

Council Business Meeting

March 16, 2021

Agenda Item	Council Approval of Vacation Cap Exception for City Manager Pro Tem	
From	Tina Gray David Lohman	Human Resource Director City Attorney
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SUMMARY

Since Kelly Madding left the City in April 2020, the City organization has faced unprecedented challenges from the COVID-19 pandemic and the Almeda Fire. Adam Hanks stepped in as Interim City Administrator, which transitioned in January 2021 to City Manager Pro Tem. With the biennial budget process fast approaching, there has not been opportunity or staffing resources to allow Hanks to take time off work.

Staff is requesting that Council grant an exception to Resolution No. 2019-18, allowing the City Manager Pro Tem to carry vacation hours above his standard vacation cap until he can take time off and bring his balance below the accrual limit of 480 hours.

POLICIES, PLANS & GOALS SUPPORTED

N/A

PREVIOUS COUNCIL ACTION

In March 2020, City Administrator Kelly Madding resigned from the position. In April 2020, Mayor Stromberg appointed Assistant City Administrator Adam Hanks to Interim City Administrator. In the May 2020 Special Election, the Citizens of Ashland passed a Charter amendment dictating a shift in the City's leadership model from a strong Mayor/Council to one lead by a City Manager, effective January 1, 2021. On December 1, 2020, Council approved a contract making Hanks City Manager Pro Tem aligning with the change to Council/Manager form of government effective January 1, 2021.

BACKGROUND AND ADDITIONAL INFORMATION

Resolution No. 2019-18 clarifies the conditions of employment for Non-Represented Management employees of the City. Management staff are encouraged to take 75 percent of their annual accrual off each year for their wellbeing and work-life balance. Hours not taken as time off can accumulate to a maximum equal to twice the employees' annual accrual. Annual vacation accrual is decided by the number of years of service with the City. Once managers reach their vacation cap, no additional vacation hours are earned or banked, and the time becomes forfeited. In situations where managers cannot take vacation due to staffing or operational needs of the City, the City Manager can grant an exception to allowing a reasonable period to take leave and fall under the cap without losing earned vacation.

Whether taken as time off or banked, vacation is an obligation the City owes employees. When an employee leaves employment, the City pays the balance of unused vacation in their final paycheck. The vacation cap is a mechanism for the City to limit financial liability. However, in some departments, staffing or operational need dictate when or if managers can take vacation.

FISCAL IMPACTS

The Cities current obligation to the City Manager, Pro Tem, is limited to 480 hours. Much of his current vacation balance accumulated in prior years when Hanks served the City in a different leadership role.

Granting an exception to allow him to accrue vacation above the cap would only have a fiscal impact should he leave City employment. The City budgets for each employee to work 2,080 hours per year. Whether the time is worked or taken as paid vacation, there is no fiscal impact. If the Council makes an exception to let him take vacation later rather than lose vacation hours, there will not be a budget impact.

STAFF RECOMMENDATION

Staff recommends Council grant an exception allowing the City Manager Pro Tem six months after the City Manager executive search is complete to take vacation and fall below the vacation cap. The City Manager can administratively approve a similar exception for Department Heads and other non-represented Managers who cannot take time off for operational reasons. Though the issue has never come up before, staff believes that for the City Manager Pro Tem to carry a vacation above the vacation cap Council should consent.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

- 1) I move to approve an exception allowing the City Manager Pro Tem six months after the City Manager executive search is complete to take vacation and fall below his 480-hour cap, preventing him from losing vacation hours while serving as City Manager Pro Tem.
- 2) I move to postpone granting an exception allowing City Manager Pro Tem Hanks to accrue vacation over his 480-hour cap, pending other information.

REFERENCES & ATTACHMENTS

Attachment 1: Resolution No. 2019-18

RESOLUTION NO.2019-18

**A RESOLUTION OF THE CITY OF ASHLAND CLARIFYING CERTAIN
CONDITIONS OF EMPLOYMENT FOR MANAGEMENT AND CONFIDENTIAL
EMPLOYEES AND REPEALING RESOLUTION 2018-27.**

Recitals:

- A. The City of Ashland has negotiated collective bargaining agreements with all employees who are members of labor unions;
- B. The management and confidential employees of the City are not members of a labor organization established for the purpose of collectively negotiating the terms and conditions of their employment; and
- C. It is in the best interest of the City and efficient and effective government to clearly set forth the City's expectations for the performance of its management and confidential employees;

The mayor and council resolve as follows:

