

TUALATIN VALLEY FIRE AND RESCUE

PERSONNEL POLICY

SECTION 4

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SECTION 4.1

EQUAL EMPLOYMENT

- A. The District is committed to equal employment opportunity, inclusion and diversity in the workplace. All employment decisions to recruit, employ, train, transfer, promote, pay, discipline, lay off, and terminate employees are based solely on the basis of individual qualifications and merit and/or according to employment laws and the standards and policies outlined in its personnel and related policies.
- B. Decisions involving any aspect of the employment relationship must be made without regard to an employee's protected class status as identified in federal or state law.
- C. Unlawful discrimination or harassment based on any protected class status violates the Board's policies. Reports of discrimination and harassment will be investigated and subject to disciplinary procedures under Section 4.7.

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SECTION 4.2

ASSIGNMENT AND TRANSFER; TRIAL PROGRAMS

- A. Personnel policies apply to all employees unless they are exempted from coverage due to prevailing Civil Service rules or the current labor agreement.
- B. The assignment of employees, the delegation of duties, the determination and duration of hours of work, including the assignment of overtime, the location of work assignments, and other matters related to the direction of the work force shall be determined by the Fire Chief, or a designee.
- C. The Fire Chief shall have exclusive authority to determine whether an employee should be promoted, transferred, or reassigned and to determine how job openings should be filled. The Fire Chief's determination on these matters, consistent with Civil Service rules and regulations, employment laws, and District policies as expressed elsewhere, is final and binding.
- D. Requests for transfer may be initiated by an employee in accordance with the procedures established by the Fire Chief and/or current labor agreements.
- E. The Fire Chief or designee(s) will establish and coordinate trial service programs for all District positions and employees hired or promoted into them.

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- A. The Board acknowledges that the manner in which employees conduct themselves has an impact on the community in general and on the District, on and off the job.
- B. It is expected that employees exhibit a high degree of responsibility and conduct themselves in a professional manner at all times.
- C. Employees shall also be expected to:
 - 1. Use time during working hours, and time on authorized leave, for the purposes intended.
 - 2. Maintain relationships with the community and not use such relationships for private advantage.
 - 3. Avoid off-duty behavior that will negatively affect public perception of the organization.
 - 4. Distinguish between personal views and those of the District to avoid misrepresentation of the District.
 - 5. Perform in accordance with the employee's current job description and directives from supervisory authority to achieve performance goals.
 - 6. Refrain from disseminating or disclosing confidential, proprietary, or sensitive information received in the course of duty. For purposes of this provision, confidential, proprietary, or sensitive information does not include:
 - a. Conduct that constitutes discrimination prohibited by ORS 659A030, including conduct that constitutes sexual assault.
 - b. Conduct that constitutes discrimination prohibited by ORS 659A082 or 659A.112.
 - 7. Employees will arrive at work fit for duty, free from the influence of drugs and alcohol, refrain from any use of drugs or alcohol during the work day, and operate under provisions detailed in the District's fit for duty and Drug & Alcohol Free Workplace policies.
- D. If the Oregon Government Ethics Commission finds that an appointed public official, i.e, manager or employee, has violated any provision of ORS Ch. 244, Government Ethics, or has violated any provision of ORS 192.610 to ORS 192.690, Public Meetings, with intentional disregard of the law or willful misconduct, the finding is prima facie evidence of unfitness where removal is authorized for cause.

SECTION 4.3 EMPLOYEE CONDUCT AND RESPONSIBILITY (continued)

LEGAL REFERENCE: ORS 244.270 (1); HB 2805 2023

DATE: November 26, 1996

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SECTION 4.4

PERSONNEL PERFORMANCE MANAGEMENT

- A. The District will provide guidelines and instruction to supervisors and employees in the use and application of tools that support performance management, including the District's employee performance evaluation system. Performance management is a continuous, year-round process to improve and sustain job performance.
- B. Evaluations shall be based upon criteria developed by the Fire Chief and/or designee.
- C. Evaluations will contain a goals section, where the employee and their supervisor may agree on performance goals for the upcoming review period, preferably tied to the District's Strategic Plan.
- D. Evaluations must be signed by the employee's supervisor(s) and acknowledged by the employee and will include a specific section intended for employee comments.
- E. The evaluation process shall follow procedures outlined by the District's Standard Operating Guidelines.

