

ORDINANCE NO. 264

AN ORDINANCE ADOPTING OREGON HOUSE BILL 2341 AND HOUSE BILL 2593; THE CITY OF DETROIT, OREGON PREGNANCY ACCOMMODATION POLICY AND DECLARING AN EMERGENCY

The City of Detroit, Oregon ordains as follows:

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

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

Section 1 - Requesting a Pregnancy-Related Accommodation

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

Section 2 - No Discrimination, No Retaliation

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

Employees who ask about, request or use accommodations under this policy and applicable Oregon law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee doesn't have a known limitation. Under Oregon law, an employer can't require an employee to use [sick leave] if a reasonable accommodation can be made that doesn't impose an undue hardship on the operations of the City of Detroit. Also, no employee will be denied employment opportunities if the denial is based on the need of the City of Detroit to make reasonable accommodations under this policy.

Section 3 - Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under [Oregon's sick leave law], Sign an acknowledgement indicating the employee has read the policy and had the opportunity to ask questions. The City must keep signed acknowledgements on file, or use an electronic acknowledgment system to comply with this requirement.

EMERGENCY CLAUSE: It being necessary for the peace, health, safety and sound development of the City, an emergency is hereby declared to exist. Upon adoption by the Detroit City Council and upon signature by the Mayor, Ordinance No. 264 shall become effective on December 10, 2019.

First read for the record in full on December 10, 2019.

Second reading by title before the City Council of the City of Detroit on December 10, 2019.

Passed by the Common Council of the City of Detroit, Oregon and signed by the Mayor this 10th day of December, 2019.

Ayes: _____ Nays: _____ Absent: _____

Mayor James R. Trett

Attest:

Christine Pavoni, City Recorder