



# City of Rockaway Beach

## City Council Workshop Agenda

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**Date:** Wednesday, May 8, 2024  
**Time:** 4:30 P.M. – 5:40 P.M.  
**Location:** Rockaway Beach City Hall, 276 HWY 101 – 2<sup>nd</sup> Floor Conference Room

**Watch live stream here:** [corb.us/live-stream](https://corb.us/live-stream)

**View meeting later here:** [corb.us/city-council](https://corb.us/city-council)

**Join here to attend remotely:**

<https://us06web.zoom.us/j/87981646676?pwd=TyD4eN38SeQWFpB140x4HHiaNbSeYs.1>

Meeting ID: 879 8164 6676

Passcode: 757187

Dial by your location

253 215 8782 US (Tacoma)

***What is a City Council Workshop?*** Workshops are intended to allow for preliminary discussions by the City Council and staff. Workshops are held to present information to the Council so that the Council is prepared for upcoming regular meetings. Workshops are subject to Oregon's public meeting law and must be noticed accordingly. No final City Council decisions are made during workshops. The public is encouraged to attend workshops but may not participate unless expressly asked.

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*Note: Agenda item times are estimates and are subject to change.*

**1. CALL TO ORDER (4:30 p.m.)**

**2. ROLL CALL**

**3. COUNCIL BRIEFING/DISCUSSION**

**a. Review of Granicus STR Software (4:31 p.m.)**

**b. Review of Updated Employee Handbook (5:00 p.m.)**

**c. Tillamook County Multi-Jurisdictional Natural Hazards Mitigation Plan (5:15 p.m.)**

**d. Façade Improvement Grant – What projects are eligible? (5:25 p.m.)**

**e. Jetty Creek LOI and NDA Next Steps (5:30 p.m.)**

**f. Proclamation Draft – High School Senior Recognition Month (5:35 p.m.)**

**4. ADJOURNMENT (5:40 p.m.)**



## City of Rockaway Beach, Oregon

276 S. Highway 101, PO Box 5

Rockaway Beach, OR 97136

503.374.1752

### STAFF REPORT

**Date:** May 1, 2024  
**To:** City Council  
**From:** Luke Shepard, City Manager  
**Subject:** **2024 Employee Handbook – Primary Revisions to 2019 Edition**

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The proposed 2024 Employee Handbook will replace the 2019 edition in its entirety. Key revisions from the 2019 edition are explained below. The Citycounty Insurance Services (CIS) model policy was used as a basis for this update.

**1. No-Discrimination, No-Retaliation Expanded**

Effective January 1, 2022, Oregon HB 2935, also known as the CROWN Act, expanded the definition of race prohibiting employers of all sizes from discriminating against hairstyles associated with race. Pursuant to ORS 659A.218, language was also added that the City will not disclose the identity of any employee who reports any improper or unlawful conduct during an investigation without the written consent of the employee.

**2. Statement Regarding Pay Equity**

Reflects the City's commitment to Oregon's updated Pay Equity Law.

**3. No-Harassment Policy expanded**

Includes updates required by state law (required language and complaint procedure), effective January 1, 2020. Adds additional employee resources and rights.

**4. Pregnancy Accommodation Policy**

Effective January 2020, Oregon employers with six or more employees must make reasonable accommodations for pregnant employees.

**5. Employee Classifications expanded**

Added model policy definition for Regular Part-time not benefits eligible classification.

**6. Meal periods and rest breaks expanded**

Definitions expanded for clarity with examples provided.

**7. Payroll Polices**

To ensure accurate reporting of hours worked for hourly employees, and timely paydays for all employees, the City will transition to a bi-weekly pay schedule around December 2024, subject to collective bargaining agreements.

## **8. Paid Leave Oregon (PLO) Policy**

The provisions of the Paid Leave Oregon Policy previously adopted by Resolution No. 23-1002 have been integrated into the Employee Handbook.

## **9. Bias**

Effective Jan. 1, 2024, victims of bias crimes became eligible to take leave under PLO, Oregon's sick leave law and Oregon's domestic violence leave law. Policies on these subjects were updated to include bias.

## **10. Definition of "Family Member" Expanded**

Effective Jan. 1, 2024, the definition of "family member" under Oregon's sick leave law, PLO and the Oregon Family Leave Act became consistent across these laws and, with respect to OFLA and sick leave, expanded on the definition. Applicable policies now include the expanded definition of "family member".

## **11. Employee Assistance Program (EAP)**

Information about this free service available to employees was expanded.

## **12. Vacation**

Vacation time was clarified to indicate monthly accrual, and a new section was added for Vacation Pay Upon Termination, limiting vacation payouts to a maximum of 250 hours of unused vacation time that has been earned through the last day of work.

## **13. Hiring of Family Members**

New section added from the CIS model policy.

## **14. Holidays**

Added Juneteenth (June 19) which is now a Federal holiday.

## **15. Prohibition of Secret Recordings Policy**

In 2023, the Ninth Circuit Court of Appeals ruled in *Project Veritas et al. v. Schmidt et al.*, that part of Oregon's wiretapping statute (ORS 165.540(1)(c)) was unconstitutional. This decision complicated an employer's efforts to take disciplinary action in response to an employee who secretly records personnel-related conversations and meetings. This policy prohibits secret recordings of meetings with supervisors, managers, coworkers and others (including elected officials and volunteers). The policy doesn't prohibit secret recordings where there is no expectation of privacy (such as at a regular City Council meeting or other public forum).

## **16. Modernization of Language**

Some language used in the earlier edition of the Employee Handbook was updated.

## **17. Removal of requirement of valid driver's license as a condition of employment**

This change was made to the "Driving While on Business" policy, in response to recent changes in the law.

CITY OF ROCKAWAY BEACH  
**Employee Handbook**



Effective \_\_\_\_\_, 2024

Welcome!

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

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

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

You may receive updated information concerning changes in policy from time to time, and those updates should be kept with your copy of the handbook. If you have any questions about any of the provisions in the handbook, or any policies that are issued after the handbook, please ask the City Manager.

Sincerely,

Luke Shepard

City Manager

City of Rockaway Beach

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## **I. Equal Employment Opportunity (EEO) Policies**

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

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

### **A. No-Discrimination, No-Retaliation Policy**

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

For purposes of this and all other City of Rockaway Beach policies, "race" is defined to include physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hair styles). Further, "protective hairstyles" is defined as "hairstyle, hair color or manner of wearing hair, including braids (regardless of whether the braids are created with extensions or styled with adornments, locs and twists)."

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

### **B. Statement Regarding Pay Equity**

The City of Rockaway Beach supports Oregon's Pay Equity Law and federal and Oregon laws prohibiting discrimination between employees on the basis of a protected class (as defined by Oregon or federal law) in the payment of wages or other compensation for work of comparable character. Employees who believe they are receiving wages or other compensation at a rate less than that at which the City of Rockaway Beach pays wages or other compensation to other employees for work of comparable character are encouraged to discuss the issue with the City Manager.

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

### **C. No-Harassment Policy**

The City of Rockaway Beach prohibits harassment and sexual assault in the workplace, or harassment and sexual assault outside of the workplace that violates its employees, volunteers and interns' right to work in a harassment-free workplace. Specifically, City of Rockaway Beach prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age,

disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

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

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

#### Sexual Harassment

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

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

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting, or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex.

This is not a complete list.

#### Other Forms of Prohibited Harassment

City of Rockaway Beach policy also prohibits harassment against an individual based on the individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

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

- Jokes, pictures (including drawings), epithets, or slurs;
- Negative stereotyping;
- Displaying racist symbols anywhere on City of Rockaway Beach property;
- "Teasing" or mimicking the characteristics of someone with a physical or mental impairment or disability;
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't have them;
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that speaks badly of or shows hatred toward an individual or group because of one or more protected statuses;
- Negative comments or teasing a person about their natural hair, hair texture, hair type or hair style (see definition of "race" on page 1). Employees may not touch another employee's hair without permission to do so, even if the touch is extended out of curiosity or as a compliment.

This is not a complete list. All employees are expected to exercise common sense and demonstrate professional conduct in the workplace at all times.

#### Complaint Procedure

Employees, volunteers, or interns who have experienced a sexual assault, any harassment or discrimination in violation of this policy, who have witnessed such behavior, or who have information about such behavior occurring, are expected and should bring the matter to the attention of the City Manager or Finance Director, or a supervisor or member of management as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witnesses harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that they want it to stop.

#### Investigation and Confidentiality

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with City of Rockaway Beach's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, City of Rockaway Beach will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the City of Rockaway Beach's complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other applicable law, whether criminal or civil. Although the City of Rockaway Beach cannot provide employees with legal advice, employees should be aware of the statute of

limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against the City of Rockaway Beach, they must provide written notice of the claim to City of Rockaway Beach within 180 days of the act or omission the employee claims caused them harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

### Protection Against Retaliation

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

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

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

### Other Resources Available to Employees

The City of Rockaway Beach provides an Employee Assistance Program (EAP) through Canopy to employees and dependents who are enrolled in City of Rockaway Beach's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to [canopywell.com](http://canopywell.com). The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

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

### Other Employee Rights

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

The City of Rockaway Beach is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the City of Rockaway Beach to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City of Rockaway Beach regarding their experience and/or employment status, the employee should contact [Contact]. The employee's request to enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not

appropriate for every situation. If the City of Rockaway Beach and employee do reach an agreement, the City of Rockaway Beach will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about their experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City of Rockaway Beach or making comments that would lower the City of Rockaway Beach in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that the City of Rockaway Beach and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

#### D. No-Bullying Policy

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

1. Verbal Bullying: Slandering, ridiculing, or maligning a person or their family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
2. Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
3. Gesture Bullying: Non-verbal threatening gestures, glances that can convey threatening messages.
4. Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with coworkers may be viewed as bullying.
5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on websites for coworkers, managers or supervisors or elected officials.

This is not a complete list.

Employees who have experienced bullying in violation of this policy, who have witnessed an incident of bullying, or who have credible information about an incident, are expected and should bring the matter to the attention of their supervisor or a member of management as soon as possible. If conduct in violation of this policy is found to have occurred City of Rockaway Beach will take prompt, appropriate action, and any

employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

## E. Disability Accommodation Policy

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

### Accommodations

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

### Requesting an Accommodation

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, City of Rockaway Beach) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations or training materials provided by the City of Rockaway Beach, providing readers and interpreters, or making the workplace readily accessible to and usable by people with disabilities.

