



# **CITY OF CHELAN**

# **PERSONNEL MANUAL**

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# CHAPTER 1 PURPOSE AND SCOPE

## 1.1 INTRODUCTION

The City of Chelan (the "City"), which was incorporated in 1902, operates under a mayor/council form of government and is a non-charter code city per Revised Code of Washington Chapter 35A. Under this system, there are seven (7) elected City Councilmembers and a Mayor. The Councilmembers are elected at-large to serve consecutive four (4) year terms. Presently, the Mayor and the Councilmembers hold the only elected positions within the City.

The City Administrator is appointed by the Mayor with City Council confirmation and is responsible for the overall administration of the City. Department Directors are responsible to the Mayor through the City Administrator. Thus, the City's chain of command runs from the Mayor to the City Administrator, to Department Directors, to supervisors to non-supervisory personnel.

The City places the highest value on its employees and their wellbeing. The City believes that when consistent personnel policies are established and communicated to all, the opportunity for greater job satisfaction increases. Each employee will be encouraged to read these policies. Any questions or suggestions should be directed to the employee's supervisor or Department Director.

## 1.2 PURPOSE AND SCOPE

These personnel policies serve as a general guide to the City's employment practices and procedures. It is hoped they will help employees better understand how the City operates and what is expected of employees. These policies also provide employees with information on benefits, vacations and other policies that apply to employees who are not covered by a collective bargaining agreement. Individual department standard operating procedures need to be consistent with these policies and approved by the City Administrator before they are implemented.

Unless specific benefits or rights to the contrary are granted to an employee through ordinances, individual employment contracts, or valid and effective collective bargaining agreements, employees are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice.

The City reserves the right to amend, delete, supplement, or rescind any of the City's personnel policies, as the City deems necessary and appropriate, without advance notice. The City also reserves the right to deviate from these policies in individual situations, particularly in an emergency, in order to achieve its primary mission of providing orderly and cost efficient services to its citizens. Employees may request specific or temporary deviations to the application of these policies by submitting requests to their supervisors or Department Directors.

These practices and policies are not an express or implied contract or any type of promise or guarantee of specific treatment in specific instances upon which any employee may rely.

These personnel practices and policies apply to all City employees. Except for the policies on work place harassment and retaliation, travel and communication resources, these policies do not apply to elected officials and independent contractors. In the event of conflict between any of these policies and any ordinance or provision of a valid and effective collective bargaining agreement, the provisions of the ordinance or collective bargaining agreement will govern.

### 1.3 DEFINITIONS

**Collision** - Collision means an occurrence involving any City vehicle which results in a fatality; bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle.

**Commercial Vehicle** - A vehicle that either has a gross vehicle weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); is designed to transport sixteen (16) or more persons, including the driver; or is used to transport hazardous materials.

**Department Director** - An employee who has responsibility for directing one or more departments.

**Driver** – Any employee who is required to possess a commercial driver’s license and whose position may involve driving a commercial vehicle.

**Exempt Employee** – An employee who is defined by the Fair Labor Standards Act (FLSA) as being exempt from FLSA’s minimum wage and overtime regulations. Only bona fide executive, administrative, computer and professional employees who meet the requirements established by FLSA are exempt.

**Illegal Drugs** - Any drugs or substances defined as illegal by the U.S. Drug Enforcement Agency; the Washington State Board of Pharmacy, as defined in RCW 69.50 as presently enacted or hereafter amended; as well as so called "designer drugs" not approved for medical use by the U.S. Drug Enforcement Agency, the U.S. Food and Drug Administration or state law.

**Immediate Family** - An employee's immediate family includes the employee's spouse, registered domestic partner, child, stepchild, parent, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandchild, grandparent, and any relative who lives in the employee’s home.

**Improper governmental action** - Any action by a City official or employee that is undertaken in the performance of the official's or employee's duties, whether or not the action is within the scope of the employee's employment, and that is in violation of any federal, state or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds. Improper governmental action does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, alleged violations of labor agreements or reprimands.

**Medical Review Officer (MRO)** - A licensed physician responsible for receiving and interpreting laboratory results from urine drug tests.

**Non-Exempt Employee** – An employee who is entitled to overtime pay under the Fair Labor Standards Act.

**Regular Full-Time Employee** - An employee who is regularly scheduled to work a minimum of forty (40) hours per week on a continuing basis.



**Regular Part-Time Employee** - An employee who is regularly scheduled to work less than forty (40) hours per week on a continuing basis. Part-time employees are not eligible for City benefits unless specified in a union agreement or required under state or federal law.

**Safety Sensitive Position** - A position associated with the driving of emergency or commercial vehicles.

**Seasonal Employee** – An employee who is assigned to work nine (9) or fewer consecutive months.

**Substance Abuse Professional (SAP)** - A licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders. The SAP is responsible for evaluating employees with positive test results.

**Temporary Employee** – An employee who holds a job of limited duration arising out of a special project, abnormal workload or emergency. Temporary employees are not eligible for City benefits except as required under state or federal law.

## **CHAPTER 2 GENERAL POLICIES AND PRACTICES**

### **2.1 EQUAL EMPLOYMENT OPPORTUNITY**

The City is an equal opportunity employer. The City employs, retains, promotes, terminates and otherwise treats its employees on the basis of merit, qualifications, and competence, without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, disability, sexual orientation, veteran status, genetic information or any other status protected by federal, state, or local law. Any alleged act or complaint of discriminatory treatment by any City employee should be promptly reported to the City Administrator for appropriate investigation and action.

### **2.2 EMPLOYEE PERSONNEL RECORDS**

A personnel file for each employee is maintained by the City Administrator or his/her designee, and access is limited to the employee, the employee's Department Director, the City Administrator, and the Mayor. Usually, an employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information.

Each employee may periodically review his/her personnel file. An employee may place pertinent information in his/her personnel file with the approval of the City Administrator. Medical information shall be maintained separately. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the City denies the employee's request to remove the information, the employee may file a written rebuttal statement to be placed in his/her file.

Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, information from an employee's personnel file will not be released to the public, including the press, without employee authorization or as required by law.

### **2.3 EMPLOYMENT REFERENCES**

Employment references that do not call for copies of the employee's file are subject to RCW 4.24.730. All potential employers seeking information from a supervisory employee will be provided with accurate information regarding the employee's ability to perform his or her job, compliance with these policies or information on the skill or diligence the employee applied to their work. The supervisory employee will document who requested the reference, the date of the contact, and a brief explanation as to the information provided. This document will then be placed in the employee's (or former employee's) personnel file and retained for a period of six (6) years after termination.

Only supervisors who actually prepare employment evaluations, Department Directors, the City Administrator or the Mayor are authorized to provide employment references on current or former City employees. Other employees shall refer requests for references to the appropriate supervisor or Department Director or to the City Administrator or Mayor.

### **2.4 DISABILITY DISCRIMINATION PROHIBITED**

The City will take steps to reasonably accommodate those applicants who are otherwise qualified and/or qualified employees with a sensory, physical or mental disability to assist them in performing the essential job functions unless it would impose an undue burden. The applicant

and/or employee must be able to perform the essential functions of the job with or without a reasonable accommodation. A reasonable accommodation is one that is likely to be successful in enabling the employee to perform the essential functions of his/her position and does not create an undue burden for the City, significantly impair City services or create safety concerns. In some instances, depending on the job assignment of the employee, an essential function of the job will require that the employee maintain a consistent attendance record with minimal instances of absences or incidents of tardiness.

## **2.5 LIFE THREATENING/COMMUNICABLE DISEASES**

Employees with life threatening illnesses or communicable diseases are treated the same as all other employees. They are permitted to continue working as long as they are able to maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves or their co-workers. The City will work to preserve the safety of all of its employees and reserves the right to reassign employees or take other job actions, including discharge, when a substantial and unreasonable safety risk to fellow City employees or the public exists.

## **2.6 ANTI-HARASSMENT POLICY**

It is the City's policy to foster and maintain a work environment that is free from discrimination, harassment and retaliation. Toward this end, the City will not tolerate unlawful harassment of any kind by employees toward co-workers or members of the public. Employees are expected to show respect for each other and the public at all times, despite individual differences.

Harassment is a term which is intended to further the City's anti-discrimination policy and includes unwarranted and unwanted verbal or nonverbal conduct that threatens, intimidates, or insults another person, has the purpose or effect of creating an offensive, intimidating, degrading or hostile work environment or interferes with or adversely affects that person's ability to perform the job, and is based on the individuals' membership in a protected class as identified in Section 2.1 and Section 4.1 of this manual. When such unwanted actions are directed at the individual because of his/her membership in a protected class as referenced in Chapters 49.12.200 and 49.60 of the Revised Code of Washington and Section 2.1 and Section 4.1 of these policies, this form of conduct is prohibited by state and federal law and these policies. Examples of prohibited conduct include ethnic slurs or demeaning comments regarding an employee's race, ethnic background, gender, religion, sexual identity or sexual preference, age or disability.

Harassment does not include the conduct or actions of supervisors intended to appropriately manage staff, such as performance related counseling, correction, deficiency notices, performance evaluations, oral warnings, reprimands, or other supervisory actions intended to promote effective job performance.

See Discrimination Complaint Procedure, Policy 2.9, for guidance on what to do if you believe you have experienced or are experiencing harassment or retaliation.

## **2.7 SEXUAL HARASSMENT POLICY**

Sexual harassment is a form of sex discrimination that is illegal and offensive, and it will not be tolerated by the City. Sexual harassment is conduct which is directed at the recipient which is of a sexually explicit nature or based on the individual's gender. This conduct can be sexually explicit, sexually suggestive or may be directed at the recipient due to gender bias. All such behavior is prohibited in the workplace or outside the workplace, since communications outside the workplace may still impact working relationships.

Sexual harassment is behavior of a sexual nature which is unwelcome and offensive to a reasonable person. Examples of sexual harassment include: verbal behavior such as unwanted sexual comments, suggestions, jokes, or pressure for sexual favors; at times it includes non-verbal behavior such as suggestive looks and leering; and physical behavior such as suggestive pats or squeezes, or repeatedly brushing against someone's body. While touching in the workplace is not prohibited and can sometimes be unavoidable, employees who are sensitive to this kind of non-sexual contact should make co-workers aware of these personal preferences. Other conduct also may constitute sexual harassment depending upon given facts and circumstances.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct constitute sexual harassment when it is part of a manager's or supervisor's decision to hire or fire; it is used to make other employment decisions such as pay, promotion or job assignments; it creates an intimidating, hostile or offensive work environment, meaning the conduct substantially interferes with the employee's ability to do his or her job.

Employees engaging in harassment are subject to discipline, including termination. See Discrimination and Harassment Complaint Procedure Policy, Section 2.9 of this manual, for guidance on what to do if you believe you have experienced or are experiencing sexual harassment.

While the City does not prohibit consensual relationships between City employees, when a potential conflict of interest arises due to that personal relationship, the City will address the workplace concerns in an effort to eliminate the potential conflict of interest. The City will refer to the nepotism policy as a guide. If such relationships become disruptive to the workplace, interfere with normal supervisory duties, or have a serious potential or actual impact on morale, the City reserves the right to address these concerns and make appropriate management decisions to eliminate the potential problems that may arise.

## **2.8 ANTI-DISRUPTION POLICY**

Any conduct in the workplace or while on City time that is disruptive to the normal operations of City business or invades the rights of others will not be tolerated. While on City time, employees are expected to maintain their focus on professional and work-related matters and to treat each other and the public with respect. The City also respects individuals' privacy interests, their right to a belief system that may differ from that of other employees, and political freedoms. Thus, all employees are expected to maintain work relationships that respect and adhere to the City's expectations. This includes refraining from spreading harmful rumors, gossiping or discussing non-business related information about others. Other disruptive conduct includes but is not limited to discrimination, harassment, threats, insults, intimidation, ridicule, profanity, vulgarity, stereotyping, physical or verbal abuse, ignoring the rights of others, and displaying insensitivity to the beliefs and customs of others.

**Conduct Towards Co-workers and the Public.** All employees are expected to treat their co-workers and the public with courtesy and respect. This policy is intended to extend beyond the limits of the anti-discrimination policy and requires respectful behavior of both co-workers and the public in any context that may impact working relationships. While employees may disagree with one another, or even with aspects of the City policies, management directives or other practices, they are expected to resolve their concerns in a way that is not disruptive of the City's business, and does not undermine the quality of the workplace for others. If you have concerns, you are expected to address those concerns with an appropriate member of the management team to see

if your concerns can be resolved. Employees are not to act in a way that is considered combative or threatening to other co-workers or the public.

Gossip in the workplace, particularly if it is unfounded or humiliating, destroys co-worker morale. All employees are charged with the responsibility of avoiding or stopping harmful gossip in the workplace. Any exchange of information unrelated to an employee's job performance or dealing with non-City business that you would find hurtful or demoralizing if said about you, should be considered prohibited gossip under this policy. If you learn of harmful gossip and are uncomfortable telling your co-workers to stop, report such conduct to the responsible employees' supervisor, who will take appropriate action.

Similarly, disagreements and animosities among employees can be detrimental to the work environment for all co-workers. The City expects such disagreements and animosities to be removed from the workplace or resolved productively with the help of a supervisor. Any unresolved disagreements of this nature that impact employee performance and morale will be dealt with as a performance problem or disciplinary matter.

Employees are expected to conduct themselves professionally at all times. The City will not tolerate abusive or foul language, discourteous or insulting conduct, threats of any kind, violence or intimidation. Such conduct will result in disciplinary action, up to and including termination.

## **2.9 DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE**

Employees are responsible for respecting the rights of their co-workers and others, including the citizens they serve. All employees are encouraged to report any incident of discrimination, harassment, and/or retaliation that they observe occurring. Employees are strongly urged to report all instances of perceived harassment or discrimination as soon as possible. It is the City's goal to provide its employees with a professional and productive working environment. However, the City cannot address employees' concerns if they are not brought to its attention. The following procedure outlines the steps to follow if an employee believes he/she has experienced or witnessed harassment or discrimination on the job.

An employee who believes he/she has been harassed or is the victim of discrimination and is comfortable talking with the person engaging in the offensive behavior should do so. The offensive behavior should be identified and the person engaging in it should be asked to stop the behavior immediately. Most issues in the workplace can be handled effectively through this type of clear communication.

In the event such informal direct communication is either ineffective or impossible, the employee who believes he/she is being harassed or discriminated against should discuss his/her concern immediately with his/her supervisor or Department Director. Although it is not required, the employee is encouraged to put in writing a description of the offensive behavior, including the dates and times when it occurred, to make certain the report contains a complete description of any conduct that may violate these policies or result in discipline. If your concern is not handled to your satisfaction, you should discuss your concern with the City Administrator, your Supervisor and/or the Mayor.

To the extent possible, complaints will be handled confidentially. However, it may not be possible to keep all of the allegations confidential in order to conduct a complete investigation.

If an investigation shows the accused employee did engage in improper harassment or discrimination or other violations of City policy, prompt effective remedial action will be taken to

ensure the complained of conduct does not occur again. This includes disciplinary action up to and including termination.

The City strictly prohibits retaliation against those who have made a good faith complaint of harassment or discrimination or participated in an investigation of such a complaint. Good faith means the complaint was not filed as a means to avoid pending or possible discipline and is based on facts and personal observations (rather than hearsay) the complaining party believes are accurate. Employees who have concerns regarding retaliation should immediately report them to their immediate supervisor or the City Administrator if the immediate supervisor is the harasser. If the City finds that retaliation has occurred, the employee who engaged in such misconduct will be subject to discipline, up to and including termination.

## **CHAPTER 3 RULES OF CONDUCT**

In the interest of the City and the public, it is desirable, whether off-duty or on-duty, that an employee's conduct reflect favorably on the employee, his/her fellow employees and the City. Off-duty misconduct may result in discipline when it renders an employee less capable of performing his/her duties and responsibilities, or when it reflects unfavorably upon an employee's continuing qualifications for employment.

The City places as few restraints on employee personal conduct as possible. The City relies on each employee's good judgment and sense of responsibility as the principal source of guidance for conducting day-to-day duties and responsibilities. However, for the protection of the City's business interests and other employees, certain rules of conduct have been established. The rules are formalized here for each employee's information and to minimize the likelihood of any employee, through misunderstanding or otherwise, becoming subject to disciplinary action.

### **3.1 GENERAL CODE OF CONDUCT**

City employees are expected to represent the City in a professional manner which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and Department Director. The City may furnish or pay for clothing required by the City.

Since the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct. Among the City's expectations are: basic tact and courtesy towards the public and fellow employees; adherence to City policies, procedures, safety rules and safe work practices; compliance with directions from supervisors and administration; preserving and protecting the City's equipment, grounds, facilities and resources; providing orderly and cost efficient services to citizens; refraining from conduct that causes the City harm or embarrassment or unduly disrupts or undermines City services or public confidence; and refraining from all forms of discriminatory behavior toward co-workers and the public.

To make the most efficient use of personnel, the City reserves the right to change working conditions and duties originally assigned. Employees are expected to fully cooperate should such a change become necessary.

### **3.2 CONFIDENTIALITY**

City employees may receive and have access to personal information regarding the City's taxpayers, rate payers, and other employees and officials or confidential and private personnel information. Employees are obligated to keep this information confidential at all times. All requests for confidential City records or information must be referred to the City Clerk. Employees are prohibited from copying or distributing confidential information. This obligation exists during employment with the City and it continues indefinitely after employment with the City ends. Employees who violate this provision shall be subject to discipline up to and including termination. The confidentiality obligations set forth in this policy remain in effect following an employee's departure from the City, regardless of the reason. Former employees who breach their confidentiality obligations may face civil liability.

### 3.3 WORK RELATED APPEARANCE

The City's objective in establishing a business dress code is to allow employees to work comfortably while still projecting a professional image for customers, potential employees, and community visitors.

Because all casual clothing is not suitable for the office, these guidelines will help you determine what is appropriate to wear to work. Clothing that works well for the beach, yard work, dance clubs, exercise sessions, and sports contests may not be appropriate for a professional appearance at work.

