

**CITY OF PORT ORCHARD**

**PERSONNEL POLICIES MANUAL**

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## **CHAPTER 1.**

### **PURPOSE AND SCOPE**

#### **1.1 INTRODUCTION**

The City of Port Orchard places a high value on our employees and their well-being. The City believes that when the terms and conditions of employment are known and communicated to all, employee job satisfaction is increased. These policies have been prepared to help employees better understand how the City operates and what is expected of employees. Employees are encouraged to ask their supervisor or Department Director any questions they may have regarding interpretation of these policies. The policies serve a variety of objectives including clear communication to employees, guidance to managers and ensuring the public services rendered in positions within the City are performed to a high standard.

#### **1.2 PURPOSE**

##### **IMPORTANT: PLEASE READ**

These personnel policies serve as a general informational guide to the City of Port Orchard's current employment practices and procedures. As a result, these policies are general guidelines only, not promises of specific treatment in specific situations. These personnel policies are not intended to be nor should they be construed as a contract, express or implied, or as a guarantee of employment for any specific duration. Unless specific rights are granted to you in an individual employment contract, collective bargaining agreement or Civil Service rules, all employees of the City of Port Orchard are considered at-will employees and may be terminated from the City of Port Orchard's employment at any time, with or without cause subject to applicable law. No supervisor, Department Director or representative of the City of Port Orchard has the authority to enter into any agreement with an individual employee for employment for any specified period or to make any written or verbal commitments contrary to the foregoing, unless such agreement is in a written employment contract signed by the Mayor, with appropriate authorization of the Council.

#### **1.3 SCOPE OF POLICIES**

These personnel policies apply to all City employees. In cases where these policies conflict with the provisions of a collective bargaining agreement, employment agreement, Civil Service rules or laws, or other laws, the provisions of that law or agreement shall govern. In all other cases, these policies shall govern (the sole exception is that the Police Department's General Orders and policies shall govern, in regard to City employees working in the Police Department, in the event of a conflict with this Personnel Policies Manual). The provisions contained in these policies regarding the City's prohibitions against harassment and discrimination apply to employees, volunteers, and elected officials. All participants in providing City services or elected

officials who work with City staff must comply with all City policies prohibiting unlawful discrimination, harassment, or any other unlawful conduct.

#### 1.4 CITY'S RIGHT TO MODIFY THESE POLICIES

The City of Port Orchard reserves the right to revise, supplement, clarify, or rescind any policy or provision of this Manual, as it deems necessary and appropriate in its sole discretion, without advance notice unless otherwise required by law or contract. As set forth above, these policies are general guidelines only, and do not constitute promises of specific treatment in specific situations. Further, these policies should not be construed as a contract, express or implied, or a guarantee of employment for any specific duration. Employees will be notified of changes to these policies once changes are adopted; however, unions will be notified in advance of proposed changes that are deemed mandatory subjects of bargaining.

The City also reserves the right to deviate from these policies, as it deems appropriate in its sole discretion in order to achieve the primary mission of serving the City of Port Orchard's citizens. In addition, the Mayor or her/his designee is empowered with the authority to establish any administrative regulations necessary to further implement these policies.

## **CHAPTER 2.**

### **GENERAL POLICIES AND PRACTICES**

#### **2.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The City of Port Orchard is an Equal Opportunity Employer and provides equal employment opportunities (EEO) to all employees and applicants for employment. The City prohibits unlawful discrimination and harassment against employees and applicants in compensation or other terms, conditions, and privileges of employment because of the employee's race, religion, color, gender, pregnancy, age, marital status, military or veteran status, national origin, mental or physical disability, sexual orientation (including gender identity and gender expression), genetic information, or any other category protected by federal, state, or local law. The City also prohibits unlawful discrimination and harassment against employees and applicants based upon their association with a person who is a member of a protected class. This Policy applies to all terms, conditions, and privileges of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

In addition, any employee or applicant who believes that he/she needs a reasonable accommodation because of a physical or mental disability in order to perform the essential functions of their job or to complete the application process should contact the Human Resources Coordinator. Similarly, any employee or applicant who needs an accommodation to perform their job due to their religious beliefs should contact the Human Resources Coordinator. The employee or applicant should advise, in writing, the Human Resources Coordinator of the reason for their accommodation request, the nature of their work limitations, and any suggested reasonable accommodations. The City will then interactively work with the employee or applicant to determine what, if any, reasonable accommodations are appropriate, and whether a suggested accommodation imposes an undue hardship upon the City.

The Human Resources Coordinator, in conjunction with City management, is responsible for implementing this Policy. Any person with questions or concerns regarding Equal Employment Opportunities with the City should contact the Human Resources Coordinator. All persons are also encouraged to review the City's Anti-Harassment and Anti-Discrimination Policy, which supplements this Policy and works to further effectuate the goals of the City's Equal Employment Opportunity Policy.