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

## F. Pregnancy Accommodation Policy

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

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

### Requesting a Pregnancy-Related Accommodation

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

### No Discrimination, No Retaliation

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

Employees who ask about, request or use accommodations under this policy and applicable law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee doesn't have a known limitation.

### Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Paid Leave Oregon and Oregon's sick leave law. See policies on page 10 and 13, or speak with the Finance Director.

## G. Reporting Improper or Unlawful Conduct – No Retaliation

Employees may report concerns about the City of Rockaway Beach's compliance with any law, regulation or policy, using one of the methods identified in this policy. The City of Rockaway Beach will not retaliate against employees who disclose information that the employee reasonably believes is evidence of:

- A violation of any federal, Oregon, or local law, rules or regulations by the City of Rockaway Beach;
- A violation of law, regulation, or standard pertaining to safety and health in the place of employment;
- Mismanagement, gross waste of funds, abuse of authority;
- A substantial and specific danger to public health and safety resulting from actions of the City of Rockaway Beach or one of its employees; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, the City of Rockaway Beach will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any

member of the elected governing body of a political subdivision, or an elected auditor of a city, county or metropolitan service district.

#### Employee Reporting Options

In addition to the City of Rockaway Beach's Open Door Policy ([see section V. H.](#)) employees who wish to report improper or unlawful conduct should first talk to their supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the City Manager. Supervisors and managers are required to inform the City Manager about reports of improper or unlawful conduct they receive from employees.

The City of Rockaway Beach will not disclose the identity of any employee who reports any of the information described in this policy during an investigation without the written consent of the employee. Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

If the City of Rockaway Beach were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

#### Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City of Rockaway Beach's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of their coworker or supervisor acting within the course and scope of their employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City of Rockaway Beach; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

#### Policy Against Retaliation

The City of Rockaway Beach will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes they are disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by City of Rockaway Beach policy).

In addition, the City of Rockaway Beach prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City of Rockaway Beach employee will be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. The City of Rockaway Beach may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.



This policy is not intended to protect an employee from the consequences of their own misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the City of Rockaway Beach determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.

## **II. Classification and Compensation**

### **A. Introductory Period of Employment**

All new employees, including current employees who are promoted or transferred within the City of Rockaway Beach, are hired into an introductory training period that generally lasts no less than 365 days. The introductory period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your manager. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the introductory period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City of Rockaway Beach meets your expectations of an employer.

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

Employees are not guaranteed any length of employment upon hire or transfer/promotion; both you and City of Rockaway Beach may terminate the employment relationship during the introductory period for any lawful reason. Further, completion of the introductory period or continuation of employment after the introductory period does not entitle you to remain employed by City of Rockaway Beach for any definite period of time. Both you and City of Rockaway Beach are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law.

### **B. Employee Classification**

The City of Rockaway Beach classifies employees as follows:

1. Regular Full-time: Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in The City of Rockaway Beach's benefit programs.
2. Regular Part-time (Benefits Eligible): Employment requiring 20 hours per week but less than 40 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 40 hours will not constitute a change in status from part-

time to full-time. Regular, part-time employees are eligible to participate in the City of Rockaway Beach's benefit programs.

3. Regular Part-time (Not Benefits Eligible): Employment requiring less than 20 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 20 hours will not constitute a change in benefit status. Regular, part-time employees working 20 hours or less per week are not eligible for benefits except those mandated by applicable law.
4. Temporary: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employment can either be full-time or part-time. Temporary employees are not eligible for benefits other than those mandated by applicable law.

Additionally, all employees are defined by federal and Oregon law as either "exempt" or "non-exempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all City of Rockaway Beach rules and procedures.

### C. The Workweek

The City of Rockaway Beach workweek is a seven-day work period beginning Monday at 12:00 a.m. through Sunday at 11:59 p.m. has established regular working hours to promote a productive work environment that will serve our citizens.

The normal work week is 40 hours. If you are a non-exempt employee, you should not begin work before your normal starting time nor continue to work beyond the normal quitting time without advance approval from your direct supervisor.

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

### D. Meal Periods and Rest Breaks

Non-exempt employees are required to take a paid, uninterrupted 15-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

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

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

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

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

### E. Rest Breaks for Expression of Breast Milk

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

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

If an employee takes unpaid rest breaks, the City of Rockaway Beach may, at the discretion of the employee's supervisor, allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. The City of Rockaway Beach will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this policy.

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

If a private location is not within close proximity to the employee's work area, the City of Rockaway Beach will identify a private location the employee can travel to. The travel

time to and from the private location will not be counted as a part of the employee's break period.

#### Notice

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

#### Storage

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

### F. Overtime

#### Time-and-a-Half

The City of Rockaway Beach pays one and one-half times a non-exempt employee's hourly rate for all hours worked over eight (8) hours or ten (10) hours (where the City has implemented a 4/10 schedule) in any twenty-four hour period. See "Employee Classification," above. Non-exempt employees required to work in excess of 40 hours in any seven (7) day period shall receive overtime at the rate of one and one-half times the employee's regular rate of pay.

#### Limitation on Overtime Pay

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

#### Assignment of Overtime Work

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

When overtime is required by City of Rockaway Beach on a Sunday or on a holiday, City of Rockaway Beach will endeavor to give the employees required to work notice of their assignment during their last shift worked prior to such Sunday or holiday.

#### Supervisor Authorization

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

## Compensatory (Comp) Time

Overtime hours can be paid or, at the employee's option with City of Rockaway Beach approval, accumulated at time and one-half up to a maximum of 40 hours and taken as comp time off. Employees are encouraged to work with their manager/supervisor to schedule and use comp time within 60 days of when it is accrued. At the discretion of an employee's manager/supervisor, employees who have accrued less than 40 comp hours may be able to choose whether to have the accrued comp time cashed out at the rate earned by the employee at the time the employee receives the payment. Any hours not taken in the fiscal year in which they were earned will be paid to the employee with the last payroll check in June of each year. When an employee is separated from employment with City of Rockaway Beach, any remaining comp time will be paid to the employee.

## G. Timekeeping Requirements

All non-exempt employees must accurately record time worked on a timecard for payroll purposes. Employees are required to record their own time at the beginning and end of each work period, including before and after the meal period. Employees also must record their time whenever they leave the building for any reason other than City of Rockaway Beach business. Filling out another employee's timecard, allowing another employee to fill out your timecard, or altering any timecard will be grounds for discipline up to and including termination. An employee who fails to record their time may be subjected to discipline as well.

Salaried exempt employees are required to record their leave time. These employees will be instructed separately on this process.

## H. Employee-Incurred Expenses and Reimbursements

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

Employees who fail to provide a completed and signed expense report and evidence of proof of purchase (receipts) within one month of the expense being incurred risks forfeiting their payment or reimbursement.

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

- *Conferences or Workshops*
- *Education*
- *Meals*
- *Mileage, Ride-Share Expenses and Parking*: Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Finally, employees using a ride-share service to

travel to or from an airport or in connection with work-related travel may also be reimbursed upon submission of receipts on an expense report (the least expensive, but private, option must be selected). Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City of Rockaway Beach.

As part of each employee's official compensation package, employees may retain any travel benefit program rewards such as frequent flier miles for the employee's own personal use. If the employee receives such travel benefit awards for their personal use, the employee may need to report the value of such rewards for income tax purposes. If an employee receives compensation from a carrier for delay or cancellation of travel, or similar situation, the employee may retain such compensation for delay or cancellation provided there was no increased cost to the City of Rockaway Beach. Any vouchers for unused transportation or lodging paid for by the City of Rockaway Beach are the property of the City of Rockaway Beach.

## I. Payroll Policies

You will be paid monthly. For hourly (non-exempt) employees, "month" is defined as the 26<sup>th</sup> to the 25<sup>th</sup>, and those are the dates you should report on your timecard. Salaried exempt employees shall report time off due to vacation, holidays and sick leave on the cut-off date established by the Finance Director.

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

A draw check can be requested in writing for up to the amount of net pay earned up to the 10<sup>th</sup> of the month. A draw is not advanced pay for the time not yet worked. Draw checks are issued on the 15<sup>th</sup> day of the month, unless the 15<sup>th</sup> day of the month falls on a holiday or weekend, in which case draw checks shall be available the final work day prior to the holiday or weekend.

Beginning December 2024, the City intends to transition to a bi-weekly pay schedule, subject to collective bargaining agreements. Since you will be paid every other week, draw check requests will no longer be permitted.

Net pay will be directly deposited into the employee's bank account, unless an employee requests otherwise. If an employee requests to pick up their paycheck from City of Rockaway Beach, only the employee named on the paycheck will be allowed to do so unless the employee provides written permission to City of Rockaway Beach for someone else to receive the check.

## J. Statement Regarding Pay Practices

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

calculate your wages in any way, you must immediately report the error to the Finance Director or City Manager. The City of Rockaway Beach will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination for reporting an error or complaint regarding the City of Rockaway Beach's pay practices.

See also "Statement Regarding Pay Equity" policy, above.

## K. Reporting Changes to an Employee's Personal Data

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

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

Employees may not intentionally withhold information from City of Rockaway Beach about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, City of Rockaway Beach may require employees to provide proof of marital status/domestic partnership status. Employees who violate this policy may be subject to discipline, up to and including termination.

## L. Performance Reviews

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

City of Rockaway Beach's goal is to provide an employee with their first formal performance evaluation within six months after hire or promotion. After the initial evaluation, the City of Rockaway Beach will strive to provide a formal performance review on an annual basis.

Reviews will generally include the following:

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

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed no later than 30 days following the date the performance evaluation was received.

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

### **III. Time Off and Leaves of Absence**

#### **A. Attendance, Punctuality and Reporting Absences**

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

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

#### **B. Vacation**

It is the policy of City of Rockaway Beach to provide each full-time employee with vacation time on a periodic basis. The amount of vacation to which an employee becomes entitled is determined by the employee's length of service as of their employment anniversary date. For regular, full-time employees not under a collective bargaining agreement or contract of employment, vacation accrues as follows:

<b><u>Years of Service</u></b>	<b><u>Accrual Rate</u></b>
0-2	6.67 hrs monthly
3-5	8.00 hrs monthly
6-10	10.00 hrs monthly
11-14	12.00 hrs monthly
15-20	14.47 hrs monthly
Start of the 20 <sup>th</sup> year and after	16.67 hrs monthly

Regular, part-time employees earn vacation on their employment anniversary date in the proportion that their normally scheduled number of hours bears to 40 per week.