DATE: August 27, 1996

REVISED: August 26, 2025

REVIEWED: August 26, 2025

SECTION 4.5

PERSONNEL FILES

- A. Organizational Health staff shall be responsible for maintaining personnel records (hard copy and/or electronic) for each employee. Those records shall include evaluation reports and other job-related materials as directed by the Fire Chief in accordance with District policies and state/federal laws.
- B. The following District personnel may inspect such files by requesting access:
 - 1. The employee and those persons whom the employee has designated in writing.
 - 2. The employee's immediate management chain.
 - 3. Employees assigned to work in the Organizational Health Department.
 - 4. The District's legal counsel.
 - 5. Others as designated in writing by the Fire Chief.
- C. All non-job-related information pertaining to sensitive issues that the District is required to maintain (e.g., medical records, family/spouse records [beneficiary, benefits information, etc.] and other sensitive information) shall be kept in a separate file from that used to record job-related information.
- D. The Fire Chief reserves the right to use job-related records (e.g., performance reviews, letters, etc.) when making decisions regarding hiring, promotion, termination, transfer, demotion, and all other aspects of the employment process.

DATE: August 27, 1996

REVISED: July 27, 2021

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SECTION 4.6 PROFESSIONAL GROWTH

The Board supports and encourages employees to continue their professional development. Therefore, the Fire Chief's Office shall develop and administer an educational reimbursement program that assists and encourages employees to pursue advanced education.

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REVISED: September 26, 2017

REVIEWED: August 26, 2025

SECTION 4.7

DISCIPLINARY PROCEDURES - RULES AND REGULATIONS

- A. The Fire Chief shall develop standardized written rules and regulations, which shall serve as a guideline for the administration of corrective and disciplinary actions.
- B. Any disciplinary or corrective action will be based on job related criteria and will not be based on any protected class as identified in federal or state law.

DATE: August 27, 1996

REVISED: September 24, 2019

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- A. Position descriptions are developed for each job classification in both the classified (Civil Service) and unclassified service. Organizational Health staff will be responsible for working with department managers to assure these are maintained for accuracy and completeness on a regular basis.
- B. Each non-bargaining unit position will be assigned within the compensation structure in accordance with Oregon Administrative Rule Chapter 839, Division 8, and the Oregon Equal Pay Act (ORS 652.220). Annually, Finance staff budget and recommends a salary grade structure adjustment to the Fire Chief, for proposed use in the fiscal year commencing July 1.
- C. Labor union members shall follow the current labor agreement for classification and wage determination, provided that the labor agreement also complies with the Oregon Equal Pay Act.

DATE: August 27, 1996

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- A. District employees shall not use their official position or office to obtain financial gain or avoidance of financial detriment for the employee, a relative or member of the household of the employee, or any business with which the employee or a relative or member of the household of the employee is associated, if the financial gain or avoidance would not otherwise be available but for the employee holding of the employment position or office, or use their official position or office to gain a private nonpecuniary advantage with business firms, the community, or other public agencies.
- B. Prohibited activities include, but are not limited to, those contained in:
 - 1. Board Policy Section 4.3
 - 2. Board Policy Section 12.4
 - 3. ORS Chapter 244 (Government Ethics) and related administrative rules
 - 4. Appropriate Standard Operating Guidelines

DATE: August 27, 1996

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REVIEWED: August 26, 2025

SECTION 4.10 SAFETY AND ACCIDENT PREVENTION

- A. The Board recognizes and supports the need to provide a safe environment for employees and members of the community who utilize the facilities, services, and equipment of the District.
- B. A District Safety Program shall be maintained.
- C. The District Safety Program shall include, but not be limited to:
 - 1. Administrative supervision and inspection of facilities to assure compliance with federal, state, and local statutes as well as District regulations.
 - 2. Safety training for employees to promote safe working practices.
 - 3. Training in CPR, first aid and emergency care of injured persons at District work sites.
- D. Administration shall take prompt action to correct any unsafe condition or circumstance brought to its attention.

