

CITY OF CARNATION



PERSONNEL MANUAL

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PERSONNEL MANUAL

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PERSONNEL MANUAL

Chapter 1 - ADMINISTRATION

1.10 Official Copy; Changes to the Personnel Manual

There is one official copy of this manual, which is held and maintained by the City Manager. Unofficial copies may be distributed by the City Manager and are intended for informational use only. In the event of conflict between the official copy and any other copy, the official copy prevails. This manual may be repealed, modified, or amended by the City Manager; provided, that adding or deleting employee benefits must be approved by the City Council. Department heads may recommend modifications to this manual to the City Manager. Employees may request specific changes to this manual through their department head. Changes will be announced by the City Manager.

If any provision of this Personnel Manual or its application to any person or circumstance is held invalid by operation of law or by any tribunal of competent jurisdiction, the remaining provisions and their application to other persons or circumstances shall not be affected.

1.20 Relation to Other Documents and Policies

In the event of conflict between this manual and any collective bargaining agreement, personal services contract, City ordinance, Civil Service rule, State law, or Federal law, the provisions of this manual yield to that contract, rule or law. In all other cases the Personnel Manual applies. In the event of the amendment or repeal of any ordinance, rule or law incorporated in this document or upon which these provisions rely, this manual is deemed amended in conformance with those changes. Additionally, this manual is deemed amended to conform with all applicable state and federal law. The City Manager will, to the extent feasible, announce changes on a timely basis to persons holding and maintaining unofficial copies of this manual. This City-wide Personnel Manual does not restrict the authority of individual departments to establish separate policies and rules for their own operations when necessary to accommodate operational issues unique to the department. Department rules must be consistent with the intent and not conflict with the language of this manual when addressing covered subjects and must be approved by the City Manager, who shall also be provided with the official copy thereof. If conflicts arise between provisions of this manual and departmental practice, then this manual shall be applied instead of the conflicting department rule(s).

1.30 Administration of the Personnel System

The City Manager has final responsibility for seeing that the policies, procedures, rules, and guidelines covered in the Personnel Manual are implemented. Department heads are responsible for administering their departments in accordance with the provisions of this manual and may suggest changes to the City Manager.

Chapter 2 - INQUIRIES AND COMPLAINTS

2.10 Policy

Employees represented by a bargaining unit or who are covered under civil service rules should follow grievance procedures set out in their respective labor contracts or civil service rules where applicable. In all other cases, the complaint procedure described in this chapter is to be used.

Employees questioning or objecting to the interpretation or application of personnel policies or procedures deserve a fair and timely response to their concerns without fear of reprisal for bringing up the matter.

General inquiries on practices can be directed to a Department head supervisor or to the City Manager. A complaint procedure also exists to handle concerns of employees over the correct interpretation or application of personnel policies. The complaint procedure may be used for concerns not resolved by informal means.

An employee may file a grievance or a complaint, but not both, on any issue which is addressed in this manual and is also addressed in a labor contract or Civil Service rule.

2.20 Complaint Procedure

1. Informal Resolution Informal resolution of differences is encouraged. If possible, the employee and the employee's immediate supervisor should find an acceptable solution. In addition, the employee may speak with the Department head or the City Manager in an effort to resolve concerns by informal means.

2. Written Complaint A disagreement, which cannot be resolved informally, may form the basis of a written complaint. The written complaint must contain, as a minimum:

1. A clear and complete account of action or inaction by the City (a supervisor or some other authority in the City), which adversely impacts the employee;
2. A specific policy or procedure, which the employee believes has been violated or misapplied;
3. The date of the circumstance leading to the complaint or the date when the employee first became aware of those circumstances;
4. The remedy sought by the employee to resolve the complaint.

3. Submittal A written complaint must be filed within 10 working days of any occurrence leading to the complaint (or 10 working days after the employee becomes aware of the circumstances). Written complaints are submitted to the department head.

4. Discrimination and Harassment Complaints Complaints of illegal discrimination and harassment are to be directed to the employee's department head unless the employee's department head is the person about whom the employee is complaining, in which case the complaint should be directed to the City Manager. Although employees are encouraged to put complaints about illegal discrimination and harassment in writing, they will be investigated even if they are verbal.

5. Department Head or City Manager The department head discusses the complaint with the employee and tries to resolve it within 15 working days. If the complaint involves illegal harassment or discrimination and the complaint was made to the City Manager, then the City Manager will discuss the complaint with the employee and try to resolve it within 15 days, unless the City assigns the complaint to an outside investigator, in which case it will be resolved as soon as is practicable.

6. City Manager or Mayor If a written complaint is not resolved by the department head within 15 working days, the employee may submit the complaint in writing within 5 working days of the department head's failure to resolve it directly to the City Manager or the City Manager's designee. If the complaint involves illegal harassment or discrimination and it was initially made to the City Manager and it is not

resolved by the City Manager within 15 days or, if it was assigned to an outside investigator, as soon as is practicable, the employee may submit the complaint to the Mayor within 5 days of the City Manager's failure to resolve the complaint. The person responsible for this second level of review will respond to the complainant within 15 working days with a resolution or an explanation as to the need for additional time and an estimation of when the resolution will occur. The decision of the person responsible for this second level of review (the City Manager or his or her designee) is final.

7. Waiver of Steps and Time Limits By mutual consent, the steps and time limits may be waived.

2.30 "Whistleblower" Policy for Reporting Improper Governmental Action and Protecting Employees Against Retaliation

1. Policy Statement It is the City's policy to encourage its employees to report improper governmental action taken by City officials or employees; and to protect City employees who have reported improper governmental actions in keeping with the City's policies and procedures.

2. Definitions

1. *Good faith* means a deliberate and genuine action taken with confidence in its truth or correctness, along with a lack of interest in taking any conscious advantage of another.

2. *Improper governmental action* means any action by a City official or employee that:

a. Is undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment; and,

b. One or more of the following appears to be present:

- 1) A violation any Federal, State, or local law or rule;
- 2) An abuse of authority;
- 3) A substantial and specific danger to the public health or safety; or
- 4) A waste of public funds.

Improper governmental action does not include personnel actions, such as (but not limited to) employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

Examples of *improper governmental action* include, but are not limited to, misappropriating City equipment and supplies for personal use, having City employees do work on a public official's private property while on City time or on their own time without compensation, operating a private business on City time, and accepting gratuities or kickbacks.

3. *Retaliatory action* means: (a) Any adverse change in a local government employee's employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or (b) hostile actions by another employee towards a local government employee that were encouraged by a supervisor or senior manager or official.¹

¹ I expanded this definition to match the applicable statute, RCW 42.41.020(3).

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

3. Reporting Procedures

City employees who become aware of improper governmental actions, including those involving individuals outside their own departments, must raise the issue first with their supervisor or department head, except as qualified below. If requested by the supervisor, the employee shall submit a written report to the supervisor or department head, or to some person designated by the supervisor, 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, the employee shall raise the issue with the department head, or if it involves the department head, the employee may raise the issue directly with the City Manager.

In the case of an emergency, where the employee believes in good faith 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.

If the 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 the improper governmental action is likely to recur, then the employee shall give written notice to the City Manager. Not sooner than 48 hours after notifying the City Manager, and if the employee still reasonably believes that the proper corrective action has not been taken, the employee may report information about the improper governmental action directly to the Mayor, or the appropriate government agency with responsibility for investigating the improper actions.

Where the employee reasonably believes the improper governmental action involves a City Council member, the employee may raise the issue directly with the City Manager.

Where the employee reasonably believes the improper governmental action involves the City Manager, the employee may raise the issue directly with the Mayor.

City employees who do not make a good faith attempt to follow these procedures in reporting improper governmental action shall not receive the protections provided by the City in these procedures.

4. Investigation Procedures The supervisor or the City Manager, as the case may be, shall take action within fifteen (15) calendar days to properly investigate the report of improper governmental action. The employee raising the issue shall be notified by the City Manager when the investigation is begun and approximately when it will be concluded. City officers and employees involved in the investigation shall 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 shall 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. The employee may be notified at his/her home address if he or she so requests.

5. Protection 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. Employees who believe that they have been retaliated against for reporting an improper governmental action should advise the following person:

<u>If perceived retaliation is by:</u>	<u>Then advise this person in writing within thirty days:</u>
Supervisor	Department head (with a copy to the City Manager)
Department head	City Manager
Other individual not named above	City Manager
City Manager	Mayor

City employees shall provide the written charge of retaliation to the Department Head or City Manager no later than thirty (30) days after the occurrence of the alleged retaliatory action. The Department Head or City Manager shall take appropriate action to investigate and address complaints of retaliation and respond, within thirty (30) days, to the charge of retaliatory action. Only in cases where the City Manager is perceived to have taken a retaliatory action, should the employee send such charge of retaliation to the Mayor, and the Mayor must respond within thirty (30) days to the charge of retaliatory action.

6. If the Complaint is Not Satisfactorily Addressed If the person advised of the retaliatory action does not satisfactorily resolve the employee's complaint, the employee may obtain protection under this policy and pursuant to State law by providing a written note to the Mayor that specifies the alleged retaliatory action and the relief requested.

7. When to Request a State Hearing After receiving either the response of the City or thirty (30) days after the delivery of the charge to the City Manager, the 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 should deliver the request for hearing to the City Manager 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 shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge.

8. Management Responsibilities Department heads, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

9. Communication and Implementation The City Manager is responsible for implementing the City's policies and procedures for reporting improper governmental action and for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures are permanently posted where all employees will have reasonable access to them; made available to any employee upon request; and provided to all newly hired employees.

10. Violations Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

11. Questions? Call the City Manager

12. List of Agencies

Following is a list of agencies responsible for enforcing Federal, State and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the City Manager.

King County Prosecuting Attorney, King County Courthouse, Seattle, WA, telephone 206-296-9000 (criminal division); 206-296-9010 (fraud division); 206-296-9015 (civil division).

Attorney General's Office, Fair Practices Division, 900 Fourth Avenue, Suite 2000, Seattle, WA, telephone 206-464-6684.

State Auditor's Office, Legislative Building, PO Box 40021, Olympia, WA 98504-0021, telephone 360-753-5280.

U.S. Attorney, 800 Fifth Avenue Seattle WA, telephone (206) 553-7070.

Chapter 3 PERSONNEL RECORDS AND REPORTS

3.10 Reports Of Personnel Actions

Every appointment, transfer, promotion, demotion, suspension, change of salary rate or any other temporary or permanent change in employment status must be promptly reported to the City Manager. Reporting procedures and forms are established by the City Manager.

3.20 Personnel Files

1. Central Personnel Files A central personnel file for each regular employee is created and maintained by the City Manager. This is the City's official record for each employee. Information compiled and retained in the central personnel file includes (but is not limited to):

1. Basic Employee Information

a) Personal Data - Legal Name, Mailing Address, Telephone Number, Date of Birth, Social Security Card Copy, Driver's License Copy (as needed) , Military Obligation (as needed), Emergency Contact Information

b) Employment Data - Job Title, Department, Equal Employment Opportunity Status

2. Personnel Action Notices Documents regarding changes in pay, classification, or employment status.

3. Training Records (optional)

4. Copies of Required Licenses Certifications (optional)

5. Benefit Selection Records

6. Performance Profile Annual performance appraisals, commendations and awards, disciplinary actions

7. Miscellaneous Correspondence

8. Original Application Materials Application, cover letter, resume, correspondence

9. Separation Materials Letter of resignation, retirement records, exit interview, authorization to release information

2. Department Working Files Departments may create and maintain working files for the convenience of the department. Department working files are not a part of the employee's central personnel file. Employees have the same access to department working files as to their central personnel file.

3. Medical Files Any information concerning an employee's medical condition or history is kept separate from personnel records and may be shared in only three ways:

1. Supervisors and managers may be informed of restrictions on the work or duties of individuals with disabilities and informed of necessary accommodation(s);
2. First aid and safety personnel may be informed if the condition might require emergency treatment; and
3. Government officials investigating compliance with 504/ADA shall be provided with relevant information upon request.