#### **Vacation Pay Upon Termination**



Upon separation of employment, unless otherwise specified in a collective bargaining agreement or contract of employment, employees who have completed six months of employment will be paid for a maximum of 250 hours of unused vacation time that has been earned through the last day of work.

### C. Sick Leave

The City of Rockaway Beach provides eligible employee with paid sick leave in accordance with Oregon's Sick Leave Law. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law.

Employees with questions about this policy may contact the Finance Director. Please also refer to the Oregon Sick Leave Law poster that is posted in each City department's headquarters and is incorporated here by reference.

#### Eligibility and Accrual of Paid Sick Leave

Under Oregon's Sick Leave Law and this policy, "employee" includes part-time, full-time, hourly, salaried, exempt and non-exempt employees

Employees begin to accrue paid sick leave on the first day of employment but may not use paid sick leave until the 91<sup>st</sup> day of employment. After the 91<sup>st</sup> day of employment, paid sick leave may be used as it is accrued.

Employees may accrue and use up to 40 hours of paid sick leave per calendar year. Paid sick leave shall accrue at the rate of one hour for every 30 hours worked until the 40-hour yearly accrual cap is reached. Paid sick leave shall be taken in hourly increments.

#### Pay Rate and Carryover

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

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

#### Use of Sick Leave

Paid sick leave may be used for any of the following reasons:

1. For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or their covered family member.
  - a. "Family member" means the employee's:
    - Spouse or registered domestic partner;
    - Child or the child's spouse or registered domestic partner;
    - Sibling or stepsibling or the sibling's or stepsibling's spouse or registered domestic partner;

- Grandparent or the grandparent's spouse or registered domestic partner;
  - Grandchild or the grandchild's spouse or registered domestic partner; or
  - Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
2. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
  3. If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault, stalking or bias crime as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).
  4. In the event of certain public health emergencies or other reasons specified under Oregon's sick leave law.

Employees absent from work for one or more of the qualifying reasons above must use accrued sick time hours for that reason and on each subsequent day of absence.

#### Employee Notice of Need for Sick Leave

*Foreseeable Sick Leave.* If the need for sick leave is foreseeable, an employee must notify their immediate supervisor as soon as practicable before the leave begins. Generally, an employee must provide at least 5 days' notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of City of Rockaway Beach. Employees must notify their supervisor of any change in the expected duration of sick leave as soon as is practicable.

*Unforeseeable Sick Leave:* If the need for sick leave is unforeseeable, the employee must notify their immediate supervisor as soon as practicable and comply generally with City of Rockaway Beach's call-in procedures. See Section III (A) above.

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

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

#### Sick Leave Documentation

If an employee takes more than three consecutive scheduled workdays as sick leave, the City of Rockaway Beach may require reasonable documentation showing that the employee was absent for an approved reason and for future absences. Reasonable documentation includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault, bias crimes, or stalking.

## Sick Leave Abuse

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

## D. Holidays and Floating Holidays

The City of Rockaway Beach recognizes the holidays listed below. All full-time employees will receive their regular straight-time compensation for each holiday. Regular part-time employees receive pay for each designated holiday in the proportion that their normally scheduled number of hours equals 40 hours per week.

The holidays celebrated are:

1.	New Year's Day	Jan. 1 <sup>st</sup>
2.	Martin Luther King Jr. Day	3 <sup>rd</sup> Monday in January
3.	Presidents' Day	3 <sup>rd</sup> Monday in February
4.	Memorial Day	Last Monday in May
5.	Juneteenth	June 19 <sup>th</sup>
6.	Independence Day	July 4 <sup>th</sup>
7.	Labor Day	First Monday in September
8.	Veteran's Day	Nov. 11 <sup>th</sup>
9.	Thanksgiving Day	4 <sup>th</sup> Thursday in November
10.	Christmas Day	Dec. 25 <sup>th</sup>

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

### Floating Holidays

Each employee shall be credited two (2), or three (3) for Public Works, additional days off with pay (known as "floating holidays") on January 1<sup>st</sup> of each year. All unused floating holiday time expires on December 31<sup>st</sup> of each year.

Employees must coordinate requests for floating holidays with their manager.

Employees who begin employment after January 1 receive a pro-rated number of floating holidays. See the Finance Director for more information.

## E. Family Medical Leave

### Statement of No FMLA/OFLA Coverage

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

One exception is that City of Rockaway Beach will honor requests from eligible employees to take a leave of absence under the Oregon Military Family Leave Act. Thus,

during a period of military conflict, as defined by law, eligible employees with a spouse or registered domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces ("Military Spouse"), and who has been notified of an impending call or order to active duty (or who has been deployed) is entitled to a total of 14 days of unpaid leave per deployment after the Military Spouse has been notified of an impending call or order to active duty and before deployment and when the Military Spouse is on leave from deployment. To be an eligible employee and entitled to this leave, the employee must have worked an average of 20 hours per week prior to beginning the requested leave.

## F. Paid Leave Oregon (PLO)

Paid Leave Oregon (PLO) is a state-run program, administered by the Oregon Employment Department (OED), that allows eligible employees to take up to 12-weeks of paid time off per benefit year, for the following reasons:

- **Family leave** – for an employee to care for an eligible family member with a serious illness or injury, or to bond with a new child after birth, adoption, or foster care placement.
- **Medical leave** – for an employee experiencing their own serious health condition or disability due to pregnancy.
- **Safe leave** – for an employee or eligible child dependent experiencing issues related to sexual assault, domestic violence, harassment, bias, or stalking.

The Paid Leave program also allows employees to take an additional two (2) weeks of Paid Leave for pregnancy, childbirth, or related medical conditions.

An additional four (4) weeks of unpaid leave is also allowed for other OFLA-protected reasons if the employee is eligible under OFLA.

### Notification Requirements

Although the Paid Leave Oregon program is administered by the Oregon Employment Department (OED), employees are required to notify the City of Rockaway Beach when they have applied for leave.

*Foreseeable Leave:* If the need for Paid Leave is foreseeable or planned, the employee is required to provide their supervisor with at least 30 days' written notice before paid leave begins.

*Unforeseeable:* If the need for Paid Leave is unforeseeable or unplanned, an employee is required to provide oral notice to their supervisor within 24 hours of the start of the leave, and the employee must also provide written notice within three (3) days after the start of the leave.

Written notice must include the employee's first and last name, type of leave, explanation of the need for leave, and anticipated timing and duration of leave. Timing and duration of leave should include the employee's plan for taking leave on an intermittent basis (and the proposed schedule) or in one block of time.

If the employee's dates of scheduled leave change, are extended by the PLO program, or if the reason for leave becomes known and/or, if circumstances change during the

leave and the leave period differs from the employee's original notice, the employee must notify their supervisor within three business days, or as soon as possible.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees are expected to comply with the City of Rockaway Beach's normal call-in procedures.

***Under Oregon law, an employee who fails to follow these notification requirements may receive reduced PLO benefits; specifically, the first weekly benefit amount will be reduced by 25 percent (the penalty calculated for leaves that are taken in increments of less than a full work week differs). See OAR 471-070-1310(9) and (10).***

#### Accrued Leave and Holiday Pay While on Leave

Employees using accrued leave in addition to receiving PLO benefits will continue to accrue sick, vacation, or other employer-provided leave, and receive holiday pay. Employees who do not use accrued leave while on a Paid Leave will not accrue sick, vacation, or other employer-provided leave, and will not receive holiday pay.

#### Benefits While on Leave

If an employee is receiving Paid Leave benefits, the City of Rockaway Beach will continue the employee's healthcare, life, disability, and all eligible voluntary coverage, on the same terms as if the employee had continued to work. An employee wishing to maintain coverage when on Paid Leave is responsible for paying their share of premiums, the same as when premiums were paid by the employee, prior to receiving Paid Leave benefits.

#### Medical Certification Prior to Returning to Work

If an employee uses more than three consecutive scheduled workdays for their own serious health condition, prior to returning to work the employee must furnish medical certification from their healthcare provider stating that the employee is able to resume work.

#### Job Protection

Employees who worked for the City of Rockaway Beach for more than 90 consecutive calendar days prior to taking Paid Leave may be reinstated to their former position if the position still exists. If the position has been eliminated, the employee may be restored to a similar position with similar job duties with the same employment benefits and pay.

Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

Employees are expected to promptly return to work when the circumstances requiring Paid Leave have been resolved. If an employee does not return to work at the end of their Paid Leave, reinstatement may not be available.

Employees who work for other employers while taking PLO leave may be subject to discipline up to and including termination. Additionally, all employees who use PLO leave for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

### Use of Accrued Leave During Paid Leave

PLO benefits may not provide employees with 100% of their gross regular wages. Employees receiving PLO benefits may choose to request accrued paid leave (sick, vacation, paid time off, etc.), and/or comp time up to 100% of the employee's regular gross wage. When PLO Benefits and supplemental employer compensation are added together, the amount paid cannot exceed the employee's regular gross monthly wage. To request use of employer compensation, employees are required to complete, sign, and then submit, a Time Off Request Form along with their PLO Benefit Determination Letter, no later than the last date and time the City of Rockaway Beach requires employees' regular payroll submissions to be submitted. The City of Rockaway Beach will then determine the amount of accrued leave and/or other eligible compensation needed, to equal 100% of the employee's regular gross wages. Failure to complete, sign, and return the Time Off Request Form to their supervisor in a timely manner may result in the employee not being allowed to use employer compensation to supplement PLO benefits.

### Complaint Procedure

The City of Rockaway Beach prohibits retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested, or used Paid Leave.

### Who to Contact for More Information

For more information, or if you have questions about the Paid Leave Oregon policy, contact the Finance Director.

For more information about the PLO program, including steps for applying for PLO benefits and contact information, go to <https://paidleave.oregon.gov/>

A poster with Paid Leave Oregon information, including information about how to apply for benefits is posted at City Hall, the Fire Department, and Public Works.

## G. Leave Donation

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

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

Employees seeking donated leave must provide the City of Rockaway Beach with medical verification of the need for the time off, which includes a certification of the

employee's or family member's medical emergency and need for time off, and an estimated return-to-work date (if any).