Clothing that is sexually suggestive or revealing is not appropriate for a place of business. Even in a business casual work environment, clothing should be clean. Torn, dirty, or frayed clothing is unacceptable. Any clothing that has words, terms, or pictures that may be offensive to other employees is unacceptable. Clothing that has the City logo is encouraged.

This is a general overview of appropriate business casual attire and identifies those items which are generally not appropriate for the office. This list is not all-inclusive and is subject to change. The lists tell you what is generally acceptable as business casual attire by explaining what is generally **not acceptable** work attire.

No dress code can cover all contingencies so employees must exert a certain amount of judgment in their choice of clothing to wear to work. If you experience uncertainty about acceptable, professional business casual attire for work, please ask your supervisor.

**Clothing:** Inappropriate slacks or pants include jeans, sweatpants, exercise pants, Bermuda shorts, short shorts, bib overalls, leggings, and any spandex or other form-fitting pants such as those worn for biking. Jeans are acceptable for certain departments whose employees work primarily outdoors and on Fridays for other departments upon prior approval by the Mayor and Department Director.

Dress and skirt length should be at a length at which you can sit comfortably in public. Short, tight skirts, mini-skirts, beach dresses, and spaghetti-strap dresses are inappropriate for the office.

Inappropriate attire for work includes midriff tops; shirts with potentially offensive words, terms, logos, pictures, cartoons, or slogans; halter-tops; tops with bare shoulders; sweatshirts and t-shirts unless worn under another blouse, shirt, jacket, or dress. While business tops that are sleeveless or "tank tops" are acceptable, any top that does not cover undergarments and straps of undergarments is unacceptable.

Flip-flops and slippers are not acceptable in the office. While sandals are acceptable, any thong type or backless sandal that causes a noise that could be a distraction, is not. Conservative athletic shoes may be permitted in some departments and closed toe and closed heel shoes are required in some departments. Safety footwear may also be required in some positions.

**Jewelry, Makeup, Perfume, and Personal Decoration:** Accessories should be in good taste, with limited visible body piercing and no visible tattoos that may be offensive to others. Some customers and employees are allergic to the chemicals in perfumes and make-up, so wear these substances with restraint. Hats and head covers that are required for medical or religious purposes or to honor cultural tradition are allowed and may also be worn upon prior approval of the Mayor and Department Director.



If clothing fails to meet these standards, as determined by the employee's supervisor, the employee will be asked not to wear the inappropriate item to work again. If the problem persists, the employee may be sent home to change clothes. Progressive disciplinary action will be applied if dress code violations occur.

### **3.4 TOBACCO USE**

For health and safety considerations, the City prohibits the use of tobacco products by employees in all City owned, rented or leased vehicles and buildings, including individual employee offices. Also, in accordance with RCW 70.160.075, smoking is prohibited within twenty-five (25) feet of entrances, exits, windows that open and ventilation intakes that serve enclosed areas where smoking is prohibited.

### **3.5 SUBSTANCE ABUSE**

The City intends to provide a workplace free from alcohol and illegally used drugs. The City's philosophy on substance abuse has two focuses: a concern for the well-being of the employee and a concern for the safety of other employees and members of the public.

**Availability of Rehabilitation or Treatment:** The City encourages employees who are concerned about their alcohol or drug use to seek counseling, treatment and rehabilitation before performance problems or discipline rises. Although the decision to seek treatment or a diagnosis and assistance is completely voluntary, the City is fully committed to helping employees who voluntarily come forward to overcome substance abuse problems prior to violating the City's policies. In most cases, the expense of treatment may be fully or partially covered by the employee's medical benefit program. In recognition of the sensitive nature of these matters, all discussions will be kept confidential. Employees who seek advice or treatment before a disciplinary process has begun will be given the option of leave to address their treatment needs.

**When Job Performance is Affected:** Although the City is concerned with rehabilitation, it must be understood that disciplinary action may be taken when an employee's job performance is impaired because he/she is under the influence of drugs or alcohol on the job. When employees are on the job, employees are expected to be physically free from any impairment or substance that would contribute to an injury, property damage, or that would interfere with productivity. They are to be free from illegal drugs or potentially impairing levels of legal substances. The City may discipline or terminate an employee for possessing, consuming, selling or using alcohol or controlled substances (other than legally prescribed) during work hours. The City may also discipline or terminate an employee who reports for duty or works under the influence of alcohol or controlled substances. An employee may be required to submit to alcohol or controlled substance testing when the City has reasonable suspicion that the employee is under the influence of controlled substances or alcohol. Refusal to submit to testing, when requested, is considered a positive test result and may result in immediate disciplinary action, up to and including termination.

**Drug-Free Workplace:** Based on the federal Drug-Free Workplace Act, the manufacture, distribution, dispensation, possession and use of unlawful drugs (including prescription drugs for which the employee does not have a valid prescription) or alcohol on City premises or during work hours by City employees is strictly prohibited. Employees also must notify the City within (five) 5 days of any conviction for a drug violation in the workplace. Violation of this policy can result in disciplinary action, up to and including termination. Continued poor performance or failure to successfully complete a rehabilitation program is grounds for termination.

The City reserves the right to search employee work areas, offices, desks, filing cabinets, etc. to ensure compliance with this policy. Employees shall have no expectation of privacy as to such areas.

**Use of Medication:** The possession and use of medically prescribed or over-the-counter drugs during work hours is permissible, subject to certain conditions. The employee shall have no obligation to inform his or her supervisor of such use unless, the employee has knowledge that the medication is causing or may cause an impairment that prevents the employee from performing his or her job safely or effectively. In such cases, the employee should notify his or her supervisor so that a determination can be made as to whether it is in the best interests of the City and the employee that the employee work, not work or be reassigned during the period medication is used.

Employees who are required to have a Commercial Driver's License are subject to drug and alcohol testing requirements as set forth in regulations issued by the United States Department of Transportation. Those requirements are explained in Section 11.6.

### 3.6 HEALTH AND SAFETY

**Health:** Each employee is expected to maintain physical and mental health fitness necessary to effectively perform the essential functions of his/her position. When the health of an employee becomes a hazard to persons or property, or prevents the employee from effectively performing the duties of his/her assigned work, the employee may be required by the City to undergo a health examination. When so required, the employee will be paid for the time required for the examination and for the cost of the examination, if it exceeds insurance benefits. Usually, correction or treatment of conditions diagnosed during this examination is the employee's responsibility.

If an employee's physical or mental health condition causes the employee to be incapable of performing the essential functions of his/her current position, the employee and Department Director will explore reasonable accommodations that will enable the employee to perform his/her essential functions without jeopardizing other employees or becoming an undue hardship to the City.

**Safety:** Every employee is responsible for maintaining a safe work environment and following the City's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to his/her supervisor. The City will make every effort to remedy problems as quickly as possible.

In case of an accident involving a personal injury, regardless of how serious or minor, employees shall immediately notify their supervisor and the supervisor will then notify the City L&I Coordinator. Employees should familiarize themselves with City safety regulations and controls.

Since being exposed to a blood borne pathogen may lead to sicknesses such as hepatitis, AIDS or malaria, and since the City wants to assure its' employees a safe and healthy work environment as possible, it is the policy of the City to comply with all statutory obligations for the prevention of exposure to blood borne pathogens. Employees should familiarize themselves with the City's Exposure Control Plan and follow it at all times. Failure to comply with this Plan will result in discipline up to and including termination.

Employee safety depends on the safety consciousness of everyone. In order to facilitate a safe work environment, employees may not bring weapons to the workplace. including City provided

parking areas. This includes, but is not limited to, weapons for which employees have a valid permit. The only exception to this rule involves law enforcement positions for which the job requires possession of dangerous weapons. This policy, however, shall not prohibit employees from maintaining a personal licensed firearm in their personal vehicle while parked on City property, provided that the vehicle is locked and the firearm is secured in an area of the vehicle that is not publically visible.

For additional information, see the City of Chelan Safety Manual.

### **3.7 POLITICAL ACTIVITIES**

City employees may participate in political or partisan activities of their choosing provided that City resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on City time or in a City uniform or while representing the City in any way. Employees may not use or allow others to use City facilities or funds for political activities.

Any City employee who meets with or may be observed by the public or otherwise represents the City to the public, while performing his/her regular duties, may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit for contributions to a partisan political cause while on City property or City time.

### **3.8 SOLICITATION**

The City believes its employees and the public should have the opportunity to work and receive City services without interference from persons who are pursuing a purpose not related to the City's normal business. Persons not employed by the City may not solicit, survey, petition, or distribute literature on City premises at any time. City employees may not solicit the public or other employees for any cause during work time unless authorized by the City Administrator or Mayor. For this purpose, work time means time during which either the soliciting employees or the employees who are the object of the solicitation are expected to be actively engaged in their assigned work. Reasonable forms of solicitation are permitted during non-work time, such as before or after work or during meal or break periods. An example of a reasonable form of solicitation might be to display the material in the employee break room. Directly contacting employees is prohibited. Employees may not distribute literature for any purpose during work time or in work areas.

### **3.9 CONTACT WITH NEWS MEDIA**

The Mayor and City Administrator are responsible for all official contact with the news media, including answering questions from the media. The City Administrator may designate specific employees to give out procedural, factual or historical information on particular subjects.

### **3.10 BULLETIN BOARDS**

Information of special interest to all employees is posted regularly on City bulletin boards. Employees are urged to check the bulletin board frequently, as they are expected to be aware of its posted contents. Employees may not post any information on these bulletin boards without the authorization of the City Administrator or the employee's Department Director.

### **3.11 USE OF CITY EQUIPMENT**

City officials and employees are obligated to conserve and protect City resources for the benefit of the public interest. Responsibility and accountability for the appropriate use of City resources ultimately rests with the individual City official or employee who uses those resources or who authorizes such use.

All use of City computers, telephones and other communication resources shall be in compliance with the City's "Communication Resources Policy." Other City equipment, including vehicles, should be used by employees for City business only. An employee's misuse of City services, equipment or supplies can result in disciplinary action up to and including termination.

Certain job assignments may require that employees furnish personal equipment. If an employee is required to furnish any items, his/her Department Director will provide a list of the items needed. The City is not responsible for lost or stolen personal property, so employees should be careful to secure such equipment, as well as any money or valuables they have in the work place.

### **3.12 PERSONAL POSSESSIONS**

The City assumes no responsibility for any theft of or damage to personal belongings brought to work by employees, including damage to or theft of personal vehicles parked in city lots or the contents of said vehicles. The City reserves the right to search space and furnishings provided for employees' use, including desks, lockers and all electronic equipment supplied by the City. The City also reserves the right to search personal belongings brought onto City premises if necessary to investigate allegations of misconduct, determine if a crime has been committed or a threat to safety has or may occur. Personal items that may be offensive to others, including items that may violate the City's anti-harassment or discrimination policies, may not be brought into the workplace.

### **3.13 DRIVER'S LICENSE REQUIREMENTS**

As part of the requirements for certain specific City positions, an employee may be required to hold a valid Washington State Driver's license, either with or without special endorsements. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify his/her supervisor and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her supervisor. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be considered no longer qualified to hold their position and may be subject to disciplinary action, up to and including termination.

### **3.14 SEAT BELT POLICY**

In compliance with Washington State law, anyone operating or riding in a City vehicle must wear a seat belt at all times.

### **3.15 SUGGESTIONS**

All employees are encouraged to make suggestions to improve the efficiency of city operations or employee job satisfaction. Suggestions may be written or verbally given to the employee's Department Director at any time. The Department Director will then discuss the idea with the appropriate person or group and the City Administrator.

### **3.16 CONFLICTS OF INTEREST**

Except upon approval by the Mayor, City employees may not sell or barter anything to the City or to a contractor supplying the City or make any contract with the City. Employees may not purchase anything from the City other than those things which the City offers generally to the public and then only on the same terms as are offered to the public unless an invitation to submit sealed bids is published and the City accepts the sealed bid which is most advantageous to the City.

Employees may not accept any gift or gratuity from any vendor or agent with whom the City transacts business. Employees may not use their official position or accept gifts and gratuities for personal gain. An occasional meal or coffee is not considered a "gift."

Employees shall not, directly or indirectly, engage in any outside employment or financial interest which, in the City's opinion, may conflict with the best interests of the City or interfere with the employee's ability to perform his/her assigned City job. Examples include, but are not limited to, outside employment which:

- A. Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular or expected part of the employee's job;
- B. Is conducted during the employee's work hours;
- C. Utilizes City telephones, computers, supplies, or any other resources, facilities or equipment;
- D. Is employed with a firm which has contracts with or does business with the City;
- E. Involves the unauthorized distribution of confidential information, including personnel information, information which is to be kept confidential, such as financial information for taxpayers or citizens and information relating to any pending contract negotiations. See 11.2 above; or
- F. May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

An employee who chooses to have an additional job, contractual commitment or self-employment may do so only after obtaining prior written approval from his/her Department Director who shall discuss the request with the Mayor prior to making a decision regarding said request.

### **3.17 DISPUTE RESOLUTION PROCEDURES**

The City recognizes that sometimes situations arise in which an employee feels that he/she has not been treated fairly or in accordance with City rules and procedures. For this reason the City provides its employees with procedures for resolving disputes.

To effectively resolve employee concerns, please provide your supervisor or Department Director with:

- A. A description of the problem;
- B. A specific policy or procedure which the employee believes has been violated or misapplied;
- C. The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances;
- D. Details regarding what the employee has done to resolve the complaint;
- E. The remedy sought by the employee to resolve the complaint.

When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of City practices, policies, or procedures, the

employee should attempt to resolve the problem with his/her Department Director. The Department Director should generally respond to the employee, in writing, within 7 working days after meeting with him/her, if reasonably possible.

The City Administrator may meet with the parties, either individually or together, and will endeavor to respond in writing to the aggrieved employee within ten (10) working days of any such meeting, if reasonably possible.

A disposition of the employee's complaint by City management or the Mayor (if the complaint relates to a Department Director) will be final.

Union employees shall refer to their union contracts on issues relating to contract interpretation or grievance rights.

### **3.18 LITIGATION**

From time-to-time the City may be involved in legal actions. The only persons authorized to receive legal summons and lawsuit filings for the City are the City Clerk and his/her designee during business hours, who, upon receipt is responsible for promptly notifying the Mayor, City Administrator, City Attorney and the City's insurance carrier.

No other persons or employee is authorized or allowed to accept service on behalf of the City and should so advise the process server.

### **3.19 WORK PLACE VIOLENCE**

Workplace violence will not be tolerated. Any employee who commits or threatens an act of violence at work against a person or property will face disciplinary action up to and including termination. Where appropriate, the matter will be referred to legal authorities for prosecution.

Workplace violence is violence against employers, other employees or members of the public and includes: physical acts of harm or damage against individuals or the City's property; verbal threats, or vicious statements that are meant to harm or cause another to be intimidated or fear for their safety; written threats, even in jest, and vicious cartoons, notes and other written conduct that is meant to threaten another or make them fear for their safety; and visual acts that are threatening or intended to convey injury or hostility.

Workplace violence can and must be prevented. Achieving that goal requires the combined efforts of all employees. Employees are encouraged to take the following steps to stop the threat of violence that may impact the workplace: refrain from making insulting or derogatory statements to anyone in the workplace; take necessary steps to ensure the physical safety of employees; report all conduct that appears to violate these policies to a supervisor or, if needed, to the sheriff's office.

All employees are to report any act of violence or threat of violence. Such reports may be made directly to emergency services via 911. Once emergency personnel, i.e., police/fire have been contacted and the situation is under control, the employee is to report the incident immediately to his/her supervisor or Department Director.

All such reports are to be fully investigated. Any employee that engages in acts or threats of violence may be disciplined, up to and including termination.

Any employee who takes any reprisal, regardless of the magnitude of the reprisal, against a person who reports any act or threat of violence shall be subject to discipline, up to and including termination.

### **3.20 DUTY TO REPORT**

An employee shall have the duty to promptly report (no later than five (5) business days) to the City Administrator or his/her Department Director, that the employee:

- A. Has been convicted of a crime which could impair the employee's ability to perform his/her assigned duties, impair the public confidence in the employee, result in the loss of a right or privilege necessary to the performance of his/her duties or which otherwise calls into question the employee's fitness for duty; or
- B. Has lost or had suspended a driver's license, certification, or other governmental licensing required for the employee to perform an essential element of his/her job.

## CHAPTER 4 RECRUITING AND HIRING

### 4.1 RECRUITING

Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence, without regard to race, color, religion, national origin, sex, marital status, pregnancy, physical handicap, disability, age, sexual orientation, gender expression or identity, honorably discharged military or veteran status, or political ideology or otherwise protected by law.

The Mayor shall establish a procedure for recruiting general employees and Department Director level employees through whatever means are deemed appropriate to gain the best response from qualified applicants. Compensation and benefits for general employees shall be in accordance with the appropriate sections of this Personnel Manual or current union contract, whichever is applicable. The Mayor may take into consideration the knowledge and experience of the selected applicant when establishing a compensation and benefit package for a Department Director level position. City Council approval is required for any package that requires a budget amendment.

Each applicant shall complete and sign a City of Chelan Employment Application form prior to being considered for any position. Resumes may supplement, but not replace, the City's official application form. Applications and/or resumes will be accepted only when an open position is advertised.

Any applicant supplying false or misleading information is subject to immediate termination, if hired and will be otherwise ineligible for hire. Trust and honesty is the cornerstone of a successful employment relationship and the City requires this of all employees and applicants.

### 4.2 NEW EMPLOYEE ORIENTATION

New employees participate in an orientation to their department and the City. This orientation typically includes information about the City's organization, services, safety work rules and personnel policies; information about departmental rules and procedures; benefits; completion of payroll forms; and introduction to other City personnel.

### 4.3 TEMPORARY EMPLOYEES

Department Directors may use temporary employees for special projects, to temporarily replace regular employees who are on vacation or other leave, to meet peak work load needs or to temporarily fill a vacancy until a regular employee is hired. Temporary employees may be hired without competitive recruitment or examination, although all hiring processes must comply with state and federal laws.

**Compensation/Benefits:** Temporary employees are eligible for overtime pay as required by law. Temporary employees normally do not receive retirement, vacation, sick leave, health insurance, holidays, longevity, or any other benefits, other than those mandated by state and federal law.