3.30 Employee Access to Personnel Files

1. Inspection Any employee may review the contents of his or her own central personnel file and department working file. Inspection requests for the central personnel file are made to the City Manager who will set aside a time and a place for the employee to review the file. Inspection requests for the department working file, if any, are made to the department head who will set aside a time and a place for the employee to review the file.

2. Removal or Rebuttal of Information Any employee may request removal of irrelevant or erroneous information in his or her central personnel file. The request must be made in writing to the City Manager. The City Manager consults with the department head as appropriate to evaluate requests. If the City Manager approves the request, he or she will remove the information. If the City Manager denies the request, the challenged information remains in the central personnel file.

The employee is notified of the City Manager's decision, which will be removed from the file when the information that it is rebutting is removed. In the case of denial, the employee may file a written rebuttal statement to be placed in the file. An employee may also rebut information in the central personnel file that involves a difference in perception or interpretation on the part of a supervisor and the employee.

3. Security Central personnel files are not to be removed from the location where they are kept at any time or under any circumstances without prior specific approval from the City Manager.

3.40 Verifying Employment and Giving References

1. Employment Verification All requests for verification of employment must be given to the City Manager, who will verify employment of current and former employees upon request from a prospective employer or financial organizations such as a bank, mortgage company or credit bureau. Unless the employee has provided written consent to provide additional information or the City is served with a subpoena, request for production, interrogatory or other legal document requiring disclosure, only the following information will be provided: The employee's full name, dates of employment, job title, classification, and pay range.

2. City Manager Gives References Only the City Manager will provide employment references on current or former City employees or volunteers. Employment references are generally limited to information documented in the City's central personnel files or, for temporary employees and volunteers, in department files.

Chapter 4 - JOB CLASSIFICATION

4.10 Classification Descriptions

- 1. Description Required** The City Manager develops and maintains descriptions for each classification covering common functions, duties and other distinctive attributes. The City Manager consults with department heads when preparing classification descriptions.
- 2. No Vested Right** The City may review and revise the classification of any position. Classifications are devised and used to facilitate the City's personnel administration. While a classification may attach to a position, an employee filling the position has no vested right in any existing job classification. Modification or abolishment of a classification description is not a personnel action subject to the complaint procedure described in this Personnel Manual.
- 3. Interpreting Classification Descriptions** Classification descriptions cover only the general character and attributes common to positions being described. They are intended to facilitate personnel administration, help structure departments, and aid in employee selection. Classification descriptions are not intended to be exhaustive. Specific expressions or illustrations describing typical duties and qualifications of a classification do not exclude other duties and qualifications not specifically mentioned. An employee may not refuse assigned work because it is not explicitly included in the classification description for the position.

4.20 Reclassification

- 1. Requests** Only a department head may request reclassification of a position. Requests are made in writing to the City Manager. The City Manager consults with the department head and evaluates each request. Only the City Manager can reclassify a position and the City Manager's decision is final.
- 2. Criteria** The City Manager evaluates reclassification requests on the following criteria:
 - New Duties: Addition or deletion of duties and responsibilities.
 - Changed Duties: Growth of a position by gradual addition or expansion of duties and responsibilities.
 - Changed Qualifications: Changes in the desirable qualifications for the position.
 - Reorganization: Consolidation, reorganization, or reassignment of the position, which significantly changes the position.
- 3. Effect of Reclassification on Pay** The employee will be paid at the rate for the reclassified position beginning on the date the reclassification takes effect.

4.30 At-Will Employees

- 1. Employment Status** At-will employees serve at the pleasure of the City Manager or department head as described in this section. The following employees are at will:
 - 1. Department Heads and City Manager's Staff** Department heads and those employees on the City Manager's staff reporting directly to the City Manager are considered at-will employees who serve at the pleasure of the City Manager.
 - 2. Newly Hired Employees** New employees are at-will employees during the probation period and serve at the pleasure of the department head.
 - 3. Temporary and Non-Regular Employees** Temporary and non-regular employees are at-will employees for the entire period of employment and serve at the pleasure of the department head.
- 2. Limitations** The right to dismiss at-will employees without notice and without cause is limited only by specific provisions of Federal or State law or by City ordinance relating to particular positions.

4.40 Exempt and Non-Exempt Employees

Under the Fair Labor Standards Act and applicable state wage and hour laws (collectively "FLSA"), overtime pay is provided for certain employment positions. It is the responsibility of the City Manager to designate each classification as exempt (not entitled to overtime pay) or non-exempt (entitled to overtime pay) under the FLSA.

4.50 Special Assignments

Every employee of the City is subject to special assignments different from the usual work and possibly outside the usual department. Special assignments are made by the City Manager and are for a designated period of time. An employee on special assignment normally receives the same pay and benefits as in the regular assignment.

4.60 Working Out-of-Class

1. Hours/Pay An employee temporarily assigned to a position in a higher pay range (and who assumes all the responsibilities of the higher classification) shall be paid at the higher rate of pay for the period that the employee works in that classification, provided that the employee has worked for a period of not less than five consecutive days in the higher classification. Voluntary temporary assignments for training are excluded from any pay increase accruing to out-of-classification appointments.

2. Holidays

Holidays occurring within the period of the temporary assignment shall be considered time worked for the purpose of determining working out-of-class duration and consecutive hours of work in the higher classification.

3. Sick Leave and Vacation

Sick leave and vacation used during a working out-of-class assignment of less than thirty (30) days will be paid at the employee's regular salary in their primary position. Sick leave and vacation time used during assignments lasting thirty (30) or more calendar days will be paid at the working out-of-class rate after the initial 30 day period.

4. Supervisor's Responsibility

An employee's immediate supervisor is responsible for seeing employees who work out of class are properly paid.

4.70 Pay Following a Demotion or Bumping

1. Involuntary Demotion An employee demoted in a disciplinary action normally receives a reduction in pay. The specific amount of reduction is determined by the department head in consultation with the City Manager. There is no change in a demoted employee's pay anniversary date.

2. Voluntary Demotions An employee who is voluntarily demoted continues to receive the same pay so long as it falls within the pay range of the new position. If the former rate of pay is greater than the maximum for the new position, then pay is reduced to the maximum rate in the new pay range. The pay anniversary date does not change.

3. Bumping An employee assigned to a lower classification as a result of bumping (to avoid a layoff) receives the same rate of pay as in the former position unless the former pay is greater than the maximum allowed for the lower classification, in which case the employee's pay is reduced to the maximum allowed for the lower classification. There is no change in the employee's pay anniversary date.

Chapter 5 - EMPLOYEE BENEFITS

5.10 General Policy

Employee benefit programs promote productivity and help the City attract and retain quality employees. Priorities are employee health and fitness, financial security for retirement and practices competitive with other public and private employers in the local area. The City Manager is responsible for reviewing benefits from time to time.

5.120 Relocation Assistance.

The City Manager may authorize reimbursement for actual, documented relocation expenses incurred by new employees for the purpose of encouraging and assisting such employees to relocate within five miles of the City. The reimbursement amount for any such employee shall not exceed \$2,500.

5.20 Holidays

1. Basic Holiday Schedule All regular employees receive 11 paid holidays in each calendar year. They are:

New Year's Day	January 1
Martin Luther King Jr.'s Birthday	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1st Monday in September
Veteran's Day	November 11 th
Thanksgiving	4 th Thursday in November
Day after Thanksgiving	Friday after 4 th Thursday in November
Christmas	December 25 th
Floating Holiday	One day, to be selected by mutual agreement between the City and Employee

Holidays are prorated for part-time employees as described in subsection 5.20.7 below.

Holidays are observed on the dates established by the State; if the State's date of a holiday is different from the dates set forth above, the date selected by the State shall control. In the event a holiday falls on a Saturday, the holiday is treated as occurring on the preceding Friday. In the event a holiday falls on a Sunday, the holiday is treated as occurring on the following Monday.

2. Alternative Non-Union Schedules If holiday schedules contained in collective bargaining agreements differ from the basic schedule, non-union employees in the same work group observe the holiday schedule established by the collective bargaining agreement.

3. Holidays During Time Off When a holiday falls during an employee's scheduled time off, the employee usually takes compensating time off with pay in the same work week. Exceptions to this policy must be approved by the department head and payroll must be notified.

4. Floating Holiday An employee is eligible for one personally selected holiday (floating holiday) each year. The date for each employee's floating holiday is approved by the employee's supervisor. Floating holidays must be used within the calendar year and may not be carried over from one year to the next. Floating holidays may also be used to care for any child of the employee, including a biological, adopted, foster, stepchild, legal ward, or a child of a person standing *in loco parentis* (acting as a parent) who is under 18 with a health condition that requires treatment or supervision, or who is over 18 with a health condition that requires treatment or supervision and incapable of self-care because of a mental or physical disability, and to care for a spouse, parent (including biological parents and persons who acted

as parents when the employee was a child such as step-parents), parent-in-law, or grandparent with a health condition that requires treatment or supervision.

A full-time employee hired between July 1 and August 31 is eligible for up to four hours as a personally selected holiday. A full-time employee hired after August 31 is not entitled to a floating holiday that year.

On termination, a full time employee receives payment as compensation for an unused floating holiday. If terminating January 1 through June 30, the employee receives up to four hours pay. If terminating July 1 through December 31, the employee receives up to eight hours pay.

5. Pay for Holiday Work Regular employees who are required to work on a holiday receive 1-1/2 times their regular rate of pay for the hours worked on the holiday.

6. Religious Holiday If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may (with supervisor approval) take the day off using vacation, comp time, administrative leave or leave without pay. Requests for religious holidays are made in writing to the employee's immediate supervisor, preferably 14-21 days before the holiday.

7. Part-time Employees Employees who work part time (less than 40 hours per week) shall receive holiday pay on a pro-rated basis. For example, an employee who normally works four hours per day, five days per week, shall receive four hours' compensation at the employee's regular straight time pay for each paid holiday. An employee who works four eight-hour days per week would be entitled to compensation at a rate of 80% of the employee's regular straight-time pay for each paid holiday.

5.30 Vacation

1. Vacation Schedule. Except as otherwise provided herein, each regular full-time employee who has completed six months of continuous employment from the last date of hire shall individually accrue vacation time on the following basis in accordance with the employee's accumulated continuous employment. Monthly accrual rates apply at the start of each year of employment (i.e. the employee's anniversary date) specified in the schedule. Vacation hours are prorated for part-time employees as described in subsection 5.30.8 below.

<u>Years of Continuous Employment</u>	<u>Monthly Accrual Rate</u>
1 through 5	6.66 hours/month
6 through 10*	10 hours/month
11 through 19	13.33 hours/month
20 and thereafter	16.66 hours/month

* The City Manager may in his/her discretion deviate from the above schedule by allowing new employees with relevant prior work experience to begin individually accruing vacation time as if they had 6-10 years of continuous City employment.

2. First in, First Out Vacation hours are paid to employees on the "first in, first out" basis. That is, when employees take vacation, they are paid with the vacation time they earned first.

3. Scheduling Each department is responsible for scheduling its employees' vacations without undue disruption of department operations. When possible, departments try to comply with employee requests. An employee wishing to schedule vacation leave must receive approval for requested dates from his or her immediate supervisor.

4. Accrual Limits A full-time employee may carry over up to a maximum of 80 hours of unused vacation to the following year. With the approval of the City Manager, which must be obtained in writing before the end of the year, an employee may carry over more than eighty hours of vacation time. Any other vacation time not taken during the year that it is accrued shall be paid to the employee on the employee's first paycheck in December. Notwithstanding the foregoing, no employee may carry over more than two

hundred forty hours of vacation time. Any vacation time over two hundred forty hours shall be used in accordance with subsections 2-3 above or paid to the employee immediately.

5. Vacation While Sick Earned vacation days may be taken during a period of sickness after paid sick leave credits are exhausted.