An employee who is receiving, or is eligible to receive, any type of retirement disability, short-term or long-term disability, or other supplemental income is not eligible to receive donated leave. An eligible employee must apply for the City of Rockaway Beach-offered short-term disability, if available, and long-term disability benefits.

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

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

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

## H. Bereavement Leave

Under this policy, "Family Member" means the employee's:

- Spouse or registered domestic partner;
- Child or the child's spouse or registered domestic partner;
- Sibling or stepsibling or the sibling's or stepsibling's spouse or registered domestic partner;
- Grandparent or the grandparent's spouse or registered domestic partner;
- Grandchild or the grandchild's spouse or registered domestic partner; or
- An individual related by blood or affinity whose close association with an employee taking bereavement leave is the equivalent of a family relationship.

Up to 40 hours of bereavement leave will be granted to full-time employees. This leave is provided to employees who have experienced the death of a family member. Requests for bereavement leave must be made to the employee's immediate supervisor before the leave is to begin

## I. Jury and Witness Duty

### Jury Duty

City of Rockaway Beach will grant employees paid time off for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's manager to verify the need for such leave. The employee shall remit to the City any compensation received for such duties, excluding compensation received for mileage and lodging.

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

## Witness Duty

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

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

## J. Religious Observances Leave and Accommodation Policy

The City of Rockaway Beach respects the sincerely held religious beliefs and observances of all employees. The City of Rockaway Beach will make, upon request, an accommodation for such beliefs and observances when a reasonable accommodation is available that does not create an undue hardship on City of Rockaway Beach's business. Employees may use vacation or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with your supervisor, and may require information from the employee in support of the request for accommodation or leave.

## K. Crime Victim Leave Policy

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

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

Employees who are eligible for crime victim leave must:

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

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



## L. Domestic Violence Leave and Accommodation Policy

All employees are eligible for reasonable unpaid leave to address domestic violence or the crimes of harassment, sexual assault, bias or stalking (either the employee or the employee's minor dependents).

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

Leave is generally unpaid, but the employee may use any accrued vacation or sick leave while on this type of leave. Employees should also determine whether Paid Leave Oregon may provide pay during this type of leave. See the "Paid Leave Oregon" policy for more information.

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

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

If more leave than originally authorized needs to be taken, the employee should give the City of Rockaway Beach notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give verbal or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee's behalf.

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

## M. Military Leave

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

Further, eligible employees called for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, may be entitled to leave with pay for all regular workdays that fall within a period not to exceed 15 calendar days in any federal training

year. Weekend drill obligations are not considered “federal active duty” for training under this policy; other requirements apply. Please contact the Finance Director for more information and to make arrangements for this paid leave.

## **IV. Employee Benefits**

### **A. Healthcare Benefits**

Employees who meet the definition of “benefit eligible” under both City of Rockaway Beach policy and that of its health insurance provider are entitled to the benefit options offered by City of Rockaway Beach. Generally speaking, that means City of Rockaway Beach offers medical insurance for all of its regular, full-time employees unless otherwise established by law

Insurance coverage becomes effective on the first day of the month after date of hire. The City of Rockaway Beach pays a portion of the cost of coverage for its regular, full-time employees and their dependents. The percentage of City paid health benefits is determined by the CBA. Part-time employees are not eligible for health-insurance coverage.

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

### **B. Employee Assistance Program (EAP)**

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

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

More information regarding this service can be obtained by contacting the Finance Director or you can contact Canopy directly at 1-800-433-2320, or at [www.canopywell.com](http://www.canopywell.com).

### **C. Workers' Compensation and Safety on the Job**

You are protected by workers' compensation insurance under Oregon law. This insurance covers you in case of occupational injury or illness by providing, among other things,

medical care and compensation and temporary or other disability benefits. Employees are expected to work safely and in a safe environment.

#### Steps to Take if You are Injured on the Job

If you are injured on the job, the City of Rockaway Beach wants to know about it and expects to learn about it no later than 24 hours after your injury (report all work-related injuries to your supervisor).

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

1. Report any work-related injury to your supervisor. You must report the injury no later than 24 hours after the injury.
2. Seek medical treatment and follow-up care if required.
3. Promptly complete a written Employee's Claim Form (Form 801) and return it to the Finance Director.

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

#### Salary Continuation

Employees may use accrued vacation or sick leave to make up the difference between time-loss and regular wages.

#### Return to Work

If you require workers' compensation leave, the City of Rockaway Beach will strive to reemploy you in the most suitable vacant position available at the conclusion of that leave. However, you must first submit documentation from a healthcare provider who is familiar with your condition certifying your ability to return to work and perform the essential functions of the position.

When returning from a workers' compensation leave you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position is eliminated, and no equivalent or comparable positions are available, then you may not be entitled to reinstatement. These are only examples, and all reinstatement/reemployment decisions are subject to the terms of any applicable collective bargaining agreement. City of Rockaway Beach does not discriminate against employees who suffer a workplace injury or illness.

#### Early Return-to-Work Program

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

The Return-to-Work program for job-related injuries consists of a team effort by City of Rockaway Beach, injured employees and their treating physicians, and our workers' compensation insurance carrier claims staff. The goal is to return our employees to full

employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

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

#### Overlap with Other Laws

City of Rockaway Beach will account for other leave and disability laws that might also apply to your situation, such as the Americans with Disabilities Act (ADA) or Paid Leave Oregon. If, after returning from a workers' compensation leave, it is determined that you are unable to perform the essential functions of your position because of a qualifying disability, you may be entitled to a reasonable accommodation, as governed by the ADA and/or applicable Oregon laws covering disabilities in the workplace.

#### **D. PERS (Public Employees' Retirement System) Benefits**

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

The City of Rockaway Beach will consider allowing PERS-eligible employees to retire from their employment with the City of Rockaway Beach and then rehiring them, as permitted under Oregon law. The City of Rockaway Beach will consider, among other factors, the uniqueness of the employee's skills or experience, the needs of the City of Rockaway Beach, and the ability of existing employees to perform the work of the retiring employee. Please see the City Manager for more information.

## **V. Miscellaneous Policies**

### **A. Alcohol/Drug Use, Abuse and Testing**

The City of Rockaway Beach works to maintain a safe and efficient work environment. An employee's on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

The City of Rockaway Beach expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective and efficient manner.

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

### Prohibited Conduct

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

- Possession, transfer, use or being under the influence of any alcohol while on City of Rockaway Beach property, on City of Rockaway Beach time, while driving City of Rockaway Beach vehicles (or personal vehicles while on City of Rockaway Beach business), or in other circumstances which adversely affect City of Rockaway Beach's operations or safety of City of Rockaway Beach employees or others.
  - The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on City of Rockaway Beach property, on City of Rockaway Beach time, while driving City of Rockaway Beach vehicles (or personal vehicles while on City of Rockaway Beach business), or in other circumstances which adversely affect City of Rockaway Beach operations or safety of City of Rockaway Beach employees.
  - The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree (see definition of "reasonable cause testing" below), and if the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.
  - As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.
- Bringing to City of Rockaway Beach property, or possessing, items or objects on City of Rockaway Beach property that contain any "controlled substance," including, for example, "pot brownies," "edibles," and candy containing marijuana. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to coworkers, members

of the public, or elected officials while on work time or on/in City of Rockaway Beach property.

- Bringing equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana or controlled substances, such as pipes, bongos, "vape" pens, smoking masks, roach clips, and/or other drug paraphernalia.
- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to City of Rockaway Beach property. This prohibition does not apply to employees who possess such items in connection with law enforcement work.

### Prescription Drugs and Medical Marijuana

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

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

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

### Testing

The City of Rockaway Beach reserves the right to:

- a. Subject applicants who are given a condition offer of employment in a safety-sensitive position to a drug and alcohol test;
- b. Test employees reasonably suspected of using drugs or alcohol in violation of this policy;
- c. Discipline or discharge employee who test positive or otherwise violate this policy; and
- d. Test employees when they: (1) cause or contribute to accidents that seriously damage a City of Rockaway Beach vehicle, machinery, equipment or

property; (2) result in an injury to themselves or another employee requiring offsite medical attention; or (3) when the City of Rockaway Beach reasonably suspects that the accident or injury may have been caused by drug or alcohol use.

### Reasonable Cause Testing

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

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

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

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

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

### Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on City of Rockaway Beach property or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, the City of Rockaway Beach may search any furniture, equipment or property provided by the City of Rockaway Beach to the employee, including but not limited to, clothes (uniforms), locker, toolbox, and desk. Employees should have no expectation of privacy in any property, equipment or supplies provided by the City of Rockaway Beach to employee.

### Employee Refusal to Test/Search

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

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

### Crimes Involving Drugs and/or Alcohol

Employees shall report the following within one business day of the event:

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

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

### Drug and Alcohol Treatment

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

An employee who believes they have a problem involving the use of alcohol or drugs should ask a supervisor or City Manager for assistance.

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



Although the City of Rockaway Beach recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance *before* drug or alcohol problems lead to disciplinary action. Once a violation of City of Rockaway Beach policy is discovered, the employee's willingness to seek City of Rockaway Beach or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

#### Discipline and Consequences of Prohibited Conduct

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

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

#### Confidentiality

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

### **B. Mobile Devices Policy**

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

#### Cell Phones and Mobile Devices in General

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

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

#### Employee Use of City of Rockaway Beach - Provided or Paid for Mobile Devices

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

allowance to employees who regularly make calls on behalf of the City of Rockaway Beach away from the office (see supervisor for more information).

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

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

#### Mobile Devices and Public Records

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

#### Employee Use of Mobile Devices with Cameras

Cameras of any type, including mobile devices with built-in cameras and video photography options, may not be used by employees during working hours, or at any City of Rockaway Beach-sponsored function unless authorized to do so by their supervisor.

#### Mobile Device Use While Driving

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

Employees are prohibited from using handheld cell phones for any purpose while driving on City of Rockaway Beach-authorized or City of Rockaway Beach-related business. This policy also prohibits employees from using a cell phone or other mobile device to send or receive text or "instant" messages or DMs while driving on City of Rockaway Beach business (other than those employees engaged in law enforcement work). Should an employee need to make a business call while driving, the employee must locate a lawfully designated area to park and make the call, unless the employee uses a hands-free cell phone or cellular device for the call. In either situation, such calls should be kept

short and should the circumstances warrant (for example, heavy traffic, bad weather), the employee should locate a lawfully designated area to park to continue or make the call, even if the employee is using a hands-free device. Violation of this policy will subject the employee to discipline, up to and including termination.