DATE: August 27, 1996

REVISED: July 28, 2015

REVIEWED: August 26, 2025

- A. The Board is committed to maintaining a respectful working environment that is free from unlawful harassment, discrimination, and retaliation including sexual harassment, in violation of state and federal employment laws. Workplace conduct that is coercive, bullying, intimidating, threatening, abusive, harassing, or is intended to or does materially and negatively affect the workplace is prohibited by this policy, even if the conduct is not unlawful. This policy may be further developed by Standard Operating Guidelines adopted by the Fire Chief.

- B. The Fire Chief and/or designee shall develop standardized written rules and procedures, which shall serve as a guideline for investigating and addressing any reported issues of harassment, discrimination, or retaliation.

DATE: August 27, 1996

REVISED: August 26, 2025

REVIEWED: August 26, 2025

- A. The District believes in fair and equitable application of Board policies and administrative regulations.
- B. The District also believes in keeping channels of communication open between the Board and the Fire Chief's Office, and the Fire Chief's Office and staff.
- C. To facilitate the attainment of these two objectives, it shall be the policy of the Board to provide channels of communication for the purpose of discussing matters of concern relating to the operation of the District with all employees.
- D. Matters covered under the terms of negotiated agreements are excluded from these discussions, since matters of contract interpretation are properly resolved via the procedures provided by law and in the agreements for this purpose.

DATE: August 27, 1996

REVISED: July 28, 2015

REVIEWED: August 26, 2025

SECTION 4.13 WORKERS' COMPENSATION

- A. The District will provide workers' compensation insurance coverage for all employees and volunteers.
- B. The District and its workers' compensation insurer will partner together to assist injured personnel in obtaining appropriate medical treatment and rehabilitation; with the goal of returning injured personnel back to modified duty and ultimately to full duty as soon as they are medically cleared.
- C. The District will maintain an injury and accident prevention program designed to promote a safe working environment and a safety conscious work force.

DATE: August 27, 1996

REVISED: August 26, 2025

REVIEWED: August 26, 2025

SECTION 4.14 HEALTH INSURANCE FOR RETIREES

District retirees (those receiving PERS or OPSRP retirement benefits for service or disability) may elect, within 60 days after the effective date of retirement, to continue on the District's or the Union Health Trust's medical and dental group coverage on a self-paying basis until reaching Medicare eligibility per ORS 243.303.

LEGAL REFERENCE ORS 243.303

DATE: August 27, 1996

REVISED: August 22, 2023

REVIEWED: August 26, 2025

SECTION 4.15 REGULAR EMPLOYEES AS INDEPENDENT CONTRACTORS

A District employee may be allowed to work as an independent contractor for the District, when the following criteria are met:

- A. The employee meets the definition of an independent contractor as defined by statute and regulations (see ORS 670.600).
- B. The service provided is not related to functions/responsibilities covered by the employee's current work classification, except in rare circumstances and approved by Organizational Health.
- C. The employee competes for or bids the work to the District as required under Board Policy Section 9.3.
- D. In absolutely no case shall a District employee be entitled to a contract awarded under any exception to the usual rule requiring an award to the low bidder.
- E. The work is performed outside the employee's regularly scheduled hours of work and will have no adverse impact upon the individual's employment effectiveness.
- F. The employee signs a District contract and follows all the same rules as required by District policy for independent contractors and the employee maintains the insurance(s) as required by the District contract.
- G. The employee shall have an affirmative obligation to disclose any potential or actual conflict of interest, or the appearance of a conflict of interest, between the status of independent contractor and employee.
- H. The employee shall not be in collusion with any other District employee or Board member, and shall not use any knowledge of any information not readily available to the public at large that would give the employee an advantage over a person without that information.
- I. Authorization:
 - 1. Employee shall receive the approval of the employee's manager, and
 - 2. The employee shall receive the approval of Finance and Organizational Health, and
 - 3. The employee shall contact the Finance Department to be considered as an independent contractor, and to bid on the work, and
 - 4. All contracts will be signed by the Chief Financial Officer.

DATE: February 25, 1997

REVISED: July 27, 2021

REVIEWED: August 26, 2025

- A. Payroll will maintain sick leave accruals and usage reporting for all employees of the District. These records will be managed consistently with terms outlined in the applicable contract for bargaining unit employees, the Standard Operating Guidelines for non-bargaining employees, and be consistent with PERS procedures detailed in ORS 238.350.
- B. These payroll records will be judged to be the official record of the District.
- C. District staff will maintain guidelines that define what absences may be charged to sick leave. These guidelines will take into consideration applicable state and federal employment laws, and the District's historical contractual and policy treatment of family leave, bereavement leave, on the job injury, disability leave, and other related absences.
- D. For most employees, semi-monthly payroll advice sick leave accruals are equal to their sick leave accruals reportable to PERS for retirement purposes. For those employees whose sick leave accruals on their payroll advice are different from their PERS reportable accruals, an annual accounting of their unused sick leave accruals reportable to PERS for retirement purposes will be provided for the previous calendar year by February 15 of each year.
- E. For employees receiving an annual accounting, any questions or concerns regarding PERS reportable accruals should be submitted in writing to the Chief Financial Officer within 30 days of receipt of the annual accounting. All other employees are expected to review their semi-monthly pay stubs for accuracy in the reporting of sick leave accruals and utilization.

DATE: August 27, 1996

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REVIEWED: August 26, 2025

SECTION 4.17 OFF-DUTY USE OF DISTRICT EQUIPMENT AND FACILITIES BY
EMPLOYEES

Compensation of employees includes limited personal use of District equipment and facilities, both on and off-duty. The purpose of this policy is to clarify permitted uses while off-duty.

District employees shall not utilize District equipment and facilities during their off-duty hours unless they first obtain prior approval as set forth below. District equipment shall not be used off-site under any conditions. Off-duty use of District equipment and facilities is subject to the following conditions:

- A. Limitations on Use of District Equipment and Facilities. Use of District equipment and facilities shall not interfere with the operations of the District. District equipment and facilities shall not be used to promote political agendas or to obtain any financial gain or avoid financial detriment that would otherwise not be available but for the employee's public employment position.
- B. Reimbursement of Expenses. To the extent that expenses are incurred by the District for personal use, the District shall be promptly reimbursed by the employee for such expenses at the rate such services are generally available to the public, regardless of the actual cost to the District. For example, charges for use of copy machines, printers, or unintended use of a District wireless device.
- C. Prior Approval Not Required. Prior approval shall not be required if the employee's use is instrumental to fulfillment of District programs and objectives (e.g., use of exercise equipment and weights to promote physical fitness).
- D. Prior Approval Required. Any use of District equipment not readily fulfilling District programs and objectives will require prior approval of the Fire Chief's Office or the employee's Division Chief/Manager.

DATE: February 25, 1997

REVISED: July 28, 2015

REVIEWED: August 26, 2025

SECTION 4.18 POLICY APPROVAL

This is to certify that Personnel Policy, Section 4, policies 4.1 – 4.17, were duly adopted and approved by Board action on:

Justin J. Dillingham, President of the Board

Clark I. Balfour, Secretary of the Board

APPROVED: August 26, 2025