### 4.4 PROBATIONARY PERIOD

Upon hire or appointment, all employees enter a probationary period that is considered an integral part of the selection and evaluation process. The probationary period is designed to give the employee time to learn the job and to give the supervisor time to evaluate whether the match between the employee and the job is appropriate.



The normal probationary period is one (1) year from the employee's date of hire or rehire. The Mayor may authorize the Department Director to extend the probationary period for up to an additional six (6) months. An extension may be granted due to circumstances such as an extended illness or a continued need to evaluate an employee's performance.

Once the probationary period is successfully completed, the employee may be certified to regular employment status. Satisfactory completion of the probationary period does not modify the employee's at will status, create an employment contract or guarantee employment with the City for a specified duration.

Use of Sick Leave/Vacation During Probationary Period: Probationary employees may use their accrued sick leave after thirty (30) days of employment and may use accrued vacation after six (6) months of employment.

#### **4.5 PROMOTIONS AND TRANSFERS**

Full and part-time employees are eligible for promotion, transfer or voluntary demotion. To be considered for another position, an employee must possess the qualifications for the vacant position unless the City Administrator determines that waiving those requirements is in the best interest of the City.

The City encourages current City employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on the Department Director's recommendation, work force requirements, performance evaluations, job descriptions and related City requirements.

A promotion is the appointment of an employee to another classification with a higher salary range with expanded responsibilities. Upon promotion an employee is usually paid the nearest higher step in the promoted employee's new salary range. A promoted employee may be demoted or terminated from the new position if the City determines, at its sole discretion, that the employee is not satisfactorily performing in the new position.

The City, at its sole discretion, may fill a vacant position by transferring a qualified employee to the position. An employee may request a transfer to a vacant position by notifying the City Administrator in writing.

The City reserves the right to seek qualified applicants outside of the organization at its discretion.

Promotion Probationary Period: After promotion to a new position, a new probationary period of three (3) months must be completed, unless waived, reduced or extended an additional three (3) months by the Mayor. At the discretion of the Mayor, a probationary period of six (6) months may be assigned to a position when the individual promoted will be performing significantly new, unusual or highly technical duties. In the case of unsatisfactory performance in a promotional situation, the employee may be considered for transfer back to the previous position held if that position remains open, or extension of the probationary period for a period of up to an additional three (3) months as an alternative to discipline, discharge or return to the previous position. The Mayor, at his/her discretion, may also extend a probationary period for up to an additional three (3) months where an employee has been prevented due to illness, disability or other circumstances beyond their control from working during all or a significant portion of the original probationary period.

## 4.6 RECLASSIFICATION

If, based on the needs of the City, the duties and responsibilities of a particular position are substantially changed, the City may reclassify the position. If the reclassification places the position in a higher salary range, the employee's rate may be adjusted to the next higher step. If the reclassification places the position in a lower salary range, the employee's rate of pay may be adjusted to the pay step in the new range that is nearest to the employee's former rate of pay.

## 4.7 NEPOTISM

The immediate family of City employees and elected officials will not be employed by the City when:

- A. One party would have authority (or practical power) to supervise, appoint, remove or discipline the other;
- B. One party may have influence over the wages, hours, benefits, career progress, performance evaluations and/or other terms and conditions of employment of the other;
- C. One party would handle confidential material that creates improper or inappropriate access to that material by the other.
- D. One party would be responsible for auditing the work of the other; or
- E. Other circumstances exist that might lead to potential conflict between the parties or conflict between the interest of one or both parties and the best interests of the City.

Furthermore, individuals with a close personal relationship outside of the workplace shall not be permitted to directly supervise each other's work. This creates an actual or perceived conflict of interest for the City and may require the employees to be removed from the supervisory/subordinate status.

Elected officials who have relatives working at the City must excuse themselves from voting on wages, benefits, career progress, promotions or other issues that may result in a direct benefit to a relative.

For purposes of this policy, "immediate family" is defined as spouse, registered domestic partner, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law, "step" relation or any member of the employee's household.

Exception to nepotism policy: Immediate family may be hired on a temporary basis provided the following circumstances and conditions are met: There is a specific project (scanning, filing, property inventory, data entry, etc.) that is of a limited duration (no more than thirty (30) days and no more than once per year) existing within a department. The project and measurable results have been identified by the Department Director and reviewed by the City Administrator and the City Administrator has determined it is most cost effective and efficient to hire a temporary position in this manner to complete the project. The family member has the skills necessary and is available to perform the tasks to complete the project and will not be directly supervised by a family member. Performance of the temporary employee will be evaluated by the direct supervisor and City Administrator without the involvement or input of the family member.

Change in Circumstances: If two (2) employees marry, become related or begin sharing living quarters with one another, and in the City's judgment the potential problems noted above exist or reasonably could exist, only one (1) of the employees will be permitted to stay with the City unless reasonable accommodations, as determined by the Mayor, can be made to eliminate the potential conflict of interest. The decision as to which employee will remain with the City must be made by the two employees within thirty (30) calendar days of the date they marry, become related or begin sharing living quarters with each other. If no decision is made during this time, the City reserves the right to terminate either employee.

## **CHAPTER 5 HOURS AND ATTENDANCE**

### **5.1 WORKING HOURS**

A normal working schedule for full-time employees consists of forty (40) hours each work week. In most circumstances, the standard work day is from 8:00 a.m. to 5:00 p.m. with 1 unpaid hour for lunch. Alternate work schedules may be established by the City to meet job assignments and to provide necessary City services. Each Department Director will advise his/her employees regarding specific working hours.

Part-time and temporary employees work the hours specified by their Department Directors.

### **5.2 HOURS OF WORK AND OVERTIME**

All City positions are designated as either “exempt” or “non-exempt” according to the Fair Labor Standards ACT (FLSA) and Washington Minimum Wage Act regulations.

For most City employees, the established work period is forty (40) hours within a seven (7) day work week. Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than forty (40) hours during a seven (7) day work period. Except in an emergency, all overtime shall be pre-authorized in writing by the employee’s Department Director or designee or the City Administrator. Overtime pay is calculated at one and one-half times the non-exempt employee’s rate of pay for all time worked in excess of forty (40) hours during a work week and for working over eight (8) hours in a work day unless an employee is regularly scheduled to work more than eight (8) hours a day. For purposes of overtime computations, the City’s work week begins at 12:01 a.m. Monday.

Exempt employees do not receive overtime pay.

### **5.3 COMPENSATORY TIME**

Non-exempt employees entitled to overtime pay may elect, with prior approval of their Department Director, to receive compensatory (comp) time off instead of cash payment. If the comp time option is exercised, the employee is credited with one and one-half times (1.5) the hours worked as overtime. A non-exempt employee may accrue up to eighty (80) hours of comp time. Any additional overtime compensation is paid in cash. In most cases, comp time should be used within the same calendar year it is accrued. Unless approved in advance by the City Administrator, accrued but unused comp time is paid to the employee at the end of each calendar year.

The City recognizes that as part of their duties, FLSA exempt employees often work hours outside of the standard 8:00 a.m. to 5:00 p.m. work day and in excess of forty (40) hours per week without overtime pay. In recognition of this, FLSA exempt employees may accrue and use comp time under the following conditions: comp time is granted on an hour for hour basis, i.e. one (1) hour of comp time earned for each hour worked; comp time accrues after forty one (41) hours have been worked in a work week (including paid vacation and sick and holiday time as hours worked); comp time may accrue to a maximum of forty (40) hours, at which time there will be no further accrual until accrued hours fall below forty (40); comp time may be taken on an hourly basis and in conjunction with vacation and/or holiday leave provided no more than twenty four (24) hours of comp time is used during one (1) leave of absence; there shall be no cash out for comp time in excess of forty (40) hours or for any unused comp time accrued at the employee’s termination; comp time shall be used in a manner that is least disruptive to the operations of the City; all comp

time earned and used shall be noted on the employee's timecard, which shall be reviewed and approved by the City Administrator.

## 5.4 ATTENDANCE

Punctual and consistent attendance is a condition of employment. Tardiness and absenteeism cause low morale and reduce productivity. Each Department Director is responsible for maintaining an accurate attendance record of his/her employees.

Employees unable to work or unable to report to work on time shall notify their supervisor or Department Director as soon as possible, ordinarily before the work day begins. If an absence continues beyond one day, the employee is responsible for reporting in each day prior to the start of the work day. If the supervisor is unavailable, the employee may leave a message with the Department Director stating the reason for being late or unable to report for work. Department Directors should also notify their staff when they expect to be out of the office due to sick leave or other extended absences. If possible, a supervisor should be designated to monitor the issues the Department Director would normally handle during the period of the anticipated absence.

An employee who is absent without authorization or notification is subject to disciplinary action, up to and including termination. An employee who is absent without authorization or notification for three (3) consecutive days is considered to have abandoned his/her job and his/her employment will be terminated.

Tardiness and absenteeism may result in termination depending on the frequency and duration of the absences. Absences covered by the federal Family Medical Leave Act (FMLA) and the Washington Family Care Rules shall not be counted in evaluating absenteeism. Absenteeism includes the frequent absence from work during a scheduled shift and also includes failure to report to work, failure to notify a supervisor of a planned absence, failure to report to work on time, leaving work before the end of the shift or unexcused absences from the work area during the day. The level of potential discipline will depend upon the degree of Absenteeism:

**Occasional Absences:** Absences that occur infrequently and are of a short duration.

**Excessive Absenteeism:** Absences that occur frequently for valid or invalid reasons. Use of sick leave ten (10) or more days per year (assuming an eight (8) hour work day) and/or occurring in an established pattern such as the day before or after days off, holidays, scheduled annual leave, or weekends. Such absences may be grounds for disciplinary action up to and including termination.

**Chronic Absenteeism:** Absences that occur repeatedly for valid or invalid reasons. Use of sick leave of sixteen (16) or more days (assuming an eight (8) hour work day) per year. Such absences will be grounds for disciplinary action, up to and including termination.

Supervisors and managers are encouraged to enforce consistent and fair attendance/absenteeism standards within their work groups which are consistent with the Attendance policy. Employees should document the reasons for any absence that may trigger protections under state and federal law such as FMLA or domestic violence leave.

## 5.5 UNUSUAL WEATHER CONDITIONS

During times of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work without endangering their personal safety.

**Emergency Operations Center.** If the City or City services are affected by natural disaster, all City employees are required to work as part of the Emergency Operations Center and if called into service, will be paid their normal or applicable rate of pay. See also Section 5.7, Call Back.

**City Hall Open to the Public and Employees.** An employee who is unable to get to work on time or receives permission to leave work early because of unusual weather conditions may charge the time missed to vacation, floating holiday, personal leave, compensatory time or, if paid leave is not available, to leave without pay. The employee shall advise the supervisor by phone as in any other case of late arrival or absence.

**City Hall Closed to the Public but Open to Employees.** If City Hall is closed to the public during inclement weather, but does not close or suspend the facilities for City employees, those employees reporting for work will be paid at their normal or applicable rate of pay. For those employees who choose not to work because it may be difficult for them to remain at work, these employees have the option of contacting their supervisor and requesting leave to be charged as described in the preceding paragraph. Any such leave must be approved by their supervisor.

**City Hall Closed to the Public and Employees.** If City Hall and City services are closed or suspended at the discretion of the Mayor during inclement weather conditions, for those employees asked not to work, the City will provide them with their normal rate of pay for the period of closure or suspension. Those employees who are required to remain on the job shall receive compensatory time off equal to the time off provided to employees who were not required to work.

## 5.6 BREAKS AND MEAL PERIODS

Employees are allowed an unpaid meal period which usually commences between two (2) to five (5) hours from the beginning of the employee's shift. In most circumstances, meal periods are scheduled by the employee's Department Director. If an employee works three (3) or more hours longer than the employee's normal work day, the employee is usually allowed at least one thirty (30) minute meal period prior to or during the extended work period.

Non-exempt employees are entitled to a paid fifteen (15) minute break for every four (4) hours of working time. To the extent practical, the City endeavors to schedule rest periods as near as possible to the midpoint of the work day, as long as the rest period does not interfere with City business or service to the public. Where the nature of the work permits intermittent rest periods equivalent to fifteen (15) minutes every four (4) hours, scheduled rest periods are not required. Break periods cannot be accrued or waived. If you do not believe you are receiving adequate rest periods during your work day, please advise your supervisor.

For one (1) year after the birth of a child, an employee who is nursing is entitled to breaks of reasonable duration each time she has a need to breastfeed or express milk. If the employee nurses or expresses milk during a standard fifteen (15) minute rest break as described above, she will be paid for the time. If the employee takes an additional break for the purpose of nursing or expressing milk, the time will be unpaid. The City will provide a location, free from intrusion from coworkers or member of the public, which may be used for this purpose.

Employees will not be retaliated against for exercising their rights to meal and rest periods.

## 5.7 CALL BACK

All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. An unauthorized failure to respond to a call back is grounds for

disciplinary action, up to and including termination. Employees who are not fit for duty or are otherwise incapacitated must immediately notify their supervisor so that arrangements can be made to find a replacement.

Employees called back to duty are paid their appropriate rate of pay for hours worked (the overtime rate, if applicable.) Unless otherwise specified in a valid and effective collective bargaining agreement, non-exempt employees who leave work and are called back to work after completing their regular day's shift are, in most circumstances, paid for a minimum of one (1) hour worked. Exempt employees are not eligible for call-back pay.

An employee who is required to be available and subject to call may, depending on the circumstances, receive stand-by duty pay in accordance with state or federal law or a valid and effective collective bargaining agreement. Exempt employees are not eligible for stand-by pay. In most circumstances, weekend stand-by duty begins at the completion of the employee's regular shift Friday evening and continues to the regular starting time on Monday morning. Usually, holiday stand-by duty begins at the completion of the employee's regular work shift on the day immediately preceding the holiday and continues to the regular starting time on the day following the holiday. In most circumstances, evening stand-by duty begins at the completion of the employee's regular work shift and continues to the regular starting time on the following day.

## 5.8 REPORTING HOURS WORKED

Maintaining accurate time records is essential in computing employee pay, ensuring compliance with laws and regulations, and providing accurate cost information for the City. Employees are responsible for recording their work hours, including time taken off and designation of any accrued leave that applies.

Each employee is responsible for completing his/her own time card. Reported times should be rounded off to the nearest fifteen (15) minute increment. Employees are required to report all of their time worked. Employees must obtain prior approval for all overtime or other adjustments to their assigned work schedule unless an emergency exists. If such an emergency exists, approval will be obtained immediately thereafter. An employee's failure to obtain approval of overtime hours or other modifications to his/her assigned work schedule may result in employee discipline, up to and including termination.

An employee's signature on his/her time card constitutes his/her verification that the time reported as worked or paid leave taken away from work was in accordance with the policies of the City and all time has been recorded accurately. Falsification of time cards is grounds for disciplinary action, up to and including termination.

The City may install attendance recording equipment and require all non-exempt employees to "clock-in" for attendance tracking purposes. The installation and required use of attendance recording equipment is ancillary to the time card process and is **not** intended to replace time card responsibilities for verification and accuracy of attendance.

## 5.9 PAYROLL RECORDS

The official payroll records are kept by the City Finance Department. Each Department Director is expected to turn in, on a semi-monthly basis, a signed work record for each employee within his/her department, noting hours worked, leave taken and overtime worked. The City Administrator signs work records for Department Directors and the Mayor signs the City Administrator's work records.

# CHAPTER 6 COMPENSATION

## 6.1 SALARY CLASSIFICATION AND GRADES

Each job title within the City is classified for salary purposes. Classifications are based on job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision required for the specific position. Each classification is assigned a particular salary or salary range in accordance with the City's salary and wage schedule, which is approved annually by the City Council.

The City's compensation plan is generally competitive with comparable employers in similar job markets. Typically, the salary ranges of each classification should be representative of the skills and the responsibilities required and reflective of levels of authority and responsibility in the organization.

## 6.2 EMPLOYEE PAY RATES

Each employee's salary, along with the position's salary range, is reviewed periodically.

In most circumstances, employees are paid within the limits of the salary range to which their positions are assigned.

Usually, new employees start their employment at the minimum salary range for their classification. However, a new employee may be employed at a higher rate than the minimum when the employee's experience, training or proven capabilities warrant or when prevailing market conditions require, at the Department Director's recommendation and the Mayor's approval, a higher starting rate than the minimum.

Pay increases are contingent on satisfactory performance. If an employee's performance is unsatisfactory, a scheduled pay increase may be deferred for a stipulated period of time or until the employee's job performance is satisfactory.

From time to time the City Council may grant across the board pay adjustments (cost-of-living increases), raising the salaries of all positions by a specified amount within a defined group of classifications.

## 6.3 LONGEVITY PAY PLAN

The City longevity pay plan applies to all full-time regular employees of the City. The following table establishes the monthly set-aside amounts and frequency of pay-outs for this plan.

<u>Time Period</u>	<u>Monthly Set-Aside</u>	<u>Anniversary Year</u>	<u>Pay-out</u>
First 4 years	\$ 10	4	\$ 480
Next 4 years	15	8	720
Next 4 years	20	12	960
Next 4 years	25	16	1,200
Next 4 years	30	20	1,440
Next 4 years	35	24	1,680
Next 4 years	40	28	1,920



Next 4 years	45	32	2,160
Next 4 years	50	36	2,400
Next 4 years	55	40	2,640

The set-aside amount is determined by the number of years of service with the City. It increases by five dollars after the employee completes his/her fourth, eighth, etc. years of service. The increased set-aside amount starts the month following the four (4) year anniversary date. The pay-out amount is paid to the employee in a lump sum at the end of the month during which he/she completes each four (4) year period. Actual payments are included with the second pay period of the month regardless of the actual day of the month that the employee completes the four year period. The lump sum payment is the amount shown under pay-out, less the employee's regular deductions required by state and federal laws and city policies.

Longevity payments are made only when the employee completes each four (4) year period or when the employee cannot do so due to retirement, disability, or death. Employees who do not complete the four (4) year period for reasons other than retirement, disability, or death do not receive any longevity payment for the period. Retirement must be in conformity with the regulations of the state's retirement system. Disability must be permanent and be in conformance with the State's Department of Labor and Industry policy. Longevity payments made to retired or disabled employees are made in the amount accrued at the time of their final paycheck. Payments made on behalf of deceased employees are made to their designated beneficiary in a similar manner.