6. Vacation to Care for Family Members Earned vacation time may be used to care for any child of the employee, including a biological, adopted, foster, stepchild, legal ward, or a child of a person standing *in loco parentis* (acting as a parent) who is under 18 with a health condition that requires treatment or supervision, or who is over 18 with a health condition that requires treatment or supervision and incapable of self-care because of a mental or physical disability. Earned vacation time may also be used to care for a spouse, parent (including biological parents and persons who acted as parents when the employee was a child such as step-parents), parent-in-law, or grandparent with a health condition that requires treatment or supervision.

7. No Accrual During Leave Without Pay Vacation leave credits do not accrue during leave without pay.

8. Part-time Employees. Employees who work part time (less than 40 hours per week) shall receive vacation on a pro-rated basis. For example, an employee with 1-5 years of continuous employment who normally works four hours per day, five days per week, shall accrue vacation at the rate of 3.33 hours per month, and an employee with 1-5 years of continuous employment who works four eight-hour days per week would accrue vacation at the rate of 5.33 hours per month.

5.40 Sick Leave

1. Rate of Accrual Each regular full-time employee accrues eight hours of sick leave from his/her date of hire for each full month worked. Part-time employees earn sick leave on a prorated basis as described in subsection 5.40.11 below.

2. Eligibility Employees are eligible to use sick leave from their date of hire.

3. Use of Sick Leave: Sick leave may be used for the following purposes:

1. Employee's personal injury or illness;
2. Forced quarantine of the employee if required by state or community health care regulations;
3. The employee's inpatient and outpatient medical care;
4. The employee's medical and dental office visit(s);
5. To care for any child of the employee, including a biological, adopted, foster, stepchild, legal ward, or a child of a person standing *in loco parentis* (acting as a parent) who is under 18 with a health condition that requires treatment or supervision, or who is over 18 with a health condition that requires treatment or supervision and incapable of self-care because of a mental or physical disability; or
6. To care for a spouse, parent (including biological parents and persons who acted as parents when the employee was a child such as step-parents), parent-in-law, or grandparent with a health condition that requires treatment or supervision.

4. Offset for Other Benefits In the event an employee is entitled to benefits or payments under any program of disability insurance furnished by the City, Worker's Compensation under RCW Title 51, or similar legislation by the State of Washington or any other governmental unit, the City shall pay only the difference between the benefits and payments received under such insurance or legislation by such employee and the employee's regular rate of pay that the employee would have received from the City if the employee had been able to work. The foregoing payment or contribution by the City shall be limited to the employee's accumulated sick leave time.

5. No Coordination with Vacation or Comp Time Sick leave must be used when an employee is absent due to one of the situations described in subsection 5.40.3.1 through 5.40.3.4 above, unless no sick leave is available.

6. Illness on Holidays Absences by employees scheduled to work on a holiday but cannot do so due to a condition described in subsection 5.40.3 above are not charged against sick leave, but taken as a paid holiday.

7. Claiming Sick Leave

1. Employees must report absences promptly to the supervisor at the start of the workday.
2. Employees submit a sick leave request form at the time they submit time cards, indicating time off work and the reasons for absences, and requesting compensation for time off. The sick leave form is submitted to the employee's supervisor for approval together with any other pertinent information required by the City. The sick leave form, with attachments, is then sent to the Finance Department.
3. Absences are charged to employees who are nonexempt under the FLSA in quarter- hour increments, and in half-day increments for employees who are exempt under the FLSA.

8. Sick Leave Abuse An employee found to have abused sick leave privileges by falsification or misrepresentation may be dismissed, forfeit sick leave compensation or be subject to other discipline.

9. Doctor's Certificate A doctor's certificate may be required of an employee requesting sick leave at the discretion of the employee's supervisor, department head, or City Manager.

10. No Carryover and No Payout on Termination Accrued sick leave lapses on the anniversary date of the employee, and is not carried over from year to year. Sick leave also lapses on termination of employment, and employees are not compensated for sick leave upon separation.

11. Part-time Employees. Employees who work part time (less than 40 hours per week) shall receive sick leave on a pro-rated basis. For example, an employee who normally works four hours per day, five days per week, shall accrue sick leave at the rate of four hours per month, and an employee four eight-hour days per week would accrue sick leave at the rate of 6.4 hours per month.

5.50 Bereavement Leave

In the event of a death in the employee's immediate family, a regular full-time employee may receive up to three days (24 hours) off with full pay and benefits. Bereavement leave is prorated for part-time employees based on their schedule.

Bereavement leave is granted by the City Manager. If extenuating circumstances (such as travel time) necessitate a longer period of leave, an extension may be granted by the City Manager for up to a total of six days, but such additional bereavement leave shall either be deducted from the employee's accrued sick leave or vacation leave or taken as unpaid leave.

For bereavement leave, "immediate family" is limited to the following relations: wife, husband, son, daughter, stepson, stepdaughter, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, stepsister, grandparents, and grandchildren.

5.60 Family and Medical Leave (FMLA Leave)

1. Interpretation The Family Medical Leave Act (FMLA) is a very detailed set of laws and regulations. The description in this policy is very general and does not cover all of the details of the FMLA. In interpreting any individual employee's eligibility for FMLA leave, the City will apply the statute and the regulations. In the event of a conflict between this FMLA Policy and the FMLA statute and regulations, the FMLA statute and regulations apply and supercede this FMLA policy. To determine how the City will apply the FMLA to a specific situation, the employee should contact the City Manager.

2. General Provisions Employees who have been employed for a total of at least 12 months by the City on the date upon which FMLA leave is to commence who have also performed at least 1,250 hours of

service for the City during the previous 12-month period are eligible for FMLA leave, except for employees who are not subject to the civil service laws and who hold elective public office of the City, or who are selected by the holder of such public office to be a member of their personal staff, or who are appointed by the officeholder to serve on a policymaking level, or are the immediate adviser to an officeholder with respect to the constitutional or legal powers of the office of the officeholder, or who are employees of the City Council. FMLA leave allows eligible employees to take up to 12 weeks of unpaid leave with selected benefits in a twelve-month period that is measured by counting from the date upon which the FMLA leave commences (i.e. a rolling 12-month period), as that term is used in the FMLA. Generally speaking, FMLA leave is for a serious health condition that makes the employee unable to perform the employee's job, or in order to care for the employee's child, spouse, or parent due to the family member's serious health condition. Additional unpaid leave without benefits may be requested by the employee in writing to the City Manager as is set forth in the Unpaid Leave policy.

3. "Serious Health Condition" Defined: Illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or care with continuing treatment by a qualified health care provider. Each of these terms is defined in the FMLA statute and regulations, and additional criteria may apply. See the City Manager for details.

4. Notice Required: An employee must give 30 days' written notice to his or her supervisor in the event of foreseeable leave. The employee specifies the reason for the leave and expected duration, on a form provided by the City. In unexpected or unforeseeable situations, an employee must provide as much notice as possible. Verbal notice within one or two business days of when the need for leave becomes known is reasonable. A written request and a qualified health care provider's certification using a form provided by the City must follow the verbal notice.

5. Leave Initiated By City The City may, at its option, place an employee on FMLA leave if the employee qualifies for FMLA leave even if the employee does not specifically request FMLA leave. The City will give notice to the employee if the City places the employee on FMLA leave. The City may provide the employee with a form to be filled out by the employee's care provider in order to determine if the employee is eligible for FMLA leave.

6. Use Of Paid and Unpaid Leave FMLA leave runs concurrently with paid leave. In other words, if an employee qualifies for FMLA leave, the employee will first exhaust any accrued paid leave as part of his or her FMLA leave, and the remaining FMLA leave entitlement shall be unpaid leave. Once all available paid leave is used, the employee is on unpaid status for the remainder of the FMLA leave.

7. Intermittent or Reduced Leave Under certain circumstances, an employee may take FMLA leave intermittently or on a reduced leave schedule. Intermittent leave is for a few days or few hours at a time. The same notice requirements described previously apply to requests for intermittent medical leave.

8. Benefits During Leave All benefits remain unchanged during *any paid* portion of Family/Medical Leave. During unpaid leave employees do not earn sick leave or vacation benefits. For the initial 12 weeks of unpaid leave, health and insurance benefits continue unchanged with the same premium cost-sharing between the City and employee as prior to the leave. Retirement benefits will be handled as required by law. See the City Manager for details. For unpaid leave after the initial 12 weeks, the employee may choose to pay for continuing health benefits under federal COBRA requirements.

9. Periodic Reports The City may require periodic reports of the employee's status and intent to return to work, and may require re-certification of medical conditions under certain circumstances, such as where the circumstances described in the previous certification have changed significantly, the City receives information that casts doubt upon the stated reason for absence, or at a reasonable interval not more often than every 30 days, depending on the circumstances of the leave. There are detailed FMLA regulations governing re-certification; see the City Manager for details.

10. Return to Work An employee returns from FMLA leave to the same or equivalent position at a comparable rate of pay, unless there were layoffs that eliminated the employee's position. A qualified health care provider's certification of fitness for duty is required if the FMLA leave was due to a serious health condition of the employee, and such employees will not be allowed to return to work until the certificate is provided.

11. Seniority An employee's seniority is not affected by absence due to FMLA leave.

12. Failure to Return An employee who does not return from FMLA leave by the end of the authorized duration is considered to have voluntarily resigned and to have forfeited any eligibility for reinstatement. In this event the employee will be required to repay premium expenses incurred by the City during the unpaid portion of FMLA leave. Repayment is waived if the failure to return is due to long term disability of the employee as certified by his or her qualified healthcare provider.

13. Other Medical Opinions The City may, at its discretion, require other medical opinions and certifications regarding the need for the leave. The City will pay expenses for second opinions.

5.70 Unpaid Leave

1. Five-Day Leave A regular full-time employee who desires an unpaid leave of absence for personal or business reasons shall be granted up to five days unpaid leave each year.

2. Additional Leave In addition to the five days of unpaid leave described above and FMLA leave for qualified employees, employees may apply for unpaid leave for personal illness or injuries or disability or to care for any child of the employee, including a biological, adopted, foster, stepchild, legal ward, or a child of a person standing *in loco parentis* (acting as a parent) who is under 18 with a health condition that requires treatment or supervision, or who is over 18 with a health condition that requires treatment or supervision and incapable of self-care because of a mental or physical disability, or to care for a spouse, parent (including biological parents and persons who acted as parents when the employee was a child such as step-parents), parent-in-law, or grandparent with a health condition that requires treatment or supervision.

3. Conditions for Leave Unpaid leave shall be granted when required by law, or when the City determines, in its sole discretion, that the leave will not present an undue hardship to the City or interfere with the City's ability to provide services to the public, and where the employee's work could be performed during the leave period either by redistribution to other employees or by retaining a temporary employee, and the compensation for such temporary employee is within the City's budget. Unpaid leave must be applied for as soon as the employee becomes aware of the condition that requires the leave. Unpaid leave must be for a definite duration; indefinite leaves cannot be accommodated by the City.

4. Health Benefits Continuation of health benefits during unpaid leave are handled as under COBRA. No vacation, sick leave, or any other benefits accrue while an employee is on leave without pay.

5. Anniversary Date Adjustments An employee's seniority and pay anniversary date (used to trigger step or merit pay increases) are adjusted to reflect the actual number of missed days if unpaid leave under this policy exceeds 90 calendar days. There is no loss of seniority or adjustment for leaves of 90 days or less.

6. Reinstatement When the unpaid leave period expires, the employee is reinstated in the same position or a similar position, provided that there have been no layoffs.

7. Failure to Return From Leave Failure to return from unpaid leave on the first work day following the end of the leave shall be construed as the employee's voluntary separation from employment, i.e. as an employee quit.

5.80 Parental Leave

1. Criteria for Leave for Employees Giving Birth An employee who gives birth who is qualified for FMLA leave shall use FMLA leave and, after exhausting FMLA leave, can seek additional leave under the Unpaid Leave policy. An employee who gives birth who is not eligible for FMLA leave shall be allowed to use any accrued sick leave, vacation and personal day during the period of her actual disability related to the birth, for a period of up to six weeks ("Period of Disability"). If the amount of accrued paid leave available to the employee giving birth is less than the Period of Disability, the employee giving birth shall be allowed to take the time of the Period of Disability that is not covered by accrued paid leave as unpaid

leave. After the Period of Disability ends, the employee who has given birth may apply for additional unpaid leave as is set forth in the Unpaid Leave policy.