## C. Use of City of Rockaway Beach Email and Electronic Equipment and Services

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

### Ownership

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

### Use

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

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

Further, employees may not use City of Rockaway Beach-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). City of Rockaway Beach email addresses for professional-

based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

#### Inspection and Monitoring – No Right to Privacy

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

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

#### Personal Hardware and Software

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

#### Unauthorized Access

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by City of Rockaway Beach management. No employee can examine, change, or use another person's files, output, username or password unless they have explicit authorization from the City Manager to do so.

#### Security

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

#### Inappropriate Web Sites

The City of Rockaway Beach's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful, or other objectionable materials, or that would otherwise violate the City of Rockaway Beach's policies.

## D. Social Media

For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal, or diary, personal or commercial website, social networking website, web bulletin board or a chat room, whether or not associated or affiliated with City of Rockaway Beach, as well as any other form of electronic communication.

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

### Prohibited Postings

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

Do not create a link from your blog, website or other social networking site to an City of Rockaway Beach-owned or maintained website without identifying yourself as an City of Rockaway Beach employee.

Express only your personal opinions. Never represent yourself as a spokesperson for City of Rockaway Beach unless you are authorized by your manager/supervisor to do so. If the City of Rockaway Beach is a subject of the content you are creating, be clear and open about the fact that you are a City of Rockaway Beach employee and make it clear that your views do not represent those of the City of Rockaway Beach or its employees or elected officials.

### Encouraged Conduct

Always be fair and courteous to coworkers, the residents we serve, City of Rockaway Beach's employees and elected officials, and suppliers or other third parties who do business with the City of Rockaway Beach.

Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your coworkers, or by utilizing our Open-Door Policy, than by posting complaints to a social media outlet. If you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, coworkers, City of Rockaway Beach employees or elected officials, that might constitute harassment or bullying, and/or that violate City of Rockaway Beach policies. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual's personal or professional reputation,

posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City of Rockaway Beach policy.

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

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

#### Request for Employee Social Media Passwords

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

Nothing in this policy prohibits the City of Rockaway Beach from requiring an employee to produce content from their social media or internet account in connection with a City of Rockaway Beach-sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

### E. Confidential City of Rockaway Beach Information

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

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

## F. Ethics

City of Rockaway Beach believes in treating people with respect and adhering to ethical and fair business practices. Employees must avoid situations that may compromise their reputation or integrity, or that might cause their personal interests to conflict with the interests of the City of Rockaway Beach or the City of Rockaway Beach's residents.

City of Rockaway Beach's employees are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. Information on Oregon's ethics laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

If you have questions about whether an activity meets the City of Rockaway Beach's or Oregon's ethical standards, please talk with [Contact]. Employees who violate the Ethics Policy, or who violate Oregon ethics laws, may be subject to disciplinary action up to and including termination.

## G. Open-Door Policy

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

## H. Outside Employment

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

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

Employees may not accept outside employment that involves:

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

- The performance of an act that may later be subject to control, inspection, review or audit by the department for whom the employee works (or by a State agency); or
- Receipt of money or anything of value for performance of duties that the employee is required to perform for the City of Rockaway Beach.

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

## I. Criminal Arrests and Convictions

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

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

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

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

## J. Political Activity

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

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

## K. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the City of Rockaway Beach (see "Holidays" section, above), the City of Rockaway Beach is open for business on Mondays through Thursdays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make



one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the City Manager (or their designee) will decide whether to and to what extent the City of Rockaway Beach will close. In the event of a closure, management will notify staff via phone, email, or text.

In the event of extreme bad weather, we recognize that each employee's ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you should contact your manager. If staff cannot reach the office and are able to serve City of Rockaway Beach from home, you should do so subject to approval by your manager or supervisor. Safety and a trustworthy approach are your guides.

## L. Driving While on Business

Employees working in positions where driving is an essential function of their duties must possess a valid driver's license and must carry auto liability insurance on any personal vehicles used to conduct City of Rockaway Beach business. Employees who use their own vehicles for authorized City of Rockaway Beach business use should make any necessary arrangements with their insurance carriers.

The City of Rockaway Beach may verify the validity of an employee's driver's license and/or driving record at the time of hire and at any point during their employment if driving is an essential function of their job or if so doing relates to a legitimate business purpose of City of Rockaway Beach. City of Rockaway Beach receives automated reports from the Department of Motor Vehicles (DMV) regarding its employees' driving records and notifies City of Rockaway Beach when there are transactions on an employee's driving record such as speeding tickets and citations.

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

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

## M. Workplace Violence

Threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person's life, health, well-being, family, or property will be dealt with in a zero-tolerance manner by the City of Rockaway Beach.

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

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

## N. Workplace Inspections – No Right to Privacy

This policy applies to inspections conducted by City of Rockaway Beach pursuant to policy, established practice or law unless otherwise addressed in a different policy in this Handbook or applicable collective bargaining agreement (CBA).

An City of Rockaway Beach-led inspection may include a search of any organization-provided property, such as desks, work areas, file cabinets, voicemail/phone systems and computer systems (including email accounts maintained by City of Rockaway Beach and internet browsing history). *Employees are strongly discouraged from storing personal items in the desks, lockers, work areas, file cabinets and other office equipment or furniture, as well as voicemail/phone and computer systems assigned to them by the City of Rockaway Beach; these areas are not private.*

## O. Smoke-Free Workplace

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

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

Employees who smoke must do so outside of City of Rockaway Beach's facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows. The City of Rockaway Beach has established employee smoking areas; please contact your supervisor for more information.

## P. Hiring of Family Members

Relatives of current employees, or individuals involved in an intimate personal or financial relationship with a current employee, are eligible for hire at the City of Rockaway Beach subject to the same selection and evaluation process and job requirements as any other

applicant. However, persons will not be hired or promoted into positions in which one family member (as defined by Oregon law) or person involved in an intimate personal or financial relationship, would fall under the direct line of supervision of the other family member or partner.

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

Policy violations including, but not limited to, failure to disclose a family relation, or an intimate personal or financial relationship, will be investigated by the City of Rockaway Beach. Policy violations may result in discipline, up to and including termination of employment. Supervisors and lead workers may be disciplined for taking employment actions based upon the relationship.

### Q. Prohibition on Secret Recordings

Employees may not obtain or attempt to obtain the whole or any part of a conversation by means of any device without first obtaining permission from all of the people in the conversation. This rule applies to the recording of conversations made during work hours, while at work-related functions, or in connection with work between or among employees, supervisors/managers, elected officials, or members of the public. It does not apply to conversations where there is no expectation of privacy, such as a City Council meeting, a Planning Commission meeting, and the like.

This policy does not apply to law enforcement employees who record conversations in connection with their official public safety duties. Nothing in this policy prohibits or restricts an employee's right under the federal or Oregon constitutions to make recordings outside of working hours or while not representing or working on behalf of City of Rockaway Beach. If anything in this policy contradicts existing CBA provisions on the recordings of personnel meetings, or Oregon or federal law that provide for lawful secret recordings, the CBA provision or law will apply.

Employees who secretly record meetings with supervisors, coworkers, elected officials, members of the public or others while on duty will be subject to discipline, up to and including termination of employment.

## **VI. Termination of Employment**

## A. Workplace Rules and Prohibited Conduct

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

- Falsification of employment, time or other City of Rockaway Beach records.
- Recording time worked of anyone other than yourself; allowing another employee to record your work time.
- Theft or the deliberate or careless damage or destruction of any City of Rockaway Beach property, or the property of any other employee, member of the public, vendor or third party.
- Unauthorized use of City of Rockaway Beach equipment, materials, or facilities.
- Provoking a fight or fighting during work hours or on City of Rockaway Beach property.
- Carrying firearms or any other dangerous weapon on City of Rockaway Beach premises at any time.
- Engaging in criminal conduct while at work.
- Causing, creating, or participating in a significant or substantial disruption of work during working hours on City of Rockaway Beach property.
- Insubordination, including but not limited to failure or refusal to follow the lawful orders or instructions of a supervisor or member of management.
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Failure to observe work schedules, including rest breaks and meal periods. Employees are expected to be at work on time, remain until the workday ends, and perform the work assigned to or requested.
- Sleeping on the job; faking illness or injury to avoid working.
- Excessive personal telephone calls or texting during working hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City of Rockaway Beach.
- Misrepresentation of City of Rockaway Beach policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City of Rockaway Beach. Employees may not use the City of Rockaway Beach's name, logo, likeness, facilities, assets, or other resources of the City of Rockaway Beach for personal gain or private interests.
- Violation of any safety, health, security or City of Rockaway Beach policy, rule, or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by City of Rockaway Beach or outside regulatory or legislative bodies.
- Failing to timely pay water/sewer/tax accounts with City of Rockaway Beach on time, and/or whose City of Rockaway Beach -provided services are disconnected. This includes, without limitation, situations where the employee writes a check to City of Rockaway Beach that is refused for payment due to non-sufficient funds.

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

## B. Corrective Action/Discipline Policy

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

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

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

## C. Retirement or Resignation from Employment

Employees choosing to resign or retire are asked to give City of Rockaway Beach as much notice as possible — preferably a minimum of two weeks. When giving two-weeks' notice, vacation, personal, or sick days should not be used in lieu of notice. Employees who do not give two-weeks' notice of their intent to leave City of Rockaway Beach will not be eligible for re-employment at a later date.

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

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

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

## D. References

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

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

## Employee Acknowledgement

Acknowledgment of Receipt of 2024 Personnel Policies – City of Rockaway Beach  
Employee Handbook

City of Rockaway Beach Employee Handbook – Adopted \_\_\_\_\_, 2024

I acknowledge that I have received and will read a copy of City of Rockaway Beach's 2024 Employee Handbook. I also understand that a copy of the Employee Handbook is available to me at any time to review in the Finance Director's or City Manager's office.

I understand that City of Rockaway Beach has adopted the Employee Handbook only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in City of Rockaway Beach's sole discretion. I also understand the Employee Handbook's control over any other contradictory statements, other than those found in applicable collective bargaining agreements. I acknowledge that the Personnel Policies/Employee Handbook are not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I understand that either City of Rockaway Beach or I may terminate my employment relationship at any time, for any lawful reason and with or without notice, unless my employment is covered under a collective bargaining agreement. Other than promises that may be found in that collective bargaining agreement, I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement.