If an employee is terminated by the City, such as when a position is eliminated, payment of longevity funds credited to the employee will be paid. When an employee is terminated for cause which is defined as "a violation of City policy or procedure or other misconduct", no payment of longevity funds is made to the employee.

#### **6.4 PAYDAYS**

Paydays typically fall on the 5<sup>th</sup> and 20<sup>th</sup> of each month and paychecks are available at 11:00 a.m. If a payday falls on a Saturday or Sunday, employees will be paid on the preceding Friday with paychecks available at 4:00 p.m. provided there are no unforeseen circumstances that cause a delay. If a payday falls on a Monday holiday, the employee will be paid on the following Tuesday. Employees may voluntarily subscribe for direct deposit of pay under City terms.

#### **6.5 DEDUCTIONS**

Some regular deductions from the employee's earnings are required by law; other deductions are specifically authorized by the employee. The City withholds from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee. In the event an employee incurs personal expenses that are billed to the City and not repaid in a timely manner, the employee is required to sign a written agreement authorizing deduction of the expenses from his/her earnings, including any payments due prior to or coming after issuance of the employee's final paycheck.

#### **6.6 TRAVEL EXPENSE REIMBURSEMENT**

All travel away from the city on City business shall be in compliance with the *City of Chelan Travel Policy*.

#### **6.7 COMPENSATION UPON TERMINATION**

When an employee's employment with the City is terminated, the employee will receive the following compensation on the next regularly scheduled payday: regular wages that have not

already been paid for all hours worked up to the time of termination; any overtime, compensatory time, and holiday pay due; pro-rated longevity pay if eligible; a lump sum payment of any accrued but unused vacation time.

In addition, upon an employee's retirement, the City will cash out the total amount of hours up to a cap of nine hundred sixty (960) hours of accrued unused sick leave at a rate of one (1) hour for every four (4) hours accumulated for a maximum pay out of thirty (30) days or two hundred forty hours (240) hours. These funds will be placed in the employee's VEBA or similar account and will not be counted toward the final compensation figure for retirement. Retirement shall mean applying for retirement benefits.

Any payment the employee owes the City for personal expenses or for expenses resulting from the employee's failure to return City property as required prior to the date of termination will be deducted from the employee's final paycheck.

There is no cash out for a floating holiday. If an employee is terminated for cause, the employee is not entitled to be paid for accrued vacation leave.

## **CHAPTER 7 PERFORMANCE EVALUATIONS**

### **7.1 PERFORMANCE EVALUATIONS**

To achieve the City's goal to train, promote and retain the best-qualified employee for every job, the City conducts periodic performance evaluations for all positions. Employees are to be evaluated by their supervisor or Department Director prior to completion of their probationary period and usually once every twelve (12) months thereafter, or more frequently as the supervisor deems necessary.

The evaluation is part of an employee's personnel record and may be a factor in determining the employee's conversion to regular status or whether the employee receives a wage increase, promotion, transfer or demotion or is to be laid off or terminated.

Performance evaluations are designed to provide a tool for regular communication between the employee and his or her supervisor. All performance evaluations will be prepared and then discussed with the employee by an appropriate supervisory employee. In the event an employee is not performing up to the City's and the supervisor's standards, the supervisory employee will generally establish a time frame for improvement and identify the tools needed for improvement. If the employee fails to improve in the time specified, the employee may be subject to demotion or termination.

If a supervisor fails to comply with the objectives of this policy, including regular evaluations of employees no less than every twelve (12) months, this will be considered a performance issue and may result in discipline unless the supervisor makes arrangements with his/her Department Director or the City Administrator for additional time to complete this task.

## **CHAPTER 8 TRAINING**

### **8.1 TRAINING POLICY**

The City seeks, within the limits of available resources, to offer training to increase an employee's skills, knowledge, and abilities directly related to City employment, to obtain or maintain required licenses and certifications, and to develop staff resources. Opportunities may include, but are not limited to: on-the-job training, in-house workshops, and seminars sponsored by other agencies or organizations. To be eligible, an employee must demonstrate the training is necessary for improving skills or knowledge to perform or enhance present work or to qualify the employee for a promotion; money to pay for the training is budgeted; it is in the City's best interest to pay for this training; City services may be improved by authorizing the training. The employee should make his/her request in writing to his/her Department Director who then forwards it with comments to the City Administrator for approval.

### **8.2 EDUCATION**

The City will reimburse employees for tuition and books after completion of training or college courses that are job related and/or for future advancement. Employees shall obtain pre-approval from their Department Director or designee for reimbursement before taking such schooling or training. Approval shall be based on the following: the money for tuition is in the operating budget; it is in the City's best interest to pay for this training; City services may be improved by authorizing the training; and proof of successful completion ("C" grade or above or certificate of passing where applicable) is attached to the reimbursement request.

If the employee is denied advance approval by his/her Department Director or designee, the employee may appeal the denial to the City Administrator for advance approval. (This paragraph does not apply to City directed course enrollment.)

### **8.3 MEMBERSHIP IN PROFESSIONAL AND TECHNICAL ORGANIZATIONS**

City employees are encouraged to participate in technical and professional organizations. These activities are considered a benefit to the City and to the employee through additional knowledge or personal associations gained through membership. The City, through the budgeting process, will select what fees and dues it might pay for its employees' membership in technical and professional organizations. For any organization for which the City pays the dues, the City address should be used on all mail. All magazines and publications received as a part of that membership should be made available for all employees' use. The City does not pay donations to organizations.

### **8.4 PROFESSIONAL AND TECHNICAL REGISTRATION**

The City encourages professional and technical registration by providing the necessary experience under the direction of registered professionals, and assumes that each qualified individual will want to achieve professional status at the earliest opportunity. The City may pay fees for professional and technical certificates and licenses for its employees as determined by the City in its sole discretion. These requests should be received by the City Administrator.

## CHAPTER 9 BENEFITS

### 9.1 HEALTH INSURANCE

Regular full-time employees and their spouses, registered domestic partners and dependents are eligible to participate in the City's various health insurance programs. The programs and criteria for eligibility will be explained upon hire or as thereafter amended. The City contributes toward the cost of premiums in the amounts authorized by the City Council. The remainder of the premiums, if any, shall be paid by the employee through payroll deduction. The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable, with prior notice to affected employees.

Employees participating in the City's insurance programs must inform the City of a change in their family status (i.e., marriage, dissolution of marriage, children, etc.).

Upon an employee's termination from City employment or upon an unpaid leave of absence that does not qualify for Family Medical Leave, at the employee's option and expense, the employee may be eligible to continue City health insurance benefits to the extent provided under the federal COBRA regulations. Employees will receive the appropriate notices and forms at the time they are no longer eligible for paid leave.

#### AMENDMENT CHAPTER 9 BENEFITS

### 9.1.1 AFFORDABLE CARE POLICY

The City offers health coverage to its full-time employees. A full-time employee is an employee who is employed, on average, at least 30 hours per week. Full-time employees may also elect coverage for their dependent children up to age 26.

Full-time employees reasonably expected to work an average of at least 30 hours per week will be offered health coverage no later than 90 days following the date of hire. Other categories of employees have hours that fluctuate or are difficult to predict, including part-time employees, variable hour employees, and seasonal employees. Effective January 1, 2016, the City will use the Affordable Care Act's look-back measurement method to determine whether these categories of employees qualify for health coverage. In addition, special rules apply to seasonal employees, employees with breaks in employment, and employees on special unpaid leaves of absence.

Look-Back Measurement Method:

Current/Ongoing Employees

- The City uses a 12-month standard measurement period for counting hours of service. The standard measurement period begins on December 1 of the first year (i.e. 2015) and ends on November 30 of the second year (i.e. 2016).
- The City uses a one-month standard administrative period for determining employee eligibility for health coverage. The standard administrative period begins on December 1 and ends on December 31 of each year.

- The City uses a 12-month standard stability period for purposes of offering health coverage to full-time employees. The standard stability period begins on January 1 and ends on December 31 of each year.

#### New Employees

- The City uses an initial administrative period that is divided into two phases. The first phase begins on the date of hire and continues through the end of the month. The purpose of the first phase of the initial administrative period is to reduce complexity by consolidating all employees hired during a month onto the same schedule.
- The City uses a 12-month initial measurement period for counting hours of service. The initial measurement period begins on the first day of the first full calendar month following the date of hire and continues for 12 calendar months.
- The second phase of the initial administrative period begins on the first day of the first full calendar month following the initial measurement period and lasts for the entire month.
- The City uses a 12-month initial stability period for offering health coverage to full-time employees. The initial stability period begins on the first day of the first full calendar month following the second phase of the initial administrative period and continues for 12 calendar months.
- In addition to the initial measurement period, new employees will also be measured using the first full standard measurement period that begins on or after the date of hire. In other words, both the initial and standard measurement periods overlap.

The rules for the Affordable Care Act's look-back measurement method are complex and vary based on the facts and circumstances unique to each employee. The City intends to follow the IRS final regulations of the Affordable Care Act when administering the look-back measurement method and offering eligible full-time employees' health coverage. Employees with questions should contact the Human Resources Department for a detailed explanation of the look-back measurement method and related eligibility requirements.

## 9.2 CONTINUATION OF INSURANCE COVERAGE

**Workers Compensation Leave:** An employee receiving Workers Compensation benefits and who has applied for and been approved for Family Medical Leave will be eligible for continuation of the employee's medical coverage for the duration of the Family Medical Leave, consistent with the employer/employee contributions in effect prior to approval of the employee's Family Medical Leave. If the employee remains on unpaid leave status after the exhaustion of Family Medical Leave, the employee may continue health care benefits by self-paying insurance premiums for the remainder of the time he/she is on an approved leave of absence from employment.

**COBRA Rights:** Upon an employee's termination from City employment or upon an unpaid leave of absence that does not qualify for Family Medical Leave, at the employee's option and expense, the employee may be eligible to continue City health insurance benefits to the extent provided under the federal COBRA regulations. Employees will receive the appropriate notices and forms at the time they are no longer eligible for paid leave.

**Termination, Retirement, Leave of Absence:** For eligible employees who terminate, retire or are on an approved leave of absence, the City will pay for coverage for the month following termination, provided the employee is on paid status for the first ten (10) days of the month. This benefit does not apply to employees terminated for cause.

### **9.3 DISABILITY BENEFITS (WORKERS COMPENSATION)**

All employees are covered by the State Workers' Compensation Program. This insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for work days lost and medical costs due to job-related injuries or illnesses. All job-related accidents or injuries must be reported immediately to the employee's supervisor within departmental policy; the supervisor shall then notify the City Administrator and/or his/her designee as Labor & Industries (L&I) Coordinator.

If the injury or illness requires medical care, the employee must notify the doctor's office or hospital that the injury is job-related so that an L&I claim form can be completed.

Employees who suffer a work-related injury or illness and are unable to work due to such injury or illness may elect to (1) receive time loss compensation exclusively and be placed on an unpaid leave status; or (2) receive L&I payments supplemented by sick leave; or (3) receive L&I payments supplemented by paid leave such as sick, vacation, or compensatory leave. Each employee shall sign a Worker's Compensation Payment Election form which shall be maintained in the employee's personnel file. The employee, from time to time, may initiate a change to the election form.

If the absence exceeds three (3) days, L&I will issue the employee a time-loss check and send a copy of the notice regarding that payment to the City. Depending on the employee's choice made on the election form, the employee may or may not cash the check. If the employee has chosen to receive time loss compensation exclusively and be placed on unpaid leave (see Option #1 in the paragraph above), the employee may cash the check.

If the employee elected to supplement the L&I payments with any paid leave (see Options #2 and #3 in the paragraph above), the employee may not cash the check. The employee must endorse the check over to the City as reimbursement for the advanced wages that were paid during the absence.

**Coordination of Benefits:** This policy is to ensure that an employee will receive prompt and regular payment during periods of injury or disability so long as accrued leave is available, while ensuring that no employee receives more than he/she would have received had the injury not occurred. If an employee is paid L&I funds for wages previously paid by the City and fails to promptly reimburse the City for the amount of the overpayment, such failure will result in discipline, up to and including termination. Accepting overpayment without promptly reimbursing the City for wages previously paid is considered an act of dishonesty. To ensure compliance with this program, the City has access to records retained by the Department of L&I, including but not limited to reimbursement information.

Upon repayment of the funds advanced, the appropriate amount of leave will be restored to the employee's sick leave balance during the next payroll-processing period. This will not reimburse all of the sick leave hours used as the Workers' Compensation pays approximately 60-70% of wages.

When an employee elects to receive pay for vacation leave or compensatory time off and also receives workers' compensation for time loss, the employee is entitled to both payments without any deductions for the time loss payment. However, if any other leave besides sick leave has been used, contact the Finance Department regarding reimbursement of that portion.

Before an employee is permitted to return to work after a serious injury or illness requiring medical treatment and time away from work, the City may require an examination at its expense and performed by a physician of its choice to determine when the employee can return to work and if he/she will be capable of performing the duties of the position with or without a reasonable accommodation. The availability of light duty work is also within the discretion of the Department Director and Mayor, and will not be offered to an employee unless the City can identify a specific project that meets with the employee's medical limitations, and provides a genuine benefit to the City, the public and City services. Also, offers of light duty employment must not conflict with an employee's request for or grant of family medical leave benefits. If no such position is available, the employee will only be permitted to return to work once he/she is fully able to resume his/her prior job duties.

Should an employee apply for time loss compensation and the claim is then or later denied, accrued leave may be used for the absence subject to the rules governing use of sick leave.

The City also continues to pay for the employer's portion of health insurance premiums, provided that the employee continues to pay their share of premiums, if any. After six (6) months, the employee's benefits will cease unless the Mayor makes an exception based on the criteria stated in the Personnel Manual. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time he/she receives workers' compensation benefits pursuant to COBRA.

If the on-the-job injury or illness is a serious health condition that makes the employee unable to perform the essential functions of his/her job, the employee will be notified that FMLA benefits will run concurrently with L&I absences.

#### **9.4 UNEMPLOYMENT COMPENSATION**

City employees may qualify for State Unemployment Compensation after termination from City employment depending on the reason for termination and if certain qualifications are met.

Unemployment benefits may be denied if an employee is terminated for misconduct or voluntarily resigns without good cause. Under Washington's Employment Security Act, an employee's intentional violation of an employer's rule which harms the employer's interest can be considered misconduct.

#### **9.5 RETIREMENT**

All employees who meet the criteria are contributing members of one or more of the following retirement plans: Social Security; Washington State Public Employees Retirement System (PERS); the City's deferred compensation plan, which allows employees to make deferred deposits up to certain dollar limits as defined by the Internal Revenue Service (IRS).



## CHAPTER 10 LEAVE

### 10.1 DOMESTIC VIOLENCE/SEXUAL ASSAULT LEAVE

This leave is available to employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member (child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking. The leave may be taken in blocks, intermittently, or on a reduced leave schedule. The amount of leave that an employee may take is limited to a “reasonable” amount. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use the employee’s accrued paid leave (e.g., vacation, sick leave, compensatory time) in connection with such leave.

Domestic Violence/Sexual Assault Leave may be taken for the following purposes:

- A. To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault, or stalking;
- B. To seek health care treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such health care treatment for a family member;
- C. To obtain (or assist a family member in obtaining) services from a domestic violence shelter, rape crisis center, or other social services;
- D. To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or
- E. To participate in safety planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member relating to domestic violence, sexual assault, or stalking.

When possible, employees must give advance notice of the intention to take leave. If advance notice is not possible, employees (or their designees) must give notice of the need for this leave no later than the end of the first day the employee takes the leave. The City may require verification to support the need for the leave. Depending on the situation, verification can take the form of police reports, court documents, or the employee's own written statement of the need for the leave. Except where disclosure is authorized or required by law, the City will maintain confidentiality of all information provided by the employee in conjunction with Domestic Violence/Sexual Assault Leave.

The employee may elect to use sick leave, vacation, compensatory time, or other accrued paid time off or may take unpaid leave. Domestic violence leave, including documentation of such leave will be applied and administered in accordance with the provisions of the state Domestic Violence Leave law. Nothing in this section shall be construed to provide greater or lesser leave rights to employees who are victims of domestic violence, sexual assault, or stalking than those required by Chapter 49.76 RCW.

## 10.2 MILITARY LEAVE

The City complies with both State and Federal provisions regarding military leave for those employees called to active duty, or those employees required as primary care givers for the care of a close family member, honorably discharged and injured in active duty. Refer to the Family Medical Leave provisions of this policy if you need to request leave to care for a close family member who is an honorably discharged veteran and injured in active duty.

Regular and part-time employees are eligible to receive up to twenty one (21) days of paid military leave per year for a call to active duty or to receive military training, including military reserve or National Guard training. In general, if military service or training extends beyond twenty one (21) working days, the additional leave will be unpaid, but you may elect to take any paid leave accruals during all or a portion of your unpaid leave. Employees, other than key employees, may have reinstatement rights to return to work at the City if you meet federal and state criteria.

If you are called to active duty, you must provide your supervisor with copies of your military orders as soon as possible to assist the City in planning for coverage of your responsibilities during any approved leave.

You may be eligible for ongoing medical and potentially other benefits during a period of approved military leave. If leave extends beyond the twenty one (21) days provided for paid military leave, you may have a right to self-pay medical benefits under the City's medical insurance programs.

If you have questions about military leave, family medical leave provided to primary care givers for a close relative injured in active duty, or reinstatement of rights, you are encouraged to talk to your supervisor or Human Resources.

## 10.3 LEAVE FOR SPOUSES OF MILITARY PERSONNEL (NON-FMLA)

During a period of military conflict declared by the President or Congress, an employee who is the spouse of a member of the Armed Forces, National Guard or Reserves is entitled to up to fifteen (15) days of unpaid leave while his/her spouse is on leave from deployment, or before and up to deployment. This leave does not apply at the end of a deployment. (This reason for leave may also be covered under FMLA leave for a qualifying exigency, although an employee need not meet the more stringent FMLA eligibility requirements in order to take this spousal military leave.) The purpose of this leave is to support the families of military personnel serving in military conflicts by permitting them to spend time together before a family member is deployed or while the family member is on leave from a deployment. An employee must work an average of twenty (20) hours per week to be eligible for this family military leave.