2. Criteria for Other Employees An adoptive parent, a stepparent, or an employee who seeks parental leave because the employee's wife has given birth, is entitled at the time of the birth or initial placement for adoption of a child who is under the age of six, to apply for unpaid leave as is set forth in the Unpaid Leave Policy.

3. Notice Notice of the need for leave for the birth or placement of a child shall be given as soon as the need for such leave becomes known to the employee.

5.85 Management Leave.

1. Management Leave Authorized. The City Manager may award up to five days per year of discretionary Management Leave to each exempt employee.

2. No Carryover and No Payout on Termination. Accrued Management Leave lapses on the anniversary date of the employee, and is not carried over from year to year. Management Leave also lapses on termination of employment, and employees are not compensated for any accrued Management Leave upon separation.

5.90 Military Duty

1. Short-term Leave Paid leaves of absence (not to exceed 15 working days in any calendar year) are allowed for regular employees who are members of active reserve units of the armed forces of the United States (including the Washington National Guard) required to take part in training. The employee must file a copy of the official orders as substantiation of training. Short-term military leaves of absence do not count against accrued sick leave, vacation time or compensatory time.

2. Long-Term Leave Leaves of absence without pay are allowed for regular employees who are members of active reserve units of the armed forces of the United States (including the Washington National Guard) required to take part in training lasting longer than 15 days. An employee on long-term military leave is eligible to return to City employment after training without loss of position or rating, provided the employee applies for re-employment in writing within 90 days of completing training. An employee who volunteers for service with the armed forces and who is not accepted may apply for re-employment within 30 days of rejection.

3. Modification to Meet Applicable Law The military leave policies set forth in this section shall be deemed modified to incorporate state and federal law regarding military leave, benefits and re-employment.

5.100 Jury Duty and Witness Service

1. Jury Duty All employees may be allowed leave to serve as a member of a jury. Regular full-time employees continue to receive their normal pay, but must turn in to the City any jury fees received (not including travel reimbursement). Jury duty leave is unpaid for other employees, but they are allowed to keep their jury fees.

2. Testifying For The City An employee required to testify as part of his or her regular City job receives the normal pay, but must turn in to the City and any witness fees received (not including travel reimbursement).

3. Testifying For Other Purposes Employees subpoenaed to testify in matters that are not part of their regular City job may be excused from attendance at the City job, but must use vacation or compensatory time for all work time missed.

4. Notification of Supervisor Employees must notify their supervisors immediately upon receipt of a subpoena to testify or a notice of jury duty so that arrangements can be made to cover the employee's position. An employee who is asked or required to testify in person or by deposition in any trial or hearing to which the City is a party should immediately notify the department head and the office of the City

Attorney. The City reserves the right to request that an employee who is called for witness or jury duty be excused if the employee's absence would create a hardship on the operational effectiveness of the Department which the employee is employed.

5. Expert Witness for Adversary No employee may voluntarily serve as an expert witness on behalf of a party that is currently, or could become, adverse to the City.

5.110 Health and Other Insurance

1. Eligibility for Insurance Benefits Health and other insurance benefits are provided to bargaining unit members as set forth in the collective bargaining agreement.

2. During Unpaid Leave At the employee's option and expense, the City will continue health insurance coverage during unpaid leave. Health benefits during unpaid leave are handled as under COBRA (see item 5.110.3 below). Monthly premium costs are prorated against the actual time on unpaid leave. (During leave without pay resulting from an approved time-loss injury, the City may at its sole discretion waive reimbursement and continue to pay for the employee's health benefits.)

3. Continuation of Coverage On separation from City employment or other qualifying event, employees or their dependents may elect to continue City health benefits at their own expense to the extent provided for under the Consolidated Omnibus Budget Reconciliation Act of 1985 and any amendments thereto (COBRA). An administrative handling fee over and above the cost of the insurance premium is charged to the employee or the dependents who choose to continue health benefits.

An employee may elect to continue coverage:

- Upon separation (unless terminated for gross misconduct);
- Working hours are reduced, causing loss of coverage
- They lose dependent status because of age, change in marital status or termination of the spouse's or parent's employment;
- The spouse or parent who is an employee dies;
- The spouse or parent who is an employee becomes eligible for Medicare; or
- The dependent is divorced or legally separated from an employee.

4. Adding and Removing Dependents Employees notify the City Manager when adding or removing dependents from health coverage. The City Manager may require appropriate documentation, such as copies of birth certificates or divorce decrees, to process changes.

Employees who fail to remove ineligible dependents from health coverage will be charged for any unnecessary premium expenses incurred by the City.

Chapter 7 - HOURS AND ATTENDANCE

7.10 Work Schedules

1. Setting and Changing Schedules Work schedules for individual employees may be adopted and modified by department heads, depending on the needs and requirements of the position. Hours may be rearranged, adjusted or staggered as needed to cover office hours or other operational concerns. However, no employee in a position determined to be "non-exempt" (and therefore eligible for overtime payment) under the Federal Fair Labor Standards Act or the state wage and hour laws (collectively "FLSA") may be regularly scheduled to work more than 40 hours in any workweek, except for any uniformed employees exempt from this standard under the FLSA.

The City may change the workweek schedule so long as the employee(s) are provided two consecutive days off, or as mutually agreed between the employee and the City. The City shall provide employees not less than two weeks' written notice before changing the workweek schedule. The union shall be notified of any change in the workweek schedule for represented employees.

2. Standard Hours of Work The standard workweek for full-time employees is 40 hours of work over five consecutive days, Monday through Friday.

3. Standard Workweek The standard workweek for non-uniformed employees is a seven-day period beginning at 12:01 a.m. Monday and ending 168 hours later at 12:00 midnight on the following Sunday.

4. Non-Standard Hours of Work Non-standard workweeks are reported in writing to the City Manager. Vacation and sick leave are charged by the actual number of hours taken. The purpose behind applying this policy to exempt employees in addition to non-exempt employees is to ensure public accountability in light of the budgetary constraints on the City and the need to carefully monitor and control the expenditure of public funds.

5. Calculation of Paid Holidays Paid holidays are based on the standard eight-hour workday with excess hours charged against the employee's accrued vacation leave account. In the event an employee does not have accrued vacation leave against which excess hours may be charged, the time is treated as leave without pay, unless other arrangements are approved by the department head.

6. Standby Bargaining unit members employed in Public Works who are required to be accessible during times other than the normal workweek hours and/or are required to carry a pager or similar communication device by the City during times other than normal workweek hours shall be compensated as set forth in their Collective Bargaining Agreement. Standby hours shall not be considered hours, but are only used to calculate standby pay. The standby rate of pay shall not be additive to any other pay status, for the purposes of overtime; nor shall the standby hours be used to pyramid any rate of pay paid to the employees. Employees on standby shall respond to the worksite in person within ½ hour of the first callback notice.

7. Workday The standard workday is 8:00 a.m. to 5:00 p.m. with a one-hour unpaid lunch period. Employees may take one 15-minute break each morning and afternoon.

8. Breaks Employees are allowed a 15-minute rest period near the middle of each consecutive four hours of work. Employees are not required to work more than three hours without a break.

7.20 Overtime

Employees in positions defined as "non-exempt" under the FLSA are entitled to overtime pay for hours they are required to work in excess of 40 hours in one week. Overtime pay is 150 percent of an employee's regular hourly rate of pay. When computing overtime, authorized holidays, sick leave and vacation leave are counted as time worked. Overtime shall be paid in 15 minute increments, with the major portion of each 15 minute increment being paid as 15 minutes. Deductions for tardiness shall be made in 15 minute increments, with the major portion of each 15 minute increment being paid as 15 minutes. Overtime work within a bargaining unit shall be offered to qualified employees in rotation by seniority.

7.30 Compensatory Time

1. Accrual An employee entitled to overtime pay may opt for compensatory time instead of cash payment. This is approved on a case-by-case basis by the supervisor. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. However, no employee may exceed 100 hours of accrued comp time at any time. On the employee's anniversary date each year, each employee may, at the employee's option, receive a reimbursement for any unused compensatory time accrued. All compensatory time accrued and not used or cleared by cash payment shall be carried over as accrued compensatory time. Notwithstanding the foregoing, on the employee anniversary date of each year, the City at its sole discretion may buy out an employee's unused compensatory time so that the remaining balance of accrued overtime is no more than 40 hours.

2. Use of Compensatory Time Requests to take compensatory time are made by the employee to the supervisor in the same manner as vacation leave is requested. Employees are permitted to use compensatory time within a reasonable period after making a request, unless doing so would unduly disrupt operations. Supervisors evaluating requests consider the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies and the availability of a qualified substitute (if needed).

7.40 Emergency Callback

All employees are subject to callback in emergencies. A decision to call back an employee is made by the supervisor. A refusal to respond to a callback is grounds for the full range of disciplinary action. An employee who has left work and is called back to work after completion of a regular day's shift shall be paid a minimum of three hours at 1-1/2 times the employee's regular straight time hourly rate of pay.

7.50 Attendance

1. Responsibility Employees are responsible for complying with rules regarding hours of work, holidays, and leaves of absence. Each department is responsible for maintaining an accurate attendance record of its employees.

2. Absences Employees unable to work or unable to report on time shall notify an appropriate supervisor as soon as possible, by making telephone contact with their supervisor, if at all possible before the workday begins or within 30 minutes of the employee's usual starting time. If an absence continues, the employee is responsible for reporting in each day. If an appropriate supervisor is unavailable, employees must leave a message with the City Manager stating the reason for being late or unable to report for work.

3. Failure to Notify An employee who is absent without notification is subject to disciplinary action, up to and including dismissal. An employee who is absent without notification for three consecutive days will be deemed to have voluntarily quit his or her employment with the City.

4. Extreme Weather Conditions All employees are expected to be at their jobs regardless of weather conditions. However, during extreme weather conditions employees who are unavoidably absent and who are not assigned to snow and ice control duty, may charge absences as compensatory time, vacation, administrative leave or as leave without pay if approved by the employee's supervisor. During extreme weather conditions an employee may find it unavoidably necessary to arrive late or leave early. Employees who work less than their scheduled day are paid for the actual hours worked and the remainder of the day is charged against accrued compensatory time, unused vacation time, or administrative leave, or may be taken as leave without pay. As an alternative, employees may make up time lost due to extreme weather conditions during the same workweek if approved by the supervisor.

Chapter 8 - GENERAL EMPLOYEE RESPONSIBILITIES

8.10 Outside Employment

City employees are not allowed outside employment which may (in the opinion of the department head) create a conflict of interest or interfere with the employee's regular work schedule or job performance, or that have a negative effect on the City's public image. City employees shall not wear uniforms or other

attire or accessories identifying them as City employees during any outside employment unless they obtain written permission in advance to do so from their department head.

8.20 Conflict of Interest

1. Policy Employees at all levels should avoid both real conflicts of interest and the appearance of conflicting interests in the exercise of their City duties.

2. Reporting If any employee finds a situation in which the employee's actions on behalf of the City might benefit the employee or any member of the employee's family, it is the employee's responsibility to bring the potential conflict of interest to the attention of the supervisor and department head.

3. Remedies The potential conflict of interest is investigated by the City Manager, department head (or the supervisor at the department head's request) who evaluates whether the employee may continue in the position or assignment without compromising the City, the department, the employee or the public.

1. **If No Serious Problem Is Found** The department reports this finding to the employee and places a note in the employee's central personnel record describing the potential conflict, the investigation and the finding that the employee may continue in the position or assignment.

2. **If Compromise Is Feasible** In some instances, the investigating official may find a compromise agreement between the employee and other parties, which may suffice to remedy the conflict of interest. If an acceptable agreement is worked out, a copy is placed in the employee's central personnel file along with a description of the investigation and the employee may continue in the position or assignment.

3. **If A Serious Conflict Is Found** The department head may reschedule hours, change an employee's assignment, reassign the employee to a different position, impose discipline, or take other needed steps to prevent a real or potential conflict of interest. A description of the investigation and findings is placed in the employee's central personnel file.

