authorized by this Manual.

3.8 CONFLICTS OF INTEREST

- 3.8.1 **Generally** – Employees shall not have any direct or indirect pecuniary interest in any contract, service, or work performed for the City. Nor shall employees profit directly or indirectly from any contract, purchase, sale or service between the City and any individual(s), partnership(s), association(s), organization(s), corporation(s), cooperative(s), or any other group of persons.

- 3.8.2 **Prohibited Activities** – No employee shall use or attempt to use the official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the employees’ holding of the official position, other than official salary.

No employee, or a relative of the employee shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts with an aggregate value in excess of \$50 from any single source who could reasonably be known to have a legislative or administrative interest in the City in which the employee has any official position or over which the employee exercises any authority. (Reference ORS 244.040)

- 3.8.3 **Penalties** – Any employee who violates the provisions of this section may be subject to immediate discipline, up to and including dismissal.

3.9 EMPLOYEE APPEARANCE AND CONDUCT

- 3.9.1 **Dress and Appearance** – Employees shall wear appropriate attire for their position and department. The City Manager or Department Heads may issue rules regarding what is considered appropriate attire and appearance for the employees of specific City departments and for particular job positions.

- 3.9.2 **Personal Conduct** – All employees shall conduct themselves in a manner which is appropriate for an employee of the City and conduct interactions with the

general public and all other parties in a patient, courteous, accurate, and conscientious manner. Job duties and responsibilities shall be performed in a manner that reflects positively on the City, and promotes the efficient allocation of public resources.

3.10 EMPLOYEE SAFETY

3.10.1 **Safety** – All employees shall coordinate and cooperate with other employees and the City to create and maintain a safe work environment. Employees shall observe all safe practices governing their work. Employees shall offer safety suggestions that contribute to a safer work environment and shall use proper safety devices and protective equipment as required by their supervisor, Department Head, or the City Manager. Employees shall properly maintain and keep in good repair all personal protective equipment. Reference Appendix G – *City of Sherwood Safety Policy*.

3.11 INJURY AND ILLNESS

3.11.1 **Reporting** – Employees shall report any suspected or actual on-the-job injury or occupational illness to their immediate supervisor regardless of degree of severity. Employees shall also report to their immediate supervisor, any accidents or illnesses that cause damage to public or private property or equipment, before, after, or during working hours, and that involve City employees, equipment, or property. Such reports shall be made as soon as possible, but no later than twenty four (24) hours following such accident or the actual or suspected injury or occupational illness. Employees shall prepare any accident or incident reports requested by their supervisors. In the case of a motor vehicle accident on City property, or while the employee is involved in the performance of his or her duties, the City Police Department shall also be notified immediately.

3.11.2 **Notices** – Department Heads shall notify the City Manager and the Human Resource department of any actual or suspected on-the-job accidents, occupational illnesses, or injuries as soon as practical, but in no case later than one (1) regular City workday following the filing of any accident, illness, or injury report.

3.12 PERSONNEL RECORDS

3.12.1 **Content** – Personnel records shall be maintained on all City employees, and shall be located in the Human Resource Department. All employees, including those on leave without pay status, are required to keep the City informed of their current home address at all times.

3.12.2 **Confidentiality** – Employees' personnel records are confidential, except as provided in the following section. Only the employee, the employee's immediate

supervisor, Department Head, and the City Manager, or other personnel authorized by the City Manager may examine an employee's confidential personnel records. Confidential personnel records shall not be released to any unauthorized individuals except with the written consent of the employee. No documents shall be copied or removed from an employees' personnel file without the City Managers approval, provided, however, employees have the right to copy documents from their own personnel file at any time, subject to notification of the City Manager. Authorized inspections shall take place in the presence of the City Manager, and/or the Human Resource Manager.

3.12.3 Public Information – The following information from an employees personnel file is available for public inspection, subject to any reasonable regulations on the time and manner of inspection that may be determined by the City Manager: Employment applications, examination materials, position titles, prior position(s) held, employees' classified or unclassified status, dates of appointment and separation, and the compensation authorized. The City of Sherwood will comply with the Oregon Department of Justice regulations regarding disclosure of public records.

3.13 BUSINESS TRAVEL

3.13.1 Expenses – Employees required to travel outside of the City on City business, including but not limited to meetings, conferences, conventions, or court appearances, shall be reimbursed for all reasonable expenses incurred. Meals and transportation expenses shall be reimbursed or paid by the City per the following sections. An employee scheduled to travel outside of the City on City business shall obtain prior approval from the supervisor or Department Head to the necessity of the trip, relevance and importance to the City's business, mode of travel, accommodations, fees, and other anticipated expenses. Reimbursement for expenses shall only be for actual and reasonable expenses incurred in the course of performance of official duties as a City official. Employees shall be responsible for obtaining and submitting records verifying all individual expenses exceeding ten dollars (\$10.00), except as stated in the following section.

3.13.2 Meals – The City shall use the current daily per diem for meals and lodging per the US General Services Administration website per diem, website www.gsa.gov. A statement of the meals and lodging claimed should be provided to the Finance Department with other expense reimbursement documentation in order to receive the per diem. The meal and lodging per diem may be requested in advance of the planned travel if approved by the Department Head.

3.13.3 Transportation – Transportation for official City business purposes shall generally be by public carrier or City owned vehicles. City owned vehicles may be used for City business only. Subject to authorization of the immediate supervisor, Department Head or the City Manager privately owned vehicles may be utilized. Mileage reimbursement for the use of private vehicles shall be paid at the current IRS prevailing rate. Employees shall be responsible for maintaining

and submitting records verifying all mileage accrued. Mileage reimbursement is considered to cover most transportation expenses, excluding vehicle storage, parking and tolls, which are fully reimbursable provided that records for all such expenses are provided. The City will not reimburse transportation within the City.

3.14 ATTENDANCE AND TARDINESS

- 3.14.1 **Attendance Required** – An employee shall be in attendance during all work hours designated by the City Manager or the employee's Department Head. Employees shall report to work and return from rest and meal periods, authorized leave, and holidays at scheduled times and/or dates.
- 3.14.2 **Authorized Absence** – Any employee unable to report to work for any reason other than personal illness or injury, or any other reason authorized in the *Paid Time Off* section, must obtain prior authorization for the absence from the employee's immediate supervisor. Any employees absent without prior authorization or notice to the appropriate supervisor shall be deemed to have forfeited any Paid Time Off or other paid leave and may be disciplined.
- 3.14.3 **Notice** – Employees absent due to personal illness or injury, or any other reason authorized in the *Paid Time Off* section, shall notify their immediate supervisor no later than the start of the employee's regular work shift. If the absence continues beyond the employee's first regular workday, the employee shall notify the immediate supervisor of each workday's successive absence before the start of the employee's regular work shift, unless other arrangements are made by the employee with the immediate supervisor. If the employee's immediate supervisor is not available, the employee shall notify their Department Head or the City Manager regarding absences. For any absence due to personal illness or injury that exceeds three (3) of the employees' regular workdays, the employees' Department Head or the City Manager may require written verification of the illness from a qualified health care provider.
- 3.14.4 **Penalties** – Employees shall be disciplined up to and including discharge for excessive absenteeism and tardiness. The City Manager shall have the discretion to determine what constitutes excessive absenteeism and tardiness and the manner in which employees shall be disciplined. This determination may differ according to the needs of each City department or the duties and responsibilities of each job position.

3.15 WORK SCHEDULES AND RULES

- 3.15.1 **Generally** – The regular City workday consists of a work shift of eight (8) consecutive work hours plus an unpaid sixty (60) minute meal period within any consecutive twenty four (24) hour period. Saturdays, Sundays, and recognized City holidays are generally not considered regular City workdays, except as otherwise established by this Manual. The defined City workweek is a period of one hundred sixty eight (168) consecutive hours that begins at 12:01 a.m.

Sunday and ends at midnight on the following Saturday. *Refer to Section 5.5 for additional information.*

- 3.15.2 **Workday and Workweek** – The City Manager or Department Head may establish work hours and schedules different from the regular workdays for individual employees, certain classes of employees, or exempt employees, based upon the best business interest of the City and the needs of each department. Provided, however, that departmental procedure shall not nullify, modify, or run counter to these rules. Department rules, regulations, and procedures shall be approved by the City Manager. Employees shall work all of the hours and days assigned. The City reserves the right to modify or flex any posted work schedules whenever such modifications are in the best business interest of the City.

3.16 RESIGNATIONS

- 3.16.1 **Notice** – An employee may resign by giving their Department Head written notice of resignation at least ten (10) regular City workdays before the effective date of resignation. “Workdays” as used in this section shall not include Saturdays, Sundays, and recognized City holidays. The written notice shall state the reasons the employee is resigning. The Department Head shall forward the resignation notice to the City Manager and to Human Resources, and may include a written summary of the employee’s current work performance and any additional information regarding the employee’s reasons for resignation.
- 3.16.2 **Re-Employment** – An employees’ failure to comply with the previous section may be cause for denying re-employment with the City. The City Manager may waive the ten (10) regular City workdays written notice requirement based upon the particulars of any given resignation and permit a shorter written notice period, or may permit an oral notice. Paid Time Off may not be used as part of the ten (10) regular days notice requirement unless specifically authorized by the City Manager.

3.17 DISCIPLINARY ACTIONS

- 3.17.1 **Oral Warnings** – Whenever an employees behavior, work habits or personal conduct falls to a level unacceptable to the employee’s supervisor, Department Head, or the City Manager, or whenever an employee’s work performance is evaluated as “Not Meeting All Requirements,” or whenever an employee engages in an action or behavior as per the criteria in the *Dismissal* section, the employee generally should be informed of the unacceptable behavior or unsatisfactory performance and the means to correct the situation. Provided, however, if the seriousness or circumstances of a specific incident, or the whole pattern of the employee’s past performance and conduct, justifies more severe disciplinary action in the first instance, other disciplinary actions specified in this section, up to and including dismissal, may be utilized. A written note documenting the oral warning shall be placed in the employee’s personnel file.

- 3.17.2 Written Warnings** – If appropriate and justified, an employee who has received an oral warning may be given a reasonable time for improvement before further disciplinary action is taken. If the oral warning does not result in the expected improvement, or other aspects of the employee's job performance, behavior, work habits or personal conduct, fall to or remain at unacceptable levels, or where more severe initial action is warranted in the first instance, the employee shall receive a written warning, unless more severe disciplinary action is taken pursuant to the following section. A copy of this written warning shall be provided to the employee and placed in the employee's personnel file. In the case of unsatisfactory job performance, the written warning may take the form of a special job performance evaluation, conducted as per the *Performance Evaluation* section.
- 3.17.3 Additional Actions** – If an oral or written warning has not resulted in the expected improvement, or the seriousness of a specific incident or the whole pattern of the employee's past performance and conduct justifies the imposition of more severe disciplinary action in the first instance, an employee may be suspended, demoted, or placed on disciplinary probation based on a written recommendation by the employee's Department Head and a subsequent review by the City Manager. Both the written recommendation and a written statement of the action taken, if any, the reasons justifying the action, and the consequences of repeating or engaging in further or other unacceptable behavior shall be provided to the employee, and copies shall be placed in the employee's personnel file. Both written statements shall be delivered personally to the employee by the applicable Department Head or the City Manager or mailed by registered, certified, or other special mail to the employee's last known address.
- 3.17.4 Disciplinary Probation** – Any disciplinary probation recommended pursuant to this section shall be preceded by a review by the City Manager of the circumstances leading up to the recommended disciplinary probation. When the investigation is completed and a decision is made as to disciplinary action, the employee shall be informed in writing of the action, if any. Any disciplinary probation imposed under this Manual may be for any period of time up to and including one hundred and eighty three (183) days. During the disciplinary probation period, the employee must show the required improvement necessary to remain in the City service. If the employee fails to correct their performance, or repeats the unacceptable conduct during the disciplinary period, the employee may be dismissed.
- 3.17.5 Demotion and Suspension** – Any demotion or suspension recommended pursuant to this section shall be preceded by a review by the City Manager of the circumstances leading up to the recommended demotion or suspension. When the investigation is completed and a decision is made as to disciplinary action, the employee shall be informed in writing of the action, if any. If the investigation indicates suspension as the appropriate disciplinary action, the discipline shall be imposed. Any suspension pursuant to this section shall not exceed thirty (30) days. If the nature of the action indicates more than thirty (30) days is

appropriate, alternative discipline such as demotion or dismissal shall be considered.

~~3.18 DISMISSAL~~

~~3.18.1 **Generally**—Based on the written recommendation of the applicable Department Head, the City Manager may dismiss an employee if previous disciplinary actions have not resulted in the expected improvement. Also with recommendation, the City Manager may dismiss an employee without previous warning or discipline based on the seriousness or circumstances of a specific incident, or when the whole pattern of an employee's past performance and conduct justifies the imposition of more severe disciplinary action in the first instance.~~

~~3.18.2 **Criteria**—Reasons for dismissal or other disciplinary action include, but are not limited to:~~

- ~~a. Damage, destruction, unauthorized use, or misuse of public property.~~
- ~~b. Unsatisfactory, incompetent, inefficient, or negligent performance of assigned duties.~~
- ~~c. Insubordination, profanity, or displaying an ungovernable or bad temper.~~
- ~~d. Conviction of a felony or misdemeanor.~~
- ~~e. Off-duty misconduct which reflects unfavorably upon the employee's suitability for public employment.~~
- ~~f. Excessive absenteeism or tardiness, unauthorized absences, or failure to return from a leave without pay on or before the designated date.~~
- ~~g. Abuse of leave privileges.~~
- ~~h. Real or perceived conflicts of interest, or conduct which creates the appearance of impropriety.~~
- ~~i. Acceptance of any valuable consideration given in the expectation of influencing the employee in the performance of the employee's duties.~~
- ~~j. Untruthfulness, dishonesty, or falsification of records, including misrepresentation of qualifications for employment.~~
- ~~k. Use of the employee's position for personal advantage.~~
- ~~l. Insubordinate, uncivil, discourteous or disrespectful behavior towards co-workers, supervisors, or the public.~~
- ~~m. Failure to observe this Manual, work rules established as per this Manual, or other City administrative rules.~~
- ~~n. Willfully disobeying the lawful orders of a supervisor, Department Head, the City Manager or other authorized City employee.~~
- ~~o. Use of alcohol or controlled substances on the job, or working under the influence of such substances. (Reference Appendix E—*Alcohol and Drug Policy*)~~

~~p. Sexual harassment of other City employees, or any other form of harassment prohibited by law. (Reference Appendix D — Prohibition of Harassment Policy)~~

~~3.18.3 **Dismissal Notice** — All employees shall be given prior written notice of intended dismissal including notice of the date when the action will become effective. A copy shall be placed in the employee's personnel file. The written notice shall be delivered personally to the employee when practical or mailed by registered, certified or other similar special mail to the employee's last known address. The notice shall include a statement of the reasons for the dismissal and cite those portions of this Manual that have been violated. The notice shall also inform the employee of his or her rights of appeal under this Manual.~~

~~3.18.4 **Pre-Termination Hearing** — In a case of dismissals, the written notice shall inform the employee that the employee may request a pre-termination hearing and written decision by the City Manager. If the employee requests such a pre-termination hearing within two (2) regular City workdays of the notice of intended dismissal, the City Manager shall give the employee an opportunity to refute any of the charges or reasons stated for the proposed dismissal at an informal hearing for that purpose. The pre-termination hearing shall be held, if practical, within two (2) regular City workdays of receipt of the request for a pre-termination hearing, or at such other date as soon thereafter as the City Manager may set. No termination shall be effective until after the requested pre-termination hearing with the City Manager has been held and the City Managers written decision has been made. In the case of pre-termination hearings, the termination date set forth in the notice of intended dismissal shall be deemed extended to the day following the date the City Managers written decision is made. The hearing need not be an evidentiary hearing, but shall afford the employee an opportunity to respond to the charges or reasons given for the employee's dismissal. The City Manager may uphold, modify or reverse the dismissal action. Exercising the pre-termination option shall not result in the loss of any other appeal rights afforded regular employees by the *Grievances and Appeals* section of this Manual. Trial employees shall also be given written notice of dismissal but may receive a pre-termination hearing at the discretion of the City Manager. Dismissed trial employees have no rights to appeal.~~