An employee who seeks to take family military leave must provide the City with notice of his/her intent to take leave within five (5) business days of receiving official notice that the employee's spouse will be on leave or of an impending call to active duty. The employee may substitute any available accrued leave for any part of this family military leave. This leave does not apply at the end of a deployment.

## 10.4 FAMILY MEDICAL LEAVE

**Definitions:** The following definitions apply for purposes of this chapter.

**Serious Health Condition:** A serious health condition is an illness, injury, impairment or physical or mental condition that involves:

- Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility;
- A period of incapacity of more than three consecutive, full calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider;
- A period of incapacity due to pregnancy or for prenatal care;
- A period of incapacity or treatment due to a chronic serious health condition, for a permanent or long-term condition for which treatment may not be effective, or to receive multiple treatments for restorative surgery after an accident or injury or for a condition that would likely result in an incapacity of more than three full, consecutive calendar days in the absence of medical treatment (e.g., chemotherapy for cancer or dialysis for kidney disease).

**Child:** A person either under eighteen (18) years of age or eighteen (18) years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes biological, adopted, foster or step-children.

**Parent:** The employee's own biological parent or an individual who stands or stood "in loco parentis" to an employee when the employee was a child. This term does not include parents "in law."

**Medically Necessary:** When certified by a licensed health care provider such certification including the medical facts supporting such leave and a specific description of the treatment regimen provided.

The City complies with the federal Family and Medical Leave Act of 1993 (the FMLA) and all applicable state laws related to family and medical leave. This means that, in cases where the law grants you more leave than our leave policies provide, we will give you the leave required by law.

**Family Leave Eligibility:** The FMLA provides up to twelve (12) weeks of unpaid, job-protected leave every twelve (12) months to eligible male and female employees for certain family and medical reasons. To be eligible you must have worked for the City for at least one (1) year, and for one thousand two hundred fifty hours (1,250) hours over the previous twelve (12) months.

**Reasons for Taking Leave:** Unpaid FMLA leave is granted for any of the following reasons:

- A. To care for your child after birth or placement for adoption or foster care.
- B. To care for your spouse, son, daughter or parent who has a serious health condition.
- C. For a serious health condition that makes you unable to perform the essential functions of your job.
- D. For a "qualifying exigency" arising out of the fact that the employee's spouse, child or parent is on active duty or has been notified of an impending call to duty.

Employees who have family members in the Regular Armed Forces are eligible for exigency leave during the service member's deployment to a foreign country. Family members of military service personnel in the National Guard or Reserves are eligible during the service member's deployment to a foreign country under a call or order to active duty in support of a contingency operation (a contingency operation is generally an action or operation against an opposing military force). Qualifying exigencies are generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.

- E. To care for the employee's spouse, child, parent, or next of kin (nearest blood relative) who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the spouse, child, parent, or next of kin medically unfit to perform duties of his/her office grade, rank or rating. Up to twenty six (26) weeks may be taken for military caregiver leave during a single twelve (12) month period. The twelve (12) month period starts on the first day military caregiver leave is taken.

If FMLA covered leave is taken under (A) through (E) above, the combination of leave taken may not exceed twenty six (26) weeks in a single twelve (12) month period.

Under some circumstances, FMLA leave may be taken intermittently – which means taking leave in blocks of time, or by reducing your normal weekly or daily work schedule. FMLA leave may be taken intermittently if medically necessary because of a serious health condition. Intermittent leave may also be taken when necessary because of a qualifying exigency arising from a family member's military service. If FMLA leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to City approval. Where intermittent leave is needed for planned medical treatment, you must make reasonable effort to schedule the treatment so as to not disrupt unduly the City's operations. Where intermittent leave is based on planned medical treatment, the City may transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.

If you have any sick leave, vacation or compensatory leave available, it is City policy that you must use that paid leave as part of your FMLA leave. When you use paid leave for a purpose for which FMLA leave would be available, it is City policy to designate your paid leave as counting against your FMLA leave allowance. You are required to notify the City if you use paid leave for a reason covered by the FMLA so that we may properly account for the leave.

**Advance Notice and Medical Certifications:** The City requires you provide advance leave notice, with medical certification, of the need for a leave related to a serious health condition, and with medical certification of your fitness to return to duty after FMLA leave. Taking leave, or reinstatement after leave, may be denied if these requirements are not met.

You must give at least thirty (30) days advance notice of your request for leave if the reason for the leave is foreseeable based on an expected birth, placement for adoption or foster care or planned medical treatment. If thirty (30) days' notice is not practicable, you must give notice as soon as practicable, usually within one (1) or two (2) business days of when the need for leave becomes known to you, but in any event no more than two business days from when the need for leave becomes known to you. If you do not give thirty (30) days' advance notice, and if the need

for the leave and the approximate date of the leave were clearly foreseeable by you, your request for leave may be denied until at least thirty (30) days after the date you give us notice.

The City requires you provide a medical certification to support a request for leave because of a serious health condition (your own or your child's, spouse's, or parent's) whenever the leave is expected to extend beyond three consecutive working days or will involve intermittent or part-time leave.

The City requires you provide a medical certification of your fitness for duty to return to work after a medical leave that extends beyond ten (10) consecutive working days, and your job duties are such that you may present a serious risk of injury to yourself or others if you are not fit to return to work or the City has other reasons to be concerned with your ability to return to work and perform the essential functions of your position. The City may require second or third opinions, at the City's option, at City expense.

The City reserves the right, at its sole discretion, to require a fitness for duty evaluation when it reasonably appears an employee's work performance is impaired by illness, injury or some other unexplained condition or problem or when an employee returns from sick or disability leave.

**Periodic Reporting:** If you take leave for more than two (2) weeks, the City requires you report to your supervisor at least every thirty (30) days on your status and intent to return to work. More frequent updates will assist in planning and work allocation in your absence.

**Health Insurance:** If you are covered by the City's group health plan (medical, dental or vision), the City will continue to provide paid health insurance during FMLA leave on the same basis as during regular employment. However, if you don't return to work after the leave, you will be required to pay the City back for the City's portion of the insurance premiums unless your failure to return was beyond your control.

**Other Insurance:** If you are covered by other insurance plans through the City, such as life or disability insurance, those coverages will continue during paid leave on the same basis as during regular employment. If you take unpaid FMLA leave, you will be responsible during the leave for the premiums you normally pay plus the premiums the City normally pays for you. If you don't pay these premiums, we may choose to pay them for you, to keep your coverage from lapsing, but you will be responsible for repaying the City whether or not you return to work.

**Job Restoration Upon Return from Leave:** Upon return from FMLA leave, an employee will be entitled to return to the employee's former position or a position with equivalent pay, benefits and conditions of employment, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). If the employee chooses not to return to work for any reason, the employee should notify the City as soon as possible.

**Couples Employed by the City:** If both you and your spouse work for the City and you request leave for the birth, adoption or foster care placement of a child, to care for a new child, or to care for a sick parent, the total annual FMLA leave available to you as a couple for those purposes is twelve (12) weeks. Each spouse, however, is eligible for the full twelve (12) weeks of leave in a twelve (12) month period to care for a child's or spouse's serious health condition or the employee's own serious health condition.

**Determining Leave Availability:** FMLA leave is available for up to twelve (12) weeks during a twelve (12) month period. For purposes of calculating leave availability, the "twelve (12) month"

period is a rolling twelve (12) month period measured backwards from the date you use any FMLA leave. However, for purposes of FMLA to care for an injured service member the twelve (12) month period begins with the first day the employee takes leave.

**Leave Related to Pregnancy Disability and to Care for Newborn:** In addition to leave under the federal FMLA described above, state law provides certain additional leave rights in connection with pregnancy-related disability and to care for a newborn. Regardless of whether an employee is eligible for FMLA leave, she is entitled to Pregnancy Disability leave for the period of time that she is temporarily disabled because of pregnancy or childbirth. Medical certification may be required to confirm the need for leave. If the employee is eligible for FMLA leave, the Pregnancy Disability leave will run concurrently with FMLA leave. Pregnancy Disability leave is unpaid and health benefits are not automatically continued (unless the employee is also eligible for FMLA leave); however, accrued leave may be used and the employee may continue insurance coverage's at her expense.

The Washington Family Leave Act (WFLA) provides certain additional leave benefits to care for a newborn. The WFLA largely mirrors the FMLA, with the same eligibility standards and entitlement to twelve (12) weeks of leave for family and medical reasons. The WFLA leave does not run concurrently with any leave taken for Pregnancy Disability leave; this affords an employee time off to care for her newborn once she has recovered from the Pregnancy Disability.

Example 1: An FMLA and WFLA-eligible employee works up to her delivery date, has no serious complications during birth, and needs six (6) weeks of pregnancy disability leave to recover from childbirth. In such a case, the employee's six (6) weeks of Pregnancy Disability Leave runs concurrently with the first six (6) weeks of her federal FMLA leave; however, her state WFLA leave does not begin to run until after her Pregnancy Disability Leave ends. Once the employee's Pregnancy Disability Leave ends, her remaining six weeks of federal FMLA leave runs concurrently with the first six weeks of her state WFLA leave. Once the employee's federal FMLA leave is exhausted, she has 6 remaining weeks of state WFLA leave (which results in a combined total of eighteen (18) weeks of leave).

Example 2: An FMLA and WFLA-eligible employee takes six (6) weeks of pregnancy disability leave before the child is born because of pregnancy-related complications, followed by six (6) weeks for recovery from childbirth. These twelve (12) weeks of leave count as leave both under the Washington State Human Rights Commission pregnancy disability regulations and under the federal FMLA. The employee's twelve (12) weeks of state WFLA leave does not begin to run until after the twelve (12) week period of Pregnancy Disability Leave ends, providing the employee with a total of twenty four (24) weeks of leave.

## **10.5 WASHINGTON FAMILY LEAVE ACT (WFLA)**

Leave under Washington State's WFLA and the FMLA are identical in most respects. WFLA leave runs concurrently with FMLA, except that WFLA leave is in addition to pregnancy disability leave (see Section 8.10 "Leave Related to Disability and to Care for Newborn" above). Another difference is that the City continues contributing toward the employee's health care premiums when on FMLA leave, whereas the WFLA does not provide for such continuation of employer-paid health benefits. A third difference is that WFLA leave is available to registered domestic partners. The 2009 "Everything but Marriage Act" amended many areas of Washington State law, giving registered domestic partners all of the rights and responsibilities of married couples, to the extent not in conflict with federal law. Therefore, employees in a registered domestic partnership are entitled to the same leave rights under the WFLA to care for a domestic partner with a serious health condition, as for a spouse under this policy. The FMLA does not, however,

provide coverage for domestic partner care, and also prohibits designation of non-FMLA qualifying leave as FMLA leave.

## 10.6 VACATION

Unless otherwise provided for by a current, valid bargaining agreement or separate employment agreement, each regular full-time employee accrues vacation leave as follows:

<u>Length of Service</u>	<u>Vacation Hours</u>
Start 1 through 2 years	80
Start 3 through 5 years	96
Start 6 through 9 years	120
Start 10 through 12 years	128
Start 13 through 15 years	136
Start 16 through 18 years	144
Start 19 years	152
Start 20 years	160
Start 21 years	168
Start 22 years	176
Start 23 years	184
Start 24 years	192
Start 25 years	200
Start 26 years	208
Start 27 years	216
Start 28 years	224
Start 29 years	232
Start 30 years	240

Only those days which the employee is normally required to work are counted in computing the vacation period to which the employee is entitled. Vacation time is not charged for holidays that occur during vacation taken by the employee.

Vacation accrual is calculated on a monthly basis beginning with an employee's date of employment. Vacation accrual continues during vacation time, recognized holidays and authorized paid sick leave. Vacation does not accrue during leave without pay.

Vacation time is intended to provide the employee with a period of relaxation away from work. Vacation time is scheduled by the Department Director at the convenience of the City, but the City tries to accommodate the employee's requests. Vacation preferences are usually scheduled among employees by seniority based upon the needs of the department.

Should an employee become ill or injured while on vacation, sick leave may replace vacation leave **provided** the employee notifies his/her supervisor and complies with the sick leave policy outlined in Section 10.7.

Vacation time shall be accumulated to a maximum of two hundred forty (240) hours. Any accrued vacation time in excess of two hundred forty (240) hours is forfeited.

Employees may not use vacation leave prior to accrual.

Upon termination for any reason other than cause, any accrued but unused vacation leave (with a maximum of two hundred forty (240) hours) will be paid on the next regularly scheduled payday. If an employee is terminated for cause, the employee will not receive pay for accrued vacation time.

## 10.7 SICK LEAVE

Regular full-time employees accrue sick leave at the rate of 8.7 hours for each full month of service beginning with the date of employment. Sick leave cannot be taken within the first thirty (30) days of employment nor before it is earned.

Accumulated sick leave is unlimited, but employees do not accrue sick leave benefits during a leave without pay.

Sick leave covers those situations in which an employee is absent from work due to:

- A. Incapacitation preventing the performance of regularly assigned duties or other duties as assigned by the supervisor as the result of illness or injury;
- B. The need to care for the employee's immediate family, to include children, spouse, registered domestic partner, parents and grandparents, when the employee's care is medically necessary;
- C. Medical, dental or vision appointments for the employee, dependent child or spouse (when employee's presence is necessary), provided the employee makes a reasonable effort to schedule such appointments at times which have the least interference with the work day;
- D. Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
- E. Use of a prescription drug which impairs job performance or safety;
- F. Actual periods of temporary disability associated with pregnancy or childbirth; and
- G. Other reasons approved by the City Administrator.

A doctor's certificate may be required before an employee returns to work if the employee is absent for more than three (3) consecutive days or abuse of sick leave is suspected. The City may also request, at the City's expense, the opinion of a second doctor to determine whether the employee suffers from a serious health condition that impairs his/her ability to perform the essential functions of the job with or without a reasonable accommodation.

Employees need to immediately report to their supervisor or Department Director, in compliance with department rules, their absence from work due to medical reasons.

Employees who are habitually absent due to illness or disability may be terminated if their disability cannot be reasonably accommodated and/or when the employee's absenteeism or condition prevents the orderly and efficient provision of services to the citizens of the city or presents a safety concern. See "Excessive Absenteeism" in Section 5.4



Misuse of sick leave or acts of untruthfulness regarding the use of sick leave privileges shall be cause for corrective action, up to and including termination.

If the employee's entire sick leave is used and shared leave is not available, the City may charge the employee's time off to the employee's accrued but unused vacation.

An employee assigned to temporarily fill a vacancy created by an employee on sick or disability leave (including maternity leave) is in such position subject to the return of the disabled employee. In certain circumstances, the returning employee may be returned to the position he/she held previously or another equivalent position (as determined by the City), if available. The employee temporarily assigned may be returned to his/her original position, or a comparable position, if available.

Employees who use all accumulated sick leave and require more time off work due to illness, disability, or injury may qualify for shared leave, FMLA leave, or leave without pay.

Except upon retirement, employees leaving City employment are not paid for any accrued but unused sick leave. When an employee retires, the City will cash out the total amount of accrued unused sick leave hours up to a cap of nine hundred sixty (960) hours at a rate of one (1) hour for every four (4) hours accumulated for a maximum pay out of thirty (30) days or two hundred forty (240) hours of sick leave. These funds will be placed in a VEBA or similar account and will not be counted toward the final compensation figure for retirement. In this case, "retirement" means that the employee has applied for social security or State of Washington PERS retirement benefits.

## **10.8 FAMILY CARE/USE OF ACCRUED LEAVE TO CARE FOR SICK FAMILY MEMBER**

Consistent with the Washington Family Care Act, employees may use their choice of any accrued leave that they have available for their own use in order to care for their child, spouse, parent, parent-in-law or grandparent as described below.

An employee may use available paid time off to care for his/her child where the child has a health condition requiring treatment or supervision, or where the child needs preventive care (such as medical, dental, optical or immunization services).

An employee may use available paid time off when a spouse, domestic partner, parent, parent-in-law, or grandparent has a "serious or emergency health condition", which are conditions:

- Requiring an overnight stay in a hospital or other medical-care facility;
- Resulting in a period of incapacity or treatment or recovery following inpatient care;
- Involving continuing treatment under the care of a health care services provider that includes any period of incapacity to work or attend to regular daily activities; or
- Involving an emergency (*i.e.*, demanding immediate action).

Where the need for family care leave is unexpected, the City understands that advance approval of the use of leave (as is required for certain kinds of accrued leave) may not be possible. Employees are required, however, to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The City reserves the right to

require verification or documentation confirming that a family member has or has had a “serious or emergency” health condition when available leave is used to care for that family member.

### **10.9 LEAVE WITHOUT PAY**

Under unusual circumstances an employee may apply for leave without pay. The City Administrator may, at the City Administrator’s sole discretion, grant such leave, not to exceed one (1) year. Upon return from such leave, the employee is not guaranteed reinstatement to his/her previous position or to any other position.

### **10.10 SHARED LEAVE**

The City Administrator, with the Mayor's approval, may permit an employee to receive shared leave under this section if:

- A. The employee is suffering, or has an immediate family member suffering, from an illness, injury, impairment, or physical or mental condition that is of an extraordinary or severe nature and that has caused, or is likely to cause, the employee to go on leave without pay status or to terminate his or her employment with the City; and
- B. The employee has depleted or will shortly deplete his or her total accrued vacation, sick leave, compensatory time, holiday time, and/or other paid leave; and
- C. Prior to the use of shared leave, the employee has abided by the City's sick leave policy; and
- D. The employee has diligently pursued and is found to be ineligible for state industrial insurance benefits; and
- E. The use of shared leave will not significantly increase the City's costs, except for those costs which would otherwise be incurred in the administration of this program or which would otherwise be incurred by the employee's department.