8.30 Political Activities

1. Policy Employees have the same right to campaign in support of or in opposition to a candidate or a ballot proposition as any other citizen. However, public funds and facilities may not be used, nor may the employee campaign on City time or in a City uniform or while representing the City in any way, nor may employees allow others to use City facilities or funds for political activities.

2. Examples of Prohibited Activities. The following are examples only. This list is not exclusive:

Using City stationery, postage, computers, software, or copying equipment to make or distribute campaign literature

Compiling a mailing list from a list of business licenses or utility customers

Publishing a statement supporting a candidate in the City newsletter or including such a statement on or with utility or other billings

Campaigning by City employees on City time

Using City telephones to make calls in support of a candidate (at any time)

Using City vehicles (including assigned vehicles) to attend rallies, to drop off mailers at a printer or to distribute campaign materials

Holding campaign strategy meetings in any City building or office

Wearing a City uniform while campaigning

3. Examples of Permitted Activities

Stating an opinion regarding any political issue in ordinary conversation during working hours providing that such a conversation does not interfere with the employee's assigned job duties

Stating an opinion regarding a political issue while on breaks or lunch time in non-public areas of City facilities

Campaigning by individual employees of the City so long as it is not done on City time and no City funds or property are used to subsidize the campaigning

Endorsements by employees so long as the employee clearly indicates in the endorsement that the opinion is an individual one and that it is not expressed or implied that the City itself is supporting the measure

Wearing a pin or button promoting or opposing a cause or candidate while on duty, provided the employee does not have direct citizen contact

Making individual campaign contributions

4. Federally Funded Programs Political activities of employees whose positions are funded with federal money are governed by rules established by the United States Civil Service Commission and the Office of Personnel Management. Additionally, City employees who administer federal funds may also have their political activities limited under federal contract or rules.

5. Legislative Advocacy Permitted The Mayor or City Manager may authorize employees to attend meetings or hearings to present the City's position regarding legislative issues under consideration.

8.40 Driver's License Requirements

1. Scope As part of the requirements for certain specific City positions, an employee may be required to hold a valid Washington State driver's license.

2. Loss of License In the case of a license being revoked, suspended, lost or in any other way not current, valid and in possession of the employee, the employee should promptly notify the supervisor and department head. The employee is immediately suspended from driving duties and may not resume driving until proof of a valid current license is provided. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action including dismissal.

8.50 Use Of Vehicles On City Business

1. Use of City Vehicles City vehicles are available for employees to use while conducting City business. City vehicles are to be used only for City business.

2. Use of Personal Vehicles Employees may opt to use their personal vehicles on City business. Use of personal vehicles by employees is preferred when attending conferences and training. If no City vehicle is available, or when using a personal vehicle to attend a conference or training, the employee may seek reimbursement of expenses as provided for and limited by the City's mileage reimbursement policy. If an employee using a personal vehicle is involved in an accident or any damage is incurred to the vehicle, claims must be made to the employee's personal automobile insurance carrier, which must provide primary coverage in an amount acceptable to the City for the use of a personal vehicle on City business.

8.60 Employees Serving as City Volunteers

Employees may volunteer hours to the City provided such services are different than those normally performed by the employee in their regular job.

8.70 Medical Examination

An employee may be required to submit to medical examination to evaluate fitness for duty or prognosis for recovery from an injury or illness or a medical condition, consistent with applicable law. When required by the City, such examinations are paid for by the City. The City Manager will determine when an examination may be required.

8.80 Access To Secure Areas

All City workplaces, including all areas fitted with locks or that require passwords or access cards (including without limitation files, desks, offices, computers, voicemail and lockers) are City property and must be accessible to fellow employees and supervisors for business reasons, such as but not limited to retrieving files or other documents or information or City property that may be contained therein. Supervisors or a designated department representative shall maintain duplicate keys to all areas with locks and shall have access to the employee's password or code. Employees do not have an expectation of privacy in any City property, even if they have the ability to lock it and even if it requires a code or password for access.

Chapter 9 - EMPLOYEE CONDUCT

9.10 General Policy

Continued employment depends on each employee's on-going job performance, professional conduct and behavior. Among the City's expectations are: basic tact and courtesy towards the public and fellow employees; adherence to safety rules and safe work practices; compliance with direction from supervisors; and preserving and protecting the City's equipment, grounds, facilities and resources.

9.20 Harassment

1. General Policy The City seeks a work environment free of all forms of illegal harassment, including but not limited to sexual harassment or harassment based on race, creed, religion, color, national origin, age, sex, marital status or physical, sensory or mental disabilities. Harassment is a serious offense, which can result in suspension, dismissal or other disciplinary action.

2. What Harassment Is Generally speaking, harassment is unsolicited and unwelcome verbal or nonverbal conduct which has the purpose or effect of creating an offensive, intimidating, degrading or hostile environment, or interferes with or adversely affects a person's work performance based on or because of race, sex, religion, color, creed, marital status, national origin, being over 40, disability, or any other protected class. Continuing offensive behavior after a co-worker has objected to that behavior also constitutes harassment.

3. Sexual Harassment The City seeks to maintain a work environment free of sexual harassment and intimidation. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. It is part of a manager's or supervisor's decision to hire or fire;
2. It is used to make other employment decisions such as pay, promotion, or job assignment;
3. It interferes with an employee's work performance; or
4. It creates an intimidating, hostile, or offensive work environment.

Offending behavior as described above by a non-employee, such as a vendor or customer, is also sexual harassment and subject to action under this policy.

4. Supervisor's Responsibilities Supervisors must be attuned to incidents in the workplace and report instances of questionable conduct to the City Manager. Supervisors who ignore harassment in the workplace or who fail to report these instances to the City Manager are subject to discipline, including dismissal.

5. Handling Harassment Complaints An employee who experiences sexual or other harassment should complain immediately to a supervisor, department head, the City Manager or other employee authorized to deal with harassment complaints. As appropriate, the employee's department head will be notified of the complaint.

Investigating harassment complaints is the responsibility of the City Manager or designee. Investigations are kept confidential to the maximum extent permitted by law and every reasonable effort is made to prevent embarrassment to individuals involved in the investigation. An investigation includes the totality of circumstances, the nature of the harassment and the context in which alleged incidents occurred.

6. No Retaliation Retaliation against employees who complain of harassment is prohibited, even if insufficient evidence is found to support the complaints.

9.30 Contact With News Media

Only the City Manager, the Mayor, a representative of City Council designated by the City Council, and any representatives designated by the City Manager and the Mayor may speak in an official capacity on behalf of the City on policy matters. Important policy questions and questions concerning pending or actual litigation should be referred to the City Manager. Policy questions ask "why?" as opposed to

factual questions asking "what?" or "how?". The City Manager may designate specific employees to give out procedural, factual or historical information on particular subjects.

9.40 Alcohol/Drug Use Policy for All Employees

1. Policy Statement It is the intent of the City to provide a safe workplace, free from the destructive influence that would result from any exposure to the manufacture, distribution, dispensing, possession, or use, by any employee, of any controlled substance, non-medically necessary use of prescription drugs, or misuse of alcohol. The City will not tolerate any violations of this policy, nor violations of federal, state or other statutes, ordinances, or other laws or regulations dealing with the manufacture, dispensing, possession, distribution, or use of any controlled substance, non-medically necessary use of prescription drugs, or misuse of alcohol in the workplace.

The City forbids the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, alcohol, or non-medically necessary use of a prescription drug in an employee's workplace or on City property. The City also forbids any employee from being at a City workplace (whether scheduled to work or not) who is, or appears to be, under the influence of any drug or alcohol, or any other substance that impairs the employee's ability to perform his or her job or that creates a safety risk for the employee or others. The determination as to whether an employee is or appears to be under the influence or impaired shall be left to the sole discretion of the City.

The application of this policy will take into account any reasonable accommodations of disabilities required by the Americans with Disabilities Act or other applicable law.

2. Effect of Violating Policy Each City employee is hereby notified, by reading this policy, that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, non-medically necessary use of prescription drugs, and misuse of alcohol is prohibited in the employee's workplace. Violations of this policy are grounds for termination.

2. Convictions Any employee who is convicted under a criminal drug statute for a violation occurring in his or her workplace during his or her employment at the City may be terminated by the City.

3. Notification of Violations Each employee should help the City maintain a drug-free workplace. Each employee has the obligation to immediately notify any manager or supervisor of the City, or notify any law enforcement agency, of any person or persons, employees or non-employees, who is, or appear to be, in violation of this policy.

4. Drug-Free Workplace Program Employees are required to participate in a drug-free awareness program to inform them about:

- The dangers of drug abuse in the workplace;
- The City's policy of maintaining a drug-free workplace;
- Drug counseling, rehabilitation and employee assistance programs available to employees; and
- Penalties that may be imposed upon employees for drug abuse violations

5 Questions? Questions regarding any aspect of the City's Drug and Alcohol Policy should be referred to the City Manager.

9.50 Alcohol/Drug Use Policy for Employees Who Hold Commercial Drivers' Licenses

1. Basis for Policy Regulations adopted by the United States Department of Transportation, Federal Motor Carrier Safety Administration require employers to implement a drug-free workplace policy with respect to its employees who hold commercial driver's licenses ("CDLs") and drive commercial vehicles. In the interests of maintaining a drug-free workplace, all City drivers with CDLs are hereby notified that

they shall be subject to the following policy at all times, and in addition to the policy applicable to all employees set forth in Section 9.40 above. To the extent that this policy conflicts with the policy set forth for all employees above, this policy controls.

2. Policy No driver holding a CDL shall report for duty or remain on duty at any time while having an alcohol concentration of .04 or greater or use alcohol within four hours prior to any duty, scheduled or unscheduled. Additionally, no driver shall use alcohol for eight hours following any accident until he or she undergoes a post-accident alcohol test, whichever occurs first.

3. Testing Requirements Drivers holding CDLs are required to undergo drug testing as follows:

1. Pre-Employment Testing: All drivers holding CDLs shall be required to undergo testing for controlled substances before they begin their first day of work, unless:

(i) The driver provides proof of his or her participation in a controlled substances testing program within the 30 days prior to his or her employment with the City; and

(ii) The driver provides proof of his or her testing for controlled substances within the past 6 months with a negative result.

2. Post-Accident Testing: All drivers holding CDLs shall be required to undergo testing for controlled substances and alcohol as soon as practicable following a traffic accident if:

(i) The accident involved a loss of human life; or

(ii) The driver receives a citation within 8 hours (alcohol testing) or 32 hours (controlled substances testing) of the accident if the accident involved bodily injury resulting in medical treatment away from the accident site or disabling damage to one or more vehicles which required transport away from the accident site.

The City will provide its drivers with post-accident procedures and instructions to ensure compliance with these post-accident testing requirements. The City will ensure the integrity of the testing process as well as the confidentiality of the identification of any employee, who, as a result of violating this policy, was involved in a traffic accident, to the maximum extent allowed by law.

3. Random Testing All drivers holding a CDL shall submit to random drug and alcohol testing. The City shall select drivers for random testing based on a random number generator and each driver selected shall have an equal chance of being tested each time selections are made. Random tests will not be announced and may occur at any time. Where a driver is selected for random testing, that driver will immediately be temporarily removed from duty and shall immediately report to the testing facility designated by the City to be tested.

4. Reasonable Suspicion Testing. All drivers holding a CDL shall submit to alcohol and/or drug testing at any time the City has reasonable suspicion to believe that a driver has violated this policy or the terms of this policy applicable solely to employees holding CDLs. The determination as to whether an employee is or appears to be under the influence or impaired so as to require testing shall be left to the sole discretion of the employee's supervisor, department head or the City Manager. Such determination shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver, as well as indications of the chronic and withdrawal effects of controlled substances. The person that makes the determination to test shall not conduct the test. All tests shall occur within 2 hours after such determination is made. In the absence of a reasonable suspicion test, no driver shall report for duty or remain on duty while a driver is impaired and no driver may return to the performance of his or her duties until he or she either (i) undergoes an alcohol test and the driver's alcohol blood alcohol concentration measures less than 0.02; or (ii) 24 hours have elapsed since the determination to test was made.