#### **2.2 LIFE THREATENING AND/OR SERIOUS ILLNESS/CONDITION POLICY**

The City recognizes that employees with life threatening and/or serious illnesses such as cancer, heart disease, acquired immune deficiency syndrome (AIDS), and other serious medical conditions may wish to continue working. The City respects and supports this wish, provided the employee can maintain required performance, production, and attendance standards, perform the essential functions of their job, and the



condition does not pose a health or safety threat to the employee, his/her fellow employees, or the general public.

The City also recognizes that an employee's health condition generally is a private and personal matter, and consequently, will protect the confidentiality of the situation, and any information or documentation relating to it, to the best of its ability and restrict this information to only those appropriate employees who have a legitimate business reason to know. Furthermore, any documentation regarding the employee's medical condition shall be kept in a separate and confidential medical file distinct from their respective personnel file.

The City reserves the right to request medical examinations and/or consultations at its expense regarding the employee's medical condition to the extent necessary to determine that the employee can safely perform the essential functions of his/her job. The evaluation of the potential problems and dangers that accompany these conditions will be handled on a case-by-case basis and may consider existing medical and scientific evidence to the extent appropriate.

In addition to the foregoing, any employee with a medical condition or illness for which he/she believes they may need some type of accommodation should promptly notify the Human Resources Coordinator and advise as to any work limitations covered by the condition and suggested reasonable accommodations. The City will then interactively work with the employee to determine what, if any, reasonable accommodations are appropriate, and whether a suggested accommodation imposes an undue hardship upon the City.

### 2.3 ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICY

It is the City of Port Orchard's intent to provide a work environment free from all verbal, physical and visual forms of harassment and discrimination. All employees are expected to be sensitive to and respectful of their co-workers and others with whom they come into contact while representing the City. The City prohibits all forms of harassment and discrimination, whether due to race, religion, color, gender, pregnancy, age, marital status, military or veteran status, national origin, mental or physical disability, sexual orientation (including gender identity and gender expression), genetic information, or any other category protected by federal, state, or local law. The City also prohibits unlawful discrimination and harassment against employees and applicants based upon their association with a person who is a member of a protected class.

Engaging in workplace harassment or discrimination is unacceptable conduct, which will not be tolerated. Any employee found to have engaged in workplace harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination of employment.

All employees who have knowledge of workplace harassment or discrimination are required to immediately report the same to City management pursuant to the reporting

procedures subsequently set forth in this Policy. The failure to report workplace harassment or discrimination may result in appropriate disciplinary action.

To facilitate a greater understanding of this Policy's requirements, the following is a non-exclusive list of examples of conduct the City prohibits:

- A. Epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts that relate to race, religion, color, gender, pregnancy, age, marital status, military or veteran status, national origin, mental or physical disability, genetic information, or sexual orientation (including gender identity and gender expression).
- B. Written or graphic material brought to, displayed or circulated in the City's workplace that denigrates or shows hostility or aversion toward an individual or group because of the categories listed above.
- C. Intimidating, hostile, derogatory, contemptuous, or otherwise offensive conduct or remarks that are directed at a person because of the categories listed above.
- D. Using the City's resources (such as voicemail, e-mail, or Internet access) to obtain, deliver, forward, circulate, or store inappropriate or offensive materials.
- E. Other forms of objectively offensive behavior, regardless of whether the behavior rises to the level of unlawful workplace harassment or discrimination.
- F. Retaliation against an employee making a complaint in good faith under this Policy.

To facilitate a greater understanding of this Policy's requirements with respect to sexual harassment, the following is a non-exclusive list of examples of conduct the City prohibits:

- A. Vulgar or sexual comments, jokes, stories, and innuendo.
- B. Graphic or suggestive comments about someone's body or manner of dress.
- C. Gossip or questions about someone's sexual conduct or orientation.
- D. Vulgarity, leering, inappropriate touching and obscene or suggestive gestures.

- E. Displaying, accessing, or circulating in the workplace (including via the Internet or e-mail) sexually suggestive photographs, cartoons, graffiti, jokes and the like.
- F. Unwelcome and repeated flirtations, requests for dates and the like.
- G. Subtle pressure for sexual activity, including unwelcome but apparently sanction-free sexual advances by a supervisor to a subordinate.
- H. Solicitation or coercion of sexual activity, dates, or the like by the implied or express promise of rewards or preferential treatment.
- I. Solicitation or coercion of sexual activity, dates, or the like by the implied or express threat of punishment.
- J. Sexual or other assault.
- K. Intimidating, hostile, derogatory, contemptuous, or otherwise offensive conduct or remarks that are directed at a person because of that person's sex, regardless of whether the remarks themselves are sexual in nature.
- L. Retaliation against an employee for refusing sexual or social overtures, for complaining in good faith about sexual harassment, or for cooperating in good faith with the investigation of a complaint.

Harassment and discrimination can be difficult to define. For this reason, the City strongly urges you to use its reporting procedure set forth below without worrying about whether the conduct involved would be considered harassment or discrimination in a legal sense. If you consider the conduct to be harassment or discrimination, report it. This Policy is intended to assist the City in addressing not only illegal harassment and discrimination, but also any conduct that is offensive and inappropriate.