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

During my employment with City of Rockaway Beach, I understand that it is my responsibility to remain informed about the policies as revisions, updates and new policies are issued, and to ask questions about any interpretation of any of the policies.

I have read this acknowledgement carefully before signing.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

The original of this document will be kept in the Employee's personnel file. A copy will be provided to the Employee upon request.



**TO:** Rockaway Beach City Council

**FROM:** Daniel Wear, Sustainable Northwest

**SUBJECT MEMO:** City of Rockaway Beach – Next Steps Towards Management of Jetty Creek Watershed

**DATE:** May 1, 2024

### **Discussion / Analysis**

The City of Rockaway Beach (CORB)'s current primary water supply comes from Jetty Creek, a stream which originates within a 1,300-acre forested watershed located 3 miles north of CORB. The watershed itself is nearly 100% forested, and currently owned and managed between two different timber companies, Nuveen Natural Capital (formerly Greenwood Resources) and Stimson Lumber Company. Prior management and harvest activities in the 1,300-acre watershed took place without input from CORB.

In the past year, CORB has identified a goal of acquiring the Jetty Creek Watershed from the current landowners. In doing this, multiple steps should be taken by CORB, to ensure that an acquisition remains possible. These three steps include the following:

1. The request for support of the development of a forest stewardship plan, to be supported by Oregon Health Authority.
2. The creation of a Letter of Intent, between the City of Rockaway Beach and Nuveen Natural Capital.
3. The submission of a proposal for the Forest Legacy Program, via Oregon Department of Forestry.

### **Letter of Intent – Drinking Water Source Protection (DWSP) Grant – Oregon Health Authority**

On Friday, April 19, CORB applied for funding from the Oregon Health Authorities Drinking Water Source Protection Program. This proposed project requested funding for two main items. The development of a forest stewardship plan for within the Jetty Creek Watershed, and the cost of an appraisal of the Lower Portion of the Jetty Creek Watershed.

The development of a forest stewardship plan is highly important for the CORB. When created, this plan will identify how forestland should be managed by the CORB's identified goal of water quantity and quality protection. The submitted application included additional funding to support community engagement efforts. These efforts will allow selected community members to participate in the development of a forest management plan, to ensure that any developed plan will align with the goals of the city. If funded, this stewardship plan will likely be developed during 2025, and will be useful to manage any portions of the watershed that end up in CORB ownership. The second aspect of this application requested support for a Yellow Book Appraisal for the lower half of the Jetty Creek Watershed (currently owned by Nuveen Natural Capital). A Yellow Book Appraisal is vital for any land acquisition project, as this will better identify the value of the





forestland being considered for sale to CORB. If funded, this appraisal will ensure that any acquisition funding requested from State or Federal partners will be accurately represented.

Both items will make any future applications for funding significantly more competitive, as these items will show the preparation that CORB is undergoing to ensure that the Jetty Creek Watershed acquisition effort will be a successful project. If funding is not received for the forest stewardship plan and property appraisal from the OHA DWSP Fund, CORB should continue to pursue avenues to support the implementation and development of these items.

### **Letter Of Intent – Nuveen Natural Capital**

The next important item that CORB should produce for the Jetty Creek Watershed acquisition effort is a letter of intent. This letter of intent (LOI), which would formalize CORB's intention of acquiring forestland within the Jetty Creek Watershed from the current landowner of the lower 595-acres of the Jetty Creek Watershed, Nuveen Natural Capital (Nuveen). By signing an LOI with Nuveen, CORB will be able to operate with more certainty that the goal of CORB to acquire the watershed aligns with the intention of Nuveen to sell the property. This LOI will also signify to State and Federal agencies that a strong relationship is in place between Nuveen and CORB, and that there is a willing seller of the property. Commitment from a willing seller is required to pursue any public funding for land acquisition.

### **Forest Legacy Program**

CORB should pursue funding for the Jetty Creek Watershed through the Forest Legacy Program, a federally administered program, managed by the United States Department of Agriculture (USDA)'s – Forest Service. This funding program is awarded annually and is meant to support forestland acquisition projects for privately owned forests lands facing “threats to conversion to non-forest use by urbanization, rural residential development, parcelization and other development pressures” (see referenced document – Forest Legacy Program Application). This application, due on June 28, 2024, to the Oregon Department of Forestry, can fund upwards of \$5 million to relevant projects, and requires a 25% non-federal match to any funding awarded. The Jetty Creek Watershed Acquisition project aligns well with the goals of Forest Legacy Program, specifically those identified by the Priority Issues of water quantity and quality, as identified in the [State of Oregon's 2021 Forest Action Plan](#).

This funding program is one of multiple federal funding opportunities which could support the acquisition of forestland within the Jetty Creek Watershed. If pursued, the Forest Legacy Program would support a majority of the acquisition cost associated with purchasing forestland within the Jetty Creek Watershed.



Daniel Wear, Forest Program Manager, Sustainable Northwest.

**CC:** Luke Shepard, City Manager  
Charles McNeilly, Mayor

**Referenced Document:**

1. Forest Legacy Program Instruction, ODF



## OREGON FOREST LEGACY PROGRAM

### Application Instructions



**IRA Round 2 Project Applications are due by 5:00 PM, March 22, 2024.**

**LWCF Project Applications are due by 5:00 PM, June 28th, 2024.**

#### Program Background

[Oregon's Forest Legacy Program](#) addresses privately owned forestlands that face threats to conversion to non-forest use by urbanization, rural residential development, parcelization and other development pressures. Forest Legacy provides funds to protect environmentally important forestland threatened to conversion to non-forest use through either conservation easement or fee-title acquisition. The goal of the Program is to maintain working forests that conserve important commodity as well as non-commodity forest resources and conservation values including water flows and quality; fish and wildlife habitat (especially for threatened and endangered species); stores of carbon; public access; and biodiversity. In addition, the Forest Legacy Program promotes stewardship and sustainable management. All properties entered into Oregon's Forest Legacy Program – either through conservation easement, fee acquisition or donation – have their forest resources and conservation values protected and managed in accordance with a State Forester approved Multi-Resource Management Plan. The Program operates in areas where forests may be lost to non-forest uses and seeks projects that strengthen local communities through state, local and private partnerships in conservation. Landowner participation in the Forest Legacy Program is voluntary.

A Forest Legacy Program project is the nomination of one or more tracts or parcels of private forestland for Forest Legacy Program funding – either for fee title acquisition held by a state or local government entity or for a conservation easement granted to a state or local government entity. Nominations must be submitted voluntarily through the private forest landowners involved or through a third-party that has obtained the explicit consent of the private forest landowners involved.

To be eligible, properties must be in private ownership and located within an [Oregon Forest Legacy Area](#). In addition, all nominated properties must, by the time of acquisition closing, be managed under a State Forester approved Multi-Resource Management Plan. Awarded Forest Legacy Program funds must be matched with approved non-federal funds of at least 25% of the total funds used (Forest Legacy Program funds plus non-federal matching funds). Landowners or third-party organizations are responsible for securing the 25% non-federal matching funds. See Oregon's Forest Legacy Program Eligibility Criteria (page 12) or [Forest Legacy Program Guidelines](#) for additional information on project eligibility.

Forest Legacy Program project must be held-in fee title or conservation easement-by a government entity as defined by the [Forest Legacy Program Guidelines](#). Projects should have an identified and committed government entity willing to hold the interest in lands at application. Proposed projects where ODF would be the government entity holding title may require additional vetting at the project consultation phase and are encouraged to communicate with ODF as soon as possible.



## OREGON FOREST LEGACY PROGRAM Application Instructions



### IRA Funding

Each state is limited to up to five project submissions in each round for IRA funding consideration within the following project categories; further defined in the [FY24 IRA Project Scoring Guidance](#).

1. One Large Landscape project (not to exceed \$50 million per project)
2. One State-Tribal Partnership project (not to exceed \$50 million per project)
3. Three Strategic Small Tract projects (not to exceed \$1.5 million per project)

The USFS Forest Legacy Program Inflation Reduction Act Projects Proposal Submission Process and Scoring Guidance will guide Oregon's Forest Legacy Working Group within the Committee for Family Forestland in their evaluation of projects and recommendation on which project(s) ODF should submit for federal funding consideration. Potential applicants should coordinate with Oregon's Forest Legacy Program Administrator on potential project impacts based on the USFS Forest Legacy Program Inflation Reduction Act Projects Proposal Submission Process and Scoring Guidance.

### LWCF Funding

Each state is limited in the number of projects and total funding request as outlined in the USFS Forest Legacy Program Request for Proposals. It is anticipated that this will be released from USFS in late spring. For projects considered in FY25, states were limited to a total of 3 new projects not to exceed a total FLP funding request of \$20,000,000. The USFS Forest Legacy Program Request for Proposals will guide Oregon's Forest Legacy Working Group within the Committee for Family Forestland in their evaluation of projects and recommendation on which project(s) ODF should submit for federal funding consideration. Potential applicants should coordinate with Oregon's Forest Legacy Program Administrator on proposed project impacts based on the USFS Forest Legacy Program Request for Proposals and [Scoring Guidance](#).

### For more information contact:

Oregon Department of Forestry  
2600 State St Bldg. D  
Salem OR 97310

**Christina Helige**  
Forest Legacy Program Administrator  
[christina.n.helige@odf.oregon.gov](mailto:christina.n.helige@odf.oregon.gov)  
503-302-7544

**Lori Bell**  
Small Forestland Owner Assistance & Incentives Manager  
[Lori.bell@odf.oregon.gov](mailto:Lori.bell@odf.oregon.gov)  
971-375-3046



# OREGON FOREST LEGACY PROGRAM

## Application Instructions



### PROJECT APPLICATION AND PROPERTY DESCRIPTIONS

- 1) Project Consultation– Interested landowners and third-party partners should schedule a project consultation with Oregon’s Forest Legacy Program Administrator to evaluate new potential projects. Prior to a project consultation, background documentation should be provided to Oregon’s Forest Legacy Program Administrator for review. Background documentation could include: a project map, project summary including how the project contributes to the goals of the Forest Legacy Program and meets the Scoring Criteria, preliminary title report if completed, commitment from eligible entity to hold title or interests in land and any other background information to evaluate the project eligibility, readiness, and compatibility with the Forest Legacy Program. If feasible, a site visit of the subject property can be valuable in assessing project compatibility as well as aid in the development of the Project Brief.