The City Administrator, with the concurrence of the Mayor, shall determine the amount of shared leave, if any, which any employee may receive under this section. The employee shall be required to provide appropriate medical justification and documentation both of the necessity for the leave and the time which the employee can reasonably be expected to be absent due to the condition. An employee shall not receive more than a total of one hundred thirty one (131) days of shared leave throughout the employee's employment. To the extent possible, shared leave should be used on a consecutive day basis.

Employees may request the City Administrator to approve the transfer of a specified amount of accrued vacation or sick leave to an employee who is authorized to receive shared leave as provided herein. In order to be eligible to donate vacation or sick leave, an employee must have a total or more than ten (10) days of accrued vacation or sick leave, have taken at least ten (10) days of vacation leave within the calendar year, or have a total of accrued and used vacation leave of greater than ten (10) days for a calendar year. Transfers shall be in increments of one (1) hour of leave. In no event shall a transfer of leave be approved which would result in an employee reducing his or her total vacation or sick leave in a calendar year to less than ten (10) days. The City Administrator shall not transfer vacation or sick leave in excess of the amount specified in the request. All donations of leave shall be voluntary. The City Administrator shall determine that no significant increase in City costs will occur as a result of a donation of leave.

While an employee is on shared leave, he or she will continue to be classified as a City employee and shall receive the same treatment, with respect to salary and benefits, as the employee would otherwise receive if using vacation or sick leave.

The employee's salary rate shall not change as a result of being on shared leave nor, under any circumstances, shall the total of the employee's salary and other benefits, including but not limited to state industrial insurance of any other benefits received as a result of payments by the City to an insurer, health care provider, or pension system, exceed the total of salary and benefits which the employee would have received had he or she been in a regular pay status.

Sick leave or vacation leave shall be transferred on an hour-for-hour basis. The value of the leave shall be determined at the current hourly wage of the donor employee and the leave available to the receiving employee shall be calculated at the receiving employee's wage.

The Finance Director or designee shall be responsible for computing the values of donated leave and shared leave, and shall also be responsible for adjusting the accrued leave balances to show the transferred leave. The Finance Director or designee shall determine the appropriate fund transfers and budget amendments as needed for City Council action. The Finance Director or designee shall maintain all records of all leave time transferred in the event any unused time is returned at a later date.

The value of any leave transferred which remains unused shall be returned at its original value to the employee or employees who donated the leave. The City Administrator shall determine when shared leave is no longer needed. To the extent administratively feasible, the unused leave shall be returned to donor employees on a pro rata basis.

The City Administrator shall monitor the use of shared leave to ensure equivalent treatment for all employees of the City. Inappropriate use or treatment of the shared leave provision may result in the cancellation of the donated leave or shared leave.

The City, in its sole discretion, may cancel this program. Participation in the program shall be predicated upon a receipt from each affected bargaining unit of a written waiver by the appropriate union bargaining representative indicating that the union understands the program and agrees that the program shall not establish a past practice by the City or otherwise obligate the City to continue the program and acknowledging that the City may cancel the program at any time in the City's sole discretion.

## **10.11 ADMINISTRATIVE LEAVE**

On a case by case basis, the City may place an employee on administrative leave with pay or home assignment for a period of time when it is determined by the City Administrator to be in the best interest of the City, such as during the pendency of an investigation or other administrative proceeding. At the discretion of the City Administrator, employees on paid administrative leave or home assignment may be required to report to their supervisor on at least a daily basis

## **10.12 JURY AND WITNESS LEAVE**

**Jury Duty.** The City provides all employees leave for the full period of jury duty service. Regular full-time and part-time employees receive paid jury duty leave each time they are called for jury service. An employee called to jury duty must provide his/her supervisor with a copy of the jury duty summons as soon as possible after receiving it. Upon completion of jury duty, the employee

is required to provide his/her supervisor with proof of jury service. Employees must return to work on any day in which they are excused from jury duty with two (2) hours remaining in the work day.

**Witness Duty.** All employees summoned to testify in court shall be permitted time off for the period they are required to serve under subpoena as a witness. An employee who is not a party to a lawsuit or administrative action and is subpoenaed to appear by a court or administrative agency of competent jurisdiction, shall be placed on administrative leave status, while testifying and for reasonable travel and waiting time associated with that court appearance. Unless the testimony is specifically requested by the City as part of the City's defense in a litigated or administrative matter, the employee's leave can be covered by any accrued leave, excluding sick leave, or will be considered an excused absence as an unpaid administrative leave. Court appearances that are not requested by the City as part of the performance of an employee's job duties for the benefit of the City, and travel time and waiting time associated with that appearance, shall not be considered working time for the purposes of calculating overtime under the Fair Labor Standards Act or Washington Minimum Wage Act.

### 10.13 HOLIDAYS

The following holidays are recognized by the City:

New Year's Day	January 1
Martin Luther King's Birthday	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	Day after Thanksgiving
Christmas Eve	½ day December 24
Christmas Day	December 25
New Year's Eve	½ day December 31
Floating Holiday	Personal choice of employee with concurrence of Department Director

Any holiday falling on Saturday is celebrated on the preceding Friday and any holiday falling on Sunday is celebrated on the following Monday. If an employee is on an authorized leave with pay when a holiday occurs, the employee is paid for the holiday and that day is not charged against the employee's accumulated vacation leave. To be paid for a holiday, an employee must be in paid status the scheduled work days immediately before and following the holiday.

Non-exempt regular full-time employees are paid for the holiday plus their regular rate of pay for any time worked on the holiday, as long as the employee's Department Director authorized the employee to work on the holiday.

Temporary employees are paid their regular straight-time rate of pay for hours worked on a holiday.

New employees hired prior to March 1 are entitled to a floating holiday for that year. New employees hired after that date do not receive a floating holiday in the year hired.

If any of the above holidays are specified state legal holidays and are also federal legal holidays but observed on different dates, only the state legal holidays are recognized as a paid legal holiday.

#### **10.14 RELIGIOUS HOLIDAYS**

If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with his/her Department Director's approval, take the day off using vacation, compensatory time, or leave without pay.

#### **10.15 BEREAVEMENT**

Three (3) days paid leave may be granted for the death of an employee's immediate family or household member. "Immediate family" in this case includes the employee's spouse, registered domestic partner, child, grandchild, parent, grandparent, sibling, parent-in-law, son or daughter-in-law. Additional unpaid bereavement leave may be approved beyond the allotted three (3) days, but may not exceed a total of nine (9) days. Any days (up to six (6)) beyond the original three (3) days may be charged, as determined by the City Administrator, to the employee's accrued but unused sick leave or vacation.

## CHAPTER 11 DRUG AND ALCOHOL TESTING POLICIES FOR EMPLOYEES WHO OPERATE COMMERCIAL VEHICLES

### 11.1 INFORMATION, ORIENTATION AND TRAINING

**Current Employees:** All employees covered by this policy will receive information on: effects and consequences of drug and alcohol use on personal health, safety, and the work environment; manifestations and behavioral clues indicative of drug and alcohol use and abuse; resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances.

All supervisors/Department Directors who may make reasonable suspicion determinations will receive training that meets or exceeds Department of Transportation (DOT) standards for training on the physical, behavioral and performance indicators of probable drug abuse and alcohol misuse.

**New Hires and New Supervisors:** All newly hired employees and new supervisors will be advised of this policy and provided with the Drug and Alcohol Procedures Manual. New supervisors will participate in a supervisory training process to acquaint them with the physical, behavioral, and performance indicators of probable drug use. Training will meet or exceed DOT standards. New supervisors will not make reasonable suspicion determinations until they receive such training.

**Designated Responsible Person:** The person designated to answer questions for covered employees about the DOT drug and alcohol regulations is the City Administrator at (509) 682-8014 or the Public Works Office Manager at (509) 682-8030.

### 11.2 PURPOSE

The purpose of these policies is to establish compliance with the Federal Highway Administration regulations requiring drug and alcohol testing for commercial driver's license holders. Regulations issued by the United States Department of Transportation mandate urine drug and evidential breath alcohol testing for employees, other than law enforcement personnel, in safety-sensitive positions, including those who are required to hold a commercial driver's license. This policy sets forth the City's alcohol and drug testing program and the testing and reporting requirements as required by those regulations.

### 11.3 APPLICATION

These policies apply to all employees of the City who are required to have and maintain a commercial driver's license in order to perform the duties of the job. Contractors performing functions for the City involving the use of a vehicle requiring a commercial driver's license are subject to specific alcohol and drug testing as required by federal regulations. Drivers should note that in addition to the required DOT regulations they are also subject to the City's drug and alcohol policy and all other policies and procedures as applied to all employees.

### 11.4 POLICY

The City has a significant interest in the health and safety of its employees and the citizens of the City. In furtherance of that interest, the City will take those steps necessary to ensure that its employees perform their duties and responsibilities free of the influence of drugs and alcohol.

## 11.5 PROHIBITED CONDUCT

The following conduct regarding alcohol and drug use or abuse is prohibited:

- A. **Alcohol Concentration:** An employee may not report for or remain on duty requiring the performance of his/her duties while having an alcohol concentration of 0.02 or greater.
- B. **Alcohol Possession and On-Duty Use of Alcohol:** An employee may not possess, consume, or use alcohol while on duty (including consuming or using alcohol prior to reporting to work or during breaks or meal periods) or while operating a commercial vehicle.
- C. **Pre-Duty Use of Alcohol:** An employee may not operate a commercial vehicle within four hours after using alcohol. An on-call employee who consumes alcohol within four hours of being called in must acknowledge the use of alcohol and may not report for duty.
- D. **Alcohol Use Following an Accident:** An employee required to take a post-accident alcohol test may not use alcohol for eight hours following the accident or until a post-accident alcohol test is given, whichever comes first.
- E. **Use of Drugs:** An employee may not report for duty or remain on duty that requires driving a commercial vehicle when the employee has used an illegal or legal drug or drugs, except when the use is pursuant to instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial vehicle. Employees who are taking a prescription or over-the-counter medication that may impair their ability to perform their duties safely and effectively should provide written notice from a physician or pharmacist with respect to the effects of such substances.
- F. **Refusal to Submit to a Required Test:** An employee may not refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or drug test as directed by this policy. Refusal to submit to a test or interference with a test will be considered a positive test.
- G. **Positive Drug Test:** An employee may not report for duty or remain on duty requiring the performance of duties covered under this policy if the employee tests positive for drugs or alcohol.
- H. **Tampering with a Required Test:** An employee may not tamper with, adulterate, alter, substitute or otherwise obstruct any testing process required under this policy. Tampering with a test will be considered a positive test.
- I. **Possession, Transfer or Sale:** No employee may possess, transfer, or sell drugs while employed by and working for the City. No employee may possess, transfer or sell alcohol while on City time or while representing the City.

## 11.6 TESTING

**Pre-employment Drug Testing:** All individuals who are covered by this policy must pass a drug test as a post-offer condition of employment.

**Reasonable Suspicion Testing:** Employees are required to submit to a drug and/or alcohol test whenever City personnel reasonably suspect that the requirements of this policy (except the prohibitions against possession, transfer or sale of alcohol) may have been or are presently being violated. In most circumstances, referrals for testing are based on contemporaneous, articulable observations. Such referrals are made by the employee's Department Director.

Alcohol testing for reasonable suspicion is only conducted just before, during or after an employee operates a commercial vehicle. If removed from duty based on reasonable suspicion of alcohol use. The alcohol test must be completed within two (2) hours of the observation, if not, the City will document the reasons for the delay and continue to have the test conducted up to eight (8) hours following the observation. After eight (8) hours the attempt to test will cease, and the City will again document the reasons for the test not being administered. If the City is unable to perform the test within eight (8) hours, the City will not permit a driver to report for duty, remain on duty, perform covered functions until:

- A. An alcohol test is administered and the driver's breath alcohol concentration measures less than 0.02; or
- B. Twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the requirements of this policy concerning the use of alcohol.

**Post-Accident Testing:** The driver is required to submit to alcohol and drug tests as soon as possible following an incident involving a commercial motor vehicle when the driver receives a citation under state or local law for a moving traffic violation and the accident involved bodily injury to any person who receives medical treatment away from the scene, the driver receives a citation for a moving violation and the accident involved one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported by another vehicle,, or where a fatality occurs as a result of the accident. Testing should occur as soon as possible, but may not exceed eight (8) hours after the accident for alcohol testing and thirty two (32) hours after the accident for drug testing.

A driver who is subject to post-accident testing must remain readily available for such testing and may not take any action to interfere with testing or the results of testing. Drivers who do not comply with post-accident testing requirements will be considered to have refused to submit to testing. A refusal to submit to a test is considered and treated the same as a positive test result.

**Random Testing:** Employees covered by this policy are subject to random, unannounced alcohol and drug testing.

**Return to Duty Testing:** Employees who have violated the provisions of this policy, including those who have tested positive on a drug or alcohol test, and who are allowed to return to work, must test negative prior to being released for duty. A return to duty test following alcohol misuse may not exceed an alcohol concentration of 0.02.

**Follow-Up Testing:** An employee who is referred for assistance related to alcohol misuse and/or use of drugs is subject to unannounced follow-up testing for a period not to exceed sixty (60)



months as directed by a Substance Abuse Professional and the City. The number and frequency of follow-up testing will be determined by the Substance Abuse Professional and the City, but will not be less than six (6) tests in the first twelve (12) months following the employee's return to duty.

**Re-Tests:** Employees who test positive for drugs may request a second test of the remaining portion of the split sample within seventy two (72) hours of being notified of a positive test result by the Medical Review Officer. If a re-test is requested by an employee, the employee is responsible for paying for the cost of the re-test.

**Notification:** Upon notification of selection for testing, the employee will be accompanied by his/her Department Director or other designated supervisory personnel to the collection site.

### **11.7 SECURING INFORMATION FROM PREVIOUS EMPLOYERS**

If a person is to be hired into a position subject to this policy and during the previous two years has worked as a driver of a commercial vehicle, that person must authorize a request for all employers of the driver within the past two years to release information on the following:

- A. Positive alcohol or drug tests; and/or
- B. Refusal to be tested.

This information will be obtained before the person is employed by the City. However, if the information has not arrived by the applicant's anticipated start date, and if the person has passed the pre-employment drug test, the person may be hired and the requested information obtained from the previous employers within thirty (30) calendar days of the date of hire. If the information has not been received within the thirty (30) calendar days, the person may not drive commercial vehicles until the information has arrived. If the information obtained from previous employers indicates either a positive test or a refusal to be tested occurred within the past two (2) years, that person will either:

- A. Not be permitted to drive commercial vehicles unless subsequent information indicates that an evaluation by a Substance Abuse Professional was made and return to duty testing was administered; or
- B. Be terminated.

### **11.8 CONFIDENTIALITY AND RECORD RETENTION**

All records related to drug and alcohol testing are maintained by the City Administrator or his/her designee in a secure location with controlled access. These records are kept separate from records pertaining to all other employees.

### **11.9 CONSEQUENCES OF ENGAGING IN PROHIBITED CONDUCT OR POSITIVE DRUG OR ALCOHOL TESTS**

Employees are subject to appropriate disciplinary action up to and including termination if:

- A. The employee tests positive for a drug or drugs;
- B. Results from an alcohol test indicate a blood alcohol level of 0.02 or greater; and/or,
- C. The employee has engaged in prohibited conduct as outlined in Section 11.5 above.

The City will endeavor to advise an employee, regardless of any disciplinary action taken, of resources available to the employee in evaluating or resolving problems associated with drug use or alcohol misuse.

The following provisions apply to those employees who are not terminated for violating the provisions of this policy:

**Positive Test Result and/or Engaging in Prohibited Conduct:** If an employee tests positive for drugs or has an alcohol test that indicates a blood alcohol level of .02 or greater from a random, reasonable suspicion or post-accident test, or engages in prohibited conduct as outlined in Section 11.5 above, the employee will be immediately removed from duties requiring the driving of a commercial vehicle. The employee is not permitted to return to work unless he/she:

- A. Has been evaluated by a qualified Substance Abuse Professional;
- B. Has properly followed any rehabilitation prescribed by a Substance Abuse Professional; and
- C. Has a verified negative result on a return-to-duty alcohol (<0.02) and/or drug test.

Upon completion of a recommended rehabilitation program and successful return to work, an employee is subject to follow-up random testing for up to sixty (60) months as recommended by the Substance Abuse Professional and the City, with a minimum of six (6) such unscheduled tests within the first twelve (12) months of returning to duty.

Alcohol Concentration of 0.02: Employees having a breath alcohol concentration of at least 0.02, shall be removed from duty requiring the driving of a commercial vehicle for at least twenty four (24) hours.

#### **11.10 EMPLOYEE ASSISTANCE PROGRAM/VOLUNTARY REFERRAL**

The City supports employees who volunteer for treatment of alcohol or drug abuse. Employees are encouraged to seek treatment voluntarily. In most instances, any employee who comes forth and notifies the City of alcohol or drug abuse problems prior to violating this policy usually will be given the assistance extended to employees with any other illness. However, any such program may not interfere with the tests required by these rules. For example, a driver may not identify himself/herself as unfit to drive after having been notified of a random or reasonable suspicion test and expect to avoid the consequences of a positive test or a refusal to test. In addition, voluntarily seeking assistance does not excuse any failure to comply with all of the provisions of this policy or other requirements of the City.

Sick leave, vacation leave or leave of absence without pay may be granted for treatment and rehabilitation as with other illnesses. Confidentiality of information will be maintained as much as possible at all times.

## **CHAPTER 12 WHISTLEBLOWER POLICY**

### **12.1 POLICY**

The City (1) encourages reporting by its employees of improper governmental action taken by City officers or employees and (2) protects City employees who have reported improper governmental actions in accordance with the City's policies and procedure(s).

### **12.2 PROCEDURES FOR REPORTING**

City employees who become aware of improper governmental actions should first raise the issue with their supervisor or department director. If requested by the supervisor or department director, the employee shall submit a written report to the supervisor or department director, or to some person designated by the supervisor or department director, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor or department director, the employee may raise the issue directly with the City Administrator.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

Emergency means a circumstance that if not immediately changed may cause damage to persons or property.