## **REPORTING HARASSMENT OR DISCRIMINATION**

### Overview

If at any time you believe you are being subject to harassment or discrimination, if you become aware of such conduct being directed at someone else, or if you believe another employee has received more favorable treatment because of harassment or discrimination, you must promptly notify your Department Director or the Human Resources Coordinator in writing as set forth below in this Policy. This applies to harassment or discrimination caused by anyone with whom an employee comes into contact as part of the employee's job.

In addition, Department Directors, managers and supervisors are required to act promptly to eliminate any workplace discrimination or harassment about which he/she

knows or should know. This results in the requirement that all Department Directors, managers and supervisors: immediately report any such incidents to their supervisor and the Human Resources Coordinator; take any appropriate and immediate action necessary to address the situation while the matter is being investigated; assist the City to the extent necessary in any investigation of the incident; and work with their immediate supervisor and the Human Resources Coordinator to implement any necessary disciplinary and/or other actions to remedy the situation after the conclusion of the investigation. Department Directors, managers and supervisors who fail to comply with these obligations or the other terms of this Policy shall be subject to appropriate disciplinary action, up to and including termination of employment.

### Complaint Procedure and Guidelines

To effectuate this Policy, all reported incidents shall be processed as expeditiously as possible under the following guidelines:

- A. Any person who feels that he/she (or someone else) has been subject to harassment, discrimination, or retaliation shall initiate the complaint process by filing a written and signed complaint with their Department Director or the Human Resources Coordinator. The Department Director shall forward any such complaint to the Human Resources Coordinator. The Mayor (or his/her designee) may also be notified of the complaint. The City shall review the complaint and initiate an investigation if appropriate. The City may also initiate an investigation on its own behalf at any time it determines it is appropriate to do so.
- B. During an investigation, the City will take any appropriate interim measures it deems necessary to address the situation which are consistent with applicable law.
- C. All complaints will be kept confidential to the fullest extent possible. This means they will be disclosed only as the City deems necessary to allow it to conduct a thorough investigation and respond to the complaint, to management, and as may be required by law. Due to these factors, the City cannot promise complete anonymity or confidentiality to the employee filing the complaint. In addition, the City may be legally required to take formal action in some circumstances.
- D. Anyone who the City concludes has violated its Anti-Harassment and Anti-Discrimination Policy is subject to corrective action up to and including immediate discharge. Corrective action will depend on the circumstances, including the gravity of the offense. The City will take whatever action it deems necessary to prevent an offense from being repeated and to address behavior which may not violate this Policy but is otherwise inappropriate or potentially problematic. Because employee discipline is a confidential matter, the complaining party may not always

know of the specific action taken in response to the complaint. However, the City will endeavor to the extent possible to keep the complaining party apprised as to the status of the investigation and any remedial measures instituted to remedy the situation.

- E. If the disciplinary process has not been effective in stopping the offensive conduct, the affected employee(s) must promptly notify their Department Director or the Human Resources Coordinator in writing of the problem so that the need for further action can be promptly addressed.
- F. The City will not permit retaliation against anyone who makes a good faith complaint or who cooperates in good faith in an investigation. Any person who feels they have been retaliated against shall promptly report the situation, in writing, to their Department Director or the Human Resources Coordinator so that the need for further action can be promptly addressed.
- G. The City expects employees to act in good faith when reporting problems under this Policy. If, however, an employee intentionally files a false report against another under this Policy, such false reports will result in appropriate disciplinary action, up to and including termination of employment, against the employee asserting or participating in the false report.

The Human Resources Coordinator has the primary responsibility for implementing this Policy. Any employee with questions regarding this Policy should contact the Human Resources Coordinator. Please join us in our efforts to make the City of Port Orchard an enjoyable place to work for all employees.

## 2.4 ELIGIBILITY FOR EMPLOYMENT

Federal law requires the City of Port Orchard to comply with the Immigration Reform and Control Act of 1986 and related law. All new employees must complete an “I-9 Form” and provide proof of their identity and eligibility to work in the United States. The City is responsible for obtaining the I-9 Form from each employee and verifying his/her eligibility to work in the United States.

Employees will be expected to complete the I-9 Form during their first day of work. The City will then properly complete the “Employer Section” of the I-9 Form. If a new employee is unable to provide the necessary documentation within three working days from the date of hire, he/she must provide proof that he/she has applied for the required documents. If this is not provided, the employee will be terminated as required by law.

The I-9 Form will be retained for at least three years after the date of hire or one year after the date of the individual’s termination, whichever is later. Former employees

who are rehired must also complete the I-9 Form if they have not completed the Form with the City within the past three (3) years, or if their previous I-9 Form is no longer retained or valid.