- 1. **Scope of Resolution.** This 2019 resolution shall apply to all management and confidential employees of the City of Ashland as set forth in Appendix "A", dated July 2019. This resolution does not apply to any employee who is a member of any collective bargaining unit.
- 2. **Definitions.**
 - 2.1. **Confidential employee.** As defined in ORS 243.650(6), a confidential employee is one who assists and acts in a confidential capacity to a person who formulates, determines, and effectuates management policies in the area of collective bargaining. Confidential employees are paid hourly for work performed and they are subject to payment for overtime according to the Fair Labor Standards Act. Confidential employee includes those classifications in Appendix "A" under "Confidential."
 - 2.2. **Department head.** A person directly responsible to the City Administrator, Mayor or City Council for the administration of a department. Department heads are exempt from overtime payment. Department heads include those Management classifications in Appendix "A" under "Department heads."
 - 2.3 **Exempt Supervisor.** A person directly responsible to a department head or the City Administrator for the operational functions of a city department or division. Exempt supervisors do not qualify for payment of overtime on the basis of job duties, salary, or other exemptions under the Fair Labor Standards Act (FLSA).

Division supervisors include those Management classifications in Appendix "A" under "division supervisors."

- 2.4 Non-Exempt Supervisor. A person reporting to a division supervisor or department head who may receive overtime payment for work outside their normal scope and duties. Non-Exempt supervisory positions require autonomy, independent decision making, planning, and may provide supervision to other personnel.
- 2.5 Employee. A person in any of the classifications listed in Appendix "A" who works for the City full-time or part-time in a regular or temporary position and who is not performing work as a principal, employee, or agent of an independent contractor.
- 2.6 Management or Manager. Those classifications included in Appendix "A" under the title "Executive Management" including Department Heads and some Exempt Supervisors.
- 2.7 Probationary Employee. A person appointed to a regular position but who has not completed a probationary period during which the employee is required to demonstrate fitness for the position by actual performance of the duties of the position.
- 2.8 Regular Position/Regular Employee. A regular position is one with an ongoing defined or recurring work schedule and is not a temporary position. A regular employee is a person with hired by the City to fill a regular position.
- 2.9 Supervisor. Any person responsible to a higher divisional or departmental level authority who directs the work of others and who is not in a collective bargaining unit.

3. Purpose. The purpose of this resolution is set forth generally in the preamble. More specifically, the resolution has three fundamental purposes:

- 3.1. To clearly establish which classifications in the City service are management or confidential.
- 3.2. To clearly set forth the functions of management and to establish criteria for the evaluation of managerial performance.
- 3.3. To establish the personnel policies governing the conditions of employment of management and confidential employees.

4. Managerial Performance.

4.1. Goal Setting. Overall goals for the City of Ashland are set by the Mayor and City Council. Operational goals and short- range objectives are set by the City Administrator working with department heads. Resources for achieving all goals and objectives are provided via the annual budget.

4.2. Managerial Responsibilities. Each of the City's managers at a minimum have the following responsibilities:

- 4.2.1. Complete tasks and assigned work properly and on time,
- 4.2.2. Maintain a safe and healthy work environment,
- 4.2.3. Encourage team work, and foster cooperation, collaboration and communication among employees and departments,
- 4.2.4. Develop employee skills; both technical and interpersonal,
- 4.2.5. Keep accurate records and reports, and
- 4.2.6. Actively promote equity, diversity and inclusion at all levels of the organization.

4.3. General Expectations Regarding Management Employees. In addition to the managerial responsibilities mentioned above, there are also general City expectations of its managers.

4.3.1. Job Commitment. All management employees are expected to have a high degree of commitment to the City of Ashland and to their jobs. When a new manager is hired, the City expects a commitment of continued service of at least three years unless unforeseen circumstances warrant earlier resignation or termination.

Management employees are expected to devote whatever hours are necessary for the accomplishment of their duties as part of their normal work week. Overtime will only be paid as set forth in section 14.3. Consistent with administrative policy, exempt management employees may flex their schedules as long as their absence does not unreasonably interfere with the City's operations.

In the event of voluntary termination, management employees are expected to give a minimum of 30 calendar days' notice in order to give the City adequate time to recruit a qualified replacement.

4.3.2. Professionalism. Management employees are expected to maintain the standards of their individual profession. This includes remaining current with new developments, maintaining memberships in professional societies, and attending meetings with professionals in their field. Where professionals have codes of ethics or standards of performance, these should also be followed in the managers work for the City of Ashland.