The department director and the City Administrator, as the case may be, will endeavor to take prompt action to assist the City in properly investigating the report of improper governmental action. City officers and employees involved in the investigation are required to keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action should be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

City employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper governmental action if the City employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred, or that insufficient action has been taken by the City to address the improper governmental action or that for other reasons the improper governmental action is likely to reoccur.

City employees who fail to make a good-faith attempt to follow the City's procedures in reporting improper governmental action do not receive the protections provided by the City in these procedures, and may be disciplined or discharged for the filing of claims which cause the City unnecessary or undue expense, time, or nuisance.

### **12.3 PROTECTIONS AGAINST RETALIATORY ACTIONS**

City officials and employees are prohibited from taking retaliatory action against a City employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

Retaliatory action means any adverse change in the terms and conditions of a City employee's employment.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their department director, the Mayor or the City Administrator. The City Administrator and department head will endeavor to take appropriate action to investigate and address complaints of retaliation.

If the employee's department director, the City Administrator, or the Mayor does not satisfactorily resolve a City employee's complaint that he or she has been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state law by providing a written notice to the City Council that:

- A. Specifies the alleged retaliatory action; and
- B. Specifies the relief requested.

City employees are required to provide a copy of their written charge to the City Administrator no later than thirty (30) days after the occurrence of the alleged retaliatory action. The City will endeavor to respond within thirty (30) days to the charge of retaliatory action.

After receiving either the response of the City or thirty days after the delivery of the charge to the City, the City employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing shall deliver the request for hearing to the City Administrator within the earlier of either fifteen (15) days of delivery of the City's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City for response.

Upon receipt of request for hearing, the City may apply, within five (5) working days, to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings  
P.O. Box 42488, 4224 Sixth S.E.  
Rowe Six, Bldg. 1  
Lacey, WA 97504-2488  
(360) 664-8717

The City will consider any recommendations provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

## **12.4 RESPONSIBILITIES**

The City Administrator is responsible for implementing the City's policies and procedures (1) for reporting improper governmental action and (2) for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures (1) are posted where employees will have reasonable access to them, (2) are made available to any employee upon request and (3) are provided to all newly-hired employees. Department heads and supervisors are responsible for ensuring the procedures are implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, including possible termination.

## CHAPTER 13 DISCIPLINE AND TERMINATIONS

### 13.1 DISCIPLINE

Unless otherwise specified by ordinance, a written employment contract, or a valid and effective collective bargaining agreement, all employees are employed on an at-will basis. While the City recognizes the benefit in some cases of using progressive discipline, the need for disciplinary action is usually evaluated on a case-by-case basis and the City is not required or obligated to use progressive discipline before imposing a particular type of disciplinary sanction, including possible termination.

All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the citizens of the City. Acts, errors, or omissions which, in the City's sole judgment, discredit the public service, violate City policies or practices or impair the provision of orderly services to the citizens of the City may result in discipline, including possible termination. The City Administrator and Department Directors have full discretion and authority to impose disciplinary action in accordance with City policies and the circumstances of the particular case.

In the event that discipline is necessary, the following types of disciplinary actions may be used, depending on the particular situation:

**Oral Warning.** An oral warning is a counseling session between the employee's Department Director and the employee on the subject of the employee's conduct and performance or his/her failure to observe a guideline, rule, regulation, or administrative instruction. It is intended to increase an employee's efficiency and value to the City by changing the employee's conduct, attitude, habits, or work methods. Following the counseling session the Department Director documents the oral warning.

**Reprimand.** A reprimand is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. Written reprimands are placed in the employee's personnel file. Written warnings include:

- A. A statement of the facts;
- B. A statement of the discipline being given, if any;
- C. If appropriate, the employee's explanation and reason for the violation;
- D. The required corrective action on the part of the employee;
- E. If appropriate, a written and definite period of disciplinary probation during which the employee must clearly demonstrate improvement; and
- F. A statement indicating further disciplinary action may follow if correction is not achieved.

The warning is signed by the employee's direct supervisor, the employee and the Department Director involved. A copy of the written warning is forwarded to the City Administrator. After review with the employee, a copy of the written warning is given to the employee and a copy is placed in the employee's personnel file.

**Suspension.** A suspension is a temporary, unpaid absence from duty which may be imposed as a penalty for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action that is made part of the employee's permanent record. In each case of disciplinary suspension, a written memo is prepared indicating:

- A. The event or events which lead to the suspension;
- B. The duration of suspension;
- C. A statement indicating required corrective action on the part of the employee;
- D. If appropriate, the employee's explanation or comment; and
- E. A statement indicating that it is a "final warning" and further indicating that the employee will be discharged upon the occurrence of another infraction or unless corrective action is taken within the stated time.

The memo is signed by the employee's Department Director and a copy forwarded to the City Administrator. The memo may also be signed by the employee and any other person who is present at the discussion. After the memo has been reviewed with the employee, a copy of it is given to the employee and a copy is entered into the employee's personnel file.

Suspensions with pay, where the employee is placed on administrative leave, reassignment may be utilized by the City pending the results of an investigation or disciplinary action.

**Termination:** When a supervisor feels that the nature of a violation warrants termination, or if the termination is a result of the disciplinary procedure where the desired corrective action was not achieved, the supervisor shall prepare a written report to his/her Department Director and the City Administrator. The written report should include:

- A. The reason(s) for recommending termination;
- B. Information on any previous warnings or disciplinary actions that may be relevant;
- C. A brief summary of the employee's past work record and length of employment with the City; and
- D. Any other relevant information.

In certain circumstances, before a final decision is made regarding a possible suspension or termination, the City may convene a pre-disciplinary meeting. In the event the City convenes a pre-disciplinary meeting, the employee will be notified of the reason for the pending action and given a brief summary of the City's evidence, if any. Usually, the employee should be given an opportunity to respond to the charges, either orally or in writing, and to explain why the City should not go ahead with the suspension or termination. Although the City's explanation of its evidence should be sufficient to inform the employee of the basis for disciplinary action, this procedure should not be construed to limit the City at any subsequent hearing or proceeding from presenting a more detailed and complete case, including the presentation of witnesses and/or documents not introduced at the disciplinary meeting.

**Rules of Conduct.** In the interest of the City and the public, it is desirable that the conduct of City employees, whether off-duty or on-duty, reflect favorably on the employee, his/her fellow employees and the City. Off-duty misconduct may result in discipline when it renders an employee

less capable of performing his/her duties and responsibilities or when it reflects unfavorably upon an employee's continuing qualifications for employment.

The City places as few restraints on employee personal conduct as possible. The City relies on each employee's good judgment and sense of responsibility as the principal source of guidance for conducting day-to-day duties and responsibilities. However, for the protection of the City's business interests and other employees, certain rules of conduct have been established. The rules are formalized here for each employee's information and to minimize the likelihood of any employee, through misunderstanding or otherwise, becoming subject to disciplinary action.

There are certain kinds of actions which cannot be permitted to occur because of their impact on other employees and the City. Such offenses may result in termination on the first occurrence, after review by the City Administrator and/or City Attorney. The following is a list of some non-exclusive examples of such offenses.

The occurrence of any of the following conduct may result in immediate termination:

- A. Theft, misappropriation or removal of City property or the property of employees, clients or members of the public;
- B. Falsification of any application for employment or any report, record, time card or City records;
- C. Soliciting and/or accepting payment, gifts or any item of value for services performed during the regular work day while working for the City;
- D. Material alteration, destruction or waste of City property, facilities, records or equipment, wherever located or the destruction of another employee's property;
- E. Bringing alcohol, narcotics or other controlled substances onto City property or into City vehicles, unless incident to an employee's normal job duties (i.e. police officers); reporting to work or being under the influence of alcohol, narcotics or other controlled substances while on working time, or while on City property or in City vehicles;
- F. Giving or taking a bribe of any nature as inducement for obtaining or retaining a job or position;
- G. Disorderly conduct, fighting or insubordination, including, but not limited to, neglect of duty or refusal or failure to obey orders or instructions in the line of duty and use of abusive, insulting or obscene language to any supervisor or other employee;
- H. Threatening, intimidating, coercing or interfering with supervisors or other employees;
- I. Deliberate attempts to injure another employee or fighting on City property;
- J. Sleeping during work hours;
- K. Unauthorized possession of firearms, explosives or any dangerous weapons while performing City work or on City time;
- L. Participating in an unauthorized work stoppage or slowdown;

- M. Recklessness resulting in a serious accident while on duty whether on City property or while driving a City vehicle;
- N. Unwelcome work place harassment or other unlawful discrimination directed toward another employee, including but not limited to demands for sexual favors in exchange for employment, retention of job, promotion or other employment benefits.
- O. Use of City property or time for personal financial gain.

There are certain types of actions which should not occur, but normally it is the recurrence of the action rather than the first occurrence of the action which results in termination. For such actions, employees normally receive a written or verbal warning, or are suspended without pay or placed on disciplinary probation prior to termination, depending on all the facts and circumstances presented in each instance. The following is a list of some non-exclusive examples of such offenses. The occurrence of any of the following conduct may result in the imposition of lesser discipline, such as a warning, suspension without pay or probation, although under appropriate circumstances, the City may immediately terminate the offender:

- A. Ignoring safety rules or common safety practices;
- B. Failure to report occupational injuries or accidents, including motor vehicle accidents, promptly to the employee's department head;
- C. Engaging in activities other than assigned work during working hours and/or while operating City equipment, without approval in advance by the employee's department head;
- D. Acting in an insulting, rude or insolent manner towards any citizen or other person while working for the City, or while operating City equipment or on City premises;
- E. Failure to exercise the care and attention to one's work as required by the circumstances;
- F. Smoking in restricted or prohibited areas, whether on City property or otherwise;
- G. Accepting employment with a second employer without written authorization from the City;
- H. Acting in a manner toward City employees or the citizens of Chelan that is, in the City's sole judgment, inconsistent with the City's rules of conduct, policies, guidelines, ordinances or resolutions;
- I. Unexcused or excessive absences, tardiness or abuse of sick leave;
- J. Leaving work before the end of the shift or not being ready to begin work at the start of the shift or working overtime without permission from the employee's department head;
- K. Loafing or spending unnecessary time away from the job;
- L. Unauthorized possession or use of any City property, equipment or materials;
- M. Carrying an unauthorized passenger in a City vehicle;



- N. Contributing to unsanitary or unsafe working conditions;
- O. Having wages or salary subject to a writ of garnishment for three or more separate indebtedness in a continuous twelve month period.

These rules of conduct do not change an employee's status as an at-will employee, nor do they guarantee or imply progressive discipline will be used when the City determines discipline is warranted.

# CITY OF CHELAN ELECTRONIC RESOURCES POLICY

## 1. PURPOSE

The proper stewardship of City electronic resources is a responsibility that all City officials and employees share. Accordingly, except as provided below, City employees may not use City electronic resources for personal benefit or gain or for the benefit or gain of other individuals or outside organizations. Responsibility and accountability for the appropriate use of City resources ultimately rests with the individual City official or City employee, or with the City official or City employee who authorizes such use. City officials and employees should ensure that any personal use of City electronic resources permitted by this policy is the most efficient in terms of overall time and resources. The City may require that individuals sign written acknowledgement of all or part of this policy as a condition of employment and/or prior to use of these resources.

## 2. DEFINITIONS

A. "City Officials" include all elected officials and all Department Heads.

B. "City Electronic Resources" include electronic and communications equipment, software, and systems, including, but not limited to: computers, computer networks, software, copiers, scanners, printers, other computer peripherals, telephones, fax machines, cellular phones, radios, applications such as the Internet, email, office systems, and other equipment or other property or resources under the official's or employee's official control or direction or in his or her custody or to which he or she has access.

## 3. DIRECTIVES

A. The City wants its officials and employees to be aware that its security systems are capable of recording (for each and every user) each World Wide Web site visit, each chat, or newsgroup. The City may keep a log of employees accessing the Internet which will be periodically audited. No user should have the expectation of privacy as to his/her Internet usage.

B. The City's Internet facilities and computing resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province or other local jurisdiction in any material way. Use of any City resource for illegal activity is grounds for immediate suspension. Likewise, the City will cooperate with any legitimate law enforcement activity.

C. Any software or files downloaded via the Internet into the City's network become the property of City. Any such files or software may be used only in ways that are consistent with their licenses and/or copyrights.

D. Only those users who are duly authorized to speak to the media or in public gatherings on behalf of City may speak/write in the name of the City of Chelan to any newsgroup or chat room. Employees may participate in newsgroups or chats outside of work hours, but they do so as individuals speaking only for themselves.

E. The City has installed a variety of proxies and other security systems to assure the safety and security of its network. Any user who attempts to disable, defeat, or circumvent any security facility may be subject to disciplinary action.

- F. Public access databases (e.g., World Wide Web servers, File Transfer Protocol servers) must not be created or implemented without prior approval by the Mayor.

### **3. OVERSIGHT OF THE CITY'S INFORMATION AND COMMUNICATION SYSTEMS**

Except as provided for elsewhere in this Policy, the City designates the Mayor's Office as the City department responsible for the oversight and maintenance of the City's non-law enforcement information and communication systems. The responsibility of the Mayor's Office includes, but is not limited to:

- A. Overseeing the performance of the City's independent contractor who maintains and supports the City's information and communication systems ("independent contractor");
- B. Overseeing the independent contractor to ensure the proper maintenance and repair of the City's computers and servers;
- C. Ensuring that the City's telecommunication system is properly maintained;
- D. In consultation with the City's independent contractor, assisting in the planning and implementation of computer systems used by non-law enforcement staff of the City;
- E. In consultation with the City's independent contractor, assisting in determining the City's computer needs and in planning new automated systems that will meet the City's objectives and comply with legal requirements and legislative changes affecting department services;
- F. Acting as the City's liaison between staff and the independent contractor when technical support, troubleshooting, repair, or advice regarding the City's information and communications systems is needed;
- G. Coordinating the implementation of new systems and the adoption of new or modified computer equipment and programs;
- H. Arranging for the maintenance and repair of computer equipment;
- I. Tracking all maintenance contracts regarding computer equipment;
- J. Maintaining and updating a written inventory of any software products purchased by the City;
- K. Maintaining and updating a written inventory of any hardware products purchased by the City;
- L. Conducting annual physical inventory of equipment and preparing inventory records and reports;
- M. Responding to inquiries and complaints regarding services provided; assures that appropriate information is provided and problems are resolved; and
- N. Ensuring the internal and external security of the City's computer system.

## **5. GENERAL PROVISIONS**

### **A. Prohibition Against Use of City Electronic Resources for Personal Use**

Except as provided below, no City Official or City employee may use City electronic resources for personal benefit or gain of the official, employee, or any other person. Except as provided in this policy, a City Official or employee may not make private use of City electronic resources.

### **B. Limited Exceptions to Prohibition Against Personal Use**

The prohibition set forth in Section 5.A does not apply to the use of City resources to benefit another person if such use is consistent with the official or employee's official duties. Notwithstanding the prohibition against use of City electronic resources for personal benefit set forth in this policy, a City Official or employee may make occasional but limited use of City electronic resources if the following conditions are met:

- i. There is little or no cost to the City;
- ii. Any use is brief;
- iii. Any use occurs infrequently;
- iv. Any use of City electronic resources does not interfere with the performance of the official or employee's duties, and does not obligate other employees to use City resources;
- v. Any use does not disrupt or distract from the conduct of City business, including volume or frequency; and
- vi. The use does not compromise the security or integrity of City information or software.

### **C. Examples of "Occasional But Limited Use"**

- i. Use of the email (or phone) during breaks to confirm that children have arrived home safely from school, confirming appointments with health care providers;
- ii. Use of the Internet during breaks, as long as such use does not interfere with official duties, pose a security risk, or consume excessive resources.
- iii. A City Official may authorize personal use of City electronic resources if he/she determines that such use promotes organizational effectiveness or enhances the job-related skills of the City Official or employee using such resources.
- iv. The Mayor may authorize use of City electronic resources to support, promote, or solicit for an outside charitable or community-based organization or group if the use of City electronic resources is minimal.
- v. The Mayor may designate bulletin boards, either electronic or physical, which are authorized for personal use.

- vi. The Mayor may authorize City-owned software to be installed on a personally owned computer upon request by a City Official; provided, the installation does not violate the software license. The City assumes no liability for such installation or use.

#### **D. Absolute Prohibition**

Notwithstanding the limited exceptions provided herein, the City absolutely prohibits the following personal uses of City resources:

- i. Any downloading of content from an Internet site.
- ii. Any downloading of software from the Internet.
- iii. Any use for the purpose of conducting an outside business of the City Official, employee, or a relative or acquaintance of the Official or employee.
- iv. Any campaign or political use, unless such use has been determined not to be a violation of RCW 42.17.130 and .190 by the City Attorney, the Washington State Attorney General, or the Washington Public Disclosure Commission, or as otherwise authorized by law.
- v. Commercial uses such as advertising or selling, whether for personal or business purposes, other than authorized charitable or community-based promotions as designated in this policy.
- vi. Any use for private benefit or gain, including use of City contracts with vendors for the purchase of goods or services.
- vii. Any illegal activity, including any use of the Internet, software, or any other property or resource that violates copyright laws.
- viii. City Officials and City employees may not play games on a City-owned computer, even if the game was preloaded on the computer as part of the manufacturer's operating system. Downloaded and interactive games have the potential to undermine the security of City information and systems.
- ix. Nothing in this policy is intended to limit the ability of a City Official to adopt policies for their offices or departments that are more restrictive than the prohibitions provided herein.

#### **E. No Expectation of Privacy**

The City reserves the right to monitor the activities of all City Officials' and employees' City computers, email, Internet, fax, cell phones, and other electronic and communications systems. Users shall have no expectation of privacy when using City resources. Such records may be subject to disclosure under the Public Records Act as codified or hereinafter amended or may be disclosed for audit or other legitimate City operational or management purposes. Any records created while conducting City business using personally owned communications devices may also be subject to disclosure.

## **F. Violations – Penalty**

In order to safeguard City resources, violators of this policy may be denied access to City computing and network resources and may be subject to other disciplinary action within and outside the City. Violations of this policy will be handled in accordance with the City's established disciplinary procedures. The City may temporarily suspend, block or restrict access to computing resources and accounts, independent of such procedures, when it reasonably appears necessary to do so in order to protect the integrity, confidentiality, or availability of City computing and network resources, or to protect the City from liability. The City reserves the right to pursue appropriate legal actions to recover any financial losses suffered as a result of violations of this policy.

