

RESOLUTION NO. 426

A RESOLUTION AMENDING RESOLUTION NO. 229 BY THE ADDITION OF SECTION 3.7 D, SAFETY EQUIPMENT.

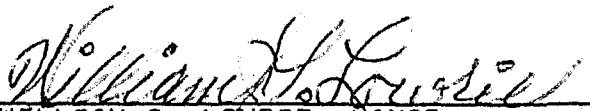
WHEREAS, the city staff has prepared a report on the above captioned subject which is attached hereto as Exhibit "A"; and

WHEREAS, the City Council has duly considered the subject and the recommendation(s) contained in the staff report; and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the recommendation(s) contained therein and further instructs that action appropriate to the recommendation(s) be taken.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 17th day of September, 1984, and filed with the Wilsonville City Recorder this same day.


WILLIAM G. LOWRIE, MAYOR

ATTEST:


DEANNA J. THOM, City Recorder

RESOLUTION NO. 426
CB-R-80-84

EXHIBIT "A"

Section 3.7.

D. SAFETY EQUIPMENT

1. Budgeting

a. When an employee is required by law, by the City Administrator, by the Director of a Department of the City, or by the employee's immediate supervisor, to wear any or all of the items listed below, the City of Wilsonville shall do the following:

i. Coveralls: The City shall provide the employee with two pairs of coveralls per year, of the color specified by the City and with the name of the City of Wilsonville marked on each pair. Any additional pairs shall be at the employee's expense.

ii. Work gloves. The City shall provide the employee with two pairs of work gloves per year. Any additional pairs shall be at the employee's expense.

iii. Steel toe safety shoes: The City shall provide the employee with one pair per year of the least expensive steel toe safety shoes available, which meet minimum safety requirements. Alternatively, the employee may purchase his own shoes, so long as said shoes comply with the minimum safety requirements, and the City shall reimburse the employee for an amount equal to the amount the City would have paid had the City actually purchased said shoes.

iv. Hard hat: The City shall provide the employee with a hard hat, as often as reasonably necessary.

v. Eye goggles: The City shall provide the employee with goggles, as often as reasonably necessary.

vi. Earplugs. The City shall provide the employee with earplugs, as often as reasonably necessary.

vii. Safety vests: The City shall provide the employee with safety vests, as often as reasonably necessary.

- b. The City shall include in its annual budget an amount equal to the estimated cost of the above equipment. Said amount may vary from year to year depending on the number of employees, inflation, and revised safety requirements.
- c. If the employee is required to wear coveralls or gloves for any reason other than the employee's health, safety or welfare, then the City need only provide said coveralls or gloves when sufficient funds are available. An example of a case falling under this exception would be coveralls or gloves required to keep an employee free from dirt, stains or spills.

2. Use of safety equipment.

- a. The City Administrator, the Director of a Department of the City, or a City employee's immediate supervisor may require a City employee to wear safety equipment, as above-designated, when reasonably necessary for the employee's health, safety, or welfare. In addition, an employee may be required by law to wear any or all of the above equipment. When funds are available, an employee may be required to wear coveralls or gloves for reasons other than the employee's health, safety, or welfare.
- b. The City Administrator, the Director of a Department of the City, or a City employee's immediate supervisor may require the use of safety equipment either verbally or in writing; providing that if such requirement is verbal, it shall be followed within a reasonable time by a written statement. Said requirements shall specify when safety equipment must be worn.
- c. An employee shall wear said safety equipment when so required. An employee not wearing safety equipment as required shall be subject to disciplinary action as described in Section 3.3 of this resolution. In the case of coveralls, an immediate supervisor may give the employee permission to work without coveralls during warm weather or in individual situations where the supervisor determines coveralls are not necessary, so long as the coveralls are not necessary for the employee's health, safety or welfare.

SECTION 2.15 Relatives in the City Service

No two relatives shall be employed in the City when one has personnel responsibilities over the other or when such employment is not in the best interest of the City. If the individuals involved cannot mutually agree as to who will transfer or resign, the City will decide. The City's decision will be based on merit and seniority.