If the project’s land interest is desired to be held by ODF, this meeting would offer the opportunity to propose the project for ODF to consider their strategic interest in holding title. Additional information may be requested to facilitate ODF’s consideration in the project.

**IRA Round 2 Project Consultations should occur no later than March 15<sup>th</sup>, 2024.**

**LWCF Project Consultations should occur no later than May 15th, 2024.**

- 2) Project Application- Project application consists of Project Brief, map, property descriptions, landowner intent to apply for Forest Legacy funding letter and any other supporting documentation demonstration project readiness.

The project application materials are intended to mirror the federal project application process to focus on the evaluation criteria used for project funding and to provide enough background to ensure the project is eligible for FLP funding, has a reasonable amount of project readiness necessary to ensure the project can close within two years of funding and is compatible with the Forest Legacy Program goals and scoring criteria.

Project application materials should be electronically submitted to Oregon’s Forest Legacy Program Administrator, Christina Helige at [christina.n.helige@odf.oregon.gov](mailto:christina.n.helige@odf.oregon.gov).

NOTE: All project materials will receive feedback throughout the application process.

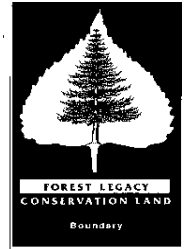
**IRA Round 2 Project Applications are due by 5:00 PM, March 22nd, 2024.**

**LWCF Project Applications are due by 5:00 PM, June 28th, 2024.**



# OREGON FOREST LEGACY PROGRAM

## Application Instructions



### PROJECT BRIEF

The project brief is intended to mimic the project information reviewed for Forest Legacy funding. The project brief is limited in both the type of information provided and how the information is provided. It is strongly suggested to follow the format described below. The project brief includes 5 elements: general description, importance, threatened, strategic and a single page map. More information on each of these criteria can be found in the [Forest Legacy Program Project Scoring Guidance](#) or the [IRA Projects Proposal Submission Process and Scoring Guidance](#).

**GENERAL DESCRIPTION:** The general description section is limited to 1250 total characters.

Provide a brief narrative overview of the proposed project. The goal of this section is to highlight the key attributes of the project and set the stage for the rest of the application. This section should include the general location of the property, whether the project is a fee-title acquisition or conservation easement purchase, and summary of why this project should receive funding.

**IMPORTANCE:** The importance section of the project brief should be limited to 20 bullets each 300 or less total characters.

This criterion focuses on the attributes of the property and the environmental, social, and economic public benefits gained from the projection and management of the property and its resources. Describe the specific attributes and resources of the property that contribute to the environmental, social and economic benefits arising from continued management of the property as forestland for forestry purposes. Highlight those attributes and resources that are of national significance. Describe how either public acquisition of the property (in the case of a fee title purchase nomination), or how the landowner and partners (in the case of a conservation easement nomination) will ensure conservation and sustainable management of the property's important forest resources in perpetuity.

To the extent applicable, address the following categories of importance:

- Economic Benefits from Timber and Potential Forest Productivity
- Economic Benefits from Non-timber Products and Recreation
- Threatened or Endangered Species Habitat
- Fish, Wildlife, Plants, and Unique Forest Communities
- Water Supply, Aquatic Habitat, and Watershed Protection
- Cultural/Tribal/ Historic
- Public Access • Scenic
- Carbon Sequestration/Climate Resilience/Adaptation to Climate Change



## OREGON FOREST LEGACY PROGRAM Application Instructions



**THREATENED:** The Threatened section of the project brief should be limited to 10 bullets each 300 or less total characters.

This criterion estimates the likelihood from conversion to non-forest use. Describe the threat and likelihood of the nominated property being converted to non-forest use. In doing so, describe the allowable development under all applicable comprehensive land use plans for the counties that the nominated property lies or properties lie within. In doing so, highlight specific steps or actions (e.g., development plans, permits, lot line adjustments, etc.) taken by the landowner, or expressed purchaser interests in the property, toward development. If appropriate, include the threat of parcelization -- the divesture of a single tract(s) under a single ownership into multiple tracts under multiple ownerships -- as parcelization can be an indicator of future private forestland loss to development or other non-forestry purposes.

Address the following:

- Lack of Protection
- Land and Landowner Circumstances
- Adjacent Land Use
- Ability to Develop

**STRATEGIC:** The Strategic section of the project brief should be limited to 10 bullets each 400 or less total characters.

This criterion reflects the project's relevance or relationship to conservation efforts on a broader perspective. Describe the nominated property's relevance or contribution to existing or emerging conservation initiatives (e.g., the Oregon Conservation Strategy) or proximate forestlands that are already being managed in perpetuity for forestry purposes (e.g., public forestlands and other forestlands being conserved through conservation easements or acquisition by land trust organizations). Identify by name the local, regional and/or statewide conservation initiatives and/or proximate forestlands that would be best served by continued management of the property as forestland for forestry purposes. Focus should be placed on conservation initiative that would be significantly advanced by the conservation of the project. Additionally, describe how the project is strategically linked to enhance already protected lands.

The submitted project map should support this category and it is important to make sure the text and map are consistent. See [Recommendations for the Project Brief Map](#).



## OREGON FOREST LEGACY PROGRAM Application Instructions



### IRA PROJECT SPECIAL EMPHASIS CRITERIA:

#### **Large Landscape Projects:**

- 1) High impact – exceptional economic, social, and environmental benefits and high strategic importance in a priority landscape aligned with National Core Criteria (as described in proceeding sections). Applicants should expand on the exceptional quality and unique strategic benefits of the proposed project to supplement the information provided under the National Core Criteria (Strategic, Threatened, Important).
- 2) National goals - significant contributions to one or more of the following national goals:
  - a. Climate resilience
  - b. Carbon sequestration
  - c. Habitat connectivity
  - d. Benefits for disadvantaged or Tribal/indigenous communities
- 3) High leverage – projects with higher non-federal cost share than the minimum required of 25 percent will be given greater consideration.
- 4) Efficiency of scale – a large investment now will be more cost effective and efficient than phasing over time.
- 5) High readiness and capacity – States will need to demonstrate high readiness and capacity for successful project implementation within 3 years of grant award. Recent performance and current capacity will be carefully considered.
- 6) Stewardship Capacity – State has sufficient funding and plans in place for long term monitoring and stewardship of this large acreage project

#### **State-Tribal Partnership Projects:**

- 1) Active Engagement of Tribes – Meaningful support and involvement of Tribes (beyond letters of support) in the design, implementation, and stewardship of the project.
- 2) Strong Partnerships – Establishes or enhances long-term, stewardship-oriented relationships between States and Tribes. There is legal certainty and clarity around the agreement to co-manage the land.
- 3) Tribal/Cultural Values – Supports the protection of tangible or intangible cultural resources and/or traditions. The State and Tribe will work together to manage public Enclosure 1 9 access to protect cultural resources and traditions. Tribal members will have access to the property for cultural purposes.





## OREGON FOREST LEGACY PROGRAM Application Instructions



- 4) National goals - contributions to one or more of the following national goals:
  - a. Climate resilience
  - b. Carbon Sequestration
  - c. Habitat connectivity
  - d. Benefits for disadvantaged or Tribal/indigenous communities
- 5) High readiness and capacity – States will need to demonstrate high readiness and capacity for successful project implementation within 3 years of grant award.
- 6) Co-Management – Provides for long-term Tribal engagement and co-management in stewardship of the project area. Management plans should incorporate traditional indigenous ecological knowledge/practices to reflect joint-stewardship.

### **Strategic Small Tracts:**

- 1) High strategic value – Inholdings or adjacent properties to already conserved lands (lands held in federal, state, or local public ownership; conservation easements, etc.), including tracts that complement previous program investments.
- 2) National goals - contributions to one or more of the following national goals:
  - a. Climate resilience
  - b. Habitat connectivity
  - c. Benefits for disadvantaged communities
- 3) Public access – Public access is expected, with the goal of enhancing public access to existing protected lands where applicable and strategic.
  - Public Access is access provided on a non-discriminatory basis at reasonable times and places but may be limited to protect cultural and natural resources or public health and safety.
  - Exceptions to the public access expectation will be rare and based upon justification of other applicable strategic values (habitat connectivity, protection of cultural/natural resources, and/or lack of public access on adjacent protected parcels, etc.)
- 4) High readiness and capacity – States will need to demonstrate high readiness and capacity for successful project implementation within 12 months of grant award.
- 5) Stewardship capacity – State has sufficient funding and plans in place for long term monitoring and stewardship of small tracts with multiple landowners



## OREGON FOREST LEGACY PROGRAM

### Application Instructions



**PROPERTY DESCRIPTION** -- Attach a one-page Property Description for each tract or parcel included in the project application.

Summary of project: For each tract include:

- Project Category: Large Landscape, State-Tribal Partnership, etc
- Forest Legacy Program funding request (A Market Analysis is required to support requested funding level)
- Cost-share funding-include if it is committed or anticipated, if cost-share grant funding include grant funding source and anticipated timing of funding award,
- Tract acres
- If the project can be phased or it is anticipated to be a multi-phased project include future phase details

Example Summaries:

Year of Funding	<u>Project Phase(s)</u> <u>(I, II, III, ...)</u>	<u>FLP Federal Request (\$)</u>	<u>Non-Federal Match (\$)</u>	<u>Source of Match</u>	<u>Total Project Funds(\$)</u>	<u>Total Project Acres</u>
FY 2025						
FY 2026						
FY 2027						
Total						

Year of Funding	FLP IRA Funding Category	Tract Name	FLP Federal Request (\$)	Non-Federal Match (\$)	Source of Match	Total Project Funds (\$)	Total Project Acres
FY24 IRA Round 2							

- |  |  |
|--|--|
| 1) Name of the tract                     | 2) Landowner(s)  |
| 3) County                                | 4) Tax Lot #(s)  |
| 5) Acres                                 | 6) Legal Description                                       |
| 7) County Zoning and Tax Designation     | 8) Ownership of Mineral Rights (indicate if unknown)       |
| 9) Structures on the property            | 10) Existing Easements and Right of Ways                   |
| 11) Congressional District               | 12) Forest Legacy Program Funds Requested                  |
| 13) Percent of Property that is Forested | 14) Entity Intended to hold title (either fee title or CE) |

Include other information such as any special or unique circumstances affecting title to the property or the ability of the property to enter the Forest Legacy Program such as existing conservation easements, carbon and other ecosystem services obligations or contracts and other encumbrances on title and/or the location of know hazardous wastes.