~~3.19 GRIEVANCES AND APPEALS~~

~~3.19.1 **Generally** — A regular employee in the classified service may appeal any warning, suspension without pay, layoff, demotion, disciplinary probation or dismissal, or grieve any alleged violation of this Manual, within five (5) regular City workdays after the effective date of the disciplinary action, or of the occurrence giving rise to the grievance. If an employee fails to appeal to such disciplinary action within five (5) regular City workdays after the effective date, the employee will be deemed to have waived any appeal of such rights stated in this Manual, except as provided for in the *Pre-Termination* section. "Workdays" as used in this section shall not include Saturdays, Sundays, or recognized City holidays.~~

~~3.19.2 **Exceptions** — An appeal by a regular employee of a warning, suspension without pay, layoff, demotion, disciplinary probation or dismissal, shall not forestall the effects of any disciplinary action, except for dismissals as per the *Dismissal* section. Provided, however, should the disciplinary action be reversed or modified on appeal, the employee generally will be returned to his or her position, be paid for any lost pay and have all other benefits restored retroactively to the date of disciplinary action, unless the appeal decision specifies otherwise. To the greatest extent practical and when the best business interests of the City will not be harmed, the City Manager or Department Head may set the effective date of any disciplinary action, except for dismissal, to commence no less than five (5) regular City workdays from the date of the written notice of the disciplinary action. In the case of a grievance by an employee of an alleged violation of this Manual, the employee may elect to skip any step(s) in the procedure set forth in the following *Procedure* section if the grievance is against the City employee specified to hear the grievance. The employee's decision to skip any step in the grievance procedure shall be submitted in writing.~~

~~3.19.3 **Applicability** — The grievance and appeal procedure applies to all regular employees in the classified service. Employees shall exhaust all City grievance and appeal procedures before availing themselves of other methods of dispute resolution, including but not limited to, any federal, state or local tribunal or court. Trial employees do not have the right to grieve or appeal.~~

~~3.19.4 **Waiver** — If an employee fails to process any grievance or appeal within the time limits specified in this Manual, and the time limits are not waived by the City, the employee's grievance or appeal will be deemed waived and such failure shall constitute a bar to any further appeal. If the City fails to answer a grievance or appeal at any step, the employee's grievance or appeal shall automatically progress to the next step and shall not be deemed waived. Nothing in this section shall be construed to prevent the settlement of any grievance or appeal by mutual agreement of the parties at any time.~~

~~3.19.5 **Procedure** — Except as otherwise provided in this Manual, the following steps shall be followed in submitting and processing a grievance of an alleged violation of this Manual, or an appeal of a disciplinary action or dismissal. All parties to a grievance or appeal shall endeavor whenever practical, to process their actions within fewer regular City workdays than specified in this section:~~

~~a. **Step I** — Any employee(s) shall first present any grievance or appeal to their immediate supervisor within five (5) regular City workdays after the grievance or appealed action arose. The supervisor and the affected employee(s) shall meet to discuss the grievance or appeal and attempt to resolve the issue within five (5) City workdays of the date the grievance or appeal was presented to the immediate supervisor. The supervisor shall inform the employee(s) of the decision on the appeal or grievance within this five (5) day period. The supervisor's decision may be given verbally or in writing.~~

~~b. **Step II** — If the grievance or appeal is not resolved in Step I, the affected employee(s) shall reduce the grievance or appeal in writing and submit the issue~~

- ~~to their Department Head within five (5) regular City workdays after the decision of their immediate supervisor is given. The written grievance or appeal shall contain a description of the alleged problem(s), the date(s) of the alleged occurrence(s), the corrective action(s) desired, and a summary of what occurred during Step I of the grievance or appeal procedure. A meeting between the Department Head and the affected employee(s) shall be held within five (5) regular City workdays of the receipt of the written grievance or appeal. The Department Head shall respond to the employee(s), within five (5) regular City workdays of the meeting, with a written decision on the appeal or grievance.~~
- ~~c. **Step III** — If the grievance or appeal is not resolved at Step II, the affected employee(s) may, within five (5) regular City workdays of receipt of the Department Heads written decision, present a written grievance or appeal to the City Manager, along with all pertinent correspondence, records and information accumulated to date. For the purpose of resolving the grievance or appeal, the City Manager shall meet with the affected employee(s) and the Department Head within five (5) regular City workdays after receipt of the grievance or appeal. The City Manager shall respond with a written decision on the appeal or grievance to the employee(s), within five (5) regular City workdays of the meeting. The decision of the City Manager shall be final.~~

3.18 DISCIPLINARY ACTIONS

3.18.1 Discipline Authority - The City Manager has the ultimate authority to hire and terminate employees. Department Heads and supervisors have the responsibility to recommend the hiring of employees and to investigate complaints and to recommend discipline within the general guidelines described below. To ensure consistent decision-making, all disciplinary actions should be reviewed by the Department Head and the Human Resources Director prior to being issued.

Department Heads and supervisors should maintain job performance records to document poor performance when it occurs and written records of investigations and rule infractions when no disciplinary action is taken. Documentation of all disciplinary action, including oral reprimands should be sent to the Human Resources Director for inclusion in the personnel file.

Nothing in this Section 3.18 confers any contractual or other right; either express or implied to remain in the City's employ. Your employment may be terminated by the City, or you may resign, with or without reason or notice at any time.

3.18.2 Corrective Action- The City of Sherwood has high performance expectations because we strongly believe that everyone benefits when we all work together and conduct ourselves in a manner that mutually reflects the best interests of co-workers and our organization. It is the philosophy of the City of Sherwood to take corrective action measures when possible for the purpose of correcting performance deficiencies or to deal with violations of polices and work rules.

All the policies in this manual must be followed. Violations of any of the policies in this manual may lead to disciplinary action up to and including termination of employment.

You will be informed by your manager of any corrective action that is necessary as soon as possible after any performance problem has been identified. Your manager will discuss the situation with you, explaining the policy and the necessity of corrective action to avoid other disciplinary actions.

Although one or more corrective action measures may be taken in connection with a particular performance problem, the City is not required to follow the designated order set forth below. Corrective action may include any of a variety of actions depending on the circumstances and severity of the particular situation and can include termination at the outset, if necessary.

Corrective action, including termination of employment may be taken at the discretion of management and may include, but is not limited to:

- Verbal counseling with you, which will be confirmed in writing for your personnel file.
- Mandatory participation in training and/or counseling.
- Oral reprimand.
- Written warning, which will be placed in your personnel file.
- Suspension, which will be confirmed in writing for your personnel file. Suspension is normally used to remove an employee from the premises during an investigation, or as a disciplinary action. This may be paid or unpaid. If you are suspended, it will be documented in your personnel file.
- Termination of employment.

The corrective action process will not always commence with a verbal counseling or include a sequence of steps and may include termination at the outset if necessary. Some acts, particularly those that are intentional or serious, warrant more severe action on the first or subsequent offense. Consideration may be given to the seriousness of the offense, your intent and motivation to change the performance, and the environment in which the offense took place.

The above are *only examples* of possible corrective action(s) that may or may not occur.

3.18.3 Termination of Employment –All employees of the City of Sherwood is at-will employees and may be discharged at any time, for any reason. Before termination employees will be given written notice of the reason for termination and they will be given an opportunity to respond to the written notice.

The following list includes, but does not limit reasons for dismissal or other disciplinary action:

Minor Infractions

- Unsatisfactory attendance, including unauthorized or excessive absenteeism, tardiness, and failure to give notice of intended absence or tardiness, or failure to comply with other reporting rules.
- Careless, inaccurate, unreliable or otherwise unsatisfactory work performance or productivity.
- Working overtime without prior authorization from the employee's supervisor.
- Interfering with or impeding other City employees work.
- Performing other than City work during work hours.
- Excessive personal phone calls.
- Personal internet usage.
- Failure to follow safe working practices (Employees that commit serious safety violations are subject to immediate termination).
- Failure to promptly report an accident or injury or cooperate in accident or injury investigations.
- Being rude or otherwise uncooperative in dealing with co-workers, supervisors or the public in the course of City business.
- Violating any City rule or practice that is presently in effect or subsequently adopted.
- Threatening, intimidating, bullying, coercing or assaulting another employee, supervisor or others in the course of City business.
- Fraudulent acts.
- Breach of trust.
- Violation of health/safety policy.
- Use of profane/abusive language.
- Any conduct that is illegal under local, state or federal law.
- Sleeping on the job.
- Failure to obtain permission from supervisor to leave work at an unscheduled time.

Major Infractions

- Insubordination including failure to follow any oral or written job instructions issued by the City Manager or a person in a position of authority as determined by the City.
- Provoking or instigating arguments, dissension or fights during work hours.
- Engaging in horseplay which results in injury or property damage to City property.
- Engaging in off duty conduct that is criminal or that the City Manager reasonably believes affects your ability to effectively perform your job duties

and responsibilities. Off duty conduct may also include participation in on-line activities.

- Any deliberate or reckless act of destroying or damaging City property or the property of others while it is located on City property.
- Falsifying any reports or records, such as applications, absence and sickness reports or time records.
- Removing an item from or otherwise tampering with a personnel file without the approval of the City Manager.
- Bringing discredit to yourself or the City.
- Dishonesty of any type.
- Conduct in the course of employment that could result in legal action against the City.
- Engaging in discriminatory behavior or harassment of a sexual, racial, ethnic or religious nature.
- Violation of the City's drug and alcohol rules.
- Unauthorized possession of firearms, dangerous or deadly weapons or explosives on City property. For the purposes of this section "dangerous or deadly weapon" has the meaning given in ORS 161.015.
- Failure or refusal to cooperate in an investigation or interfering with an internal investigation.

4 CLASSIFICATION PLAN

4.1 COVERAGE

- 4.1.1 **Applicability** – All offices and positions in the City service shall be assigned to the classified or unclassified service. Unless specifically provided otherwise, this Manual shall apply to employees in the classified service.
- 4.1.2 **Unclassified Service** – The unclassified service shall include the following positions: The Mayor, Council Members, Municipal Judge(s), City Manager, City Recorder, members of boards, commissions and other plural authorities, all other personnel appointed, elected, approved, or confirmed by the City Council, all personnel who serve without compensation, and all temporary or volunteer personnel.
- 4.1.3 **Classified Service** – The classified service shall include those positions which are not specifically included in the unclassified service.

4.2 CREATION

- 4.2.1 **Generally** – The City Manager shall annually prepare and submit a compensation plan for approval as part of the budget process. The compensation plan shall become a part of this Manual.
- 4.2.2 **Classes** – Positions shall be grouped into classes based on similarity in established duties, responsibilities, and entrance qualifications. Each class of positions shall be given a class title, which may take the form of a number.
- 4.2.3 **Class Specifications** – Class specifications in the form of a job description shall be prepared for each position. Each specification shall include, but need not be limited to, the following information: the position title, a general statement of duties and responsibilities, a brief description of job conditions, and any entry level education, experience, licenses, or other relevant skills that must be possessed by any person to be considered for a position. Job descriptions shall be updated as needed to reflect accurately any changes to the duties, responsibilities, entrance qualifications, and other particulars of a position.

4.3 PURPOSE

- 4.3.1 The compensation plan is to be used as a guide for recruiting and selecting applicants for employment, determining the pay rate for various types of work, determining personnel costs and departmental budgets, and as a uniform way of referring to positions in the City service that is understood by all City employees and the general public.

4.4 ADMINISTRATION

- 4.4.1 **Responsibility** – The Human Resource Manager, together with the City Manager, is responsible for maintaining the classification plan and ensuring that the plan reflects the current duties, responsibilities, and qualifications of all classified positions in the City service. When new positions are created, the City Manager, or designee, shall review the positions duties, responsibilities, and qualifications and incorporate the new position within the City’s classification plan. Whenever there are material changes in duties, responsibilities, and qualifications of current positions, the City Manager, or designee, shall review the changes and determine if the classification plan needs an adjustment or correction.
- 4.4.2 **New Positions** – Whenever a new position is created or the duties of an existing position materially change, Department Heads (in conjunction with Human Resources) shall provide the City Manager with a written, comprehensive job description, describing in detail the duties, responsibilities and qualifications of the affected positions assigned to the class. The City Manager, in conjunction with the Human Resource Manager, shall investigate the suggested or actual duties, responsibilities and qualifications, and take necessary action to accurately maintain the classification plan. *Refer to Section 5.4 for additional information.*
- 4.4.3 **Incumbents** – Incumbent employees who consider their position improperly classified may submit a request for consideration for reclassification in writing to their immediate supervisor. The immediate supervisor shall review the request with the Department Head. If the Department Head finds that the position’s duties, responsibilities or qualifications have changed materially so that the position’s classification is inappropriate, the Department Head shall make a recommendation as to reclassification to the City Manager. If the Department Head finds reclassification is not appropriate, the Department Head shall inform the employee in writing of this decision and the reasons for the decision. In those cases where the Department Head has recommended reclassification to the City Manager, the City Manager shall review this recommendation and make the final decision.
- 4.4.3.1 **Appointment** – When a position is reclassified from one class to a higher or lower class, the method of filling the position shall generally be in accordance with the *Recruitment Policies and Practices* and the *Employment Policies and Practices* sections. Provided, however, whenever the reclassification would result in a demotion of an incumbent employee, the incumbent employee may be appointed to the reclassified position, upon the recommendation of the Department Head and approval by the City Manager. Whenever the reclassification is a result of the employee’s diligent and appropriate assumption of difficult and additional duties and responsibilities, so that the position warrants a higher classification, the Department Head may recommend to the City Manager that the incumbent be appointed to the reclassified position without examination. The City Manager shall consider the Department Heads recommendation and make the final decision regarding how such a reclassified position shall be filled.

5 COMPENSATION PLAN

5.1 CREATION AND COVERAGE

- 5.1.1 **Generally** – The City Manager in conjunction with the Human Resource Manager shall develop a compensation plan consisting of ranges of pay steps assigned to classes of positions.
- 5.1.2 **Pay Steps** – Pay steps for each class shall be coordinated based upon the ranges of pay steps for other classes, the requisite duties, responsibilities, and entry level qualifications of positions in each class, the rate of pay for similar work in the public and private sector, cost of living data, fringe benefits, the City's financial policies and positions, or any other relevant considerations. Nothing contained in this Manual, the compensation plan, or the City's past practices or customs shall prevent the City from reducing its work force, laying off, promoting, demoting, reclassifying, or dismissing employees or otherwise managing and directing the operation of City government in the best business interest of the City.
- 5.1.3 **Applicability** – The provisions of the compensation plan shall be applicable to all employees whose positions are listed in the classification plan.

5.2 MAINTENANCE

- 5.2.1 **Responsibility** – The compensation plan is intended to provide appropriate and equitable compensation for all positions in the classification plan, taking into consideration those factors listed in the *Creation and Coverage* section. The City Manager in conjunction with the Human Resource Manager, shall annually study all factors affecting the level of compensation paid City employees, and shall recommend appropriate adjustments to the Budget Committee.
- 5.2.2 **Amendment** – The use of pay steps is intended to provide administrative flexibility in recognizing individual differences among incumbents appointed to positions in the same class and to provide an incentive for employees to advance and improve their performance.
- 5.2.3 **Cost of Living Allowance** – The Budget Committee shall approve or deny an annual Cost of Living Allowance, based on recommendations from the City Manager and the Budget Committee. The percentage of the COLA increase shall be based on the CPI-U, West Urban average from the prior calendar year and shall not exceed five (5) percent. If approved, the COLA increase will be an across the board increase effective the first full payroll after July 1st of each fiscal year.