## 2.5 EMPLOYEE PERSONNEL RECORDS

The City of Port Orchard maintains a regular personnel file for each employee. An employee's regular personnel file may contain the employee's name, title and/or position held, job description, department to which the employee is assigned, initial application information along with any certifications or transcripts needed to verify the employee's qualifications, salary or wages, payroll information, changes in employment status, including promotional information, demotions or job reclassifications, any training received, performance evaluations or appraisals, personnel actions affecting the employee including all forms of discipline, and other pertinent information needed by the City to conduct its business or which is required by law. An employee's I-9 Form is maintained separately. Similarly, an employee's medical records, if any, are maintained in a separate file.

Employees are permitted reasonable access to inspect their own personnel files, including medical and immigration files, during regular business hours.

All personnel files are kept confidential to the maximum extent permitted by law. Access to employee personnel files is restricted to only those City employees with a legitimate and permissible business purpose. In addition, except for routine verifications of employment or in response to a court order, subpoena, or other legal requirement, no information from an employee's personnel file will be released to the public without the subject employee's written consent.

Personnel files are kept for the benefit of the City and for effective management of the employee's status, administration of compensation and benefits, and for effective management of the employee's performance. The contents of the file may be subject to statutory provisions on how long the information is retained and the City will abide by any statutory guidelines or regulations regarding record retention.

Supervisors may maintain a working file with notes or documents on issues impacting the employee or his/her performance. Once information is communicated to the employee, the supervisor's notes or documents may be placed in the employee's personnel file to further explain any action or resolution to an issue impacting the employee or affecting his or her status. If a supervisor opts not to communicate information in the supervisor's file to the employee, or deems the information irrelevant, the supervisor's file should generally be purged annually, unless prohibited by law or the supervisor determines, in his/her sole discretion, that the circumstances require that the information be retained for a longer period of time.

Employees may request additions or removal of information in their personnel records. If the City denies the employee's request to remove information, the employee may file a written statement to be placed in his/her file. The City may also provide a written statement to be placed in the personnel file as well.

Employees must make any changes to their name, address, phone number or contact information, beneficiary designations or dependents, and emergency contact information into the Springbrook Self Service Module, to make certain this information is up to date.

## 2.6 REFERENCE AND INFORMATION REQUESTS

Unless otherwise required by law, the City will respond to all reference check inquires regarding its current or former employees by providing only general information, such as: dates of employment; position(s) held; and job duties. No inference, either positive or negative, should be made from the City's application of this policy. If an employee desires the City to provide additional information, he/she, as well as the prospective employer requesting the information, must sign a release authorizing the disclosure of additional information in a form satisfactory to the City. This release must, among other things, authorize the disclosure of additional information and hold the City and all related persons and entities harmless for the disclosure.

## **CHAPTER 3.**

### **HIRING**

#### **3.1 RECRUITMENT**

Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence (as determined in the City's discretion), without regard to any individual's sex, race, color, religion, national origin, sexual orientation (including gender expression or identity), pregnancy, age, marital status, military status, disability, genetic information or any other characteristic protected by law.

Each applicant for employment shall complete and sign a City of Port Orchard application form. Resumes may supplement, but not replace, the official City application. Applications are only accepted for open positions. Applications may be maintained in the City archives for one year.

Any applicant for employment with the City who has made a false or misleading statement or has practiced any deception, fraud or misconduct in connection with his/her application or the hiring process may be eliminated from consideration for employment at the City. Any employee who is discovered to have made a false or misleading statement or has practiced any deception, fraud or misconduct in connection with his/her application or the hiring process is subject to disciplinary action, up to and including termination.

#### **3.2 NEW HIRE SELECTION**

When a position becomes vacant, the Department Director may review the position, its job description, and the need for such a position prior to any posting or advertisement of the vacancy.

In considering an applicant for employment or a volunteer position, the City may conduct an investigation of the applicant's background. The investigation may include, but is not necessarily limited to, inquiries into the applicant's references, prior and present employers, credit history (only if it pertains to the job), criminal conviction record and a review of the applicant's listed education and work history. As a condition of employment, after an offer of conditional employment has been made and prior to commencement of employment, successful applicants must submit to and pass a pre-employment urine drug screen.

The City reserves the right to seek qualified applicants outside of the organization whenever it determines appropriate in its discretion. Before advertising a position to the general public, the Human Resources Coordinator, with Department Director approval, may choose (if determined appropriate in the City's discretion) to circulate a promotional opportunity within the City and/or post the same on the City's bulletin boards which are



located in the employee break room on the 1<sup>st</sup> floor of City Hall, Public Works Shop and the City Bulletin Board folder on the Share Drive.

### 3.3 INTRODUCTORY PERIOD

Upon hire, all employees enter an introductory period. The introductory period is designed to give the employee time to learn the job and to give the City time to evaluate whether the match between the employee and the job is appropriate.

The general introductory period is twelve (12) months from the employee's date of hire or rehire. At the discretion of the City, this introductory period may be extended.

Satisfactory completion of the introductory period does not create an employment contract or guarantee employment with the City for any specified duration, nor does completion of the introductory period guarantee the employee "permanent" employment. Any employee who successfully completes their respective introductory period shall remain an "at-will" employee, unless the employee is afforded additional rights by the Civil Service rules and laws, an individual employment contract, or a collective bargaining contract. Nothing in this Policy should be construed as altering the at-will status of each City employee.