## **6. SPECIAL PROVISIONS REGARDING COMPUTER ACCOUNTS**

### **A. Security**

Users are responsible for the security of electronically stored information (data) to which accounts assigned to the user have been given permission to use. All users given permission to access data must act in a manner to protect said data from loss, unauthorized alteration, and unauthorized use.

### **B. Assignment of Computer Accounts**

Computer accounts are assigned to individual City Officials and City employees for their exclusive use. Users are responsible for all activities conducted with accounts assigned to them. Shared computer accounts for specialized purposes, and with limited access to data, may be authorized by the Mayor. Such shared accounts may also be exempted from password standards and access control requirements if authorized by the Mayor. Except in the case of authorized shared accounts, City Officials and City employees must keep passwords secret. Each user is responsible to maintain the secrecy of the passwords for accounts assigned to him/her. The Mayor may specify mandatory password standards that may include, but may not be limited to, length, content, and case restrictions, as well as requirements for periodic password change. Unless pre-authorized by the Mayor, it is a violation of policy to allow others to obtain or use a password assigned to the user. If the user has knowledge that another person knows or is using their password, it is their responsibility to immediately change it and to report it to the Mayor.

### **C. Access Control**

User account and passwords are used to control access to City data resources based on an individual employee's need to access specific data. Users are responsible for data accessed, transmitted, copied, deleted, etc. to or from their computer account. To prevent unauthorized use, all users should log off of, or lock access to, all City computers and systems before leaving said computers or systems unattended. Data will not be copied or transmitted without the same access restrictions as those placed on the original data. This provision is not intended to restrict distribution of data resulting from public disclosure requests or the authorized release of information by the City. The independent contractor and other authorized individuals may, by nature of assigned duties and in support of authorized activities, be exempt from any or all of these provisions regarding computer accounts. Exceptions shall be authorized by the Mayor.

## **7. SPECIAL PROVISIONS REGARDING ELECTRONIC MAIL**

Electronic mail is an integral part of the City's communications. It is the policy of the City to encourage the responsible use of electronic mail whether internally or externally generated or viewed. This policy is meant to make all users aware of the risks associated with using

electronic mail and to inform them of City's policy regarding such use. This policy applies to the electronic version of the messages and any paper or printed copies of the messages.

**A. Purpose**

The primary purpose of the City's electronic mail system is to facilitate the timely and efficient conduct of City business. The system is also provided to encourage and facilitate the free exchange of business-related communications and ideas between employees.

**B. Right of Inspection**

- i. The electronic mail system is intended for business purposes. Electronic mail communications constitute public records and the City has the right to access or monitor messages for work-related purposes, security, or to respond to public record requests. All messages should be composed with the expectation that they are public.
- ii. Users shall have no expectation of privacy in email messages, whether they are business related or an allowed personal use as provided herein. Use of electronic mail shall be considered consent to City Officials, managers, and other employees to inspect, use, or disclose any electronic mail or other electronic communications and/or data without further notice.

**C. Prohibition of Inappropriate Message Content**

Electronic mail should be businesslike, courteous, and civil. All the City's policies, including policies prohibiting discrimination and sexual harassment, shall apply to use of email. Email shall not be used for the expression of unlawful or discriminatory ill will or bias against individuals or groups, offensive material such as obscenity, vulgarity, or profanity, or other non-businesslike material. Sexually explicit material, cursing, and name-calling are expressly prohibited.

**D. Forwarding of Electronic Mail**

A user forwarding a message, which originates from someone else, may not make changes to that message without clearly disclosing the exact nature of the changes and the identity of the person who made the changes. Messages received from the City Attorney, or private attorneys acting on behalf of the City, its officers or employees, may be privileged communications and therefore, confidential, and these messages shall not be forwarded to non-City persons without the prior approval of the author.

**E. Misdelivered Messages**

If an electronic mail message comes to a user by mistake, the user should stop reading as soon as they realize the message was not meant for them and notify the sender or system administrator immediately.

**F. User's Responsibility for Security**

Users are responsible for the security of their electronic mail account password and any electronic mail that is sent via a user account. To protect a user account against unauthorized use, the following precautions should be taken: Log off from, or lock access to, the City computer before leaving it unattended. If user id logon is left open, and someone else uses it, it will appear as if user sent the message and user will be held accountable. Do not give out passwords. Users are responsible for messages sent via user account. Correspondingly, do not use or tamper with someone else's account without

his/her knowledge and consent. Unauthorized use of an electronic mail account is in violation of this policy.

**G. Use of Non-City Email Accounts**

Non-City email accounts (like AOL, MSN, Yahoo!, Gmail, Hotmail, etc.) may not be used to conduct City business unless approved in advance by the Mayor. Likewise, a non-City email account may not be linked to a City email account. All City Officials and all City employees are issued City email accounts.

**H. Transmission of Confidential Information**

Confidential material must not be sent via electronic mail. Electronic mail messages may be intercepted, viewed, and used for non-approved purposes, especially when corresponding via the Internet, a medium over which the City has no control.

**8. SPECIAL PROVISIONS REGARDING INTERNET WEB SITE ACCESS**

The City encourages effective and efficient use of all City equipment for completion of City business. This includes use of the Internet for City employees to provide information to City residents, businesses, and other governmental agencies to search for information, and for information exchange.

**A. Certain Use of Internet Prohibited**

The following are specific examples of prohibited activities/access. This policy applies to use of any Internet or Intranet access system including but not limited to the City's network, the City's wireless access system (while on duty and/or using City-owned equipment), specific accounts set up at remote sites, or other City Page owned or funded access. The City reserves the right to discipline and to remove Internet access for any employee for violation of this policy. Use of City equipment to access pornographic web sites is prohibited at all times, except by law enforcement personnel in the conduct of their official duties and with the express permission of the Chief of Police. Use of the City Internet access to buy or sell merchandise or services online for personal use is expressly prohibited. This prohibition includes but is not exclusive to bidding on auction items, responding to bidders or buyers messages, receiving bidding notifications or alerts, and/or accessing PayPal or other buyer or seller accounts. Use of the City's Internet access to access social media web sites (MySpace, Facebook, Twitter, etc.) is expressly prohibited, except by personnel in the conduct of their official duties and with the express permission of the Mayor. Use of "instant messaging" software is prohibited unless permission is granted by the Mayor, pursuant to a written request based on a business necessity. Use of City Internet access to create or forward chain letters is prohibited.

**B. Monitoring and Reporting of Internet Use**

It is the responsibility of City Officials to monitor and audit Internet web use within their department. Because there is the potential for employee abuse of the system, the City may monitor and record user access to Internet sites and provide the Mayor or City Council with information that can be used to track access to all Internet sites as required or requested to enforce City or department policy.

**C. Downloading Files**

The possibility of downloading a file with a computer virus is great and care must be taken not to contaminate any computers in the City. Files copied from an Internet site, or any other outside source, must be scanned by virus checking software prior to being used on



a City computer. The independent contractor shall make options available for virus checking of copied files.

#### **9. UPDATING INFORMATION ON THE CITY'S WEBSITE**

The City requires each City Department to be responsible for developing and maintaining respective website information and designates the City Clerk with overall authority for ensuring that the information on the City's website is accurate and up to date. Except as provided in these guidelines, no other employee of the City has authority to add or delete information on the City's website without the Mayor's and/or City Clerk's permission.

#### **10. REMOTE ACCESS TO CITY SYSTEMS**

Remote access to certain City systems, applications, and data is maintained for selected employees. City remote access systems require a high level of application and user maintenance as well as monitoring. In addition, they significantly increase the security risks associated with outside access to applications and data. Remote access systems are therefore restricted only to those City Officials and employees who show a demonstrated necessity to access data or applications while away from City facilities and ONLY for City business. Remote access will not be granted for convenience. Users who do not utilize remote access systems may be removed as users. Use of remote access for other than official business will result in immediate removal as a user and, if appropriate, disciplinary action.

##### **A. Authorization Required**

Prior to use by any City Official or employee, the appropriate City Official must submit a written request to the Mayor identifying the user and stating what business necessity exists requiring the potential user to utilize remote access. Permission will be based on demonstrated need and subject to the criteria listed below. City Officials, managers, and supervisors must be aware that providing remote access to City systems has the potential to result in overtime payments. Time spent accessing data or email remotely is considered compensated time for employees subject to FLSA rules. City Officials and employees are required to comply with the City's overtime policies.

##### **B. Internet Service Provider Requires Approval**

It is the policy of the City that it does not provide or pay for Internet access on home or City-owned computers. Exceptions will be approved by the Mayor. Employees with remote access who travel should utilize Internet access through their lodging facility or other means. Any purchase of an ISP to be paid for from City funds must be previously approved.

##### **C. Web Based Email (WebMail)**

The City maintains a WebMail system that allows access to the City email system. The system may be authorized to employees who are required to access and respond to their email while on leave and traveling.

#### **11. SPECIAL PROVISIONS REGARDING CITY-OWNED CELL PHONES AND SMARTPHONES**

The purpose of the Cell Phone Use Policy is to provide guidance regarding the purchase and use of Cell Phones and establish the protocol for reimbursement by employees for personal use of City cell phones. It is the policy of the City to entrust employees with communications equipment for productivity and safety reasons; and it remains employees' responsibility to use such equipment prudently such that the safety of themselves, their co-workers and the general

public is always their top priority. Employees who abuse this policy for whatever reason may be subject to disciplinary action, up to and including termination.

#### **A. Protocol for City-Owned Cell Phones**

A cell phone is considered a requirement under one or more of the following conditions:

- i. Job responsibilities require an employee to be away from regular land line access for long periods of time and communication by the employee is necessary to fulfill job objectives.
- ii. Cell phone use enhances the employee's personal safety on the job.
- iii. The employee's role carries responsibilities such that the ability to conduct two-way communication is necessary at all times.

#### **B. No Right to Privacy**

Employees have no right to privacy with respect to the use of City-Owned Cell Phones. This includes any and all voicemails, social media messaging, emails, text messages, call history and/or any other information stored on a cell phone, regardless of whether stored in the device or in remote sites and/or with remote services. The City has the right to inspect any and all City-Owned Cell Phones used by employees for such information at any time and without notice.

#### **C. Authorized Use of City-Owned Cell Phones**

Cell phones provided by the City are the property of the City and are to be used to conduct City business as outlined below:

- i. Cell phones should not be used for personal use, except for necessary work related situations such as unanticipated overtime or family emergencies. Calls of this nature should be infrequent in number and brief in duration.
- ii. Cell phone use in violation of any local, state, or federal law is prohibited. Cell phone use in violation of City or department work policies or for the purpose of personal financial gain is prohibited. Cell phones may not be used for blogging, jokes, gambling, games, or social networking (e.g., Facebook, MySpace, Twitter). Cell phone use for any discriminatory, derogatory, sexual, illegal, unethical or otherwise inappropriate remarks or purposes is strictly prohibited.
- iii. Cell phone use and text messaging with a City-owned or privately-owned cell phone is prohibited while the employee is operating a City-owned motor vehicle, except as provided in RCW 46.61.667. Speaking on the cell phone while driving should be done so only with a hands-free device. If no hands-free device is available, the driver shall pull to the side of the road in a safe location prior to answering or initiating cell calls. The use of hands-free technology is encouraged.

**D. Employee Responsibilities Regarding City-Owned Cell Phones**

- i. Protect the City-owned cell phone from theft, loss or damage.
- ii. Immediately report loss or theft of a City-owned cell phone to your supervisor or Department Director.
- iii. As cell phone calls are not secure, use discretion while making calls of a sensitive or confidential nature.
- iv. Immediately return the telephone to your supervisor or Department Director if it is determined that the phone is no longer necessary for your job or upon leaving employment with the City.
- v. City-owned smart phones shall be used in accordance to the City's Cell Phone Policy and Computer Use Policy

**E. Use of Personal Cell Phones to Conduct City Business**

The City recognizes that some staff members carry personal cell phones for their personal use. Use of those cell phones during business hours should be kept at a minimum to discourage adverse impact on employee or co-worker performance and safety. Employees using privately-owned cellular phones may be reimbursed by City for direct air time for calls to conduct authorized City business when evidenced by a billing detail. Reimbursement is made through the City's expense claim process with the billing detail attached. City business calls should be identified, including the name of the person/agency called and the reason for the call. Any violation of this Cell Phone Use Policy may result in disciplinary action, up to and including termination.

**F. Stipend for Use of Personal Cell Phones**

The City Administrator may authorize the following employees to use personal cell phones for work purposes: City Clerk, Community Development Director, Finance Director, Parks and Recreation Director, and Public Works Director. Employees using a personal cell phone for work purposes will receive a monthly stipend in the amount of \$35.00. Employees having a City cell phone are not entitled to the stipend.

Employees using a personal cell phone for City work must have Microsoft Exchange Server capabilities installed and operating. Employees are subject to public records requests and may be required to turn in their personal cell phone to the City for data retrieval at times so requested by the City Clerk.

**G. Public Records Act**

Employees should be aware that work-related texts and voice messages on cell phones are public records subject to the Public Records Act. Employees have a duty to maintain such records in accordance with the Washington Local Government Record Retention Schedules.

**12. SPECIAL PROVISIONS REGARDING CITY MAIL**

- A. City mail is for business use. Costs are attributable to the delivery and sorting of City mail.
- B. City Officials and employees will not use the City's envelopes, mail meter, or City owned stamps, or other mail supplies to package or mail personal mail.

### **13. IMPLEMENTATION**

This policy shall be effective immediately upon adoption and shall supersede all policies previously adopted by the City Council with regard to use of City resources.

## CITY OF CHELAN TRAVEL POLICY

1. Requests for travel reimbursements are submitted on an expense report form signed by the employee and the employee's department head.
2. For overnight travel outside the City, travel must be approved in advance by the Mayor, City Administrator or department head.
3. For travel that does not include an overnight stay the City Administrator or department head may approve the travel by signing the employee's reimbursement request.
4. An employee using a City credit card for travel expenses needs to submit a fully itemized travel expense voucher upon the employee's return or within ten (10) days after the billing date, whichever is earlier.
5. Employees are responsible for paying any charges against the credit card not properly identified on the travel expense voucher, or not allowed following any audit, by check, U.S. currency or salary deduction. If, for any reason, disallowed charges are not repaid before the credit card billing is due and payable, the City shall have a prior lien against and a right to withhold any and all funds payable or to become payable to the employee up to an amount of the disallowed charges, along with interest at the same rate as charged by the company which issued the credit card.
6. Any employee who has been issued a credit card by the City may not use the card if any disallowed charges are outstanding and must surrender the credit card, upon request by the City Clerk.
7. When a City vehicle is used for travel, employees may use a City gasoline credit card to purchase fuel. A fully itemized travel expense voucher should be submitted upon the employee's return, or within 10 days after the billing date, whichever is earlier. City credit cards are not to be used to purchase fuel for privately owned vehicles.
8. Expenses for the use of personally owned vehicles of employees or non-elected officers of the City in the course of City business, are reimbursed at the current rate approved by the City Council, if a City vehicle is not available. The reimbursement rate for personally owned vehicles used for official travel, when a City employee chooses not to use a City vehicle when available, shall be 60% of the current rate approved by the City Council.
9. The following types of travel expenses are allowed:
  - A. Transportation, lodging, meals on a per diem basis and other related expenditures.
  - B. Some types of travel expenses may be prepaid, such as registration fees, airline tickets and certain lodging and meals, when those costs are part of a registration package. An approved Travel Authorization Request form should be submitted with the pre-payment request.
  - C. Usually, direct billing of travel expenses to the City, such as and lodging, is allowed.

- D. Employees will not be reimbursed for the following expenses: liquor, expense of a spouse or other non-City employees or officers, personal entertainment, theft, loss or damage to personal property, barber or beauty parlor, airline or other trip insurance, personal postage, reading material, personal telephone calls, personal toilet articles, valet or laundry service. If any prohibited expenses are charged to the City, the employee will be required to reimburse those expenses.
- 10. Meal Allowance: The maximum amount allowed for meal expenses is \$50.00 per day. Amounts over the daily allowance are the employee's expense. This rate does not apply where a meal is included in a conference registration package. However, if the employee needs to travel to the conference on the day prior to allow for registration and check-in, the meal allowance may include dinner the day before.
- 11. Lodging Allowance: Usually, the City reimburses lodging expenses based on actual expense incurred by the employee; however approval is required from the City Administrator for room charges over \$100.00 per day. Employees are expected to use good judgment in choosing reasonable lodging.
  - 11.1 If traveling less than 75 miles from City Hall, employees may not use overnight lodging at City expense unless it is pre-approved by the City.
  - 11.2 In the event an employee takes his or her spouse to a conference, the City will reimburse the employee only for the single room rate. Lodging receipts are required.



## CITY OF CHELAN PERSONNEL POLICIES RECEIPT AND ACKNOWLEDGMENT

This confirms that I, \_\_\_\_\_,  
Employee's Printed Name

1. Have received and been made aware of the City's Personnel policies dated \_\_\_\_\_, \_\_\_\_\_; and
2. Understand that a violation of the City Policies, including but not limited to unlawful harassment, retaliation, workplace violence, safety, substance abuse, etc., may result in discipline up to and including termination.
3. Understand and agree that these policies are not an agreement or contract for employment and do not create promises of specific treatment in specific situations; and
4. Understand that no one in the City has the authority to enter into any agreement for employment for a specified period of time or to make other representations or agreements inconsistent with these policies unless it is in writing signed by the Mayor; and
5. Understand that the policies and procedures contained may be revised and updated by the City from time to time; and
6. Understand that these policies revoke and supersede any prior handbooks, statements of employment policies, guidelines and procedures, or employment manuals, handbooks, or other documents issued by the City.
7. I hereby authorize and give my consent to deduct from my final paycheck any amounts owing to the Company as provided in these Personnel Policies.

I acknowledge that it is my duty to read and understand the City of Chelan Personnel Policies.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date