5.3 WITHIN-THE-RANGE PAY INCREASES

- 5.3.1 **Minimum Rate** – The minimum pay step established for a class is the normal hiring rate, except in cases where the background of a new employee, or other factors, warrant appointment at a higher step. Appointments above the minimum pay set for a class shall be approved by the City Manager, based on a consideration of whether the applicant's current qualifications are in excess of the entry level qualifications required for the class, whether there is a shortage of qualified applicants available at the minimum pay step, whether qualified applicants decline employment at the minimum pay step, or other factors in the best business interest of the City.
- 5.3.2 **Advancement** – Advancement to successive pay steps for a class of positions shall be based on an employees' efficient and fully satisfactory performance of the duties and responsibilities of the positions. The maximum pay step is considered the full pay rate for an incumbent who is meeting all the requirements of his or her duties. Advancement to the next successive pay step shall be based solely on merit and performance, not on an employees' longevity or seniority. Advancement is not automatic.
- 5.3.3 **Timing** – An employee may be considered for advancement to a higher pay step on his or her yearly anniversary date. Provided, however, that the trial employees may be considered for advancement to a higher pay step upon successful completion of the trial employment period, as provided for in the *Trial Employment* section. The anniversary date shall be adjusted for employees on leave without pay status. Employees shall only be advanced to the next successive pay step for his or her class of positions.

5.4 PAY STEPS ON PROMOTION, DEMOTION OR RECLASSIFICATION

- 5.4.1 **Promotion** – When an employee is promoted, the employees pay step in the new position shall be at least a five percent (5%) increase from the pay step from which the employee was promoted. The anniversary date of an employee who is promoted shall be adjusted so that it falls one (1) year from the effective date of the promotion.
- 5.4.2 **Demotion** – When an employee is demoted, the employees' pay step in the new position shall be the pay step of their new class of positions, which is the smallest decrease from the pay step from which the employee was demoted. If the employee was demoted, the employees' pay step in the new position shall be any appropriate pay step in their new class of positions that is less than the pay step from which the employee was demoted. In either case, the demoted employee's Department Head shall make a recommendation to the City Manager as to an appropriate pay step and the City Manager shall review and approve the recommended lower pay step or determine what is a more appropriate pay step. The anniversary date of an employee who is demoted shall be adjusted so that it falls one (1) year from the effective date of the demotion.

- 5.4.3 **Reclassification** – When an employee's position is reclassified, the employee will be moved to the closest higher step in the new class of positions based on the employee's current salary. The anniversary date of an employee who is reclassified shall be adjusted so that it falls one (1) year from the effective date of the reclassification.
- 5.4.4 **Trial Periods** - The Department Head may, with approval from the City Manager, grant a promoted, demoted or reclassified employee a pay increase upon successful completion of a new six-month trial period following the action. If a pay increase is granted, the anniversary date shall become the date of the completion of the new trial period.
- 5.4.5 **Timing** – Proposals for promotions, reclassifications and new positions shall be submitted to the City Manager, or designee, with ample time to complete the process listed in *Section 4.4* of this Manual. If the promotion/reclassification or new position is approved, the new pay class, step and job description will become effective upon adoption. The new salary shall be retroactive to the date of adoption by the City Council.

5.5 PAY PERIODS

- 5.5.1 **Workday and Workweek** – The regular City workday consists of a work shift of eight (8) consecutive work hours plus an unpaid sixty (60) minute meal period within any consecutive twenty four (24) hour period. Saturdays, Sundays and recognized City holidays are generally not considered regular City workdays, except as otherwise established in this Manual. The regular, defined City workweek is a period of one hundred sixty eight (168) consecutive hours that begins with the start of the first work shift after 12:01 a.m. Sunday and ends at the conclusion of the last work shift that started before midnight on Saturday. This Manual or the City Manager may establish other regular workdays for individual employees or certain classes of employees, particularly for exempt employees and departments providing service outside of the regular workweek. *Refer to Section 3.15 for additional information.*
- 5.5.2 **Pay Day** – Employees will be paid every other week based on hours worked in a predetermined fourteen (14) day period.
- 5.5.3 **Direct Deposit** – All regular full and part time employees are encouraged to participate in the City's direct deposit program. Temporary employees working less than two months, or employees without a bank account, may opt to receive paper checks.

5.6 OVERTIME

- 5.6.1 **Generally** – All non-exempt employees will be compensated for hours worked in excess of forty (40) hours a week. No employee may refuse to work scheduled overtime, overtime necessitated by emergencies, overtime necessitated by staff

shortages, or any other reasonable requirement for overtime work that is in the best business interest of the City.

- 5.6.2 **Compensation** – All authorized overtime work by employees, except as exempted in the *Overtime/Exceptions* section, may be compensated for with time off in lieu of pay, at the employees option. The compensation rate will be one and one half (1 ½) hours for each hour of employment worked in excess of the employee's regular forty (40) hour workweek. The maximum accrual is twenty (20) hours of compensation time. Such non-exempt employees shall receive cash payment for all unused compensation time off upon resignation, layoff or dismissal. Such excess of unused compensation overtime shall be paid at the employee's regular rate of pay.
- 5.6.3 **Overtime Calculation** – Overtime is calculated based on hours actually worked. Discretionary time off, such as Personal Time Off, Comp Time and Sick Leave, are not included in the calculation.
- 5.6.4 **Exceptions** – Except as otherwise provided herein, exempt classified employees are not eligible to receive overtime pay for any hours worked in excess of forty (40) hours in one (1) regular City workweek, as such employees receive a salary which is considered to be adequate cash compensation for all hours worked.
- 5.6.5 **Exempt Positions** – For purposes of this Manual, exempt classified employees include those persons employed in an administrative, professional or executive position, as defined by the Fair Labor Standards Act of 1985, or succeeding legislation.

6 EMPLOYEE BENEFITS

6.1 HOLIDAYS

6.1.1 **When Observed** – The City shall observe the following holidays on the dates indicated:

- a. New Years Day – January 1
- b. Martin Luther King Jr. Day – Third Monday in January
- c. Memorial Day – Last Monday in May
- d. Independence Day – July 4
- e. Labor Day – First Monday in September
- f. Veterans Day – November 11
- g. Thanksgiving Day – Fourth Thursday in November
- h. Friday Following Thanksgiving – Fourth Friday in November
- i. Christmas Day – December 25

6.1.2 **Exceptions** – If a holiday falls on a Sunday, the following Monday shall be observed as the holiday. If a holiday falls on a Saturday, the proceeding Friday shall be observed as the holiday.

6.1.3 **Generally** – It is the policy of the City of Sherwood to be open the maximum number of days each year so as best to serve the public. As a result, four personal days have been included in the Paid Time Off section. Employees are encouraged to use the additional time off for days of national recognition or religious observance, such as their beliefs may dictate.

6.1.4 **Holiday Pay** – Regular full time employees who do not work on a holiday shall receive eight (8) hours holiday pay at their regular rate of pay. Regular part time employees working twenty (20) hours or more a week who do not work on a holiday shall receive a portion of the eight (8) hours holiday pay at their regular rate of pay equivalent to the percentage of their assigned hours to a full forty (40) hour work week. Temporary employees, contract or project employees, employees working less than twenty (20) hours a week, and employees on leave without pay are not entitled to receive holiday pay. An unexcused absence from scheduled work on a holiday will result in loss of holiday pay for that holiday.

Eligible employees are paid hours proportionate to the percentage of hours worked to a full 40 hour work week (See examples below)

- o Regularly scheduled 20 hrs/wk = 50 % = 4 hours paid
- o Regularly scheduled 25 hrs/wk = 62.5% = 5 hours paid
- o Regularly scheduled 30 hrs/wk = 75 % = 6 hours paid

- Regularly scheduled 35 hrs/wk = 87.5% = 7 hours paid
- Regularly scheduled 40 hrs/wk = 100 % = 8 hours paid

6.1.5 **Leave Provisions** – If a holiday falls during a period of an employee’s approved paid time off, the employee shall receive holiday pay and the absence shall not be charged against the employee’s accumulated Paid Time Off benefits.

6.2 PAID TIME OFF

6.2.1 **Description** – The City shall provide a program of earned time off for regular full and part time employees, which can be used to meet the employees’ needs or desires for paid time off from work. The Paid Time Off (PTO) Program is a consolidation of, and in lieu of, the first day of sick leave, paid floating holidays, personal leave, and vacation leave.

6.2.2 **PTO Accrual** – PTO accrual rates are determined by a regular employees’ length of continuous service with the City. Full time employees shall accrue PTO each pay period at the following rate:

Years of Continuous Service	Accrual Rate Per Pay Period	Yearly Accrual Rate	Maximum Accrual
< 3 years	5.23 hours	17 days	26 days
=> 3 years	5.85 hours	19 days	29 days
=> 6 years	6.46 hours	21 days	32 days
=> 9 years	7.08 hours	23 days	35 days
=> 12 years	7.69 hours	25 days	38 days
=> 15 years	8.31 hours	27 days	41 days

Part time employees shall accrue PTO at a prorated rate of full time employees. Eligible employees are paid hours proportionate to the percentage of hours worked to a full 40 hour work week.

6.2.3 **Trial Employees** – PTO accrued during the first six (6) months of continuous service shall not be used until the employee completes the initial six (6) month trial period. Any accrued but unused PTO benefits shall be forfeited and will not be paid if employee is terminated or resigns prior to completion of the initial six-month trial period.

6.2.4 **Maximum Accrual** – Leave benefits which are earned may be accrued to a maximum of one and one half (1 ½) times the employee’s annual accrual rate (rounded up). Employees will not accrue or be paid for any leave in excess of one and one half times. However, the City may approve temporary accruals and carryovers of more than the maximum allowable amount when the employee is unable to take time off due to City staffing and work load requirements, or other

legitimate reasons, that in the opinion of the Department Head, make use of accrued paid time off benefits unfeasible. Temporary accruals in excess of the allowable amount shall be approved in writing by the City Manager.

6.2.5 Procedure for Use of PTO

- a. To schedule days off other than for illness or injury, an employee must submit a request to the immediate supervisor as far in advance as possible. All requests will be granted on a “first come, first served” basis. The immediate supervisor shall respond with the approval or denial within one (1) week of receipt of the request. All requests must be made in writing to be considered. Requests may be denied based upon staffing and workload requirements of the City. Approval of requests will not be unreasonably withheld.
- b. Employees must indicate in writing the number of PTO hours for which payment is requested. The combined total of hours worked and PTO hours cannot exceed the normal working time in any given pay period, except for authorized overtime.
- c. For illness or injury, the employee must notify the immediate supervisor as soon as possible. If the illness extends beyond one (1) day, daily calls must be made to keep the supervisor informed, unless otherwise arranged between the supervisor and the employee.

6.2.6 **Cash Out** – Regular employees that have completed the initial six month trial period shall be paid in one (1) lump sum for any accrued but unused PTO benefits only upon layoff, resignation or dismissal.

6.2.7 **Sick Leave Accrual** – Regular full time employees shall accrue eight (8) hours of sick leave per month, which may only be used for absences resulting from injury or illness in excess of one (1) day, or emergency leave. Regular part time employees shall accrue sick leave proportionate to the percentage of hours worked to a full 40 hour work week. Sick leave will be accrued in a separate bank and employees will not accrue or be paid any sick leave in excess of 720 hours.

6.2.8 **Applicability** – Sick leave benefits may be used by regular employees for absences due to personal injury, illness or temporary disability in excess of one (1) day, which keeps the employee from performing their regular duties. Sick leave benefits may also be used for absences occasioned by the illness or injury of an immediate family member, or for reasons associated with the Family Leave Act.

6.2.9 **PTO Usage with Sick Leave** – If an employee misses one day of work for an injury, illness or temporary disability, the first day of paid leave shall come from the bank of accrued PTO leave unless the employee provides notice from a health care provider justifying the need for leave, in which case an employee may access sick leave accrual immediately. In the event that all PTO and/or comp time leave has been exhausted, the first day shall be unpaid leave. Any additional leave necessary for an injury, illness or temporary disability in excess of the first day of PTO shall come from the bank of accrued sick leave. When an employee is absent on more than one occasion for the same occurrence, within a

thirty day period, only one day of PTO is required prior to utilizing paid leave from the employees' accrued bank of sick leave.

6.2.10 Calculation – For the purpose of calculating the first day of leave for regular employees working less than forty (40) hours per week, hours shall be proportionate to the percentage of hours worked to a full 40-hour work week.

6.2.11 On-the-Job-Injury – When an employee is absent from work because of an on-the-job injury, time off will not be charged to sick leave except as provided below. The employee may select one of the following options:

- a. The employee may elect to receive only his/her worker's compensation payments.
- b. The employee may voluntarily turn in their first and all subsequent worker's compensation payments and will, in turn, receive their regular gross wages, and the following will occur:
 - Employees shall use available sick leave for integration with their worker's compensation payments in order to receive their regular gross wages. In this situation a check for full gross wages will only be received if the employee has available sick leave. Deduction to sick leave shall be proportional to the difference between the worker's compensation payments and regular gross wages.
 - In the event an employee withholds any of his/her worker's compensation payments, compensation will fall into the integration of sick leave formula described above from the first day of injury. In the event this occurs, the City can automatically deduct any overpayment in full from the employee's next paycheck, or any subsequent checks if there is not a sufficient amount in the next paycheck.

6.3 SPECIAL LEAVE

6.3.1 Jury Duty – Employees who are called to serve on a jury, or served with a subpoena as a witness in any court proceeding, shall be allowed time off from work without loss of pay or accrued benefits. Any fees received shall be endorsed over to the City for deposit in the City's General Fund, provided, however, that any fees received for such duty occurring on days that are not regular workdays for the employee shall be retained by the employee. Employees excused from jury duty or court proceedings are expected to work the remainder of their regular workday.

6.3.2 Leave with Pay – Except as otherwise established by this Manual in the form of paid time off, holidays, jury duty, sick/emergency leave, in-service training, and the other forms of leave and training specifically identified, leave with pay is not allowed, except by express authorization of the City Manager.

6.3.3 Family Medical Leave – An employee may be eligible for Family Medical Leave to care for a spouse, parent, parent-in-law or child with a serious health condition, or sick child requiring home care, for the employee's own serious

health condition, or for parental leave for the birth of a child or for placement of a child under 18 years of age for adoption or foster care. As a general rule, such leave shall not exceed twelve (12) weeks within any twelve (12) month period, except as otherwise required by law. An employee may qualify for more than twelve (12) weeks of leave under OFLA and FMLA.

Where practicable, and subject to the approval of the treating health care provider, the employee shall make a reasonable effort to schedule health care treatment or supervision to minimize disruption of the employer's operations.

A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves:

- In patient care in a hospital, hospice or a residential medical facility, including a period of incapacity connected with in-patient care, or
- Continuing treatment by a health care provider for a serious health condition.
- Incapacity of more than three (3) days.
- Any period of incapacity for pregnancy or prenatal care.
- Any period of incapacity or treatment for a chronic serious health condition (i.e., asthma, diabetes, epilepsy, etc.).
- Permanent or long term incapacity for which treatment may not be effective (i.e., Alzheimer's, a severe stroke, terminal stages of a disease, etc.).
- Multiple treatments for restorative surgery or a condition that, if not treated, would likely result in incapacity of more than three (3) calendar days (i.e., chemotherapy for cancer, physical therapy for arthritis, dialysis for kidney disease, etc.).

An employee returning from a FMLA or OFLA leave will be reinstated to the same or equivalent position with equivalent pay, benefits and other employment terms. Before returning from the medical leave, the employee must present a doctor's work fitness assessment stating that the employee is physically able to return to work. The employee's use of FLMA or OFLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. See *Appendix I for detailed information.*

6.4 EMERGENCY LEAVE

6.4.1 **Generally** – When a death or serious illness occurs in an employee's family, the employee may request up to five (5) workdays paid emergency leave, which will be deducted from the employee's sick leave balance. Emergency leave pay shall be that amount the employee would have earned had the employee worked their regular work schedule. All emergency leave shall be approved in writing by the Department Head, setting out the terms, conditions, and length of said leave.

6.4.2 **Benefit** – Emergency leave may not exceed five (5) workdays in any calendar year unless approved by the City Manager. Emergency leave in excess of five (5) workdays not approved by the City manager shall be treated as PTO pursuant to

the *Paid Time Off* section, or be treated as leave without pay should all PTO be exhausted.