### 3.4 ORIENTATION

New hires will participate in an orientation program conducted by the Human Resource Coordinator. During this program, information regarding the City's policies, benefits programs, and other information will be provided. New hires will be asked to complete all necessary paperwork, such as medical benefits plan enrollment forms, beneficiary designation forms, and appropriate federal, state and local tax forms. Direct Deposit for paychecks is a requirement of the City for all paid employees. The City will also require information establishing identity and eligibility to work in the United States in accordance with applicable federal law.

### 3.5 EMPLOYMENT OF FAMILY MEMBERS

Individuals who are related by blood or marriage, or reside in the same household as current City of Port Orchard employees or officials, are eligible for employment at the City, provided no direct reporting or supervisor-to-subordinate relationship exists. That is, no employee is permitted to work within the "chain of command" when one family member's work responsibilities, salary, hours, career progress, discipline, benefits or other terms and conditions of employment could be influenced by another family member. This includes volunteer positions and temporary appointments. This Policy serves the objective of avoiding potential conflicts of interest and the appearance that employment decisions will be made not on merit, but based on the relationship of the family member to a decision maker within the chain of command.

Change in Circumstances: If two employees marry, become family members, or

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

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

### 3.6 TEMPORARY EMPLOYEES

The City may use temporary employees to meet peak workload needs, to temporarily replace regular employees who are on vacation or other leave, to temporarily fill a vacancy until a regular employee is hired, or when otherwise determined appropriate by the City. When applicable, the City will comply with any provisions of a collective bargaining contract establishing the nature or duration of any temporary positions.

Compensation/Benefits: Temporary employees are eligible for overtime pay as required by law. Temporary employees do not receive retirement, vacation, personal and family leave, health insurance, holidays or any other benefits unless otherwise required by law.

### 3.7 VOLUNTEERS

Volunteers may be recruited by individual Department Directors or the City to assist with the provision of City programs/services. All volunteers will complete a standard City Volunteer application form, including references. All volunteers will be supervised by a regular employee or designated volunteer supervisor. Volunteers are expected to follow the same personnel policies as regular employees.

### 3.8 COMMUNITY SERVICES WORKERS AND OTHER COURT REFERRALS

As appropriate, the City may consider the placement of individuals who are referred by the courts to perform community service or other needed tasks.

### 3.9 USE OF CONTRACT OR SPECIAL SERVICES

From time to time, the City may need to hire an individual or business entity to provide services to the City that fall outside the expertise of City staff, for work on a

project that cannot be accomplished by City staff on a timely basis, or for other reasons that demonstrate a decision to work with an outside entity may be in the best interests of the City. The City will comply with all procedures required by law when a bidding process is needed or any relevant requirements imposed by a collective bargaining contract.

Service providers hired to assist the City for specific projects or designated services are not City employees and are not eligible for the benefits listed as exclusive benefits for City employees. Individuals who contract to provide services to the City must be properly licensed in their respective professions or trades and must carry their own liability insurance for the benefit of the City in the event they perform their professional services negligently or below an acceptable standard of care.

Services provided pursuant to an interlocal agreement will not result in service providers being construed as City employees, even if they provide services along with City of Port Orchard employees. Each agency participating in an interlocal agreement is responsible for the employees assigned to the project, task or special event, including the provision of coordinated police or emergency services activities. The City shall not be required to provide insurance coverage for employees of another agency participating in an interlocal agreement for services, unless the agreement entered into between the City and agency specifically designates such coverage is required and the coverage requirements mutually benefit the City of Port Orchard.

## **CHAPTER 4.**

### **HOURS AND ATTENDANCE**

#### **4.1 WORKING HOURS**

The City's business hours are Monday through Friday from 8:00 a.m. to 4:30 p.m. A normal working schedule for regular, full-time employees consists of forty (40) hours each workweek, from Sunday through Saturday. Different work schedules and defined workweeks may be established by the City to meet job assignments and to accomplish the necessary business of the City and comply with Commute Trip Reduction. Each employee's supervisor will advise the employee of his or her specific working hours.

#### **4.2 ATTENDANCE**

Punctual and consistent attendance is a condition of employment and critical to the efficient operation of the City. Each employee is responsible for maintaining an accurate record of his/her attendance.

All employees are expected to report to work as scheduled, give their best efforts, and perform productive work for the City during their scheduled work shifts. Physical attendance at the City on a regular and consistent basis is considered an essential function of the job for all City employees. The flow of City business and services to the public, including our public safety responsibilities, depend on reliable employees to attend to their assigned duties on a regular basis. This means that each employee is responsible for being present every scheduled workday at the correct time, fully able and ready to work.

Absences from work, late arrivals and early departures must be approved by a supervisor (or a designee) for all hourly (non-exempt) employees. Employees are required to report any such changes to their supervisor as soon as possible and no later than 30 minutes before the start of their shift, or when the change is to occur. In situations where an employee is unable to report the need for time off in advance, the employee must notify his or her supervisor as early as possible if they are unable to report to work at a scheduled or expected time. Only approved reported absences will be excused.

