

2.0 APPOINTMENTS, QUALIFICATIONS, AND SEPARATION

NON-DISCRIMINATION AND EQUAL OPPORTUNITY POLICY

The District believes that every employee has the right to work in surroundings that are free from all forms of unlawful discrimination. It is the policy of the District to comply with federal and state statutes on equal employment opportunity. This policy shall be applied without regard to any individual's sex, race, color, religion, national origin, ancestry, age, marital status, political affiliation, sexual orientation, veteran status, any disability which can be accommodated reasonably, or any other status protected by law. Actual or perceived homosexuality, heterosexuality or bisexuality, are also categories of people protected from discrimination in hiring, firing, discipline and other terms of employment.

2.1 JOB ANNOUNCEMENT

A job announcement will be made for any vacant position within the District that the District determines to fill. The District Manager shall determine which vacancies are to be filled and the Director of Administrative Services shall initiate the process. The announcement shall specify title and salary range of the position, the nature of the duties performed, qualification requirements, the time and place to apply, and may include the selection process to be used. Job announcements shall be posted on appropriate bulletin boards, and may be published in District publications and appropriate newspapers or newsletters. Job announcements will be posted a minimum of 5 working days prior to the closing date.

2.2 APPLICATIONS

Appointment to positions is through an open competitive process and will be based on merit and fitness. Employment appointments and promotional appointments may be made exclusively from employees if qualified.

Applications shall be available by the Director of Administrative Services. Applications will be accepted only for advertised openings. Applicants will complete the application form and any supplemental materials required by the District for positions within the time period specified in the job announcement.

Applicants for employment shall furnish complete information requested as to education, special training, experience and skills, as well as a chronological schedule of employment, references, and other pertinent information. The District Manager shall make all appointments to all positions.

The District reserves the right to accept or reject all applications for employment.

2.3 ELIGIBILITY

At the time of application, all applicants must meet the minimum qualifications for the position.

2.4 SELECTION

Selection criteria and procedures will be based solely on job-related knowledge, skills, abilities, experience, education, training, and, when appropriate, prior demonstrated performance, aptitude, and character. The Director of Administrative Services or District Manager shall design selection

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criteria based on the classification specifications and job requirements. Based on the results of the selection process, applicants will be selected for an employment interview.

Veterans who meet minimum qualifications for a position may be eligible for employment preference. Proof of Veteran's Preference eligibility shall be determined by submission of form DD-214 or DD-215. Contact the Director of Administrative Services to learn more about Veteran's Preference and to obtain form(s) DD-214 and DD-215.

2.5 ORIENTATION

Upon appointment, the Director of Administrative Services and the employee's immediate Supervisor shall be responsible for orientation of new employees. Orientation shall include, but shall not be limited to organization and services of the District, work rules, personnel policies and procedures, including acknowledgment of a copy of the personnel policies and procedures, acknowledgment of a copy of the safety manual, safety training, job training, completion of payroll forms, drug screening and introduction to District personnel.

2.6 ORIENTATION PERIOD

New and rehired employees shall serve an orientation period of six (6) months commencing with their first day of employment.

Orientation is part of the selection process used to confirm the initial employment decision and to reject those whose performance is not satisfactory. During this evaluation period, the employee and the District have an opportunity to determine whether further employment with the District is appropriate.

The employee or the District can terminate the employment relationship at any time during the orientation period for any reason. An employee who successfully completes the orientation period will be notified in writing that he or she has become an employee of the District. This does not and is not intended to confer any right in continued employment, to constitute an express or implied contract, or to give rise to a binding past practice.

2.7 EMPLOYEE STATUS - All employees of the District are classified as "At Will".

2.7.1 Regular Full-Time Employees - An employee who regularly works a minimum of forty (40) hours a week on a continuing basis, and who has completed the orientation period, is considered a regular full-time employee.

2.7.2 Regular Part-Time Employees - An employee who regularly works less than forty (40) hours a week, but whom works regularly scheduled hours is considered a regular part-time employee once the orientation period is successfully completed.