6.5 LEAVE WITHOUT PAY

- 6.5.1 **Generally** – Leave without pay may be granted to any regular employee by the City Manager for any period of time up to twelve (12) months for personal, professional, or family reasons, or for time beyond the medically certified period of temporary disability following childbirth. Employees shall be required to utilize any accrued paid leave prior to taking leave without pay. The City Manager shall have the discretion to grant leaves without pay for other reasons consistent with the best business interest of the City. Temporary employees shall not be granted leave without pay.
- 6.5.2 **Authorization** – All leave without pay must be requested by the regular employee in writing as soon as the need for such leave is known. All written requests shall state the reason for the leave and the amount of leave time needed. Written requests shall be submitted to the employee's Department Head, and referred to the City Manager with the Department Head's recommendation. All leave without pay shall be approved in writing by the City Manager setting out the terms, conditions, and length of said leave. The City Manager has the discretion to reduce or deny the leave without pay request when the reduction or denial is in the best business interest of the City.
- 6.5.3 **Return to Work** – Failure to return from any leave without pay on or before a designated date, will be considered a voluntary resignation and cause for denying re-employment within the City. Employees on leave without pay may return to work early, provided notice is given to their Department Head at least two (2) regular City workdays in advance.
- 6.5.4 **Benefits** – Paid time off and sick leave benefits are not earned while an employee is on leave without pay. The City will not pay any portion of the employee's group health and welfare insurance premiums while the employee is on leave without pay, though the employee may elect to personally continue such coverage as provided under the terms of such policies. An employee shall be required to use any earned but unused paid time off benefits before a leave without pay is granted.
- 6.5.5 **Re-employment** – Employees returning from an approved leave without pay are entitled to return to their same position or a similar position in the same class and pay step. Provided, however, if the employee's anniversary date fell during a leave without pay period, the employees' anniversary date shall be adjusted as provided for in the *Leave without Pay* section.
- 6.5.6 **Certificates** – Employees who are granted a leave without pay for medical or disability reasons must exhaust all accrued paid leave benefits prior to commencing leave without pay. Any employee returning from a leave without pay due to medical or disability reasons must provide a qualified health care

provider's certification of the employee's ability to return to work. If the employee was placed on leave without pay status pursuant to the terms of the *Physical Examinations* section, the certificate shall, if possible, be from the health care provider who previously examined the employee.

6.6 MILITARY LEAVES OF ABSENCE

- 6.6.1 **Reserve Duty** – Any regular employee required to attend military reserve training or other military duty shall be entitled to a leave of absence from duties for a period not exceeding fifteen (15) days in any one training year, without loss of time, pay or regular leave, and without impairment of efficiency rating or other rights or benefits to which the employee is entitled. The City's military leave is in accordance with state and federal law.
- 6.6.2 **Extended Duty** – A regular employee entering the armed services for an extended tour of duty shall receive an extended unpaid military leave of absence in accordance with state and federal law.

6.7 SOCIAL SECURITY

- 6.7.1 **Participation** – The City and all full time, part time and temporary City employees shall participate in the Social Security System.

6.8 IN SERVICE TRAINING

- 6.8.1 **Opportunity** – In service training opportunities for employees shall be provided when funds are available to do so, and the training is in the best interest of the City. The City Manager may develop training programs to meet Citywide personnel and operational needs, or to prepare employees for promotion, or may offer employees the opportunity to attend programs offered by other agencies, when it is determined such programs will improve the efficiency or effectiveness of the services rendered by City employees.
- 6.8.2 **Scheduling** – In service training sessions may be held during regular working hours at the discretion of the City Manager. Training sessions may be at City facilities or at other locations, as authorized by the City Manager.
- 6.8.3 **Compensation** – Employees shall be paid for any time spent in authorized training sessions, provided, however, that employees shall generally not be compensated for any time spent at training sessions held outside of the employee's regular work hours, workdays, or workweek. The City Manager has the discretion to compensate employees for time spent in training programs outside of the employee's regular working hours if attendance is deemed by the City Manager to be in the best business interest of the City, or is a requirement of continued employment or professional standing, and the training session is related to the employee's current duties or reasonably anticipated future duties.

6.8.4 **Expenses** – The City shall generally reimburse the employee for all expenses relating to authorized in service training sessions, including but not limited to enrollment fees, transportation, meals, and lodgings. The *Business Travel* section shall apply in determining proper documentation for reimbursement of in service expenses.

6.9 WORKER'S COMPENSATION

6.9.1 **Coverage** – The City and all full time, part time and temporary City employees shall participate in the State of Oregon Workers Compensation program.

6.9.2 **Exceptions** – Any on the job injuries or occupational illnesses shall be reported per the *Injury and Illness* section. An employee shall not receive sick leave benefits during any period when the employee is eligible to receive workers' compensation benefits, except as stated in *Section 6.2.11*.

6.10 GROUP INSURANCE PROGRAMS

6.10.1 **Health and Welfare Benefits** – All regular full time employees may participate in the City's Health and Welfare programs according to each program's eligibility requirements. Part time employees working a minimum of twenty (20) hours per workweek may participate in a portion of the City's Health and Welfare programs only. Coverage shall extend to the employee's spouse and dependents with the approval of the City and the insurance plan. The City may contribute towards the premium cost of group insurance programs. Any premium costs not covered by the City shall be paid by the enrolled employee in a manner determined by the City Manager. The terms, condition and extent of the City's group insurance programs may be modified or canceled at any time by action of the City Council, Budget Committee or the insuring agency. Employees are responsible for keeping current with the terms, conditions, and extent of group insurance programs. The City is not responsible for interpreting the terms or conditions of group insurance programs or for errors, omissions, and ambiguities in published materials on group insurance programs.

6.11 RETIREMENT PLAN

6.11.1 **PERS Enrollment** – After six (6) full calendar months of employment, all employees scheduled to work at least six hundred (600) hours per year shall participate in the State of Oregon Public Employees Retirement System (PERS). Provided, however, that individuals actively enrolled in PERS as a result of prior employment shall be immediately re-enrolled upon hire. The City shall pay the employee's share in addition to the employer's share of the cost of the retirement plan for each employee. Employees do not have the option of receiving this pick up as salary and paying their contribution directly.



RESOLUTION 2012-034

APPROVING AMENDMENTS TO THE CITY OF SHERWOOD EMPLOYEE MANUAL

WHEREAS, the current City of Sherwood Employee Manual was adopted and amended by Resolution 2002-033, effective on June 25th, 2002; and

WHEREAS, the Employee Manual needs to be amended; and,

WHEREAS, Tom Pessemier, as City Manager Pro Tem has the authority and responsibilities of the City Manager;

WHEREAS, a staff study of the current publication and policies concluded amendments, additions and deletions were necessary in order to implement current policies; legislative changes; legal changes, and best business practices. In the interest of the City of Sherwood and general housekeeping items; said revision are listed as Exhibit A to this document.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Council hereby approves the amended City Employee Manual attached hereto as Exhibit A consistent with the terms thereof.

Section 2: This Resolution shall be effective as of the date of its adoption by the City Council.

Duly passed by the City Council this 19th day of June 2012.

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

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1 GENERAL PROVISIONS

1.1 TITLE

- 1.1.1 This document shall be entitled “The City of Sherwood Employee Manual” and may hereinafter be cited and referred to as the “Manual.”

1.2 PURPOSE

- 1.2.1 The purpose of this Manual is to establish a system of personnel administration for the City of Sherwood and to implement fair and uniform procedures and regulations for the recruitment, hiring, development, and retention of an effective and responsible work force.

These Rules do not constitute a contract of employment. The City retains the prerogative to change, substitute, interpret and discontinue the policies and benefits described herein, at any time, with or without notice to employees.

No person shall be deemed to have a vested interest in, or legitimate expectation of, continued employment with the City or any policy or benefit described herein or otherwise generally practiced by the City.

No contract of employment can be created, nor can an employee’s status be modified, except by written agreement signed by the City Manager on behalf of the City. Whenever a question arises as to the meaning or interpretation of any policy or practice of the City, the interpretation given by the City Manager and/or his/her designees shall be final and binding.

Some City employees are covered by a collective bargaining agreement with a union representative. In any situation where the terms of this employee manual conflict with any provision of a collective bargaining agreement in effect, the collective bargaining agreement shall be the controlling document for any employees covered by that agreement.

This Manual supersedes all previous Personnel Rules/Employee Manuals, and is superseded by all current Legislation.

1.3 CAPTIONS

- 1.3.1 The captions and headings in this Manual are for convenience and reference only, and are not to be used to interpret or define the provisions of sections or subsections.

1.4 SEVERABILITY

- 1.4.1 If any section or subsection of this Manual shall at any time be deemed invalid or unenforceable, the remaining provisions shall not be affected thereby, and shall remain valid and enforceable to the extent permitted by law.

1.5 ADMINISTRATION

- 1.5.1 The City Manager is designated as administrator of this Manual and shall be responsible for determining any permitted exceptions to the Manual, unless another individual or body is otherwise specifically authorized to do so. Unless otherwise permitted, all exceptions shall be made in writing.

1.6 EQUAL EMPLOYMENT OPPORTUNITY

- 1.6.1 **Generally** - The City's policy is to treat all applicants and employees fairly and equally, and to recruit, hire, train, promote, demote, layoff, discipline, dismiss, or conduct any other personnel actions without regard to the applicant's or employee's race, color, religion, creed, national origin, age, physical or mental disability, gender (sex), marital or veteran status, or any other basis prohibited by federal, state or local law.
- 1.6.2 **Reasonable Accommodation** – The City of Sherwood will afford reasonable accommodation to qualified applicants and employees with a known disability, unless to provide such accommodation creates an undue hardship on the City's operations.
- 1.6.3 **Invitation to Self-Identify Physical and Mental Disabilities** – Any employee who is a disabled person may voluntarily inform the Human Resource Manager or City Manager of any physical or mental disability and may suggest methods of reasonable accommodation. This information is confidential and will be used only to evaluate reasonable accommodation alternatives to permit you to perform the essential functions of the job in a safe and efficient manner. Refusal to volunteer this information will not subject an employee to any adverse treatment or penalty.
- 1.6.4 **Job Performance** – Any employee who believes that he/she is having difficulty in continuing to meet the performance requirements of the job due to a physical or mental disability is encouraged to advise the Human Resource Manager or City Manager regarding the nature of the disability, the work limitation covered by the disability, and any suggested reasonable accommodation.
- 1.6.5 **Treatment and Conduct** - It is the policy of the City of Sherwood that all employees be able to work in a setting free from unlawful discrimination, including harassment, on the basis of race, color, religion, gender (sex), national origin, age or disability. *Reference Appendix D - "Prohibition of Harassment Including Sexual Harassment"*

1.7 DEFINITIONS

- 1.7.1 **Anniversary Date** – A date established for each employee, exactly one year from the time an employee has successfully completed his or her trial employment period.
- 1.7.2 **Applicant** – An individual who has completed and submitted a resume and/or an application for employment with the City of Sherwood.
- 1.7.3 **Appointment** – The offer to, and the acceptance by, a person of a position in the City on either a temporary or regular basis.
- 1.7.4 **Charter** – The City of Sherwood Charter of 1984.
- 1.7.5 **City** – The City of Sherwood.
- 1.7.6 **City Manager** – The chief executive officer of the City of Sherwood or that chief executive officer's designee. Unless otherwise noted, all references to the City Manager in this Manual are deemed to include the Manager's designee.
- 1.7.7 **Class** – A group of job positions that are sufficiently alike in general duties, responsibilities, and entrance qualifications to warrant use of the same range of pay steps.
- 1.7.8 **Class Title** – The designation given to a class and to each position allocated to a class. This title may take the form of a number.
- 1.7.9 **Classification Plan** – A written statement assigning certain positions in the City service into classes according to their general duties, responsibilities, and entrance qualifications.
- 1.7.10 **Classified Service** – All positions and offices in the City service, which are not specifically included in the unclassified service.
- 1.7.11 **Compensation Plan** – The official schedule of compensation for City employees, as approved by the City Council, assigning each position to a class composed of a range of pay steps.
- 1.7.12 **Demotion** – The assignment of an employee from a position in one class to a position in another class that has a lower range of pay steps.
- 1.7.13 **Department Head** – The chief administrative officer of each City department or that chief administrative officer's designee. Unless otherwise noted, all references to Department Head in this Manual are deemed to include the Department Head's designee.
- 1.7.14 **Disciplinary Probation** – A condition where a regular employee is placed on probation for disciplinary reasons.

- 1.7.15 **Dismissal** – A permanent involuntary separation of an employee from the City service.
- 1.7.16 **Employee** – An incumbent of a City job position, including individuals in a leave without pay status. This term includes all officers in the City service.
- 1.7.17 **Examination** – An oral interview, physical or written test, or the results of such interview or test, which is used to determine eligibility or relative merit, fitness, and ability to discharge the duties of the position to which the applicant or employee seeks appointment or promotion.
- 1.7.18 **Exempt Employee** – An employee who holds an exempt administrative, professional or executive position.
- 1.7.19 **Full Time Employee** – An employee who is hired to work a predetermined schedule of forty (40) or more hours per regular City workweek.
- 1.7.20 **Grievance** – Any dispute or question concerning the interpretation or application of this Manual.
- 1.7.21 **Immediate Family** – An employee’s spouse, children, stepchildren, parents, stepparents, siblings, or other bona-fide dependents.
- 1.7.22 **Job Description** – A written statement describing the position, title, general duties, responsibilities and entrance qualifications of a job position in the City service.
- 1.7.23 **Layoff** – An involuntary, non-disciplinary separation from the City service for any reason which is in the best interest of the City and necessitates a reduction in the number of City employees.
- 1.7.24 **Leave Without Pay** – An approved period of unpaid absence from the City service for a specified period of time with specific reemployment privileges.
- 1.7.25 **Nonexempt Employee** – Any employee who is not employed in an exempt administrative, professional or executive position.
- 1.7.26 **Overtime** – The authorized time worked by an employee in excess of forty (40) hours a week.
- 1.7.27 **Overtime Pay** – The compensation paid to an employee for authorized overtime work.
- 1.7.28 **Part Time Employee** – An employee who is hired to work a predetermined schedule of less than forty (40) hours per regular City workweek.
- 1.7.29 **Pay Rate** – The specific salary or hourly rate of pay for a position.
- 1.7.30 **Pay Steps** – Pay rates having a sequential relationship to one another, and assigned to a class of positions as the compensation for that class.

- 1.7.31 **Position** – The duties and responsibilities assigned to an employee, requiring the full time, part time or temporary employment of one (1) person.
- 1.7.32 **Promotion** – The assignment of an employee from a position in one class to a position in another class with a higher range of pay steps and a significant change in responsibilities, duties, supervision, or other job related duties.
- 1.7.33 **Reclassification** – The assignment of a position to a different class, with a higher, lower or lateral range of pay steps, due to material change in the duties and responsibilities of the position.
- 1.7.34 **Regular Employee** – An employee who has successfully completed his or her trial employment period.
- 1.7.35 **Resignation** – A voluntary separation of an employee from the City service by notification from the employee.
- 1.7.36 **Selection Process** – Any written or oral test, physical examination, interview, or other criteria which is used to measure an employee's or applicant's skills, knowledge, and ability to discharge the duties and responsibilities of the position to which the employee or applicant seeks promotion or appointment.
- 1.7.37 **Seniority** – The length of time an employee has been employed by the City, by a specific department or in a specific position, since the date of initial or any subsequent appointment.
- 1.7.38 **Suspension** – An enforced period of absence for disciplinary reasons or pending investigation of charges made against an employee.
- 1.7.39 **Temporary Employee** – An employee who is hired for a position for a limited period of time, generally not to exceed six (6) months.
- 1.7.40 **Trial Employee** – An employee who has not completed the trial employment period.
- 1.7.41 **Trial Employment Period** – The first one hundred eighty two (182) calendar days of continuous employment for all employees.
- 1.7.42 **Unclassified Service** – All positions and offices in the City service, which are excluded from the classified service.
- 1.7.43 **Workday** – The regular City workday for full time employees consists of a work shift of eight (8) consecutive work hours plus an unpaid sixty (60) minute meal period within any consecutive twenty four (24) hour period. This manual, the City Manager and/or the Department Head may establish other normal workdays for individual employees or certain classes of employees to best suit the needs of the department.

1.7.44 **Workweek** – The regular City workweek is a period of one hundred sixty eight (168) consecutive hours that begins at 12:01 a.m. Sunday and ends at midnight on the following Saturday.