Tardiness for work includes any failure to report to or be ready for work at the employee's designated starting time for non-exempt employees. Absences during the work day, or handling personal business during working hours, or neglecting work duties during working hours will all be treated similarly. Excessive or chronic unauthorized absences or tardiness (as determined in the City's discretion) will result in appropriate disciplinary action, up to and including termination of employment.

An employee who is absent without proper authorization or notification may be considered to have voluntarily abandoned their job and their employment may be terminated.

#### 4.3 REPORTING WORK HOURS

Non-exempt employees must accurately record their time for each payroll period through the online Springbrook Employee Self Service Module

It is the employee's responsibility to fill in his or her time record to certify the accuracy of all time recorded. The applicable Department Director or his/her designee will review and then approve the time record before submitting it for payroll processing. Failure to input time on a designated workday after submittal will automatically default as vacation time. In the event of an error in reporting time, immediately report the problem to the department timekeeper to be rectified.

Altering, falsifying, or tampering with time records, recording time on another employee's time record, or otherwise failing to accurately record hours worked will result in appropriate disciplinary action, up to and including termination of employment.

#### 4.4 UNUSUAL WEATHER CONDITIONS

The City will normally continue to operate even during times of inclement weather or natural disaster, unless the City notifies employees otherwise. Many City services are of primary importance during emergency conditions. Every effort will be made to maintain City services at a normal level, or modified, as conditions warrant. At these times, employees may be asked to perform duties outside their normal job description to assist with providing priority services.

If unusual weather conditions prevent an employee from reporting to work, it is the employee's responsibility to notify his or her supervisor as soon as possible. A non-exempt employee who is unable to get to work, or leaves work early because of unusual weather conditions may charge the time missed to: vacation or compensatory time (if available), or leave without pay, subject to Department Director approval. Employees may be permitted to leave early to ensure their safety, however, no department shall be closed without the prior approval of the Mayor or Mayor's designee.

#### 4.5 BREAKS AND MEAL PERIODS FOR NON-EXEMPT EMPLOYEES

##### Meal Periods

All non-exempt employees who work more than five (5) consecutive hours in a workday shall be allowed an unpaid meal period of at least thirty (30) minutes. This meal period shall commence no less than two (2) hours nor more than five (5) hours from the beginning of their respective shift. Meal periods shall be scheduled by the employee's supervisor. The scheduling of meal periods may vary depending on department workload and shall comply with applicable law. Meal periods are not counted toward hours worked. However, if the operational needs of the employee's respective department are such that the employee is required to remain on duty during

their meal period, the employee shall be paid for the meal period in accordance with applicable law. In this event, the employee must obtain approval from their supervisor in writing before remaining on duty during their meal period.

Non-exempt employees working three (3) or more hours longer than a normal work day shall be allowed at least one (1) thirty (30) minute meal period prior to or during the overtime period.

Meal periods for Commissioned Police Officers are governed by the Police Department's General Orders in compliance with applicable law.

#### Rest Breaks

Non-exempt employees are allowed one (1) paid fifteen (15) minute rest break for every four (4) hours worked. All breaks shall be arranged to minimize disruption to City business. No employee shall be required to work more than three (3) hours without a rest break. Employees shall not be permitted to "work through" a rest break in order to have an abbreviated workday.

#### 4.6 PAYROLL RECORDS

The official payroll records are kept by the City Treasurer. All employee time records must be reviewed and approved by the Department Director or his/her designee. Requests for use of compensatory "comp" time must be approved prior to their submission to payroll. All hours worked by the employee, whether authorized or not, must be recorded and submitted so that the City can ensure the employee is paid for all hours worked.

## **CHAPTER 5.**

### **COMPENSATION**

#### **5.1 EMPLOYEE PAY RATES**

Employee compensation is based on a variety of factors including, but not limited to, job performance, experience, training or proven capability, initiative, and the City budget. Pay increases (if any), other than the yearly step increases that may be built into some of the salaries or those required by a collective bargaining agreement or other contract, shall be implemented at the discretion of the Mayor and as approved by the City Council as part of the budget process, or at any time during any determination of employees' salary or compensation.

#### **5.2 EMPLOYEE CLASSIFICATIONS**

The City uses a 12-month introductory period to evaluate a new employee's job skills, starting at the time of hire. An employee retained after expiration of their 12-month introductory period is still considered an "employee at-will," meaning the employee has not been promised a specific tenure of employment and the City may terminate or lay off the employee at any time for any reason not otherwise prohibited by law. Similarly, the employee can terminate his/her employment with the City at any time. Please also see Policy No. 3.3.

The City may employ full-time, part-time, and temporary employees. Each employee will be notified of his/her classification at the time of hire.

Some employees may be eligible for certain benefits provided by the City. Please see the City's Human Resources Coordinator for eligibility requirements and information as to specific benefits for which you may be eligible.