## OREGON FOREST LEGACY PROGRAM

### Application Instructions



**LANDOWNER INTENT TO APPLY LETTER-** The Forest Legacy Program is a voluntary program. Many projects are submitted for funding consideration by third parties-such as land trusts and conservation organizations. Letters of Intent to Apply should be signed and submitted by a legal representative of the landowner holding fee title interest to the property or properties being nominated; or include a letter signed by a legal representative of the landowner indicating permission for another entity to submit the Letter of Interest on the landowner's behalf. (Letters of Interest that include multiple parcels from multiple landowners need to have permissions from all participating landowners.) Letters of Intent to Apply should also detail which FLP eligible entity will hold title, either in fee simple or conservation easement, for the proposed project and, if available, include a letter of commitment from the FLP eligible entity affirming their desire to how title of the proposed parcels. The Letter of Intent to Apply should designate by name, and include contact information for, an individual responsible for completing the Forest Legacy Program application (Application Representative) for the nominated properties.

**Misrepresentation of a landowner's voluntary submittal or approval of the Letter of Intent to Apply will result in dropping the proposal from consideration for Forest Legacy Program funding.**

The Letter of Intent to Apply should cover the following:

- Documentation assuring the property and project meet the Forest Legacy Program eligibility criteria as outlined in the Forest Legacy Program Implementation Guidelines.
- A clear statement of the landowner's willingness and desire to voluntarily have the property become a part of Oregon's Forest Legacy Program.
- Describe the project's Readiness by indicating which of the following has been completed:
  - Cost Estimate Based on Completed Market Analysis or Preliminary Appraisal
  - Conceptual Agreement with Landowner on Acquisition or Easement Terms
  - The Amount of Secured Non-Federal Cost Share Funding
  - Signed Option or Purchase and Sale Agreement
  - Title Search
  - Minerals Determination
  - Forest Stewardship Plan (or Equivalent)

**MAP**—A project application should include a single project map. [See guidance for map best practices.](#)

**Previously Considered FLP Projects-** For projects previously submitted to ODF for Forest Legacy Funding consideration, applicants can utilize Forest Legacy Information System (FLIS) project briefs. A Landowner Intent to Apply letter should be submitted, indicating the landowner's continued voluntary interest in seeking FLP funds and their continued permission for representation by a third party, if applicable. Past applicants are encouraged to coordinate with Oregon's Forest Legacy Program Coordinator on project changes or developments as well as key application materials that might need updating.



## OREGON FOREST LEGACY PROGRAM Application Instructions



### APPLICATION REVIEW PROCESS

- 1) Develop Forest Legacy Information System (FLIS) Project Brief – Project brief can be input into FLIS or completed in a word document. The project brief should follow the most recent scoring criteria and standard practices for creating high quality project briefs (resources can be provided by Oregon’s Forest Legacy Program Administrator). The project brief becomes the primary document for assessing the qualities of the project. If the project has multiple phases or multiple tracts, please coordinate with the Forest Legacy Program Administrator on how to address the project in the Project Brief.
- 2) Submit Initial Project Application Materials by the due date - Initial project application materials: project brief, property description, map, and landowner’s intent to apply for FLP funding letter must be submitted by:

**IRA Round 2 Project Applications are due by 5:00 PM, March 22, 2024.**

**LWCF Project Applications are due by 5:00 PM, June 28<sup>th</sup>, 2024.**

- 3) Western States Regional Review (optional) – Project Briefs may be submitted for additional feedback and review through the Western project review process. This optional feedback opportunity offers input from Forest Legacy Program coordinators from the western Forest Service Regions (Regions 1, 2, 3, 4, 5, 6 and 10) for the purpose of improving the Project Briefs for consideration by the National Review Panel. Applicants will have the opportunity to further revise their Project Briefs to strengthen them for submittal to the National Review Panel. This is an optional opportunity for with dates TBD.
- 4) Presentation to the Forest Legacy Workgroup – The Application Representative, landowners (and other partners) are invited to present their DRAFT Project Briefs to the Forest Legacy Workgroup during their summer meeting (exact date TBD and will be coordinated with project partners). The Committee will provide feedback to all applicants on ways to strengthen their Project Briefs.
- 5) Supporting Materials – All supporting materials that the Application Representative would like to make available to the Forest Legacy Workgroup for their consideration in the review, evaluation and possible submittal and ranking for Forest Legacy Program funding must be received by the due date. This includes formal letters of support from all supporting organizations, entities, and individuals as well as any completed project readiness elements. Signed landowner testimony and permission after review of the final FLIS project brief should also be included.



## OREGON FOREST LEGACY PROGRAM Application Instructions



6) [Forest Legacy Workgroup Review, Evaluation and State Priority Ranking](#) – The Forest Legacy Workgroup will review and evaluate the revised Project Briefs. The Committee will make a recommendation to the Oregon Department of Forestry. The Department will notify applicants as soon as feasible after this meeting.

7) [The National Project Selection Process](#) requires that the final FLIS Project Briefs to be used by the National Review Panel be submitted by the following dates:

**IRA Round 2 final FLIS Project Briefs are due by May 10th, 2024.**

**LWCF Project Supporting Materials are due by mid-September 2024.**

(Exact date TBD when USFS releases their FY26 Request for Projects)

8) The National Review Panel will meet to make recommendations for project inclusion (and ranking) in the President's budget request for the Forest Legacy Program.

**All dates subject to change pending Forest Service Forest Legacy Project call for projects and separate programmatic timelines. All updates will be communicated to applicants as soon as known.**

### NEED ASSISTANCE?

Please contact the Oregon Department of Forestry: Christina Helige, [christina.n.helige@odf.oregon.gov](mailto:christina.n.helige@odf.oregon.gov) or Lori Bell, [lori.bell@odf.oregon.gov](mailto:lori.bell@odf.oregon.gov), with any questions, needed assistance or verification that your project is within a Forest Legacy Area.



## OREGON FOREST LEGACY PROGRAM Application Instructions



### Oregon Forest Legacy Program Project Eligibility Criteria

To be eligible for Oregon’s Forest Legacy Program, proposed project forestlands must meet the following criteria:

- Project must be located within one of Forest’s [Forest Legacy Areas](#) as identified in the current Forest Action Plan.
- Project must meet one of more of Oregon’s FLP goals as identified in the current [Forest Action Plan](#).
- Project must be privately owned (non-federal, state, or local government).
- Project must be 75% forestland (defined as land that is at least 10 percent occupied by tree canopy cover or capable of sustaining at least that level of tree cover).
- Project must be sponsored by a state agency or a land trust or conservation organization.
- Project must have an FLP eligible entity willing to hold title or interest in lands through conservation easement at acquisition.
- Project must have a minimum of 25% cash or in-kind, non-federal match available at acquisition. The FLP will fund up to 75% of total program costs (acquisition costs plus other allowable expenses).
- Landowners must agree to follow federal FLP acquisition requirements and implementation rules including:
  - The purchase price will be based upon a United State Federal Land Acquisition Standard appraisal which must be obtained following FLP requirements.
  - If FLP project is a conservation easement:
    - future management must be guided by a multi-resource management plan, with the stated purposes of maintaining, enhancing, and/or conserving in perpetuity the forestland and conservation values of the property.
    - Allowing annual monitoring for conservation easement (CE) compliance.

The Forest Legacy program is a willing seller, willing buyer and is the result of project negotiations. The sale of a Forest Legacy project-through fee title or interest in lands through a conservation easement-is strictly voluntary and eminent domain will not be used if negotiations do not result in an amicable agreement. Project partners should ensure this is upheld in all communication with the landowner.



# OREGON FOREST LEGACY PROGRAM

## Application Instructions



### LANDOWNER TESTIMONY AND PERMISSION

The information in the \_\_\_\_\_(insert FLP project name) application is true to the best of my knowledge and belief. I, as the landowner or landowner’s authorized representative (proof of authorization must accompany the application), agree to allow any needed inspection, appraisal and survey of the property being offered for consideration under the Oregon Forest Legacy Program. I agree to allow members of the Oregon Department of Forestry and FLP project partners to inspect my property at any reasonable time for the purposes of this application and the project. I understand that I shall be notified in advance of all inspection visits.

I also understand that the resource values identified by me in this application for protection will be used by the Oregon Department of Forestry to rank the project and consider for Forest Legacy Program funding consideration. Therefore, future protection and management of these resources are implied in the application and will be required in the easement (if applicable) and subsequent management plans. Substantial modifications of the intent set forth in this application will necessitate a review of the project and may jeopardize its selection and possible funding.

I also understand that this property (i.e., conservation easement or fee title acquisition) will not be purchased if negotiations do not reach an amicable agreement, or if the property does not meet the needs or questions of the Oregon Department of Forestry or if funding is unavailable. I understand that Forest Legacy Program projects will only be purchased from willing sellers.

I also understand that this application is only a request for the nominated property to be considered for the Oregon Forest Legacy Program and does not constitute an agreement to purchase. The Forest Legacy Program is a willing seller, willing buyer program.

Signature(s) of landowner(s) or legal agent, date

\_\_\_\_\_  
  
\_\_\_\_\_



## PROCLAMATION

### HIGH SCHOOL SENIOR RECOGNITION JUNE 2024

June is High School Graduation Month. It is an opportunity for increasing education, acknowledging the adverse situations being presented to graduating seniors and paving the way toward improving the quality of life for young people with a graduation diploma.

Families, friends, neighbors, and educators should encourage everyone to focus on the abilities of all young people, and honor their hard work; and

We encourage all citizens to support opportunities for graduating seniors in our community that include higher education, housing, employment and recreational activities.

NOW, THEREFORE, I Charles McNeilly, Mayor of Rockaway Beach, a municipal corporation in the County of Tillamook, in the State of Oregon, on behalf of the City Council, do hereby proclaim June 2024 as

### HIGH SCHOOL SENIOR RECOGNITION MONTH

within the City of Rockaway Beach. Throughout the City of Rockaway Beach, we urge and encourage all citizens to take time to get to know a graduating senior, recognize their aspirations and contributions and honor them and their journey of education.

IN WITNESS WHEREOF, and with the consent of the City Council of the City of Rockaway Beach, I have hereunto set my hand on this 12th day of June 2024.

---

Charles McNeilly, Mayor

ATTEST

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Melissa Thompson, City Recorder