4.3.3. Termination. If at any time an exempt, or supervisory employee's performance is deemed unacceptable, the City Administrator or appropriate department head may ask for the employee's resignation. In most cases, reasonable time will be given to the employee to find other suitable employment. Depending on overall circumstances, the City, in its sole discretion, may or may not provide severance pay in the event of resignation or involuntary termination.

4.3.4. Residency. Residency within the Urban Growth Boundary is strongly encouraged for the City Administrator and for department heads. Existing City employees promoted into the position of department head will not be required to move as a result of a promotion, but are strongly encouraged to move within the Urban Growth Boundary once appointed as a department head.

Management employees within following job classifications shall establish their residences so as to enable them to report for emergency duty within 40 minutes of notification, including "get ready" and travel time:

Public Works Superintendent
Street Supervisor
Wastewater and Reuse Supervisor
Water Quality and Distribution Supervisor
Water Treatment Plant Supervisor
Electric Operations Superintendent
Fire Division Chief (Forestry, Fire and Life Safety) Divisions)
Deputy Police Chief
Police Lieutenant
Police Sergeant
Computer Services Manager
AFN Operations Manager
Network Administrator
Senior Information Systems Analyst
Maintenance and Safety Supervisor

Residence shall be established by new employees in these classifications within these boundaries or limitations within a period of twelve months of hire or promotion. Department heads may identify other positions which require emergency response within 40 minutes to meet operational requirements.

4.4. Essential Management Functions. The following are the essential functions of all City management positions and the expected standards for their performance:

4.4.1. Planning. Anticipates future needs and makes plans for meeting them; recognizes potential problems and develops strategies for averting or

resolving them; makes long- and short-range plans to accomplish City and departmental goals.

- 4.4.2. Organizing. Efficiently and economically organizes and carries out assigned operations; carries out responsibilities in a sound and logical manner; operates the unit smoothly and in a well-organized manner; effectively delegates authority and establishes appropriate work rules.
- 4.4.3. Coordinating. Coordinates all activities related to work objectives; maintains coordination and cooperation with other departments and divisions; maintains good communication with employees, and empowers employees to make significant contributions to the accomplishment of objectives.
- 4.4.4. Leadership Motivation. Creates a climate providing challenge and motivation to employees.
- 4.4.5. Decision Making/Problem Solving. Analyzes situations and problems, weighs the pros and cons of alternative solutions, exercises logical thinking and good judgment, is creative, and is able to make timely decisions.
- 4.4.6. Employee Relations. Equitably adjusts grievances among subordinate employees, properly administers union agreements, and administers discipline in a fair, equitable and progressive manner; trains and develops subordinate employees.
- 4.4.7. Public Relations. Maintains a high level of contact with the public, maintains a sensitivity to the public's needs, and meets the needs of the public within available resources. Develops proactive communication strategies and actions.
- 4.4.8. Budgeting. Prepares operational and capital budgets to meet the goals of the City Council, and expends funds within adopted budgeted limits.
- 4.4.9. Safety. Maintains a safe, clean, effective work environment, and supports the City's overall safety program.
- 4.4.10. Self-Development. Stays current with new ideas, technology and procedures in the manager's field of responsibility.
- 4.4.11. Affirmative Action. Actively supports and implements Affirmative Action within the manager's area of responsibility, including the hiring and promotion of women, minorities, and the disabled. Is sensitive to sexual harassment in the workplace and understands and enforces the City's Harassment and Non-discrimination policy within area of responsibility.

4.4.12. Adherence to City Policies. Ensures that work activities are performed in conformance with requirements of the Ashland Municipal Code and adopted administrative policies.

5. Holidays. Recognized holidays are set forth in AMC §3.08.080. For convenience they are listed here:

New Year's Day (January 1)
Martin Luther King Day (3rd Monday in January)
President's Day (3rd Monday in February)
Memorial Day (last Monday in May)
Independence Day (July 4)
Labor Day (1st Monday in September)
Veteran's Day (November 11)
Thanksgiving Day (4th Thursday in November)
Day after Thanksgiving (in lieu of Lincoln's birthday)
Christmas Day (December 25)