2 RECRUITMENT POLICIES AND PRACTICES

2.1 RECRUITMENT

- 2.1.1 **Generally** – The City shall use whatever means are appropriate to recruit qualified applicants for any job vacancies, including but not necessarily limited to, internal job postings, help-wanted advertisements, or public and private employment agencies. All job postings will be posted on the City website simultaneously with external posting.
- 2.1.2 **Publication** – Any published announcements of position vacancies shall include class and position title, qualifications, principal job duties, the dates applications will be accepted, and the place and manner of filing applications. All announcements shall state that the City is an “Equal Opportunity Employer.” The City may add any additional information to the published announcements, as deemed appropriate.
- 2.1.3 **Forms** – All applications for open positions shall be made on the forms provided and/or in the manner required by the City. Any information submitted shall be verified and investigated by the City prior to appointment, to the extent necessary to determine the applicant’s qualifications for appointment. Any false information supplied as part of an application for employment may be grounds for rejection of the applicant or immediate dismissal of an employee.

2.2 SELECTION

- 2.2.1 **Merit and Fitness** – The City Manager shall establish procedures for the initial selection or promotion of employees. All selection procedures and rules shall relate to the applicants’ or employees’ merit, fitness and ability to discharge the duties and responsibilities of the position to which the applicant or employee seeks appointment or promotion. Prior experience and training may be considered when evaluating an applicants’ or employees’ fitness for a particular position.
- 2.2.2 **Examinations** – Selection procedures may include examinations that measure the applicants’ or employees’ job-related ability, knowledge and skills. The appropriate form of each examination shall be determined and may include, but need not be limited to, oral, written, graded, pass-fail, or physical examinations, resume analysis, employment references, reports of supervisors, performance evaluations, and work sampling. All selection procedures shall comply with the City’s Equal Employment Opportunity policies.
- 2.2.3 **Physical Examinations** – Any medical or physical examination required by the City of an applicant or employee will be conducted at the City’s expense by a qualified health care provider before an applicant is appointed or an employee is

promoted to a particular position. Where appropriate, minimum medical and physical standards may be established that relate to the essential functions of the duties and responsibilities of a particular position. The standards may differ based on the duties and responsibilities of each position. No appointment or promotion shall be effective until the applicant or employee demonstrates satisfaction of any required minimum medical or physical standards. Failure to meet the required standards will result in disqualification for appointment or promotion of the position.

- 2.2.4 **Pre-Employment Drug Testing** – All final applicants for employment (excluding emergency hires) shall be required to submit to a urinalysis. If the test is positive, employment is denied unless a defense for authorized prescription drugs is successful. The applicant may reapply in one year. Reference Appendix E – *Alcohol and Drug Policy*.

2.3 EMPLOYMENT OF RELATIVES

2.3.1 **Generally** – Individuals who are related by blood, marriage or adoption will be given equal consideration for employment with other applicants for positions, or with other employees for transfers or promotions. Related individuals will not, however, be considered for positions when the City Manager determines that a reporting, auditing, or supervisory relationship would exist between the related individuals.

2.3.2 **Marriage** – If two (2) employees in the positions defined above were to become related to one another, one must transfer to another department where the reporting, auditing or supervisory relationship would not exist. If a transfer cannot be accomplished due to the unavailability of an open position for which the employee is qualified, one of the employees must resign from the City service. The decision as to which employee will transfer or resign will be made in the first instance by the employees involved. If the employees do not decide which employee will transfer or resign within thirty (30) calendar days of becoming related to one another, the City Manager shall determine which employee will transfer or resign based on the best business interest of the City.

2.4 RESIDENCY

2.4.1 Residency within the City of Sherwood shall not be a condition of initial appointment or continued employment, except as otherwise required by the provisions of State law, the City Charter, or applicable City ordinances and resolutions. Provided, however, that an employee's selection of residence shall not interfere with the daily performance of his or her duties and responsibilities, as determined by the City Manager and/or Department Head. Telephones may be required of employees where assigned job duties and responsibilities dictate.

2.5 TRIAL EMPLOYMENT

- 2.5.1 **Purpose** – The trial employment period shall be considered an integral part of the employee selection and examination process. The trial employment period shall be utilized to observe closely the employee’s work, to secure the most effective adjustment of the new employee to his or her position, and for dismissing any employee whose overall work performance does not meet required performance standards.
- 2.5.2 **Length** – The trial employment period shall be the first one hundred eighty two (182) calendar days of continuous employment for all employees. The trial employment period may be extended by the City Manager or Department Head for any period not to exceed one hundred eighty three (183) additional calendar days. The trial period applies to new employees and to promoted, demoted, and reclassified employees.
- 2.5.3 **Evaluations** – During the trial employment period, an employee’s supervisor, Department Head or the City Manager shall evaluate the employee’s performance at regular intervals. A written performance evaluation shall be completed during the last month of the trial employment period or before the conclusion of any extended trial employment period.
- 2.5.4 **Dismissal** – Employees may be dismissed by the employee’s Department Head or the City Manager at any time during the trial employment period for failure to meet acceptable performance standards, or for any other aspect of job performance or behavior that warrants dismissal, in the opinion of the employee’s supervisor, Department Head, or the City Manager. Notice of dismissal shall be in writing.

3 EMPLOYMENT POLICIES AND PRACTICES

3.1 DISTRIBUTION OF EMPLOYEE MANUAL

- 3.1.1 All employees in the City service shall receive one copy of the Employee Manual at the time of hire. Each employee shall be required to sign a certification of receipt of the Manual. Employees shall be responsible for keeping current with the Manual and any subsequent amendments.

3.2 PERFORMANCE EVALUATIONS

- 3.2.1 **Generally** – Employees shall be evaluated in writing during the trial employment period as provided in the *Trial Employment* section. After successful completion of the trial employment period, an employee’s performance shall be evaluated in writing on or before the employee’s anniversary date. The employee’s supervisor, Department Head, or the City Manager may conduct oral or written performance evaluations at other times as are deemed necessary and appropriate.

- 3.2.2 **Content** – Regular performance evaluations shall be conducted in writing and completed by the employee’s supervisor, Department Head, or the City Manager. The performance of the employee with respect to each individual “essential” or “auxiliary” job duty as prescribed by the employee’s written job description, and the performance of the employee relative to the positive undertaking of their job responsibilities, response to job conditions, and handling of external contacts, as per the applicable sections of their job description, shall be evaluated with the following summary ratings:

- a. Meets or Exceeds Standards (eligible for increase)
- b. Does Not Meet Standards (not eligible for increase)

The criterion for each summary rating is established by the individual supervisor, Department Head, or the City Manager with reference to the employee’s job description.

Each summary rating, shall be accompanied by a written statement describing job related performance, the specific points on which that performance fall short, matches or exceeds expected standards, and reasonable and measurable criteria and deadlines for improving or sustaining performance.

- 3.2.3 **Consequences** – Any employee who receives a “Does Not Meet Standards” performance rating, shall not receive a pay step increase as per the compensation section entitled *Within-the-Range-Pay Increases*, and may be dismissed.

3.2.4 **Postpone for Leave without Pay** – If an employee’s anniversary date or yearly performance evaluation falls during a leave without pay period of thirty (30) calendar days or longer, the anniversary date and performance evaluation shall be postponed until the employee has returned to work and completed as many days of continuous employment as the length of the leave with pay period.

3.2.5 **Form** – Performance evaluations shall be in a form prescribed and approved by the City Manager. The performance evaluation form shall become a part of this Manual and is included as Appendix A. The City Manager may make administrative guidelines to assist supervisors and employees in the proper application of performance evaluation standards.

3.3 PROMOTIONS

3.3.1 **Generally** - The most senior current employee competing for an open position in the City service may be selected and promoted into that position when the City Manager determines (after consideration of the criteria listed in the *Selection* section) that the overall qualifications and abilities of outside applicants and current employees competing for an opening are equal.

3.4 LAYOFFS

3.4.1 **Generally** – Employees may be laid off whenever the City Manager or City Council determines that there is a shortage of work or funds, or that the abolishment of a position or other changes in the City’s organization is in the best interest of the City.

3.4.2 **Procedures** – Employees shall be selected for layoff based on merit and fitness. Performance evaluations may be undertaken and used as an aid in determining an employee’s merit and fitness at the time of layoff. The City Manager shall have the discretion to determine merit and fitness for purposes of layoff.

3.4.3 **Notice** – All employees shall receive written notice of the cause(s) for the layoff. Written notice of layoff shall be delivered personally or mailed by registered, certified or other similar special mail to the employee at his or her last known address.

3.4.4 **Reinstatement** – The City has no duty to recall laid-off employees when the circumstances necessitating the reduction in the number of employees change, nor to afford the laid-off employee preferential standing in the process of recruitment and selection of the new employees. Laid-off employees who are reinstated shall, however, be credited with their former length of service for the purposes of calculating seniority.

3.5 OUTSIDE WORK

- 3.5.1 **Notification** – City employees engaging in outside employment are encouraged to submit written notification to their Department Head, including the nature of the work and estimated number of hours to be worked.
- 3.5.2 **Impact** – Employee shall demonstrate to the Department Head’s satisfaction that such outside employment or self-employment will not detract from the efficiency of the employee’s completion of their assigned duties, create a real or potential conflict of interest or the appearance of impropriety, or otherwise conflict with the best business interest of the City. Under no circumstances may City equipment or resources be used in outside employment.
- 3.5.3 **Revocation** – The City Manager or Department Head shall have the right to take disciplinary action, up to and including dismissal, if at any time the Department Head determines that the employee’s outside employment, or self-employment, detracts from the efficiency of the employee’s completion of their assigned duties, created a real or potential conflict of interest or the appearance of impropriety, or otherwise conflicts with the best business interest of the City.
- 3.5.4 **Injury** – Employees who become injured or ill through any outside employment shall not be eligible to receive workers compensation through the City of Sherwood.

3.6 SOLICITATIONS

- 3.6.1 **Generally** - During work hours, employees may not solicit or distribute literature, for any purpose, in or on City property, buildings, facilities, or at City work sites, other than for City related business. Work hours include both the soliciting and the solicited employee’s work hours. Solicitation between employees will be permitted during non-work hours such as before or after work, or during authorized meal or break periods.

3.7 POLITICAL ACTIVITIES

- 3.7.1 **Generally** – Initial or continuing employment shall not be denied on the basis of membership in, or support for, a political party, candidate, or philosophy. Except as may otherwise be allowed by the City Charter or City ordinance, any person who runs for, is elected or appointed to, holds or has held an elective City office, shall not be eligible for initial or continued employment with the City until one (1) year after the last day the prospective employee held such office.
- 3.7.2 **Prohibited Activities** – No employee or elected or appointed official shall solicit any contributions, assessments, or services on behalf of any candidate, political party, or organization from the City employee(s) during work hours. Employees shall not accept solicitations from private individuals during work hours. Any

solicitation undertaken during non-work hours shall comply with the provisions of the previous *Solicitation* section.

- 3.7.3 **Political Parties** – Nothing contained in this section shall affect the rights of employees to be members of, support, or otherwise participate in the activities of any political party or organization, to vote as the employee chooses, to express the employee’s opinions on political subjects or candidates, to maintain political neutrality, or to participate in nonpartisan activities of civil, community, social, professional or other similar organization. Provided, however, that during work hours in City uniform, while in or on City property, buildings, and facilities, or at City work sites, no City employees may actively work for, or against, or attempt to influence the election or defeat of, any candidate for Mayor or Council, or the recall of the Mayor or any Council member, or the election or defeat of any other political candidate or ballot measure. Violations of this section may be subject to the sanctions authorized by this Manual.

3.8 CONFLICTS OF INTEREST

- 3.8.1 **Generally** – Employees shall not have any direct or indirect pecuniary interest in any contract, service, or work performed for the City. Nor shall employees profit directly or indirectly from any contract, purchase, sale or service between the City and any individual(s), partnership(s), association(s), organization(s), corporation(s), cooperative(s), or any other group of persons.

- 3.8.2 **Prohibited Activities** – No employee shall use or attempt to use the official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the employees’ holding of the official position, other than official salary.

No employee, or a relative of the employee shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts with an aggregate value in excess of \$50 from any single source who could reasonably be known to have a legislative or administrative interest in the City in which the employee has any official position or over which the employee exercises any authority. (Reference ORS 244.040)

- 3.8.3 **Penalties** – Any employee who violates the provisions of this section may be subject to immediate discipline, up to and including dismissal.

3.9 EMPLOYEE APPEARANCE AND CONDUCT

- 3.9.1 **Dress and Appearance** – Employees shall wear appropriate attire for their position and department. The City Manager or Department Heads may issue rules regarding what is considered appropriate attire and appearance for the employees of specific City departments and for particular job positions.

- 3.9.2 **Personal Conduct** – All employees shall conduct themselves in a manner which is appropriate for an employee of the City and conduct interactions with the

general public and all other parties in a patient, courteous, accurate, and conscientious manner. Job duties and responsibilities shall be performed in a manner that reflects positively on the City, and promotes the efficient allocation of public resources.

3.10 EMPLOYEE SAFETY

3.10.1 **Safety** – All employees shall coordinate and cooperate with other employees and the City to create and maintain a safe work environment. Employees shall observe all safe practices governing their work. Employees shall offer safety suggestions that contribute to a safer work environment and shall use proper safety devices and protective equipment as required by their supervisor, Department Head, or the City Manager. Employees shall properly maintain and keep in good repair all personal protective equipment. Reference Appendix G – *City of Sherwood Safety Policy*.

3.11 INJURY AND ILLNESS

3.11.1 **Reporting** – Employees shall report any suspected or actual on-the-job injury or occupational illness to their immediate supervisor regardless of degree of severity. Employees shall also report to their immediate supervisor, any accidents or illnesses that cause damage to public or private property or equipment, before, after, or during working hours, and that involve City employees, equipment, or property. Such reports shall be made as soon as possible, but no later than twenty four (24) hours following such accident or the actual or suspected injury or occupational illness. Employees shall prepare any accident or incident reports requested by their supervisors. In the case of a motor vehicle accident on City property, or while the employee is involved in the performance of his or her duties, the City Police Department shall also be notified immediately.

3.11.2 **Notices** – Department Heads shall notify the City Manager and the Human Resource department of any actual or suspected on-the-job accidents, occupational illnesses, or injuries as soon as practical, but in no case later than one (1) regular City workday following the filing of any accident, illness, or injury report.

3.12 PERSONNEL RECORDS

3.12.1 **Content** – Personnel records shall be maintained on all City employees, and shall be located in the Human Resource Department. All employees, including those on leave without pay status, are required to keep the City informed of their current home address at all times.

3.12.2 **Confidentiality** – Employees' personnel records are confidential, except as provided in the following section. Only the employee, the employee's immediate

supervisor, Department Head, and the City Manager, or other personnel authorized by the City Manager may examine an employee's confidential personnel records. Confidential personnel records shall not be released to any unauthorized individuals except with the written consent of the employee. No documents shall be copied or removed from an employees' personnel file without the City Managers approval, provided, however, employees have the right to copy documents from their own personnel file at any time, subject to notification of the City Manager. Authorized inspections shall take place in the presence of the City Manager, and/or the Human Resource Manager.

3.12.3 Public Information – The following information from an employees personnel file is available for public inspection, subject to any reasonable regulations on the time and manner of inspection that may be determined by the City Manager: Employment applications, examination materials, position titles, prior position(s) held, employees' classified or unclassified status, dates of appointment and separation, and the compensation authorized. The City of Sherwood will comply with the Oregon Department of Justice regulations regarding disclosure of public records.

3.13 BUSINESS TRAVEL

3.13.1 Expenses – Employees required to travel outside of the City on City business, including but not limited to meetings, conferences, conventions, or court appearances, shall be reimbursed for all reasonable expenses incurred. Meals and transportation expenses shall be reimbursed or paid by the City per the following sections. An employee scheduled to travel outside of the City on City business shall obtain prior approval from the supervisor or Department Head to the necessity of the trip, relevance and importance to the City's business, mode of travel, accommodations, fees, and other anticipated expenses. Reimbursement for expenses shall only be for actual and reasonable expenses incurred in the course of performance of official duties as a City official. Employees shall be responsible for obtaining and submitting records verifying all individual expenses exceeding ten dollars (\$10.00), except as stated in the following section.