Exceptions to this policy may be made by the City Administrator if the prohibited relationship is the result of a personnel action initiated in the mutual best interests of the City and of the employee.

ARTICLE III GENERAL CONDUCT, DISCIPLINE, TERMINATION AND APPEAL

- Sections:
- 3.1 Personal Appearance and Conduct
 - 3.2 Causes for Warning, Suspension or Dismissal
 - 3.3 Form of Disciplinary Action
 - 3.4 Grievance Procedure
 - 3.5 Resignation
 - 3.6 Cost Consciousness
 - 3.7 Safety
 - 3.8 Legal Liability

SECTION 3.1 Personal Appearance and Conduct

- A. Public relations shall be an integral part of each employee's job.
- B. All employees shall be neat and clean in appearance and shall conduct themselves in a manner which is appropriate for an employee in the public service.
- C. Employees shall be courteous, efficient and helpful to everyone in their work and shall do the best job possible on every assignment.
- D. Personal mail should be sent to the employee's home and not to City Hall.
- E. The City recognizes that it is an inconvenience and a waste of time to deny limited personal local phone calls. Intelligent use of the phones will ensure a continuation of this privilege. Except for emergencies, personal calls should be conducted during coffee breaks or lunch hour.

SECTION 3.2

Causes for Warning, Suspension or Dismissal

- A. When an employee's conduct falls below desirable standards, the employee may be subject to disciplinary action.
- B. General reasons for which an employee may be disciplined include:
1. Consumption of intoxicating liquor or misuse of drugs or narcotics during the working day or reporting to work under the influence of intoxicating liquor, drugs, or narcotics.
 2. Failure to perform a lawful duty.
 3. Insubordination.
 4. Dishonesty.
 5. The willful giving of false information or withholding information with the intent to deceive when discussing City business or the actions of fellow employees.
 6. Breach of discipline.
 7. Being absent from work without first notifying and securing permission from the employee's supervisor, except in case of illness.
 8. Being habitually absent or tardy for any reason.
 9. Obtaining sick leave falsely.
 10. Conviction of any felony, or of a misdemeanor involving moral turpitude.
 11. Abuse or gross negligence in the care or operation of City tools, equipment or vehicles.
 12. Unauthorized use of City tools, equipment or vehicles.
 13. Immoral conduct while on duty.
 14. Discussion of confidential City business or information with unauthorized persons.
 15. Display of attitudes or behavior obstructive to job-related City policies, programs and/or procedures.

16. Engaging in political activity as prohibited by City policy and State Law. (See Section 2.15).
17. Misrepresentation of information furnished on employee application form.
18. Accepting fees, gifts, or other valuable things in the performance of the employee's official duties for the City.
19. Inability to perform the assigned job.

SECTION 3.3 Form of Disciplinary Action

- A. Disciplinary action ranges from oral or written reprimands, to suspension, demotion, and finally dismissal from the City service, and depends on the severity of the offense as well as the number and the frequency of previous acts of misconduct.
- B. It shall be the duty of all City employees to comply with and to assist in carrying into effect, the provisions of the City's Personnel Rules and Regulations. No employee(s) shall be disciplined except for violation of established rules and regulations and such discipline shall be in accordance with procedures established by the Personnel Rules and Regulations.
- C. Every supervisor shall discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action.
- D. A written notice shall be given each employee for each disciplinary action stating the reasons for the disciplinary action and the date it shall take effect. The notice shall be given to the employee at the time such action is taken. An acknowledgement of receipt shall be placed in the employee's personnel file and shall serve as evidence of delivery.
- E. All permanent employees shall have the right to appeal disciplinary action taken against them within five (5) days after the effective date of disciplinary action. Appeals from disciplinary action shall use the same procedure for resolution as specified in Section 3.4 - Grievance Procedure.