- 5.1. Police Sergeants shall receive paid compensation in addition to regular salary for each of the holidays listed above, in lieu of time off consistent with what is afforded other law enforcement officers of the City of Ashland. This shall be paid on the first payday in December of each year. Newly-hired Police Sergeants shall receive this paid compensation pro-rated from the date of hire. In the event that a Sergeant terminates employment for any reason, he or she will receive pay only for the holidays which have elapsed that calendar year. If more holidays have been taken as time off than have actually occurred at the time of termination, those hours overpaid will be deducted from the employee's final paycheck unless other arrangements are made to repay the City.
- 5.2. If an employee is on authorized vacation or other leave with pay when a holiday occurs, such holiday shall not be charged against such leave.
- 5.3. Employees working an alternate work schedule will receive compensation for 8 hours. Employees working four 10-hour days will receive (8) hours compensation for any holiday that falls in their regular work day. Employees may use accrued vacation or compensatory time (if applicable) to make up the extra two hours, or they may be permitted to flex their schedule during a week which contains a holiday to ensure they receive full pay. In no event shall an exempt employee receive pay for more than 40 hours/week due to a holiday or alternate work schedule arrangement.
- 5.4. Employees covered by this Resolution shall be paid no more than 80 hours/year for recognized city holidays. If an employee works on a designated City Holiday, he or she may take the equivalent holiday off on another date.

6. Vacations for Management and Confidential Employees.

- 6.1. Eligibility. Management employees shall be eligible for vacation with pay in accordance with the following sections:
- 6.1.1. Employees with less than four full years of continuous service shall accrue 10 hours of vacation for each calendar month of service worked.
 - 6.1.2. Employees with more than four but less than nine full years of continuous service shall accrue 12 hours of vacation credit for each calendar month of service.
 - 6.1.3. Employees with more than nine but less than 14 full years of continuous service shall accrue 14 hours of vacation credit for each calendar month of service.
 - 6.1.4. Employees with more than 14 but less than 19 full years of continuous service shall accrue 16 hours of vacation credit for each calendar month of service.
 - 6.1.5. Employees with more than 19 full years of continuous service shall accrue 20 hours of vacation credit for each calendar month of service

(NOTE: The above schedule includes one day of leave which was previously designated as "birthday holiday".)

- 6.2. Utilization. Vacation leave shall not be taken in excess of that actually accrued. However, the City Administrator has the discretion to authorize any management employee to take vacation in advance of accrual when warranted by special circumstances.
- 6.3. Continuous Service. Continuous service, for the purpose of accumulating vacation leave credit, shall be based on the regular paid hours worked by the employee. Time spent by the employee on City-authorized, City-paid absences shall be included as continuous service. Time spent on unpaid absences shall not be counted as service, provided that employees returning from such absences shall be entitled to credit for service prior to the leave.
- 6.4. Accrual Limitation. Management and Confidential employees are encouraged to take at least 75% of their annual vacation accrual as time off each year. All Management and Confidential employees may elect to receive up to 40 hours as cash on the first paycheck in April each year. The balance not elected for cash payment will be added to their cumulative vacation accrual. In no event shall the employee's total vacation accrual exceed twice the amount of the employee's annual accrual without written approval from the employee's department head.
- 6.5. Scheduling. Vacation times shall be scheduled based on the City Administrator's

or department head's judgment as to the needs of efficient operations.

- 6.6. Payment on Termination. An employee terminated after six-months employment shall be entitled to prorated payment for accrued vacation leave at the rate as of the date of termination. In the event of death, earned but unused vacation leave shall be paid in the same manner as salary due the deceased employee is paid.
- 6.7. Administrative Leave. Exempt management employees may be granted up to one week of Administrative Leave each July at the discretion of their department head or the City Administrator. The purpose of Administrative Leave is to recognize the extra hours required of exempt managers for which no overtime compensation is afforded. No cash payment will be made for Administrative Leave, and it can only be taken as time off during the year in which it is granted. Administrative Leave must be used by June 30th each year or it will be forfeited. In the event of termination or retirement, no cash payment will be made for Administrative Leave. In the event of a termination, the City may require prorated repayment of Administrative leave at the rate of 3.3333 hours for each calendar month remaining in the year after the date of termination.

7. Hours of Work for Confidential Employees.

- 7.1. Workweek. The workweek, to the extent consistent with operating requirements, shall normally consist of five consecutive days as scheduled by the department heads or other responsible authority.
- 7.2. Hours. The regular hours of an employee shall be 8 1/2 consecutive hours, including 1/2 hour for a meal period, which shall not be paid.
- 7.3. Work Schedules. All employees, to the extent consistent with operating requirements, shall be scheduled to work on a regular work shift, and each shift shall have regular starting and quitting times. It shall be the responsibility of the department head to notify employees of their scheduled shifts, workdays, and hours.
- 7.4. Rest Periods. A rest period of 15 minutes shall be permitted for all employees during each half shift, which shall be scheduled by the City in accordance with its determination as to operating requirements and each employee's duties.
- 7.5. Meal Periods. To the extent consistent with operating requirements of the respective department, meal periods shall be scheduled in the middle of the work shift.