3.13.2 Meals – The City shall use the current daily per diem for meals and lodging per the US General Services Administration website per diem, website www.gsa.gov. A statement of the meals and lodging claimed should be provided to the Finance Department with other expense reimbursement documentation in order to receive the per diem. The meal and lodging per diem may be requested in advance of the planned travel if approved by the Department Head.

3.13.3 Transportation – Transportation for official City business purposes shall generally be by public carrier or City owned vehicles. City owned vehicles may be used for City business only. Subject to authorization of the immediate supervisor, Department Head or the City Manager privately owned vehicles may be utilized. Mileage reimbursement for the use of private vehicles shall be paid at the current IRS prevailing rate. Employees shall be responsible for maintaining

and submitting records verifying all mileage accrued. Mileage reimbursement is considered to cover most transportation expenses, excluding vehicle storage, parking and tolls, which are fully reimbursable provided that records for all such expenses are provided. The City will not reimburse transportation within the City.

3.14 ATTENDANCE AND TARDINESS

- 3.14.1 **Attendance Required** – An employee shall be in attendance during all work hours designated by the City Manager or the employee's Department Head. Employees shall report to work and return from rest and meal periods, authorized leave, and holidays at scheduled times and/or dates.
- 3.14.2 **Authorized Absence** – Any employee unable to report to work for any reason other than personal illness or injury, or any other reason authorized in the *Paid Time Off* section, must obtain prior authorization for the absence from the employee's immediate supervisor. Any employees absent without prior authorization or notice to the appropriate supervisor shall be deemed to have forfeited any Paid Time Off or other paid leave and may be disciplined.
- 3.14.3 **Notice** – Employees absent due to personal illness or injury, or any other reason authorized in the *Paid Time Off* section, shall notify their immediate supervisor no later than the start of the employee's regular work shift. If the absence continues beyond the employee's first regular workday, the employee shall notify the immediate supervisor of each workday's successive absence before the start of the employee's regular work shift, unless other arrangements are made by the employee with the immediate supervisor. If the employee's immediate supervisor is not available, the employee shall notify their Department Head or the City Manager regarding absences. For any absence due to personal illness or injury that exceeds three (3) of the employees' regular workdays, the employees' Department Head or the City Manager may require written verification of the illness from a qualified health care provider.
- 3.14.4 **Penalties** – Employees shall be disciplined up to and including discharge for excessive absenteeism and tardiness. The City Manager shall have the discretion to determine what constitutes excessive absenteeism and tardiness and the manner in which employees shall be disciplined. This determination may differ according to the needs of each City department or the duties and responsibilities of each job position.

3.15 WORK SCHEDULES AND RULES

- 3.15.1 **Generally** – The regular City workday consists of a work shift of eight (8) consecutive work hours plus an unpaid sixty (60) minute meal period within any consecutive twenty four (24) hour period. Saturdays, Sundays, and recognized City holidays are generally not considered regular City workdays, except as otherwise established by this Manual. The defined City workweek is a period of one hundred sixty eight (168) consecutive hours that begins at 12:01 a.m.

Sunday and ends at midnight on the following Saturday. *Refer to Section 5.5 for additional information.*

- 3.15.2 Workday and Workweek** – The City Manager or Department Head may establish work hours and schedules different from the regular workdays for individual employees, certain classes of employees, or exempt employees, based upon the best business interest of the City and the needs of each department. Provided, however, that departmental procedure shall not nullify, modify, or run counter to these rules. Department rules, regulations, and procedures shall be approved by the City Manager. Employees shall work all of the hours and days assigned. The City reserves the right to modify or flex any posted work schedules whenever such modifications are in the best business interest of the City.

3.16 RESIGNATIONS

- 3.16.1 Notice** – An employee may resign by giving their Department Head written notice of resignation at least ten (10) regular City workdays before the effective date of resignation. “Workdays” as used in this section shall not include Saturdays, Sundays, and recognized City holidays. The written notice shall state the reasons the employee is resigning. The Department Head shall forward the resignation notice to the City Manager and to Human Resources, and may include a written summary of the employee’s current work performance and any additional information regarding the employee’s reasons for resignation.
- 3.16.2 Re-Employment** – An employees’ failure to comply with the previous section may be cause for denying re-employment with the City. The City Manager may waive the ten (10) regular City workdays written notice requirement based upon the particulars of any given resignation and permit a shorter written notice period, or may permit an oral notice. Paid Time Off may not be used as part of the ten (10) regular days notice requirement unless specifically authorized by the City Manager.

3.17 DISCIPLINARY ACTIONS

- 3.17.1 Oral Warnings** – Whenever an employees behavior, work habits or personal conduct falls to a level unacceptable to the employee’s supervisor, Department Head, or the City Manager, or whenever an employee’s work performance is evaluated as “Not Meeting All Requirements,” or whenever an employee engages in an action or behavior as per the criteria in the *Dismissal* section, the employee generally should be informed of the unacceptable behavior or unsatisfactory performance and the means to correct the situation. Provided, however, if the seriousness or circumstances of a specific incident, or the whole pattern of the employee’s past performance and conduct, justifies more severe disciplinary action in the first instance, other disciplinary actions specified in this section, up to and including dismissal, may be utilized. A written note documenting the oral warning shall be placed in the employee’s personnel file.

- 3.17.2 Written Warnings** – If appropriate and justified, an employee who has received an oral warning may be given a reasonable time for improvement before further disciplinary action is taken. If the oral warning does not result in the expected improvement, or other aspects of the employee’s job performance, behavior, work habits or personal conduct, fall to or remain at unacceptable levels, or where more severe initial action is warranted in the first instance, the employee shall receive a written warning, unless more severe disciplinary action is taken pursuant to the following section. A copy of this written warning shall be provided to the employee and placed in the employee’s personnel file. In the case of unsatisfactory job performance, the written warning may take the form of a special job performance evaluation, conducted as per the *Performance Evaluation* section.
- 3.17.3 Additional Actions** – If an oral or written warning has not resulted in the expected improvement, or the seriousness of a specific incident or the whole pattern of the employee’s past performance and conduct justifies the imposition of more severe disciplinary action in the first instance, an employee may be suspended, demoted, or placed on disciplinary probation based on a written recommendation by the employee’s Department Head and a subsequent review by the City Manager. Both the written recommendation and a written statement of the action taken, if any, the reasons justifying the action, and the consequences of repeating or engaging in further or other unacceptable behavior shall be provided to the employee, and copies shall be placed in the employee’s personnel file. Both written statements shall be delivered personally to the employee by the applicable Department Head or the City Manager or mailed by registered, certified, or other special mail to the employee’s last known address.
- 3.17.4 Disciplinary Probation** – Any disciplinary probation recommended pursuant to this section shall be preceded by a review by the City Manager of the circumstances leading up to the recommended disciplinary probation. When the investigation is completed and a decision is made as to disciplinary action, the employee shall be informed in writing of the action, if any. Any disciplinary probation imposed under this Manual may be for any period of time up to and including one hundred and eighty three (183) days. During the disciplinary probation period, the employee must show the required improvement necessary to remain in the City service. If the employee fails to correct their performance, or repeats the unacceptable conduct during the disciplinary period, the employee may be dismissed.
- 3.17.5 Demotion and Suspension** – Any demotion or suspension recommended pursuant to this section shall be preceded by a review by the City Manager of the circumstances leading up to the recommended demotion or suspension. When the investigation is completed and a decision is made as to disciplinary action, the employee shall be informed in writing of the action, if any. If the investigation indicates suspension as the appropriate disciplinary action, the discipline shall be imposed. Any suspension pursuant to this section shall not exceed thirty (30) days. If the nature of the action indicates more than thirty (30) days is

appropriate, alternative discipline such as demotion or dismissal shall be considered.

3.18 DISCIPLINARY ACTIONS

3.18.1 Discipline Authority - The City Manager has the ultimate authority to hire and terminate employees. Department Heads and supervisors have the responsibility to recommend the hiring of employees and to investigate complaints and to recommend discipline within the general guidelines described below. To ensure consistent decision-making, all disciplinary actions should be reviewed by the Department Head and the Human Resources Director prior to being issued.

Department Heads and supervisors should maintain job performance records to document poor performance when it occurs and written records of investigations and rule infractions when no disciplinary action is taken. Documentation of all disciplinary action, including oral reprimands should be sent to the Human Resources Director for inclusion in the personnel file.

Nothing in this Section 3.18 confers any contractual or other right; either express or implied to remain in the City's employ. Your employment may be terminated by the City, or you may resign, with or without reason or notice at any time.

3.18.2 Corrective Action- The City of Sherwood has high performance expectations because we strongly believe that everyone benefits when we all work together and conduct ourselves in a manner that mutually reflects the best interests of co-workers and our organization. It is the philosophy of the City of Sherwood to take corrective action measures when possible for the purpose of correcting performance deficiencies or to deal with violations of policies and work rules.

All the policies in this manual must be followed. Violations of any of the policies in this manual may lead to disciplinary action up to and including termination of employment.

You will be informed by your manager of any corrective action that is necessary as soon as possible after any performance problem has been identified. Your manager will discuss the situation with you, explaining the policy and the necessity of corrective action to avoid other disciplinary actions.

Although one or more corrective action measures may be taken in connection with a particular performance problem, the City is not required to follow the designated order set forth below. Corrective action may include any of a variety of actions depending on the circumstances and severity of the particular situation and can include termination at the outset, if necessary.

Corrective action, including termination of employment may be taken at the discretion of management and may include, but is not limited to:

- Verbal counseling with you, which will be confirmed in writing for your personnel file.
- Mandatory participation in training and/or counseling.
- Oral reprimand.
- Written warning, which will be placed in your personnel file.
- Suspension, which will be confirmed in writing for your personnel file. Suspension is normally used to remove an employee from the premises during an investigation, or as a disciplinary action. This may be paid or unpaid. If you are suspended, it will be documented in your personnel file.
- Termination of employment.

The corrective action process will not always commence with a verbal counseling or include a sequence of steps and may include termination at the outset if necessary. Some acts, particularly those that are intentional or serious, warrant more severe action on the first or subsequent offense. Consideration may be given to the seriousness of the offense, your intent and motivation to change the performance, and the environment in which the offense took place.

The above are *only examples* of possible corrective action(s) that may or may not occur.

3.18.3 Termination of Employment –All employees of the City of Sherwood is at-will employees and may be discharged at any time, for any reason. Before termination employees will be given written notice of the reason for termination and they will be given an opportunity to respond to the written notice.

The following list includes, but does not limit reasons for dismissal or other disciplinary action:

Minor Infractions

- Unsatisfactory attendance, including unauthorized or excessive absenteeism, tardiness, and failure to give notice of intended absence or tardiness, or failure to comply with other reporting rules.
- Careless, inaccurate, unreliable or otherwise unsatisfactory work performance or productivity.
- Working overtime without prior authorization from the employee's supervisor.
- Interfering with or impeding other City employees work.
- Performing other than City work during work hours.
- Excessive personal phone calls.
- Personal internet usage.
- Failure to follow safe working practices (Employees that commit serious safety violations are subject to immediate termination).

- Failure to promptly report an accident or injury or cooperate in accident or injury investigations.
- Being rude or otherwise uncooperative in dealing with co-workers, supervisors or the public in the course of City business.
- Violating any City rule or practice that is presently in effect or subsequently adopted.
- Threatening, intimidating, bullying, coercing or assaulting another employee, supervisor or others in the course of City business.
- Fraudulent acts.
- Breach of trust.
- Violation of health/safety policy.
- Use of profane/abusive language.
- Any conduct that is illegal under local, state or federal law.
- Sleeping on the job.
- Failure to obtain permission from supervisor to leave work at an unscheduled time.

Major Infractions

- Insubordination including failure to follow any oral or written job instructions issued by the City Manager or a person in a position of authority as determined by the City.
- Provoking or instigating arguments, dissension or fights during work hours.
- Engaging in horseplay which results in injury or property damage to City property.
- Engaging in off duty conduct that is criminal or that the City Manager reasonably believes affects your ability to effectively perform your job duties and responsibilities. Off duty conduct may also include participation in on-line activities.
- Any deliberate or reckless act of destroying or damaging City property or the property of others while it is located on City property.
- Falsifying any reports or records, such as applications, absence and sickness reports or time records.
- Removing an item from or otherwise tampering with a personnel file without the approval of the City Manager.
- Bringing discredit to yourself or the City.
- Dishonesty of any type.
- Conduct in the course of employment that could result in legal action against the City.

- Engaging in discriminatory behavior or harassment of a sexual, racial, ethnic or religious nature.
- Violation of the City's drug and alcohol rules.
- Unauthorized possession of firearms, dangerous or deadly weapons or explosives on City property. For the purposes of this section "dangerous or deadly weapon" has the meaning given in ORS 161.015.
- Failure or refusal to cooperate in an investigation or interfering with an internal investigation.

4 CLASSIFICATION PLAN

4.1 COVERAGE

- 4.1.1 **Applicability** – All offices and positions in the City service shall be assigned to the classified or unclassified service. Unless specifically provided otherwise, this Manual shall apply to employees in the classified service.
- 4.1.2 **Unclassified Service** – The unclassified service shall include the following positions: The Mayor, Council Members, Municipal Judge(s), City Manager, City Recorder, members of boards, commissions and other plural authorities, all other personnel appointed, elected, approved, or confirmed by the City Council, all personnel who serve without compensation, and all temporary or volunteer personnel.
- 4.1.3 **Classified Service** – The classified service shall include those positions which are not specifically included in the unclassified service.

4.2 CREATION

- 4.2.1 **Generally** – The City Manager shall annually prepare and submit a compensation plan for approval as part of the budget process. The compensation plan shall become a part of this Manual.
- 4.2.2 **Classes** – Positions shall be grouped into classes based on similarity in established duties, responsibilities, and entrance qualifications. Each class of positions shall be given a class title, which may take the form of a number.
- 4.2.3 **Class Specifications** – Class specifications in the form of a job description shall be prepared for each position. Each specification shall include, but need not be limited to, the following information: the position title, a general statement of duties and responsibilities, a brief description of job conditions, and any entry level education, experience, licenses, or other relevant skills that must be possessed by any person to be considered for a position. Job descriptions shall be updated as needed to reflect accurately any changes to the duties, responsibilities, entrance qualifications, and other particulars of a position.

4.3 PURPOSE

- 4.3.1 The compensation plan is to be used as a guide for recruiting and selecting applicants for employment, determining the pay rate for various types of work, determining personnel costs and departmental budgets, and as a uniform way of referring to positions in the City service that is understood by all City employees and the general public.

4.4 ADMINISTRATION

- 4.4.1 **Responsibility** – The Human Resource Manager, together with the City Manager, is responsible for maintaining the classification plan and ensuring that the plan reflects the current duties, responsibilities, and qualifications of all classified positions in the City service. When new positions are created, the City Manager, or designee, shall review the positions duties, responsibilities, and qualifications and incorporate the new position within the City’s classification plan. Whenever there are material changes in duties, responsibilities, and qualifications of current positions, the City Manager, or designee, shall review the changes and determine if the classification plan needs an adjustment or correction.
- 4.4.2 **New Positions** – Whenever a new position is created or the duties of an existing position materially change, Department Heads (in conjunction with Human Resources) shall provide the City Manager with a written, comprehensive job description, describing in detail the duties, responsibilities and qualifications of the affected positions assigned to the class. The City Manager, in conjunction with the Human Resource Manager, shall investigate the suggested or actual duties, responsibilities and qualifications, and take necessary action to accurately maintain the classification plan. *Refer to Section 5.4 for additional information.*
- 4.4.3 **Incumbents** – Incumbent employees who consider their position improperly classified may submit a request for consideration for reclassification in writing to their immediate supervisor. The immediate supervisor shall review the request with the Department Head. If the Department Head finds that the position’s duties, responsibilities or qualifications have changed materially so that the position’s classification is inappropriate, the Department Head shall make a recommendation as to reclassification to the City Manager. If the Department Head finds reclassification is not appropriate, the Department Head shall inform the employee in writing of this decision and the reasons for the decision. In those cases where the Department Head has recommended reclassification to the City Manager, the City Manager shall review this recommendation and make the final decision.
- 4.4.3.1 **Appointment** – When a position is reclassified from one class to a higher or lower class, the method of filling the position shall generally be in accordance with the *Recruitment Policies and Practices* and the *Employment Policies and Practices* sections. Provided, however, whenever the reclassification would result in a demotion of an incumbent employee, the incumbent employee may be appointed to the reclassified position, upon the recommendation of the Department Head and approval by the City Manager. Whenever the reclassification is a result of the employee’s diligent and appropriate assumption of difficult and additional duties and responsibilities, so that the position warrants a higher classification, the Department Head may recommend to the City Manager that the incumbent be appointed to the reclassified position without examination. The City Manager shall consider the Department Heads recommendation and make the final decision regarding how such a reclassified position shall be filled.