#### **5.3 JOB SHARING**

Employees may seek a job sharing arrangement for their own position by discussing the feasibility of such arrangements with their Department Director. The Department Director, along with the Mayor, must first approve any job sharing arrangements. The City reserves the right to approve or deny any request for a job sharing arrangement as it deems appropriate in its sole discretion. No employee is "entitled" to participate in a job sharing arrangement.

Each employee who receives approval to participate in the job sharing arrangement will be advised as to the conditions of the job sharing arrangement, to include work hours, compensation rates, and any applicable benefits.

Both employees participating in a job sharing arrangement will be considered part-time employees. To the extent an employee in a job sharing arrangement is eligible for benefits, said benefits will be based on the accrual for part-time employees and will accrue at a pro rata share when compared to full-time hours for the position.

The City reserves the right to require one employee working in a job sharing arrangement to work full time in the absence of the other employee participating in the arrangement.

The City reserves the right to rescind the job sharing arrangement at any time, with or without notice, as it deems appropriate in its sole discretion in order to serve the best interests of the City and its citizens. Nothing in this Policy shall be construed as altering the at-will nature of every employee's employment with the City. Along these same lines, this Policy does not constitute the promise of specific treatment in specific circumstances and does not constitute a contract of employment. No employee participating in a job sharing arrangement has any expectation of continued employment or guaranteed employment for any length of time.

#### 5.4 PAYDAYS

Employees are paid every two weeks on Fridays. The paychecks cover the two-week pay period ending the previous week.

#### 5.5 DESIGNATED WORK WEEK

For non-exempt, non-emergency personnel covered by federal and state overtime laws, the designated workweek is 40 hours within a seven (7) day work period. The workweek begins Sunday at 12:00 a.m. and shall end the following Saturday at midnight unless otherwise specified. This Policy supplements Personnel Policy No. 4.1 (Working Hours).

#### 5.6 TIMEKEEPING REQUIREMENTS

This Policy should be read in conjunction with Policy No. 4.3. In order to meet its obligations under state and federal law, the City requires that all non-exempt employees accurately record all the time they worked, whether that work takes place off or on City property. The Springbrook Employee Self Service Module is the primary means of recording the employee's working time or time away from work. These reports are relied on for payroll calculations and must be accurate at all times. The reports should be filled out daily, and submitted as accurate by the employee, which in turn is approved by their designated supervisor for the payroll period.



## 5.7 DEDUCTIONS

Some regular deductions from employee earnings are required by law; other deductions may be 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 in writing. City employees who incur personal expenses which are billed to the City, such as through cell phone programs, are required to sign a written agreement authorizing deductions from employee pay for any amounts the employee fails to pay on a timely basis, including any payments due prior to, or coming due after, issuance of the employee's final paycheck.

## 5.8 ELIGIBILITY FOR OVERTIME

For the purpose of paying any applicable overtime compensation, all City positions are designated as either "exempt" or "non-exempt" under state and federal wage and hour laws from overtime compensation. This determination shall be made by the City in compliance with applicable law. All employees will be notified of their status at the time of hire, or at the time their status changes. Employees with questions as to whether their respective job is classified as "exempt" or "non-exempt" should contact the Human Resources Coordinator.

### Non-Exempt Employees:

The City will pay time and one-half of a non-exempt employee's regular rate of pay for hours worked in excess of 40 hours per designated workweek in compliance with state and federal law. Employees are required to report all of their time worked, including any time spent working outside City premises or work sites using a PDA, Blackberry, Smart-Phone and the like for work-related matters, as well as logging onto the City's computer system remotely for work-related matters. Non-exempt employees are not, however, expected or required to spend time outside their regular working hours checking e-mails, voice-mails and the like unless otherwise notified by their supervisor. The City shall compensate non-exempt employees for all hours worked.

All overtime hours and standby duty worked must be approved by the employee's supervisor in advance. The employee on standby duty must be able to respond within 45 minutes and shall not have consumed alcohol or non-prescription medications which could impair his/her ability to safely perform their job duties. No employee on limited or light duty shall be eligible for standby duty. Any employee who works overtime without proper authorization will be subject to appropriate disciplinary action, up to and including termination of employment.

Any work off City premises or work sites must also be pre-approved by the employee's Department Director. This determination shall be made as deemed appropriate in the City's sole discretion.

### Exempt Employees:

Exempt employees are not entitled to receive overtime compensation. Exempt positions typically require more than forty (40) hours per week and may require employees to work on evenings and weekends. Exempt positions cannot be restricted to a specific number of hours in a workday or workweek. To this end, exempt employees are paid a salary and do not receive either overtime pay or compensatory time in lieu of overtime pay for hours worked in excess of 40 per week or any other work period designation applicable. Exempt employees will not be subject to pay deductions for partial day absences (e.g. personal time off for errands or appointments) unless authorized by law, but will be required to deduct for any full day or half day absences from sick leave, vacation or applicable leave banks. Exempt employees must maintain good work habits, be accountable and available to their staff and supervisor, and regularly make themselves available during working hours in order to allow City business to be accomplished. Exempt employees who fail to timely and appropriately complete the job duties expected of their respective position will be subject to appropriate disciplinary action, up to and including termination of employment.