8. Sick Leave.

- 8.1. Purpose. Sick leave is provided for the sole purpose of providing financial security to employees and their families. Under no circumstances shall the City grant an employee sick leave with pay for time off from City employment caused

by sickness or injury resulting from employment other than with the City of Ashland.

- 8.2. Accumulation. For the purpose stated above, sick leave shall be earned by each employee at the rate of eight hours for each full calendar month of service. As condition precedent to any sick leave payment, sick leave may be taken only for the purposes specified in sections 8.1 and 8.3. The maximum accrual cannot exceed 960 hours. Sick leave shall continue to accrue only during leaves of absence with pay.
- 8.3. Utilization. Employees may utilize their allowance for sick leave when unable to perform their work duties by reason of illness or injury. In such event, the employee shall notify the department head or City Administrator of absence due to illness or injury, the nature and expected length of the absence, as soon as possible prior to the beginning of the next scheduled regular work shift, unless unable to do so because of the serious nature of injury or illness. For absences longer than 24 hours, employees must notify their department head on a daily basis. At the option of the department head or City Administrator, a doctor's certificate of illness may be required as a pre-requisite for the payment of sick leave.

Non-exempt employees may be granted sick leave for doctor or dental appointments at the discretion of the department head. Such time off shall be charged against sick leave time on an hourly basis. All employees covered by this resolution may be granted the use of sick leave for the illness or injury of a family member in accordance with Oregon Family & Medical Leave Act (OFMLA), and/or the Federal Family & Medical Leave Act (FMLA), and/or anyone residing at their place of residence. Use of sick leave to care for ill and injured family members is subject to department head review and applicable City policy. The City may request medical documentation before granting paid sick leave for this purpose.

- 8.4. Integration with Worker's compensation. When injury occurs in the course of employment, the City's obligation to pay is limited to the difference between any payment received under workers' compensation laws and the employee's regular pay. In such instances, pro-rata charges will be made against accrued sick leave until sick leave is exhausted. Thereafter, the only compensation will be workers' compensation benefits, if any.
- 8.5. Sick Leave - Without Pay. Sick leave is provided by the city in the nature of insurance against loss of income due to the illness or injury. No compensation for accrued sick leave shall be provided for any employee upon death or termination of employment, except that upon retirement accumulated sick leave will be applied as provided in ORS 238.350. Sick leave shall not accrue during any leave of absence without pay.

- 8.6. **Pay for Unused Sick Leave.** All Management and Confidential employees may elect to receive 1/3 of their unused annual sick leave accrual (maximum of 32 hours) as cash on their first paycheck in December. If cash payment is not elected, the unused portion of sick leave will be added to cumulative sick leave balance or converted to accrued vacation at the option of the employee.

Employees who use 40 hours of sick leave or less in a calendar year shall be entitled to the full cash out as stated in 8.6 above in compliance with Senate Bill 454 which requires all employers to allow employees up to 40 hours of protected sick leave each year.

Examples of how the payment for unused sick leave is calculated:

Annual Accrual:	96	96	96	96
Sick leave hours used by employee during the year:	100	30	10	152
All employees are entitled to use up to 40 hours without impacting their sick leave incentive.	40	40	40	40
Hours used up to 40/year are added back for the purpose of calculating the sick leave incentive:	$96 - 100 = -4 + 40 = 36 / 3 = 12$	$96 - 30 = 66 + 30 = 96 / 3 = 32$	$96 - 10 = 86 + 10 = 96 / 3 = 32$	$96 - 152 = -56 + 40 = -16 / 3 = -5.33$
Balance that can be cashed out (Max 32):	12	32	32	0

9. **Funeral Leave.** An employee may be granted five calendar days' funeral leave with regular pay in the event of death in the immediate family of the employee. An employee's immediate family shall include spouse, parent, children, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparent, grandparent-in-law or other relatives living in the same household. Leave with pay, for up to four hours may be granted when an employee serves as a pallbearer.

10. **Other Leaves of Absence**

10.1. **Criteria and Procedure.** Leaves of absence without pay not to exceed 90 calendar days may be granted upon establishment of reasonable justification in instances where the work of the department will not be seriously handicapped by temporary absence of the employee. Requests for such leaves must be in writing. Normally, such leave will not be approved for an employee for the purpose of accepting employment outside the service of the City.