4. Testing Protocols The City will take no adverse action against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. All testing shall be performed by a licensed, certified testing agency selected by the City in accordance with state and federal testing protocols. Test results shall be provided to the City and kept confidential. Except where required by law, no disclosure of individual test results or medical information regarding an employee shall be made without the employee's express written consent.

5. Consequences for Violation Violations of the policy applicable to drivers holding CDLs, including but not limited to the refusal to take a required drug or alcohol test will result in the immediate suspension of duties. Refusal to take a required drug or alcohol test includes a failure to appear for a drug test; failure to remain at the testing site until the completion of testing; failure to provide a urine specimen for any drug test; failure to permit the observation or monitoring of collection at a drug test; failure to provide a sufficient amount of urine at a drug test; failure to take a second test where required by the City; or failure to cooperate with any part of the testing process.

No driver tested and found to have blood alcohol concentrations of greater than 0.02 but less than 0.04 shall perform or continue to perform his or her duties until the start of the driver's next regularly scheduled duty period, which shall be at least 24 hours following the administration of the test.

Except where otherwise provided in this policy, drivers found to have violated this policy by engaging in prohibited conduct shall be prohibited from operating commercial vehicles, suspended from duty, and referred to a substance abuse professional, who shall recommend a course of education and/or treatment. Unless otherwise required by law, the costs of such education and treatment that are not covered by insurance are the responsibility of the employee. The City will permit, in its sole discretion, a driver to return to work at the City only upon the driver's completion of a return to duty test, which test shall be undertaken pursuant to guidance from a substance abuse professional.

6. Voluntary Disclosure The City will not take any adverse action against any driver who voluntarily admits to the misuse of alcohol or drugs and will provide such employee an opportunity to seek evaluation, education or treatment. However, a driver voluntarily identifying a drug or alcohol problem will not be permitted to perform his or her duties until the employee completes a drug or alcohol educational or treatment program and undergoes a return to duty drug and alcohol test with a result indicating an alcohol concentration of less than .02 and a verified negative test result for use of controlled substances.

9.60 Nonsolicitation

1. Literature The distribution of literature or other materials in employee work areas that are not related to City business and are not authorized by the City Manager are prohibited. Additionally, employees shall not solicit other employees for any cause during their assigned working time. For this purpose, working 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. Solicitations may, however, be conducted by employees during their lunch period, rest periods, or other non-work periods.

2. Bulletin Boards Information of special interest to all employees is posted regularly on the city bulletin boards. Employees may not post any information on these bulletin boards without the authorization of the city manager.

9.70 Telephone Use

Employees should keep personal calls to a minimum. Personal toll and long distance calls must be charged to the employee's home telephone or personal telephone credit card.

9.80 No Smoking

In the interests of health, the City prohibits smoking by employees in all City facilities including City-owned buildings, vehicles and offices or other facilities rented or leased by the City. Smoking is prohibited in all enclosed areas including individual offices.

9.90 Electronic Mail, Computer, and Internet Access

1. Policy The City's computers and internal and Internet e-mail and Internet web browser are City property and intended for use by employees to conduct City business. Some limited personal use is permitted as long as it does not result in a cost to the City, does not interfere with the performance of duties and occurs only during the employee's lunch or scheduled breaks, is brief in duration and frequency, does not distract from the conduct of City business and does not compromise the security or integrity of City information or software.

2. Prohibited Uses A prohibited use is any use related to the conduct of an outside business; a use for the purposes of supporting, promoting, or soliciting for any non-City sponsored outside organization or group; campaign or political use; commercial use; use to conduct illegal activities; any entertainment uses; and/or uses which result in the City being placed on electronic mailing lists related to prohibited uses.

3. Examples of allowable personal e-mail use

The following are examples of allowable uses, so long as the permissible use requirements are met:

1. Employee sends a brief e-mail communication during a break to his or her home to make sure his or her children have arrived safely from school.
2. Employee receives a brief e-mail from his or her son or daughter, who is away at college; solely for the purpose of telling the parent he or she is coming home for the weekend, and employee reads the e-mail during lunch.
3. Employee is flying to visit a relative at the end of the work day, but the flight is delayed, and employee is sending a brief e-mail during the employee's lunch solely for the purpose of informing the relative of the new arrival time.

4. Examples of allowable computer use

The following are examples of allowable computer use, so long as the permissible use requirements are met:

1. Employee uses the Internet home page of the City's health insurance provider during lunch to find out if a doctor is covered. This is allowable, since hard copies are also distributed to employees.
2. Employee uses the Internet during lunch to investigate issues surrounding his commute during a break. This could include viewing pages at Metro to learn about transit schedules, WSDOT to look at freeway traffic conditions, or seeking to participate in a ride-sharing program. It could also include checking weather related sites if snow is forecast, to see if there are any road closures or mass transit schedule changes.
3. Employee uses City computer to take on-line job-related training courses **pre-approved** by supervisor or manager in lieu of attending a similar class off-site.

5. Examples of non-allowable computer use

The following are examples of computer uses that are not allowed. This list is not intended to be all-inclusive. Additionally, any use that is not expressly allowed is considered to be not allowable:

1. Employee uses the Internet to track his personal investment portfolio.
2. Employee uses City e-mail to solicit for non-City sponsored charity or fundraiser.
3. Employee uses Internet to do personal research such as comparison-shopping for automobiles.

4. Employee uses City e-mail to sell or give away personal items; e.g. baseball or theatre tickets.
5. Employee downloads software to work on his or her PC from the Internet.
6. Employee uses Internet to access nude or sexually explicit materials (text, photographs, graphics, etc.) that are not related to the employee's duties as a City employee.

6. Software Employees are not authorized to purchase, install, download, upgrade, copy or transfer any software to or from a City computer without the express written permission of the City Manager or an information technology employee designated by the City Manager. All software that City employees believe is necessary or desirable for their jobs must be ordered through the City Manager or a designated information technology employee and installed by a designated information technology employee. All software used by the City or installed on any City computer must be registered in compliance with the software's licensing agreements.

7. Access The City has ongoing access to all employee's e-mail and to records of web sites that employees visit, which may also include information that has been deleted, and the City may review this information at any time. Additionally, this information may be subject to disclosure under the Public Disclosure Act.

8. Questions? When using your City computer it is a good idea to ask yourself this question: Can I directly support a work purpose for this use? If the answer is yes, there should be no problem. If the answer is no, don't do it. If you have questions as to what constitutes City business, please ask your supervisor or manager. If you have questions on the e-mail policy, please contact the City Manager.

Chapter 10 - DISCIPLINE

10.10 Cause For Discipline

The purpose of discipline is to improve the performance, efficiency and morale of City employees. Any action, which reflects discredit to the City, hinders the performance of City functions or is improper employee conduct, is cause for disciplinary action. Specific grounds for discipline include (but are not limited to):

1. Incompetence, inefficiency, negligence or dereliction of duty;
2. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, any act of omission or commission harmful to City interests, or any other willful misconduct;
3. Mental or physical incapability;
4. Offensive, disgraceful or prejudicial conduct;
5. Drunkenness or otherwise being under the influence during working hours or the use or possession during working hours of alcoholic beverages, narcotics, habit-forming drugs or other substances which might impair mental or physical fitness or impair the person's ability to perform his or her job, or create a safety risk;
6. Conviction for any felony crime, or for a misdemeanor involving moral turpitude;
7. Making false or fraudulent statements;
8. Willful or intentional violation of any lawful regulation, order or direction made or given by a supervisor;
9. Possession of explosives, firearms, weapons of any type or hazardous substances while on the job or City property unless specifically authorized;
10. Misuse or abuse of public property, waste of public supplies or misuse of public funds;
11. Failure to hold and maintain required licenses, certifications or endorsements;
12. Falsifying reports or records;
13. Willful or intentional violation of announced City policies or department rules; and/or
14. On-going conduct harmful to efficiency or morale.

10.20 Exception For At-will Employees

Discipline and termination of at-will employees is covered under separate policies relating specifically to at-will employees.

10.30 Authorized Disciplinary Actions

A. Authorized Actions Employees are subject to the following disciplinary actions:

1. Dismissal;
2. Complete or partial restitution or forfeiture of pay to the City for financial or other losses, as allowed by law;

3. Suspension without pay;
4. Oral and written warnings;
5. Mandatory counseling or remedial training;
6. Demotion;
7. Re-evaluation period during which improper behavior or inadequate work performance may trigger further disciplinary action (including dismissal); and/or
8. Other actions appropriate to the particular circumstances, as determined by the City in its discretion.

2. Relief of Duty A supervisor may temporarily relieve an employee from duty (with pay) pending completion of an investigation to determine if disciplinary action is to be taken.

3. Assistance Supervisors and department heads considering disciplinary action are encouraged to consult with the City Manager before imposing discipline.

10.40 Disciplinary Authority

1. Supervisors Supervisors may issue oral and written warnings, relieve employees from duty (with pay) pending completion of investigations, and may recommend more severe disciplinary action to the department head.

2. Department Heads Department heads may issue oral and written warnings, relieve employees from duty, suspend employees for up to 30 days without pay, and may recommend longer suspensions or dismissal of employees to the City Manager.

3. City Manager The City Manager has full disciplinary authority. Dismissal of regular, non-probationary employees or suspensions of more than 30 days must be approved by the City Manager.

10.50 Pretermination Conferences

1. Requirement In cases of dismissal, a pretermination conference is required. It is not elaborate, and it can be informal. The pretermination conference serves as an initial check against mistaken decisions and to determine whether the charges against the employee are valid and support dismissal.

2. Conduct of Pretermination Conferences

1. **Notice** The employee is provided with notice of a recommendation for dismissal and an explanation of the City's evidence. The notice includes an explanation of the charges on which the recommendation is based and the time and date for a pretermination conference. If the employee fails or refuses to appear, the dismissal may proceed.

2. **Presiding Official** Pretermination conferences are presided over by the department head or (upon request by the department head) the City Manager.

3. **Conference** At the conference the employee may show cause why he or she should not be dismissed. Employees may bring one representative to the conference, which will be a bargaining unit representative for employees who are members of a bargaining unit, and a co-employee for employees who are not members of bargaining units. The representative may provide assistance to the employee, but shall not disrupt the conference, and the City is under no obligation to bargain with the representative during the conference.

4. **Decision** Within five working days after the conference, the presiding official will issue a decision. If the presiding official determines there is a reasonable basis to support termination, the presiding official will forward a termination recommendation to the City Manager, whose decision is final. If the presiding official or the City Manager find there is an insufficient basis for

dismissal, the matter returns to the department for further investigation or other disciplinary action short of dismissal.

Chapter 11 - TERMINATION OF EMPLOYMENT

11.10 Resignation In Good Standing

A regular employee wishing to leave City employment in good standing must file a written resignation with the department head or City Manager at least two weeks before leaving City employment stating the effective date and reasons for leaving. Failure to provide two weeks' notice makes a resigning employee ineligible for reemployment. (The two-week notification requirement may be waived by the department head or City Manager.) Any notice of resignation that is provided to a supervisor, department head, or the City Manager, whether verbal or written, cannot be revoked by the employee once it is accepted, verbally or in writing, by the employee's supervisor, department head, or City Manager because the City relies on such notice and its acceptance thereof to plan for the transition of the employee's work and to begin exploring its options for filling the resigning employee's position. Notwithstanding the foregoing, the City Manager may, at his or her sole discretion, agree to allow an employee to revoke his or her resignation prior to its effective date.

11.20 Dismissal

Disciplinary actions, including dismissal of employees, are described in Chapter 10.

11.30 Retirement

- 1. Eligibility** Employees are eligible to retire on their normal retirement date under PERS, or any other retirement benefit program contributed to by the employee, the City, or both.
- 2. Three Months' Notice** Employees intending to retire notify the City Manager of their intent at least three months prior to the date of retirement. If notice is less than three months, then the employee's retirement date may be adjusted to a date three months after the retirement notice is received by the City Manager.