2.7.3 Temporary Employees - Temporary employees are defined as those employees holding jobs of limited duration arising out of special projects, abnormal workloads or emergencies. (Temporary employees are ineligible for employer-paid benefits.)

2.7.4 Duration of Employment - All employees except temporary employees are hired for an unspecified duration. The District does not guarantee employment for any specific length of time. Employment is at the mutual consent of the employee and the District. Accordingly, either the employee or the

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District can end the employment relationship at any time, in accordance with District procedures. Discipline and discharge may occur subject to the policies and procedures set forth in Section 13.0 et seq."

2.7.5 Anniversary Dates - The anniversary date used to determine vacation and step increases of an employee shall be his/her hire date.

2.8 VOLUNTEERS

Volunteers are not employees of the District. Volunteers receive only those benefits expressly conferred in writing or by law. The service of a volunteer may be discontinued at any time for any reason. Volunteers must abide by all applicable rules, policies and practices of the District, and are held to the same standard of performance as applies to regular employees. Volunteers serve at the pleasure of the District. The volunteer or the District may end the volunteer arrangement at any time.

2.9 EMPLOYMENT OF RELATIVES

Relatives of employees may be hired by the District only if individuals concerned do not work in a direct supervisory relationship. "Relatives" are defined the same as "Immediate Family" under the District sick leave policy. Present employees who marry will be permitted to continue work only if they do not work in a direct supervisory relationship with one another. Employees will be allowed to accept a demotion to an available and suitable position to avoid direct supervision by a relative. If this cannot be accomplished, the least senior employee may be terminated.

2.10 PHYSICAL EXAMINATIONS

Medical examinations will only be conducted after a conditional job offer has been extended, an offer of employment may be contingent upon an applicant's successful completion of a medical examination. If required, this examination will be provided by the District at District expense. Any information gathered will be treated as a confidential medical record.

In order to insure continued qualification for employment, the District periodically may request its employees to submit to a medical examination at the District's expense. All examinations paid for by the District will be scheduled by the Director of Administrative Services at the District's designated location.

2.11 DRIVING RECORD

Employees who are required to drive must possess a valid driver's license of the appropriate class for the type of driving required and must comply with any operator's license. If the license required is more than a regular driving license, (i.e., commercial driver's license) the District will fully reimburse the employee for the cost over and above the regular drivers license and any medical examinations required. All employees who may be required to drive on District business may at any time have their driving record checked by the District. If the record indicated violations, the employee may be subject to appropriate warnings or disciplinary action. As a condition of continued employment, each employee who operates District vehicles must maintain a personal driving record, which is within risk criteria, if any, established by the District's insurer.

For positions, for which driving may be required, job applicants driving records are checked only after a conditional job offer has been extended prior to starting work, as a condition of employment.

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Employees who may be required to drive shall notify the District Manager of any change in license status, and all traffic violations. Failure to report a traffic violation or change in license status to the District Manager is viewed as a violation of District policy. The District monitors driving records as a component of risk management, in order to identify needs for driver improvement.

2.12 LAYOFFS

Layoffs may be implemented on a District wide basis or in one or more departments, work groups, or job classifications depending on the needs of the District. Once it is determined what the scope of the layoff will be; employees will generally be laid off based on prior written evaluations of and not limited to their skills and work performance as related to the needs of the District. A written layoff report shall be generated stating the need and justification of the layoff.

Nothing in this section shall be construed so as to prevent the District Manager from restructuring a department or several departments to make use of personnel resources in a manner deemed necessary by the District Manager to be in the best interests of the District.

In lieu of layoff, the District may reduce the hours of work of District personnel or furlough without pay for specific periods.

The District will make available medical and dental insurance as required by COBRA.

2.13 RECALLS

Recalls may be offered to employees during the 6-months following the layoff based on the needs of the District.

2.14 VOLUNTARY RESIGNATIONS

To voluntarily resign in good standing, an employee must submit a written letter of resignation to their supervisor allowing at least ten working days advance notice. Failure to submit a timely written resignation may preclude the individual from future employment opportunities with the District. Resignations are final. Exceptions may be made at the discretion of the District.