10.2. **Jury Duty.** Employees shall be granted leave with pay for service upon a jury. Employees may keep any payment for mileage, but all other stipends for service must be paid to the City. Upon being excused from jury service for any day an employee shall immediately contact the supervisor for assignment for the remainder of their regular workday.

- 10.3. Appearances. Leave with pay shall be granted for an appearance before a court, legislative committee, judicial or quasi-judicial body as a witness in response to a subpoena or other direction by proper authority; provided, however, that the regular pay of such employee shall be reduced by an amount equal to any compensation received as witness fees.
- 10.4. Required Court Appearances. Leaves of absence with pay shall be granted for attendance in court in connection with an employee's officially assigned duties, including the time required for travel to the court and return to the employee's headquarters.
- 10.5. Family Medical Leave. Leave in accordance with the Federal Family and Medical Leave Act and the Oregon Family Medical Leave Act shall be granted to employees eligible under those acts and for the purposes described in those acts. Leave may be unpaid or paid as provided in these acts.
- 10.6. Military Leave. Military leave shall be granted in accordance with ORS 408.290.
- 10.7. Failure to Return from Leave. Any employee who is granted a leave of absence and who, for any reason, fails to return to work at the expiration of said leave of absence, shall be considered as having resigned their position with the City, and the position shall be declared vacated; except and unless the employee, prior to the expiration of the leave of absence, has furnished evidence of not being able to work by reason of sickness, physical disability or other legitimate reason beyond the employee's control.

11. Discipline and Discharge. The following section applies only to those employees subject to this resolution who do not have a written individual employment agreement with the City.

- 11.1. Discipline. The City shall abide by the legal requirements of due process prior to taking disciplinary action. Disciplinary action may include the following:
 - (a) Oral reprimand
 - (b) Written reprimand
 - (c) Demotion
 - (d) Suspension
 - (e) Discharge

Disciplinary action may be imposed upon any employee for failing to fulfill responsibilities as an employee. Conduct reflecting discredit upon the City or department, or which is a direct hindrance to the effective performance of city functions, shall be considered good cause for disciplinary action. Such cause may also include misconduct, inefficiency, incompetence, insubordination, misfeasance, the willful giving of false or confidential information, the withholding of information with intent to deceive

when making application for employment, willful violation of departmental rules or this management resolution, commission of any matter listed in AMC §3.08.030.B or for political activities forbidden by state law.

- 11.2. Discharge. An employee having less than twelve months of continuous service shall serve at the pleasure of the city. An employee having continuous service in excess of twelve months may be discharged only for cause.
- 11.3. Due Process. Due process procedures shall be followed before a suspension without pay, demotion or discharge is imposed upon an employee.

Employees, other than those appointed by the Mayor and confirmed by City Council, may appeal a suspension without pay, demotion or discharge to the City Administrator. The City Administrator's decision shall be final.

12. Probationary Period.

- 12.1. New Employee Probationary Period. The probationary period is an integral part of the employee selection process and provides the City with the opportunity to upgrade and improve the departments by observing a new employee's work and training, by aiding new employees in adjusting to their positions, and by providing an opportunity to reject any employee whose work performance fails to meet required work standards. Every new employee shall serve a minimum probationary period of 12 months after which, upon recommendation of the department head, the employee shall be considered a regular employee. The probationary period may be extended upon request of the department head if an adequate determination cannot be made at the end of the probationary period.
- 12.2. Promotional Probationary Period. An employee promoted into a management or confidential position will be required to serve a six-month promotional probationary period. The City may at any time demote an employee on promotional probationary status to the employee's previous position with or without cause.

13. General Provisions.

- 13.1. Non Discrimination. The provisions of this resolution shall be applied equally to all employees without discrimination as to race, color, religion, marital status, age, national origin, sex, sexual orientation or disability.
- 13.2. Other/Outside Employment. Outside employment shall be permitted only with the express prior written approval of the department head or City Administrator. Such written approval shall be documented in the employee's Personnel File. The general principles to be followed by the City in permitting or restricting such outside employment shall be:

1. The need for mentally and physically alert City employees;
 2. Insulating employees from potential conflict of interest situations;
 3. Maintaining efficiency unimpaired by other employment, particularly for those City positions requiring employees to be available for duty 24 hours a day. In the event the above principles are violated, the department head or City Administrator may revoke previously granted permission to hold outside employment.
- 13.3. Worker's compensation. All employees will be insured under the provisions of the Oregon State Workers' Compensation Act for injuries received while at work for the City. Compensation paid by the City for a period of sick leave also covered by workers' compensation shall be equal to the difference between the Workers' compensation pay for lost time and the employee's regular pay rate.
- 13.4. Liability Insurance. The City shall purchase liability insurance in the maximum amounts set forth in ORS 30.270 for the protection of employees against claims against them incurred in or arising out of the performance of their official duties.