5 COMPENSATION PLAN

5.1 CREATION AND COVERAGE

- 5.1.1 **Generally** – The City Manager in conjunction with the Human Resource Manager shall develop a compensation plan consisting of ranges of pay steps assigned to classes of positions.
- 5.1.2 **Pay Steps** – Pay steps for each class shall be coordinated based upon the ranges of pay steps for other classes, the requisite duties, responsibilities, and entry level qualifications of positions in each class, the rate of pay for similar work in the public and private sector, cost of living data, fringe benefits, the City's financial policies and positions, or any other relevant considerations. Nothing contained in this Manual, the compensation plan, or the City's past practices or customs shall prevent the City from reducing its work force, laying off, promoting, demoting, reclassifying, or dismissing employees or otherwise managing and directing the operation of City government in the best business interest of the City.
- 5.1.3 **Applicability** – The provisions of the compensation plan shall be applicable to all employees whose positions are listed in the classification plan.

5.2 MAINTENANCE

- 5.2.1 **Responsibility** – The compensation plan is intended to provide appropriate and equitable compensation for all positions in the classification plan, taking into consideration those factors listed in the *Creation and Coverage* section. The City Manager in conjunction with the Human Resource Manager, shall annually study all factors affecting the level of compensation paid City employees, and shall recommend appropriate adjustments to the Budget Committee.
- 5.2.2 **Amendment** – The use of pay steps is intended to provide administrative flexibility in recognizing individual differences among incumbents appointed to positions in the same class and to provide an incentive for employees to advance and improve their performance.
- 5.2.3 **Cost of Living Allowance** – The Budget Committee shall approve or deny an annual Cost of Living Allowance, based on recommendations from the City Manager and the Budget Committee. The percentage of the COLA increase shall be based on the CPI-U, West Urban average from the prior calendar year and shall not exceed five (5) percent. If approved, the COLA increase will be an across the board increase effective the first full payroll after July 1st of each fiscal year.

5.3 WITHIN-THE-RANGE PAY INCREASES

- 5.3.1 **Minimum Rate** – The minimum pay step established for a class is the normal hiring rate, except in cases where the background of a new employee, or other factors, warrant appointment at a higher step. Appointments above the minimum pay set for a class shall be approved by the City Manager, based on a consideration of whether the applicant's current qualifications are in excess of the entry level qualifications required for the class, whether there is a shortage of qualified applicants available at the minimum pay step, whether qualified applicants decline employment at the minimum pay step, or other factors in the best business interest of the City.
- 5.3.2 **Advancement** – Advancement to successive pay steps for a class of positions shall be based on an employees' efficient and fully satisfactory performance of the duties and responsibilities of the positions. The maximum pay step is considered the full pay rate for an incumbent who is meeting all the requirements of his or her duties. Advancement to the next successive pay step shall be based solely on merit and performance, not on an employees' longevity or seniority. Advancement is not automatic.
- 5.3.3 **Timing** – An employee may be considered for advancement to a higher pay step on his or her yearly anniversary date. Provided, however, that the trial employees may be considered for advancement to a higher pay step upon successful completion of the trial employment period, as provided for in the *Trial Employment* section. The anniversary date shall be adjusted for employees on leave without pay status. Employees shall only be advanced to the next successive pay step for his or her class of positions.

5.4 PAY STEPS ON PROMOTION, DEMOTION OR RECLASSIFICATION

- 5.4.1 **Promotion** – When an employee is promoted, the employees pay step in the new position shall be at least a five percent (5%) increase from the pay step from which the employee was promoted. The anniversary date of an employee who is promoted shall be adjusted so that it falls one (1) year from the effective date of the promotion.
- 5.4.2 **Demotion** – When an employee is demoted, the employees' pay step in the new position shall be the pay step of their new class of positions, which is the smallest decrease from the pay step from which the employee was demoted. If the employee was demoted, the employees' pay step in the new position shall be any appropriate pay step in their new class of positions that is less than the pay step from which the employee was demoted. In either case, the demoted employee's Department Head shall make a recommendation to the City Manager as to an appropriate pay step and the City Manager shall review and approve the recommended lower pay step or determine what is a more appropriate pay step. The anniversary date of an employee who is demoted shall be adjusted so that it falls one (1) year from the effective date of the demotion.

- 5.4.3 **Reclassification** – When an employee’s position is reclassified, the employee will be moved to the closest higher step in the new class of positions based on the employee’s current salary. The anniversary date of an employee who is reclassified shall be adjusted so that it falls one (1) year from the effective date of the reclassification.
- 5.4.4 **Trial Periods** - The Department Head may, with approval from the City Manager, grant a promoted, demoted or reclassified employee a pay increase upon successful completion of a new six-month trial period following the action. If a pay increase is granted, the anniversary date shall become the date of the completion of the new trial period.
- 5.4.5 **Timing** – Proposals for promotions, reclassifications and new positions shall be submitted to the City Manager, or designee, with ample time to complete the process listed in *Section 4.4* of this Manual. If the promotion/reclassification or new position is approved, the new pay class, step and job description will become effective upon adoption. The new salary shall be retroactive to the date of adoption by the City Council.

5.5 PAY PERIODS

- 5.5.1 **Workday and Workweek** – The regular City workday consists of a work shift of eight (8) consecutive work hours plus an unpaid sixty (60) minute meal period within any consecutive twenty four (24) hour period. Saturdays, Sundays and recognized City holidays are generally not considered regular City workdays, except as otherwise established in this Manual. The regular, defined City workweek is a period of one hundred sixty eight (168) consecutive hours that begins with the start of the first work shift after 12:01 a.m. Sunday and ends at the conclusion of the last work shift that started before midnight on Saturday. This Manual or the City Manager may establish other regular workdays for individual employees or certain classes of employees, particularly for exempt employees and departments providing service outside of the regular workweek. *Refer to Section 3.15 for additional information.*
- 5.5.2 **Pay Day** – Employees will be paid every other week based on hours worked in a predetermined fourteen (14) day period.
- 5.5.3 **Direct Deposit** – All regular full and part time employees are encouraged to participate in the City’s direct deposit program. Temporary employees working less than two months, or employees without a bank account, may opt to receive paper checks.

5.6 OVERTIME

- 5.6.1 **Generally** – All non-exempt employees will be compensated for hours worked in excess of forty (40) hours a week. No employee may refuse to work scheduled overtime, overtime necessitated by emergencies, overtime necessitated by staff

shortages, or any other reasonable requirement for overtime work that is in the best business interest of the City.

- 5.6.2 **Compensation** – All authorized overtime work by employees, except as exempted in the *Overtime/Exceptions* section, may be compensated for with time off in lieu of pay, at the employees option. The compensation rate will be one and one half (1 ½) hours for each hour of employment worked in excess of the employee's regular forty (40) hour workweek. The maximum accrual is twenty (20) hours of compensation time. Such non-exempt employees shall receive cash payment for all unused compensation time off upon resignation, layoff or dismissal. Such excess of unused compensation overtime shall be paid at the employee's regular rate of pay.
- 5.6.3 **Overtime Calculation** – Overtime is calculated based on hours actually worked. Discretionary time off, such as Personal Time Off, Comp Time and Sick Leave, are not included in the calculation.
- 5.6.4 **Exceptions** – Except as otherwise provided herein, exempt classified employees are not eligible to receive overtime pay for any hours worked in excess of forty (40) hours in one (1) regular City workweek, as such employees receive a salary which is considered to be adequate cash compensation for all hours worked.
- 5.6.5 **Exempt Positions** – For purposes of this Manual, exempt classified employees include those persons employed in an administrative, professional or executive position, as defined by the Fair Labor Standards Act of 1985, or succeeding legislation.

6 EMPLOYEE BENEFITS

6.1 HOLIDAYS

6.1.1 **When Observed** – The City shall observe the following holidays on the dates indicated:

- a. New Years Day – January 1
- b. Martin Luther King Jr. Day – Third Monday in January
- c. Memorial Day – Last Monday in May
- d. Independence Day – July 4
- e. Labor Day – First Monday in September
- f. Veterans Day – November 11
- g. Thanksgiving Day – Fourth Thursday in November
- h. Friday Following Thanksgiving – Fourth Friday in November
- i. Christmas Day – December 25

6.1.2 **Exceptions** – If a holiday falls on a Sunday, the following Monday shall be observed as the holiday. If a holiday falls on a Saturday, the proceeding Friday shall be observed as the holiday.

6.1.3 **Generally** – It is the policy of the City of Sherwood to be open the maximum number of days each year so as best to serve the public. As a result, four personal days have been included in the Paid Time Off section. Employees are encouraged to use the additional time off for days of national recognition or religious observance, such as their beliefs may dictate.

6.1.4 **Holiday Pay** – Regular full time employees who do not work on a holiday shall receive eight (8) hours holiday pay at their regular rate of pay. Regular part time employees working twenty (20) hours or more a week who do not work on a holiday shall receive a portion of the eight (8) hours holiday pay at their regular rate of pay equivalent to the percentage of their assigned hours to a full forty (40) hour work week. Temporary employees, contract or project employees, employees working less than twenty (20) hours a week, and employees on leave without pay are not entitled to receive holiday pay. An unexcused absence from scheduled work on a holiday will result in loss of holiday pay for that holiday.

Eligible employees are paid hours proportionate to the percentage of hours worked to a full 40 hour work week (See examples below)

- Regularly scheduled 20 hrs/wk = 50 % = 4 hours paid
- Regularly scheduled 25 hrs/wk = 62.5% = 5 hours paid
- Regularly scheduled 30 hrs/wk = 75 % = 6 hours paid

- Regularly scheduled 35 hrs/wk = 87.5% = 7 hours paid
- Regularly scheduled 40 hrs/wk = 100 % = 8 hours paid

6.1.5 **Leave Provisions** – If a holiday falls during a period of an employee’s approved paid time off, the employee shall receive holiday pay and the absence shall not be charged against the employee’s accumulated Paid Time Off benefits.

6.2 PAID TIME OFF

6.2.1 **Description** – The City shall provide a program of earned time off for regular full and part time employees, which can be used to meet the employees’ needs or desires for paid time off from work. The Paid Time Off (PTO) Program is a consolidation of, and in lieu of, the first day of sick leave, paid floating holidays, personal leave, and vacation leave.

6.2.2 **PTO Accrual** – PTO accrual rates are determined by a regular employees’ length of continuous service with the City. Full time employees shall accrue PTO each pay period at the following rate:

Years of Continuous Service	Accrual Rate Per Pay Period	Yearly Accrual Rate	Maximum Accrual
< 3 years	5.23 hours	17 days	26 days
=> 3 years	5.85 hours	19 days	29 days
=> 6 years	6.46 hours	21 days	32 days
=> 9 years	7.08 hours	23 days	35 days
=> 12 years	7.69 hours	25 days	38 days
=> 15 years	8.31 hours	27 days	41 days

Part time employees shall accrue PTO at a prorated rate of full time employees. Eligible employees are paid hours proportionate to the percentage of hours worked to a full 40 hour work week.

6.2.3 **Trial Employees** – PTO accrued during the first six (6) months of continuous service shall not be used until the employee completes the initial six (6) month trial period. Any accrued but unused PTO benefits shall be forfeited and will not be paid if employee is terminated or resigns prior to completion of the initial six-month trial period.

6.2.4 **Maximum Accrual** – Leave benefits which are earned may be accrued to a maximum of one and one half (1 ½) times the employee’s annual accrual rate (rounded up). Employees will not accrue or be paid for any leave in excess of one and one half times. However, the City may approve temporary accruals and carryovers of more than the maximum allowable amount when the employee is unable to take time off due to City staffing and work load requirements, or other

legitimate reasons, that in the opinion of the Department Head, make use of accrued paid time off benefits unfeasible. Temporary accruals in excess of the allowable amount shall be approved in writing by the City Manager.

6.2.5 Procedure for Use of PTO

- a. To schedule days off other than for illness or injury, an employee must submit a request to the immediate supervisor as far in advance as possible. All requests will be granted on a “first come, first served” basis. The immediate supervisor shall respond with the approval or denial within one (1) week of receipt of the request. All requests must be made in writing to be considered. Requests may be denied based upon staffing and workload requirements of the City. Approval of requests will not be unreasonably withheld.
- b. Employees must indicate in writing the number of PTO hours for which payment is requested. The combined total of hours worked and PTO hours cannot exceed the normal working time in any given pay period, except for authorized overtime.
- c. For illness or injury, the employee must notify the immediate supervisor as soon as possible. If the illness extends beyond one (1) day, daily calls must be made to keep the supervisor informed, unless otherwise arranged between the supervisor and the employee.

6.2.6 **Cash Out** – Regular employees that have completed the initial six month trial period shall be paid in one (1) lump sum for any accrued but unused PTO benefits only upon layoff, resignation or dismissal.

6.2.7 **Sick Leave Accrual** – Regular full time employees shall accrue eight (8) hours of sick leave per month, which may only be used for absences resulting from injury or illness in excess of one (1) day, or emergency leave. Regular part time employees shall accrue sick leave proportionate to the percentage of hours worked to a full 40 hour work week. Sick leave will be accrued in a separate bank and employees will not accrue or be paid any sick leave in excess of 720 hours.

6.2.8 **Applicability** – Sick leave benefits may be used by regular employees for absences due to personal injury, illness or temporary disability in excess of one (1) day, which keeps the employee from performing their regular duties. Sick leave benefits may also be used for absences occasioned by the illness or injury of an immediate family member, or for reasons associated with the Family Leave Act.

6.2.9 **PTO Usage with Sick Leave** – If an employee misses one day of work for an injury, illness or temporary disability, the first day of paid leave shall come from the bank of accrued PTO leave unless the employee provides notice from a health care provider justifying the need for leave, in which case an employee may access sick leave accrual immediately. In the event that all PTO and/or comp time leave has been exhausted, the first day shall be unpaid leave. Any additional leave necessary for an injury, illness or temporary disability in excess of the first day of PTO shall come from the bank of accrued sick leave. When an employee is absent on more than one occasion for the same occurrence, within a

thirty day period, only one day of PTO is required prior to utilizing paid leave from the employees' accrued bank of sick leave.

6.2.10 Calculation – For the purpose of calculating the first day of leave for regular employees working less than forty (40) hours per week, hours shall be proportionate to the percentage of hours worked to a full 40-hour work week.

6.2.11 On-the-Job-Injury – When an employee is absent from work because of an on-the-job injury, time off will not be charged to sick leave except as provided below. The employee may select one of the following options:

- a. The employee may elect to receive only his/her worker's compensation payments.
- b. The employee may voluntarily turn in their first and all subsequent worker's compensation payments and will, in turn, receive their regular gross wages, and the following will occur:
 - Employees shall use available sick leave for integration with their worker's compensation payments in order to receive their regular gross wages. In this situation a check for full gross wages will only be received if the employee has available sick leave. Deduction to sick leave shall be proportional to the difference between the worker's compensation payments and regular gross wages.
 - In the event an employee withholds any of his/her worker's compensation payments, compensation will fall into the integration of sick leave formula described above from the first day of injury. In the event this occurs, the City can automatically deduct any overpayment in full from the employee's next paycheck, or any subsequent checks if there is not a sufficient amount in the next paycheck.