2.15 PERSONNEL RECORD

2.15.1 Maintenance of File - The Director of Administrative Services shall maintain official personnel records of employees. If there is a change of name, address, telephone number, marital status, or number of dependents, the employee shall provide written notification to the Director of Administrative Services.

2.15.2 Removal - Documents shall not be removed from a personnel file, except pursuant to a determination by the District Manager that a particular document is not accurate. All employee evaluations and warning notices shall not be removed from personnel files, unless they are proven to not be accurate by the District Manager. Removal of any document from an employee file without prior authorization from the District Manager will result in termination of employment.

2.15.3 Access to Personnel Files - This policy defines circumstances under which an employee may examine his/her personnel records; and an individual who is not an employee of the District may

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examine an employee's personnel record. This policy and procedure applies to all District employees.

- A. No material of a negative or derogatory nature shall be placed in an employee's file unless the employee has had an opportunity to review the material, which shall be noted on the documents.
- B. Employees may be allowed to include in their personnel file any material deemed relevant to job qualifications or performance, in the judgment of the District. Employees may inspect or obtain a certified copy of their personnel files for all records that have been used to determine the employee's qualifications for hiring, promotion, pay increases, and employment termination or other disciplinary action. Records relating to arrest or conviction or to the investigation of criminal conduct, confidential reports from previous employers are excluded by law.
- C. Employees may protest, or comment upon, in writing, any materials placed in their personnel file. Such protest/comments shall be placed in the personnel file.

2.15.3.1 Procedure for Access by Employee.

- A. Employees wishing to inspect or obtain a certified copy of their personnel file shall make an appointment in advance with the Director of Administrative Services or District Manager. Within 45 days after receipt of written request the employee will have the opportunity to inspect, at the place of employment or place of work assignment, the personnel records of the employee that are used or have been used to determine the employee's qualification for employment, promotion, additional compensation or employment, promotion, additional compensation or employment termination or other disciplinary action. Within 45 days after receipt of the written request of the employee, the Director of Administrative Service will furnish a certified copy of the records. Personnel records do not include records relating to arrest, conviction or investigation of criminal conduct, confidential reports from previous employers or records maintained in compliance with ORS 351.065 are excluded, ORS 652.750(b)(2).
- B. An employee may receive a copy of such records. The employee shall be charged the actual cost of providing this service.
- C. Upon termination of employment, the employer shall keep the terminated employee's personnel records for 6 years. A terminated employee may request a certified copy of the records within the 6 year period or at any time thereafter if the employer has the records at the time of the request. Within 45 days after receipt of the written request the Director of Administrative shall furnish a certified copy of the records.
- D. Notwithstanding the time periods described in A and C of this section, if the employee's personnel records are not readily available, the employee must agree in writing to extend the time in which the certified copy of the records could be made available.

2.15.3.2 Access to Personnel Files - Persons Other Than Employee

- A. Personnel files are exempt from disclosure under the provisions of ORS 192.502(2) if disclosure would constitute an unreasonable invasion of privacy. Records of discipline are

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exempt from public disclosure, unless the public interest requires disclosure (under ORS 192.410 to 192.505).

- B.** Any person seeking disclosure of material that would constitute an unreasonable invasion of any employee's privacy shall have the burden of showing that public disclosure would not constitute such an unreasonable invasion of privacy, by clear and convincing evidence.
- C.** In any event, no information in any employee's personnel file will be released until the employee is notified and has a reasonable opportunity to comment on the request. In all cases, the District must determine whether or not particular personnel records of any District employee are subject to public disclosure. Employee's expectation of confidentiality and privacy is, in each case, subject to the requirements of Oregon's Public Records Law.
- D.** Information regarding an employee's address, telephone number, work history, performance or salary shall not be given over the telephone. Only employment dates and job title may be released verbally.
- E.** Verification of employment, requests for salary or other confidential information must be in writing, signed by the employee, authorizing release of specific information.
- F.** Work reference requests, for both present and terminated employees, must be in writing and signed by the employee, authorizing release of information.