11.40 Disability Retirement

A regular employee who suffers a disabling illness or injury may retire for disability reasons and receive disability retirement benefits if the employee meets the criteria for the applicable disability plan, if any. The City may (at its own choosing and expense) have the employee examined by a City physician to evaluate the employee's condition, prognosis and fitness for duty. If there is a dispute between the City-selected physician and any the employee's physician or a physician selected by the insurer, if any, then the dispute will be resolved in accordance with the disability insurance plan provisions.

In cases of disability retirement the employee's effective date of separation is set by the City Manager or, if applicable, by the City's Disability Board.

11.50 Layoff

- 1. Policy** When the City Manager abolishes a position of employment, the employee in the position may be laid off or demoted without disciplinary action.
- 2. Notification** Employees to be laid off are given at least 30 calendar days prior notice whenever possible.
- 3. Selection of Employees for Layoff** Employees who are a member of a bargaining unit shall be laid off in accordance with the collective bargaining agreement. Any employee who is not a member of a bargaining unit may be selected for layoff within the discretion of the City Manager. Any assertion by an employee that their selection for layoff was in bad faith or discriminatory is subject to the complaint procedure described in Chapter 2.
- 3. Recall to Work** Employees on layoff who were members of a bargaining unit at the time of layoff will be eligible for recall in accordance with the collective bargaining agreement in effect at the time of the recall. Other employees are subject to recall at the discretion of the City Manager.

11.60 Voluntary Quit

An employee is considered to have voluntarily quit and resigned under the following circumstances:

1. **Unauthorized Absence** An absence of three or more consecutive working days without notice to the City.
2. **Following Leave** Failure to return within one day from a leave of absence as arranged with the City.
3. **Following Layoff** Failure to return from layoff upon recall.

Chapter 12 - EMPLOYMENT POLICIES

12.10 Fair Employment

City employees are recruited and selected based on skills, knowledge and abilities needed for successful job performance. As much as possible, selection is based on job-related measures of qualifications. To promote a diversified workforce and employ individuals from groups traditionally underrepresented among City employees or at certain levels in the organization, a candidate's status as a member of a protected group may be considered in addition to other job-related factors in making a hiring decision where necessary to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the City.

12.20 Hiring and Retaining Disabled Employees

1. Non-Discrimination Policy The City will not discriminate against applicants or employees with a sensory, physical or mental impairment, unless the impairment cannot be reasonably accommodated and prevents proper performance of an essential element of the job.

2. Duty to Reasonably Accommodate the Disabled The City will make every reasonable effort to accommodate an employee's disability so the employee can perform essential job functions, in accordance with applicable law. Actions that may be taken as reasonable accommodations, depending on the circumstances, include making facilities used by employees readily accessible to and usable by disabled persons; acquiring or modifying equipment; modifying work schedules; taking affirmative measures to consider transferring a disabled employee to a less demanding, open position. The City Manager must be consulted by departments when they believe an employee's impairment cannot be reasonably accommodated.

12.30 Recruitment

Openings on the City staff are advertised by the City Manager, who identifies appropriate means to solicit qualified candidates for individual positions. Recruiting is initiated when the department notifies the City Manager of an opening to be filled. The City Manager endeavors to make all segments of the community aware of job opportunities open to the general public.

12.40 Affirmative Action

A diverse workforce generally reflective of the broader community furthers the interests of the City in providing quality municipal services and better enables it to fulfill its role as an employer whose practices influence others in the Carnation area. For these reasons the City adopts affirmative action plans and pursues affirmative action goals where necessary to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the City. The City seeks to employ qualified women and members of racial minorities and other protected groups. The City Manager is responsible for developing plans and procedures to implement affirmative action where necessary to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the City. City affirmative action plans are based on objective criteria to the maximum extent possible.

The City's affirmative action efforts may include: advertising in publications of interest to members of protected groups; contact with agencies and organizations representing or working with members of protected groups; selective consideration for members of protected groups from among pools of qualified applicants; setting aside specific internships or apprenticeships for members of protected groups; training and other development opportunities for members of protected groups not ordinarily offered to all employees; and other methods as may be deemed appropriate by the City Manager. City affirmative action plans must be approved by the City Manager.

12.50 Nepotism

1. New Employees To avoid the reality or appearance of improper influence, favor or conflict of interest, the City limits the hiring of individuals related by blood or marriage to, or who share living quarters with, a

regular employee of the City, which creates such an impression. Such a person will not be hired as a regular City employee under any of the following circumstances:

1. Where one of the related employees would have authority (or practical power) to supervise, appoint, remove, or discipline the other.
2. Where one related employee would be responsible for auditing the work of the other.
3. Where other circumstances exist which would place the related employees in a situation of actual or reasonably foreseeable conflict between the City's interest and their own.
4. Where, in order to avoid the reality or appearance of improper influence or favor, or to protect its confidentiality, the City must limit the employment of close relatives of policy level officers of customers, competitors, regulatory agencies, or others with whom the City deals.

2. Nepotism Following Employment Employees will not be transferred or appointed to any position where the employee would enter a workplace relationship barred for new employees under this section. However, the City Manager may approve such an appointment or transfer when it is clearly in the best interests of the City. When a real or potential conflict of interest occurs between employees due to nepotism, the City may transfer or dismiss one of the employees. A decision to reassign or dismiss an employee is made by the City Manager when action is recommended by the department head. Before recommending reassignment or dismissal, the department head discusses the situation with the employees.

Employees of the City on the date this Personnel Manual is adopted will not be governed by the nepotism policy with respect to positions held on that date. Promotions, transfers, demotions or other changes in employment subsequent to the date of adoption are subject to the nepotism policy.

12.60 Life Threatening or Terminal Illnesses and Communicable Diseases

1. Reasonable Accommodation The City reasonably accommodates employees with life threatening illnesses who are disabled under applicable law in the same manner as any other employees who are disabled.

2. Communication Employees with communicable diseases or other medical conditions that pose a direct threat to the safety of co-workers or others with whom they come into contact during their employment must communicate this information to their department director or, if their department director is unavailable, to the City Manager.

3. Obtaining Information The City may seek information about an employee's medical condition if the City has a reasonable belief, based on objective evidence, that the employee poses a direct threat because of a medical condition or is unable to perform the essential functions of the job because of a medical condition. This information may be sought from the employee, the employee's care providers, or through a medical examination conducted by a medical professional selected by the City, in accordance with applicable law.

4. Confidentiality Information regarding an employee's medical condition will be used and disclosed by the City on a need-to-know basis only, in accordance with applicable law.

5. No Co-Worker Transfers No special consideration is given to co-workers wishing to transfer due to an unreasonable fear of an employee's life threatening illness or communicable disease. Co-workers may consult with the City Manager regarding their concerns.

6. Information and Referral The City Manager is available to assist supervisors and employees with questions about support services or City policies covering employees with life threatening illnesses and communicable diseases.

Chapter 13 - FILLING VACANCIES

13.10 Available Methods

All vacancies in regular positions are filled by one of the following methods: hiring a new employee, transfer, promotion, hiring of a trainee, rehiring a former employee, recalling a laid-off employee, or voluntary demotion.

13.20 Hiring Procedure

1. Notice of Vacancy The hiring department notifies the City Manager of the vacancy to be filled. The department head at this time indicates any method the department would prefer to use in filling the position.

2. Position Announcements Position Announcements are published by the City Manager and may be used to recruit for a particular vacancy or to compile a list of qualified candidates for anticipated vacancies. They may be circulated only among current City employees (for promotional openings) or generally for open competitive recruitment. An announcement includes: classification title, pay range, duties, general qualifications, special requirements, and application deadline (when applicable).

3. Applications For Employment

1. **Application Forms** Official application forms are required of all applicants. The forms elicit information needed to determine whether an applicant may qualify for a position. Resumes may supplement an official application, but may not substitute. All applications must be signed. An applicant's signature certifies that all information supplied on the application is true to the best of the applicant's knowledge. An employee may be dismissed if it is found he or she provided false or misleading information in an application or resume.

2. **Continuous Application** Classifications may be open for continuous application without a closing date when vacancies occur frequently or qualified applicants are scarce for a particular classification. A decision to declare a classification open for continuous application is made by the City Manager who may subsequently close recruitment whenever sufficient applications have been received.

4. Review of Applicants

1. **Screening** Applications are screened by the City Manager or a designated reviewer, assessing applicants for overall skills, knowledge, abilities and other job-related qualifications relevant to the position. City affirmative action policies, where applicable, are considered and applicants from protected groups who meet position qualifications but are not among top candidates may be retained in the pool of applicants for further examination where affirmative action must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the City. Desirable education and experience qualifications serve as guidelines. An applicant's training and experience may differ from that stated in a position announcement when the applicant clearly possesses the necessary skills, knowledge or abilities to perform the job.

2. **Disqualification** Applications showing an applicant does not possess minimum qualifications, or is otherwise unable or unfit for a position may cause the City Manager (or designated reviewer) to disqualify the applicant. Grounds for disqualification include, without limitation:

1. An applicant does not possess minimum qualifications for the position.
2. An applicant is mentally or physically unable to perform required job tasks (and no reasonable accommodation can be made for such disability).

3. An applicant addicted to habitual excessive use of drugs or alcohol, except to the extent that the applicant has a disability that can be reasonably accommodated as required by applicable law.
4. An applicant has falsified statements, failed to disclose pertinent information or used deception on a job application.
5. An applicant has been convicted of a felony crime if the felony for which he or she was convicted directly relates to the position of employment sought and the time elapsed since the conviction is less than ten years. However, this section does not preclude the fact of any prior conviction of a crime from being considered.
6. An applicant for a position who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment has been:
 - (a) Convicted of any crime against children or other persons;
 - (b) Convicted of crimes relating to financial exploitation if the victim was a vulnerable adult;
 - (c) Convicted of crimes related to drugs as defined in RCW 43.43.830;
 - d) Found in any dependency action under RCW 13.34.040 to have sexually assaulted or exploited any minor or to have physically abused any minor;
 - (e) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;
 - (f) Found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult; or
 - (g) Found by a court in a protection proceeding under chapter 74.34 RCW, to have abused or financially exploited a vulnerable adult.

Applicants for such positions will be required to fill out an application form prepared by the City regarding this information and related information.

5. Driver's License Requirements Applicants for positions in which the occupant is expected to operate a motor vehicle must be at least 18 years old and will be required to present a valid Washington State driver's license with any necessary endorsements. Driving records of applicants may be checked. Applicants will be disqualified under the following circumstances:

1. Violations More than two moving traffic violations within the preceding three years; or reckless driving violation within the preceding five years; or driving while intoxicated within the preceding five years
2. Accidents More than one motor vehicle accident within the preceding three years for which the applicant received a traffic or criminal citation and was convicted, forfeited bail, or entered a plea of "guilty" or "nolo contendere."
3. Exceptions Exceptions to this policy may be made by the Mayor if doing so would be in the best interests of the City.

6. Examinations

1. Conduct The City may conduct its own or contract with any competent agency or individual to prepare or administer examinations if the City believes in its discretion that such examinations are warranted for the position.
2. Types Examinations are intended to test the qualifications of candidates. After appointment, an employee's probation period is an integral part of the examination process, and in some instances

successful completion of prescribed training is also part of the examination process. The following are examples of types of examinations that may be conducted prior to hiring include but are not limited to: achievement tests, aptitude tests, performance tests, work samples, reference checking with past employers, personal reference checks, and psychological tests.

3. Medical Examination The City Manager may require persons selected for employment to successfully pass a pre-placement medical examination. Any medical examinations will be conducted in accordance with applicable law. A candidate may be disqualified or an appointment revoked if found physically unable to perform the duties of the position (and the individual's condition cannot reasonably be accommodated in the workplace), for refusing to submit to a medical examination, or for refusing to complete medical history forms relevant to the position.

4. Polygraph Examinations Polygraph examinations (lie-detector tests) may be required of finalist candidates for all positions in the Police Department prior to making the initial hiring decision and for positions with the power of arrest in other departments.