6.3 SPECIAL LEAVE

6.3.1 Jury Duty – Employees who are called to serve on a jury, or served with a subpoena as a witness in any court proceeding, shall be allowed time off from work without loss of pay or accrued benefits. Any fees received shall be endorsed over to the City for deposit in the City's General Fund, provided, however, that any fees received for such duty occurring on days that are not regular workdays for the employee shall be retained by the employee. Employees excused from jury duty or court proceedings are expected to work the remainder of their regular workday.

6.3.2 Leave with Pay – Except as otherwise established by this Manual in the form of paid time off, holidays, jury duty, sick/emergency leave, in-service training, and the other forms of leave and training specifically identified, leave with pay is not allowed, except by express authorization of the City Manager.

6.3.3 Family Medical Leave – An employee may be eligible for Family Medical Leave to care for a spouse, parent, parent-in-law or child with a serious health condition, or sick child requiring home care, for the employee's own serious

health condition, or for parental leave for the birth of a child or for placement of a child under 18 years of age for adoption or foster care. As a general rule, such leave shall not exceed twelve (12) weeks within any twelve (12) month period, except as otherwise required by law. An employee may qualify for more than twelve (12) weeks of leave under OFLA and FMLA.

Where practicable, and subject to the approval of the treating health care provider, the employee shall make a reasonable effort to schedule health care treatment or supervision to minimize disruption of the employer's operations.

A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves:

- In patient care in a hospital, hospice or a residential medical facility, including a period of incapacity connected with in-patient care, or
- Continuing treatment by a health care provider for a serious health condition.
- Incapacity of more than three (3) days.
- Any period of incapacity for pregnancy or prenatal care.
- Any period of incapacity or treatment for a chronic serious health condition (i.e., asthma, diabetes, epilepsy, etc.).
- Permanent or long term incapacity for which treatment may not be effective (i.e., Alzheimer's, a severe stroke, terminal stages of a disease, etc.).
- Multiple treatments for restorative surgery or a condition that, if not treated, would likely result in incapacity of more than three (3) calendar days (i.e., chemotherapy for cancer, physical therapy for arthritis, dialysis for kidney disease, etc.).

An employee returning from a FMLA or OFLA leave will be reinstated to the same or equivalent position with equivalent pay, benefits and other employment terms. Before returning from the medical leave, the employee must present a doctor's work fitness assessment stating that the employee is physically able to return to work. The employee's use of FLMA or OFLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. See *Appendix I for detailed information.*

6.4 EMERGENCY LEAVE

6.4.1 **Generally** – When a death or serious illness occurs in an employee's family, the employee may request up to five (5) workdays paid emergency leave, which will be deducted from the employee's sick leave balance. Emergency leave pay shall be that amount the employee would have earned had the employee worked their regular work schedule. All emergency leave shall be approved in writing by the Department Head, setting out the terms, conditions, and length of said leave.

6.4.2 **Benefit** – Emergency leave may not exceed five (5) workdays in any calendar year unless approved by the City Manager. Emergency leave in excess of five (5) workdays not approved by the City manager shall be treated as PTO pursuant to

the *Paid Time Off* section, or be treated as leave without pay should all PTO be exhausted.

6.5 LEAVE WITHOUT PAY

- 6.5.1 **Generally** – Leave without pay may be granted to any regular employee by the City Manager for any period of time up to twelve (12) months for personal, professional, or family reasons, or for time beyond the medically certified period of temporary disability following childbirth. Employees shall be required to utilize any accrued paid leave prior to taking leave without pay. The City Manager shall have the discretion to grant leaves without pay for other reasons consistent with the best business interest of the City. Temporary employees shall not be granted leave without pay.
- 6.5.2 **Authorization** – All leave without pay must be requested by the regular employee in writing as soon as the need for such leave is known. All written requests shall state the reason for the leave and the amount of leave time needed. Written requests shall be submitted to the employee's Department Head, and referred to the City Manager with the Department Head's recommendation. All leave without pay shall be approved in writing by the City Manager setting out the terms, conditions, and length of said leave. The City Manager has the discretion to reduce or deny the leave without pay request when the reduction or denial is in the best business interest of the City.
- 6.5.3 **Return to Work** – Failure to return from any leave without pay on or before a designated date, will be considered a voluntary resignation and cause for denying re-employment within the City. Employees on leave without pay may return to work early, provided notice is given to their Department Head at least two (2) regular City workdays in advance.
- 6.5.4 **Benefits** – Paid time off and sick leave benefits are not earned while an employee is on leave without pay. The City will not pay any portion of the employee's group health and welfare insurance premiums while the employee is on leave without pay, though the employee may elect to personally continue such coverage as provided under the terms of such policies. An employee shall be required to use any earned but unused paid time off benefits before a leave without pay is granted.
- 6.5.5 **Re-employment** – Employees returning from an approved leave without pay are entitled to return to their same position or a similar position in the same class and pay step. Provided, however, if the employee's anniversary date fell during a leave without pay period, the employees' anniversary date shall be adjusted as provided for in the *Leave without Pay* section.
- 6.5.6 **Certificates** – Employees who are granted a leave without pay for medical or disability reasons must exhaust all accrued paid leave benefits prior to commencing leave without pay. Any employee returning from a leave without pay due to medical or disability reasons must provide a qualified health care

provider's certification of the employee's ability to return to work. If the employee was placed on leave without pay status pursuant to the terms of the *Physical Examinations* section, the certificate shall, if possible, be from the health care provider who previously examined the employee.

6.6 MILITARY LEAVES OF ABSENCE

- 6.6.1 **Reserve Duty** – Any regular employee required to attend military reserve training or other military duty shall be entitled to a leave of absence from duties for a period not exceeding fifteen (15) days in any one training year, without loss of time, pay or regular leave, and without impairment of efficiency rating or other rights or benefits to which the employee is entitled. The City's military leave is in accordance with state and federal law.
- 6.6.2 **Extended Duty** – A regular employee entering the armed services for an extended tour of duty shall receive an extended unpaid military leave of absence in accordance with state and federal law.

6.7 SOCIAL SECURITY

- 6.7.1 **Participation** – The City and all full time, part time and temporary City employees shall participate in the Social Security System.

6.8 IN SERVICE TRAINING

- 6.8.1 **Opportunity** – In service training opportunities for employees shall be provided when funds are available to do so, and the training is in the best interest of the City. The City Manager may develop training programs to meet Citywide personnel and operational needs, or to prepare employees for promotion, or may offer employees the opportunity to attend programs offered by other agencies, when it is determined such programs will improve the efficiency or effectiveness of the services rendered by City employees.
- 6.8.2 **Scheduling** – In service training sessions may be held during regular working hours at the discretion of the City Manager. Training sessions may be at City facilities or at other locations, as authorized by the City Manager.
- 6.8.3 **Compensation** – Employees shall be paid for any time spent in authorized training sessions, provided, however, that employees shall generally not be compensated for any time spent at training sessions held outside of the employee's regular work hours, workdays, or workweek. The City Manager has the discretion to compensate employees for time spent in training programs outside of the employee's regular working hours if attendance is deemed by the City Manager to be in the best business interest of the City, or is a requirement of continued employment or professional standing, and the training session is related to the employee's current duties or reasonably anticipated future duties.

6.8.4 **Expenses** – The City shall generally reimburse the employee for all expenses relating to authorized in service training sessions, including but not limited to enrollment fees, transportation, meals, and lodgings. The *Business Travel* section shall apply in determining proper documentation for reimbursement of in service expenses.

6.9 WORKER'S COMPENSATION

6.9.1 **Coverage** – The City and all full time, part time and temporary City employees shall participate in the State of Oregon Workers Compensation program.

6.9.2 **Exceptions** – Any on the job injuries or occupational illnesses shall be reported per the *Injury and Illness* section. An employee shall not receive sick leave benefits during any period when the employee is eligible to receive workers' compensation benefits, except as stated in *Section 6.2.11*.

6.10 GROUP INSURANCE PROGRAMS

6.10.1 **Health and Welfare Benefits** – All regular full time employees may participate in the City's Health and Welfare programs according to each program's eligibility requirements. Part time employees working a minimum of twenty (20) hours per workweek may participate in a portion of the City's Health and Welfare programs only. Coverage shall extend to the employee's spouse and dependents with the approval of the City and the insurance plan. The City may contribute towards the premium cost of group insurance programs. Any premium costs not covered by the City shall be paid by the enrolled employee in a manner determined by the City Manager. The terms, condition and extent of the City's group insurance programs may be modified or canceled at any time by action of the City Council, Budget Committee or the insuring agency. Employees are responsible for keeping current with the terms, conditions, and extent of group insurance programs. The City is not responsible for interpreting the terms or conditions of group insurance programs or for errors, omissions, and ambiguities in published materials on group insurance programs.

6.11 RETIREMENT PLAN

6.11.1 **PERS Enrollment** – After six (6) full calendar months of employment, all employees scheduled to work at least six hundred (600) hours per year shall participate in the State of Oregon Public Employees Retirement System (PERS). Provided, however, that individuals actively enrolled in PERS as a result of prior employment shall be immediately re-enrolled upon hire. The City shall pay the employee's share in addition to the employer's share of the cost of the retirement plan for each employee. Employees do not have the option of receiving this pick up as salary and paying their contribution directly.

TO: Sherwood City Council

FROM: Michelle Miller AICP, Associate Planner
Through: Julia Hajduk, Planning Manager

Subject: Code Clean-Up Landscaping, Ordinance 2012-008, Off-Street Parking and On Site Circulation

MEMORANDUM

As part of a multi-phase code clean-up project with the goal of providing a more clear and usable code for citizens and developers, the proposed amendments include updates to: 1) site landscaping (Chapter 16.92); 2) off-street parking (Chapter 16.94) and 3) on site circulation (Chapter 16.96). The City Council held a public hearing on June 5, 2012, and after receiving public testimony, began deliberations and determined that more information was needed and continued the hearing. Council directed staff to investigate the following major issues:

1. Whether the proposed changes concerning a certain percentage of overall employee carpool/vanpool parking was a Metro requirement.
2. Whether Metro would permit that garages remain an exclusion in the calculation of minimum parking standards for all residential types of dwelling units.
3. Including street trees in the calculations for parking area landscaping.

At the hearing on June 19, 2012, staff will respond to the issues Council asked staff to address and staff will present proposed amended language as appropriate.



ORDINANCE 2012-008

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE RELATING TO LANDSCAPING, OFF-STREET PARKING AND LOADING REQUIREMENTS

WHEREAS, the City has undertaken a multi-phase, multi-year program to comprehensively update the development code to ensure that it is clear, consistent, and current; and

WHEREAS, the Planning Commission helped guide the development of proposed amendments after extensive public outreach and opportunity for public input; and

WHEREAS, this phase includes amendments to Divisions V., specifically related to landscaping, off-street parking and loading requirements and on site circulation; and

WHEREAS, the proposed amendments were reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

WHEREAS, the proposed amendments were subject to full and proper notice and review and a public hearing was held before the Planning Commission on February 28, 2012

WHEREAS, the Planning Commission voted to forward a recommendation of approval to the City Council for the proposed Development Code modifications; and

WHEREAS, the analysis and findings to support the Planning Commission recommendation are identified in the attached Exhibit 1; and

WHEREAS, the City Council held a public hearing on June 5, 2012 and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Findings. After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearing, the Council adopts the findings of fact contained in the Planning Commission recommendation attached as Exhibit 1 finding that the text of the SZCDC shall be amended as documented in Exhibit 1-A.

Section 2. Approval. The proposed amendments for Plan Text Amendment (PA) 11-05 identified in Exhibit 1-A is hereby **APPROVED**.

Section 3 - Manager Authorized. The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to DLCD and necessary updates to Chapter 16 of the municipal code in accordance with City ordinances and regulations.

Section 4 - Applicability. The amendments to the City of Sherwood Zoning and Community Development Code by Sections 1 to 3 of this Ordinance apply to all land use applications submitted after the effective date of this Ordinance.

Section 5 - Effective Date. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council 19th day of June 2012.

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	_____	_____
Langer	_____	_____
Butterfield	_____	_____
Folsom	_____	_____
Henderson	_____	_____
Grant	_____	_____
Mays	_____	_____

Sherwood Field House Monthly Report May 2012

<u>May-12</u>	<u>May-12</u>		<u>YTD</u>		<u>May-11</u>
					Est.
<u>Usage</u>		People		People	People
	<u>Count</u>	<u>Served*</u>	<u>Count</u>	<u>Served*</u>	<u>Served</u>
Leagues	5	585	28	6055	330
Rentals	76	2424	843	19985	1008
Other (Classes)			1	5	9
[1] Day Use	9	68	100	816	26
Total Usage		3077		26861	
					1373
<u>Income</u>	<u>May-12</u>	<u>YTD</u>			
Rentals	\$4,649	\$46,027			
League fees (indoor)	\$9,555	\$82,084			
Card fees (indoor)	\$190	\$4,550			
Day Use	\$134	\$1,617			
Advertising	\$1,500	\$1,500			
Snacks	\$388	\$5,216			
Classes		\$175			
Total	\$16,416	\$141,169			
FY 10-11					
<u>Income</u>	<u>May-11</u>	<u>YTD</u>			
Rentals	\$2,225	\$49,154			
League fees (indoor)	\$400	\$63,639			
Card fees (indoor)	\$50	\$3,212			
Day Use	\$50	\$1,795			
Merchandise					
Snacks	\$351	\$5,684			
Classes	\$560	\$2,896			
Total Income	\$3,636	\$126,380			

*Estimated number of people served based on all rentals have a different # of people. Along with each team will carry a different # of people on their roster.

Active Rec happenings during the month of May 2012

Youth baseball played approximately 81 games at all field during the month of May.

Youth baseball also held their Federal tournament on the 4th through the 6th with twenty four teams coming to town mostly from the Portland metro area, but also had teams from as far away as The Dallas Salem and Albany.

Youth softball played approximately 30 games at the High school during the month they also held The Fireball 14 u open on May 5th and 6th that brought 10 teams to town from the in and around the greater Portland metro area.

Youth lacrosse had 31 league games at Snyder Park and the High school during the month they also held the "Sherwood Shoot Out" tournament on May 12th and 13th bring in ten team for Clackamas, L.O Beaverton, Aloha and other areas around Washington county.

Youth Soccer held their classic and PDP tryouts during the month and is already requesting field space.

Greater Portland Soccer District played two games at Snyder Park during the month.

Youth Track continued to practice at SMS and will be moving to the high school after graduation.

Respectfully

Lance Gilgan

May 31, 2012



Sherwood Public Library – May 2012

	<u>Current Yr</u>	<u>Past Yr</u>	<u>% Change</u>
Check out	33,575	33,283	+.9% (20% Self-check)
Check in	25,160	24,225	0%

- New Library cards 94
- Volunteer hours 218.25 hours (29 volunteers)

Monthly Activities

- Thirty-five Baby, Preschool and Toddler Storytimes (767 children / 556 adults = 1323 total)
- Three Read-to-the-Dogs programs
- Magazine Monday (free magazine giveaway)
- Staff attended WCCLS Polaris 4.0 upgrade training sessions
- New volunteer training continued
- Public photocopier coin-op replaced & electrical service installed
- 05/03 Friends of the Library Meeting
- 05/07-07 WCCLS Polaris 4.0 Upgrade
- 05/05 & 05/19 Two Multicultural Literature Workshops with Dr. Markisha Smith of Western Oregon University were offered. (0 in attendance, 05/26 workshop cancelled).
- 05/14-15 Jenny Swanson attended WCCLS Diversity & Inclusion workshops
- 05/18 Library Staff Meeting
- 05/20 Adult Writing Workshop Public Reading & Reception with Marie Buckley (~20 participants)
- 05/21 Sherwood Robin Hood Festival Maid Marian Coronation

- 05/23 Sue Decker hosted St. Francis School class visits (45 in attendance)
- 05/24 Pam North & Mary Madland attend "7 Habits" management workshop sponsored by the City of Sherwood
- 05/28 Library closed for Memorial Day holiday
- 05/30 Jenny, Mark and Cora Swanson welcome baby boy Beckett!
- 05/30 Volunteer Recognition event
- Library staff attended various regional, City and WCCLS meetings: Circulation, Youth Services, Cataloging, WUG, Adult Summer Reading Program, Executive Board, Health Benefits Committee and OLA/PLD Executive Board.