SECTION 3.4 Grievance Procedure

- A. The City shall promptly consider and equitably adjust employee grievances relating to employment conditions and relationships. Furthermore, the City desires to adjust the causes of grievances informally; both supervisors and employees are expected to resolve problems as they arise.
- B. If grievances are not resolved informally, the following steps shall be followed in submitting and processing a grievance:
 - 1. Step One: The aggrieved employee or group of employees shall present the grievance in writing to the immediate supervisor within five (5) working days of its occurrence, not including the day of occurrence. The supervisor shall give his/her oral reply within two (2) working days of the date of presentation of the grievance, not including the date of presentation.
 - 2. Step Two: If the grievance is not settled in Step One of this section, it shall be prepared in detail, shall be reduced to writing, shall be dated, signed by the aggrieved employee or group of employees and shall be presented to the Department Head within five (5) working days after the Supervisor's reply is given, not including the day the answer is given.
 - 3. Step Three: If the grievance is not settled in Step 2 of this section, the written grievance shall be presented along with all pertinent correspondence, records, and information accumulated to date to the City Administrator within five (5) working days after the Department Head's response is given, not including the day the response is given. The City Administrator shall meet with the aggrieved employee or group of employees, and the supervisory personnel. The City Administrator shall reply to the grievance in writing within five (5) working days of the date of the meeting mentioned above.
 - 4. If the decision of the City Administrator is unacceptable to the employee(s), the employee(s) may appeal to the Mayor in writing, within ten (10) working days of the City Administrator's decision. The Mayor shall direct the City Recorder to prepare all relevant documents for presentation to the City Council at an Executive Session called by the Mayor within fifteen (15) working days of date of appeal.

- C. If the grievance procedures are not initiated within the time limits established by this section, the grievance shall be considered resolved.
- D. Any grievance not taken to the next step of the grievance procedure shall be considered settled on the basis of the last reply made and received in accordance with the provisions of this section.

SECTION 3.5 Resignation

- A. To resign in good standing, an employee shall give the City Administrator not less than ten (10) working days prior notice of such resignation unless the City Administrator agrees to permit a shorter period of notice because of extenuating circumstances. The notice of resignation shall be in writing and shall contain the reasons for leaving the City service.
- B. Failure to comply with this section shall be entered in the employee's service record and may be cause for denying future employment by the City.

SECTION 3.6 Cost Consciousness

- A. City employees shall practice every economy possible in the discharge of their duties.
- B. Employees are encouraged to recommend to their supervisors work procedures which will result in a cost saving or improved service to the public.
- C. The City shall establish a program to recognize cost effective efforts of the employees.

SECTION 3.7 Safety

The City acknowledges and shall enforce ORS and OSHA Safety Regulations.

- A. Department Heads, supervisors, and employees shall guard the safety of themselves, fellow employees and the public.
- B. When accidents occur with City property, or involving a City employee on official business, the employee shall contact his supervisor immediately and the supervisor shall complete an accident report form. In case of a motor vehicle accident, the state or local police shall also be notified immediately.

- C. City Administrator shall be notified of all accidents involving City employees and City equipment as soon as possible, and not later than the next day.

SECTION 3.8 Legal Liability

- A. Employees shall abide by laws and regulations which govern the performance of their duties and shall perform their duties as reasonably, productive persons. As a general rule, employees who are reasonably cautious and prudent in the performance of their duties are not negligent and, therefore, are neither legally nor morally liable for accidents or injuries which may occur.
- B. If an employee is negligent in the performance of duties and responsibilities and if an accident results from such negligent performance of duties and responsibilities, the employee may be held personally and legally liable.

ARTICLE IV POSITION CLASSIFICATION PLAN

- Sections: 4.1 Generally
 4.2 Titles and Specifications
 4.3 Reclassification
 4.4 New Positions
 4.5 Performance Evaluations

SECTION 4.1 Generally

- A. A position classification plan as adopted and amended by the City Council shall be a part of these rules.
- B. The classification plan shall consist of positions in the City service defined by class specifications and identified by the class titles. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work, are included within the same class and that the same schedules of compensation may be made to apply with under like working conditions to all positions in the same class.