7. Final Selection

1. Review of Eligible Candidates As soon as possible after the completion of pre-employment examinations, the hiring department determines which applicants are qualified and recommends one candidate for appointment. The list of qualified applicants and recommendation for appointment are forwarded to the City Manager with documentation of the examinations. The City Manager reviews the material for compliance with applicable laws, policies and procedures.

2. Approval of Appointment To be hired, a selected candidate must be approved by the appointing authority, which is the City Manager.

3. Duration of Eligibility Applicants on an approved list of qualified candidates are eligible for appointment until the list is exhausted or abolished by the City Manager.

4. Offer of Employment When appointment of a selected candidate has been approved, the City Manager makes an official written offer of employment to the candidate, specifying a starting date and salary. If a candidate fails to respond to an offer of employment, or fails to appear on the designated starting date, then the candidate is presumed to have declined the appointment. If the candidate accepts the appointment, the City Manager will verify the candidate's legal status to work in the United States and arrange for appropriate employee processing and registration.

13.30 Probation Period

1. Policy All newly hired employees or former employees who have been rehired enter a probation period, which is considered an integral part of the selection process. During the probation period an employee is required to demonstrate suitability for the position by actual performance of the work.

2. Duration Probation for full-time employees is six months from the employee's most recent date of hire. The probation period may not be shortened for any reason, but may be extended as set forth below.

3. Paid Time Off During Probation Probationary employees may use sick leave during their probation period. They may not use vacation.

4. Extension Probation may be extended up to an additional six months (when needed due to an unusual circumstance such as extended illness or other absence, for example) to properly evaluate a new employee's performance prior to appointment to regular status.

5. Dismissal of Probationary Employees A probationary employee is an at-will employee and may be dismissed by the department head at any time with or without cause, with or without notice, and without right of appeal. The grievance procedure set forth in any applicable collective bargaining agreement shall not be utilized to resolve disputes pertaining to discipline, including suspension and/or discharge of probationary employees.

6. Regular Appointment When a department head determines an employee has satisfactorily completed probation, the City Manager will certify in writing that the employee has completed probation and been granted regular employment status. Before certification, an employee's work must receive a written performance review by the supervisor.

13.40 Promotion, Transfer and Voluntary Demotion

1. General Policy The first priority of the City is quality service to the public. Within that context the City actively seeks to best use the skills and talents of its employees and to offer opportunities for advancement and mobility within the City employment system. Employees may apply for promotion, transfer or voluntary demotion. When it clearly furthers the priority of quality service, openings will be filled in this manner.

2. Transfers Within Departments Department heads have full authority to transfer employees from one position to another in the same classification within the same department.

3. Approval Hiring from within the ranks of City employees is approved on a case-by-case basis.

4. Competitive vs. Non-Competitive Promotions and transfers between departments may be by a competitive or non-competitive process. Any non-competitive promotion or transfer must be approved by the City Manager.

5. Eligibility Regular employees are eligible for promotion, transfer or voluntary demotion. To be considered for another position an employee must have completed the probation period and possess the qualifications for the vacant position.

6. Process The City Manager will consult with the hiring department and make arrangements for an appropriate examination.

7. Return Requests An employee who is promoted, transferred or voluntarily demoted and subsequently found to be unsuited for the new position may request to return to the former position if it is vacant. The employee submits a written request to the head of the department from which he or she was promoted, transferred, or voluntarily demoted. It is up to the discretion of the department head to approve a return. If a return is approved, the employee is notified when to return to the former position and pay is adjusted to the rate received prior to the promotion, transfer or voluntary demotion.

8. Fourteen Day Notice A promotion, transfer or voluntary demotion normally takes effect 14 calendar days from the date it is approved by the City Manager. This time period may be changed by the City Manager at his or her discretion.

9. Pay/Pay Anniversary after Promotion, Transfer or Voluntary Demotion

1. **Promotions** An employee who is promoted receives a pay increase on the effective date of promotion. The employee's pay anniversary date is adjusted to the date of promotion.

2. **Lateral Transfers** An employee who transfers to another position or classification with the same pay scale receives the same pay as before the transfer and the employee's pay anniversary date does not change.

3. **Voluntary Demotions** An employee who is voluntarily demoted continues to receive the same pay so long as it falls within the pay range for the new position. If the former rate of pay is greater than the maximum for the new position, then pay is reduced to the maximum rate in the new pay range. The pay anniversary date does not change.

13.50 Rehiring Former Employees

1. Rehiring A former regular employee who resigned in good standing within the previous two years may be reappointed to a vacant position in the same classification or to a vacancy in a comparable or lesser classification without competitive recruitment. A rehired employee serves the same probation expected of a newly hired person. The City Manager may waive the two-year limit for employees who have kept their skills current or who possess extraordinary skills or abilities needed by the City.

2. Approval The City Manager is authorized to approve department requests to fill a vacancy by rehiring.

3. No Credit for Past Service No credit is given for past service.

13.60 Trainees

1. Policy Traineeships may be created for any position. They may be used to offer in-house employee development opportunities, to help accomplish affirmative action goals (where applicable), or to fill a vacancy with a candidate of high potential when suitable qualified candidates are not available. Requests to create a trainee position or assign an employee to a traineeship are made in writing by the department head and may be approved by the City Manager.

2. Training Plan A plan to guide and prepare a trainee for the duties of a regular non-trainee position is prepared by the department. It includes a curriculum to develop job skills and an evaluation plan to measure progress. When the training plan is approved by the City Manager, a trainee may be appointed.

3. Time Limit An employee may serve as a trainee for up to one year.

4. Employment Status Trainees are probationary employees. A trainee may become a regular (non-trainee) employee when the department head and City Manager find a trainee has acquired the minimum skills required for a position.

5. Pay Trainee pay is set by the City Manager in consultation with the department head, but is not less than 75 percent of the minimum pay for a comparable non-trainee position.

13.70 Acting Appointment

1. City Manager's Authority The City Manager may temporarily appoint a regular City employee to fill a vacancy during an absence pending appointment of a regular replacement.

2. Right of Return An employee serving an acting appointment is entitled to return to his or her prior position when the acting appointment expires.

3. Duration Acting appointments do not normally exceed six months, unless extended by the City Manager. An acting appointment ends when the position is filled by the regular occupant's return or the hiring of a replacement.

4. Pay An employee serving an acting appointment is paid at a rate consistent with the level of responsibility and duration of assignment, but not less than the minimum rate for the position being filled.

Chapter 14 - SUPPLEMENTAL EMPLOYEES

14.10 Terminology

"Supplemental employee" is the all-encompassing term for all types of employees hired directly by the City for other than regular positions.

14.20 Use of Supplemental Employees

Supplemental employees may be used to: fill in for regular employees during absences or vacations, temporarily fill a regular position pending the hiring of a regular employee, meet peak workload needs, staff special projects, or meet ongoing workload requirements that are less than half time. The limitation on the number of hours a supplemental employee may work in a 12-month period shall be interpreted as applying to a calendar year. Supplemental employees will be limited to working no more than 1040 hours in a **calendar year**.

14.30 Supplemental Employee Categories

- 1. Temporary** Specific starting and ending dates. Where a specific ending date cannot be specified because it is contingent on another event (e.g., a reorganization or filling a vacant position) then the ending date may be listed as a "no later than" date and employment may be terminated by the City sooner than the specified ending date. Temporary employees have a maximum of 1040 hours in a 12-month period and their work is performed pursuant to an Employment Agreement approved by the City Attorney.
- 2. Ongoing** Works year round, with a maximum of 1040 hours in a 12-month period.
- 3. Intern** Undergraduate or graduate student or recent college graduate obtaining on-the-job experience in a field related to their course of study. [Recent graduates are those who graduated within the preceding two years.]. Interns have specific starting and ending dates and work a maximum of 1040 hours in a 12-month period.
- 4. Project** Project employees have specific starting and ending dates. Their work is confined to a clearly definable undertaking that does not represent usual bargaining unit work. Project duration is 6 to 12 months, and their work is performed pursuant to an Employment Agreement approved by the City Attorney. The City may also contract for such services with independent contractors, where appropriate.

14.40 "Limited Duration" FTE's

For projects exceeding six months, departments may request approval for a "limited duration" FTE (full-time equivalent) position. "Limited duration" FTE's are treated the same as other regular employees, except their term of employment has a specified ending date. The City Manager and City Council approve requests for "limited duration" FTE's. and their work is performed pursuant to an Employment Agreement approved by the City Attorney.

14.50 Hiring

- 1. Process** Departments enjoy greater flexibility in hiring supplemental employees than regular employees. In testing, interviewing, and selecting supplemental employees, Departments need not follow the same City procedures required for hiring regular employees, however, the process used shall be approved by the City Manager. All hiring processes *must* comply with State and Federal employment laws.
- 2. Break in Employment Required** All supplemental employees (except for supplemental employees who are hired as regular employees within 6 months of being hired as a supplemental employee) must have a break in employment of at least six months before the employee is re-employed by the City. Exceptions may be made by the City Manager on a case-by-case basis, after consulting with the City Attorney.

14.60 Approval Required *Before Start Date*

Departments obtain written approval from the City Manager at least 48 hours *before* a supplemental employee starts work. This step aims at assuring good faith compliance with City policy and with applicable State and Federal Laws.

14.70 Pay and Benefits

1. **Pay** Supplemental employees' pay is determined by the City Manager in his or her discretion, as allowed by the City's budget.

2. PERS

1. **Temporary** and **ongoing** employees and interns generally receive PERS if they work more than 70 hours a month for more than four months; or the previous supplemental employee in the position received PERS; or they are temporarily filling a regular position that is covered by PERS.

2. **Project** employees do not receive PERS.

3. PERS is not paid to **temporary**, **ongoing**, and **intern** employees who work on one-time only special projects as defined by the State Department of Retirement Systems.

3. Holidays

1. **Project** employees are paid for holidays occurring during their term of employment, which are pro-rated if they work part time.

2. **Temporary** and **ongoing** employees and **interns** do not receive paid holidays.

4. Paid Time Off

1. **Project** employees earn one day per month to be used for any paid time off purpose: vacation, sick leave, administrative leave, etc., which is pro-rated if they are part-time. Accrued but unused paid time off is paid out once the Project employee is terminated.

2. **Temporary** and **ongoing** employees and interns do not receive paid time off benefits.

5. **Other Benefits** Supplemental employees receive no other benefits.

6. **Paydays** Salaried employees are paid monthly on the last working day of each month. If a regularly scheduled payday falls on Saturday, pay checks will be distributed on Friday; if it falls on Sunday or a holiday, pay checks will be distributed on the next regularly scheduled working day.

7. **Deductions** Some regular deductions from the employee's earnings are required by law; other deductions are specifically authorized by the employee. The city will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee, applicable union contract, or statute.

14.80 Orientation Required

Supervisors orient supplemental employees to their term of employment, rate of pay, and benefits. A completed orientation form approved by the department head and signed by both the supervisor and supplemental employee is returned to the City Manager.

14.90 Monitoring Work Hours

Supervisors are responsible for monitoring the hours worked by their supplemental employees to assure they do not exceed the 1040-hour limit.

14.100 No Splitting Positions

Departments may not use multiple supplemental employees to avoid filling a position with a regular employee. Examples of prohibited practices are: Running full-time temporary employees back-to-back year round on a six- month rotation; or, using two 19-hour per week ongoing positions year round doing essentially the same work.

14.110 Work For Multiple Departments

A supplemental employee may work for multiple departments provided the individual's total number of hours does not exceed 1040 in a 12-month period.

14.120 Use of Employment Agencies

The limitations of this Chapter 14 apply to using supplemental employees hired through employment agencies.

14.130 Violations

Department heads and the City Manager are to be notified when violations of this policy occur. Supplemental employees whose hours exceed 1040 are subject to termination. Supervisors and department heads who fail to follow the procedures described in this Chapter, or whose supplemental employees work more than the 1040-hour limit, are subject to disciplinary action. As with other discipline decisions, the facts and circumstances of a particular situation will be considered in determining what discipline is appropriate.