14. Compensation

- 14.1. Pay Periods. Employees shall be paid on a bi-weekly basis, on every other Friday. In the event a regularly scheduled pay date falls on a holiday, the preceding workday shall be the pay date.
- 14.2. Compensation - Pay Schedule. When any position not listed on the pay schedule is established, the City Administrator shall designate a job classification and pay rate for the position in accordance with sections 3.08.050 and 3.08.070 of the Ashland Municipal Code.
- 14.3. Overtime. Exempt management employees are expected to devote whatever time is necessary to accomplish their jobs. For all non-exempt employees, the City has the right to assign overtime work as required in a manner most advantageous to the City and consistent with the requirements of municipal service and the public interest.
- 14.4. Form of Compensation. The City Administrator, City Attorney, department heads and exempt supervisors are not eligible for paid overtime but are allowed compensatory time off at their own discretion depending on the operating requirements of the City. Non-Exempt supervisors and confidential personnel shall be compensated in the form of pay at the rate of time and one-half the regular rate for overtime work, or given equivalent time off at the option of the City. No employee shall have more than 40 hours of compensatory time on the records at any time.

- 14.5. Administration of Pay Plan. Employees shall be entitled to pay in accordance with the current salary resolution. In the event of a vacancy, the City Administrator may appoint a new employee at any appropriate step within the pay range.
- 14.6 Cost of Living Adjustment (COLA). The salary schedule for all positions covered by this Resolution shall be adjusted annually on July 1st based on the CPI-W U.S. City Average CPI index March-March. The salary schedule for all positions covered by this Resolution shall be adjusted by 2% effective July 1, 2019.

15. Health, Welfare and Retirement.

The City agrees to provide health, welfare and retirement benefits in accordance with Appendix "B" for employees subject to this resolution.

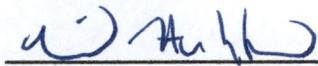
16. Compliance with FLSA.

This resolution shall be interpreted in a manner to preserve the exempt status of the City's bona fide administrative, executive, and professional employees, as those terms are used in the Federal Fair Labor Standards Act (FLSA). Such exempt employees shall not have their pay docked or reduced in any manner that would be inconsistent with the salary test set forth in the FLSA, and they are not subject to disciplinary suspensions of less than a week except for major safety violations.

- 17. Effective Date.** This resolution shall be effective from **July 01, 2019 to June 30, 2020.**

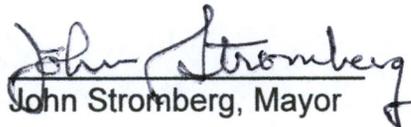
This resolution was read by title only in accordance with Ashland Municipal Code §2.04.090

duly PASSED and ADOPTED this 15th day of July, 2019.



Melissa Huhtala, City Recorder

SIGNED and APPROVED this 15th day of July, 2019.



John Stromberg, Mayor

Reviewed as to form:



David Lohman, City Attorney

APPENDIX "A" Classifications in the Management and Confidential Employee Groups

EXECUTIVE MANAGEMENT		
	TITLE	JOB CLASS
1	City Administrator	Exempt 501
2	Asst. City Admin.	Exempt 502
3	City Attorney	Exempt 502
4	Director Administrative Services	Exempt 504
5	Director Comm. Dev	Exempt 504
6	Director PW	Exempt 504
7	Fire Chief	Exempt 504
8	Police Chief	Exempt 504
9	Director Electric	Exempt 504
10	Director IT	Exempt 504
11	Assistant to the City Administrator	Exempt 506
SUPERVISORY		
	TITLE	JOB CLASS
EXEMPT SUPERVISORS		
1	Deputy Fire Chief	Exempt 511
2	Deputy Police Chief	Exempt 511
3	Public Works Superintendent	Exempt 503
4	Fire Division Chief (2)	Exempt 503
5	Patrol Lieutenant	Exempt 503
6	Building Official	Exempt 525
7	Planning Manager	Exempt 525
8	Computer Services Mgr.	Exempt 515
9	AFN Ops Manager	Exempt 515
10	Management Analyst	Exempt 521
11	Administrative Services Manager	Exempt 521
12	Senior Planner	Exempt 526
13	WW & Water Re-Use Supervisor	Exempt Grandfathered rate 552
14	Water Treatment Plant Supervisor	Exempt Grandfathered rate 552
15	Water Quality Dist. Supervisor	Exempt 552
16	Municipal Court Supervisor	Exempt 529
NON-EXEMPT SUPERVISORS		
1	Police Sergeant (5)	Non-Exempt 520
2	GIS Manager	Non-Exempt 512
3	Maintenance/Safety Supervisor	Non-Exempt 528
4	Street Supervisor	Non-Exempt 528
5	WW Collections Supervisor	Non-Exempt 528
6	Customer Service Supervisor	Non-Exempt 528
7	Development Services Coordinator	Non-Exempt 528

	TITLE	JOB CLASS
1	Network Admin.	Exempt 549
2	Senior IS Analyst (2)	Exempt 549
3	IS Analyst Programmer	Exempt 542
4	User Support Coord.	Exempt 542
5	Fire Adapted Communities Coord.	522
6	Communities Preparedness Coord.	522

Note: ORS 242.650 Chapter 302 defines a **Confidential Employee** as “one who assists in or acts in a confidential capacity to a person who formulates, determines, and effectuates management policies in the area of collective bargaining.”

	TITLE	JOB CLASS
1	Senior Accounting Analyst	531
2	Senior HR Analyst	531
3	Financial Analyst	541
4	Accounting Analyst	541
5	Administrative Analyst	541
6	Executive Analyst	541
7	Paralegal	530
8	Admin. Supervisor	530
9	Exec. Assistant	534
10	Admin Assistant	535

APPENDIX "B"
Health, Welfare, and Retirement Benefits

The city agrees to provide health, welfare and retirement benefits in accordance with this appendix for employees subject to this resolution.

1. Health Insurance.

- A. ***Effective July 1, 2012***, the City increased the contribution to HRA VEBA to an amount equal to 2% of salary for each employee covered by this resolution.

The City provides medical, dental and vision coverage for employees and their eligible dependents. New employees will begin coverage on the first day of the month after they are hired.

The City will pay 95% of the total monthly health premium (Medical, dental and vision), with the employee paying the remaining 5% on a pre-tax basis.

The City reserves the right to make funding decisions regarding our health benefit program which may include self-insurance. We will strive to retain equivalent benefit offerings wherever feasible. If the decision is made to self-insure health benefits, management & confidential employees will have a voice regarding changes made to the program through designated representatives on the Employee Health Benefits Advisory Committee (EHBAC).

- B. Reimbursement for preventative/wellness medical costs as provided in the City's Wellness Program.

2. Life Insurance. Premiums for life insurance for each employee at one times annual salary (Up to a maximum \$100,000).
3. Dependent's Life Insurance. Premiums for \$1,000 life insurance policy for each qualified dependent of an employee.
4. Retirement. As required by law, the City will contribute to the Oregon State Public Employees Retirement System for each employee. Enrollment will commence six months from the date of employment for new employees, unless that person was in PERS immediately before coming to work for the City. Upon retirement, one-half of unused sick leave earned will be applied to retirement as provided in statute. The City will also assume or pay the employees' contributions for employees at a uniform rate of six percent.
5. Social Security. Contributions to Social Security as required by law.

6. Medical Insurance for Retirees. All employees retiring from City employment and their eligible dependents will have the option of continued participation in the City's medical insurance program at the same monthly group premium as active employees. The retiree must be actively covered under the City's group plan at the time of retirement to be eligible for continued retiree coverage. Retirees must make their health insurance payment to the City or designated Third Party Administrator as agreed upon each month to continue health coverage. The right to participate and medical coverage ceases when the retiree or his or her eligible dependent(s) become Medicare-eligible at age 65.

Any employee retiring in a position covered by this resolution with 15 or more years of consecutive service shall be provided with a payment equivalent to the Blue Cross Preferred Choice 65/ Plan C when he or she reaches age 60. Payments will be made directly to the employee on a quarterly basis. Qualifying employees may elect direct deposit of this payment. No payment will be made after the qualifying employee's death.

Any employee hired on or after July 1, 2008, or hired into management on or after July 1, 2008 will not be eligible to receive retiree benefits under this provision. Employees hired on or before June 30, 2008 will continue to be eligible as long as the criteria for benefit eligibility are met.

7. Deferred Compensation. Deferred compensation in the amount of \$50.00 per month in matching funds per employee enrolled in a City deferred compensation program. This program is at the option of the employee and contingent upon a minimum \$15.00 per month contribution paid by the employee.