### 5.9 COMPENSATORY TIME

Public sector employers are permitted, but not required, to offer compensatory time off to their employees in lieu of overtime.

Use of compensatory time may also be governed by collective bargaining agreements as applicable. If not applicable, compensatory time shall be governed by the following guidelines. Non-exempt employees entitled to overtime pay may request compensatory time off instead of cash payment. The decision of whether to grant compensatory time is made on a case-by-case basis by the employee's Department Director. If the compensatory time off option is exercised, the employee is credited with one and one-half times the hours worked in lieu of a cash payment for overtime earned. Maximum accruals of compensatory time off shall be limited to forty (40) hours for regular employees. After maximum accrual, overtime compensation will be paid.

Timeframes for use of compensatory time are regulated by applicable law, City resolution, City operational needs, employee compensatory time agreements (if any) and/or collective bargaining agreements. Requests for compensatory time off require planning for staffing and City business needs and must be made in advance in accordance with your department's policy.

Exempt employees are not entitled to compensatory time.

### 5.10 COMPENSATION UPON TERMINATION

When an employee's status as an employee with the City is terminated (whether voluntarily or involuntarily), the employee will receive his or her final paycheck on the

next regularly scheduled payday:

Employees who depart in good standing may also receive a lump sum payment of accrued, but unused, vacation time (if applicable), up to 240 hours (less any unpaid personal expenses incurred by the employee for which he/she has failed to previously reimburse the City).

Employees who have engaged in any form of misconduct, dishonesty or conduct that may expose the City to liability or claims (as determined in the City's discretion) shall receive payment for any remaining wages due for the period of time the employee actually provided services to the City, including overtime or accrued compensatory time, but will not be paid for any accrued but unused vacation time.

To the extent authorized by law, the City may deduct any unpaid personal expenses incurred by the employee for which he/she has failed to previously reimburse the City from the employee's final paycheck (regardless of whether the employee receives payment for accrued but unused vacation leave).

#### 5.11 EXIT INTERVIEWS

An exit interview is generally set up with the HR Coordinator for the return of City property such as office keys and ID cards. Departing employees have the option, during the exit interview to share their work experience with the HR Coordinator to discuss how City operations could be improved. Exit interviews, if conducted, are maintained for use by City management and not for general disclosure unless otherwise required by law.

#### 5.12 POLICY PROHIBITING IMPROPER DEDUCTIONS FROM EMPLOYEE PAYCHECKS

It is the policy of the City to comply with federal, state, and local law regarding payment of wages to our employees. Therefore, we prohibit all improper deductions from the wages of employees. We want employees to be aware of this Policy and that the City does not allow deductions that violate the law.

The City strives to ensure that every employee's paycheck is completely accurate. However, in the event that you believe an error or improper deduction has been made in regard to your paycheck, you must immediately report the situation to your immediate supervisor or the Human Resources Department.

Reports of improper deductions will be promptly investigated. If it is determined that an error or improper deduction has occurred, you will be promptly reimbursed for any error or improper deduction made.

## **CHAPTER 6.**

### **PERFORMANCE EVALUATIONS AND TRAINING**

#### **6.1 PERFORMANCE EVALUATIONS**

To achieve the City of Port Orchard's goal to train, promote and retain the best-qualified employees for every job, the City may conduct periodic performance evaluations for all positions. Employees are generally evaluated by their supervisor prior to completion of their introductory period and usually once every year, on or around their hire date, thereafter. However, the City reserves the right to modify this schedule in its sole discretion and to conduct or not conduct performance evaluations as it deems most appropriate.

Performance evaluations are part of an employee's personnel record and may be a factor in determining whether the City will continue to employ the subject employee, and whether the employee will be promoted, transferred, demoted, laid off, or terminated. Employees may be evaluated on a variety of job skills, including technical skills, communications skills, teamwork and attitude, initiative and other skills that make up an exemplary employee.

As set forth above, the timing, manner, and nature of performance evaluations shall be determined by the City as determined appropriate in its sole discretion.

#### **6.2 TRAINING AND EDUCATION**

City sponsored training which is required for the performance of an employee's job duties shall be arranged whenever possible during regularly scheduled work hours. An employee's respective Department Director may change the employee's regular schedule to accommodate required attendance at training activities during normally off-duty hours. Schedules may also be adjusted to allow employees to attend non-required training, provided the training activity is designed to increase the knowledge, skills and abilities of an employee for the position he/she presently occupies. Pre-approved training attendance is considered time worked except where the training is voluntary, occurs outside regular business hours, is not job related, and the employee performs no work during the training. Absences due to training must have prior approval by the employee's Department Director.

#### **6.3 EMPLOYEE SPECIAL TRAINING OBLIGATIONS**

Employees who attend courses, conferences, or special schooling/training (collectively referenced in this Policy as the "program") that is paid for by the City may be required to sign an agreement regarding the conditions under which the City shall be reimbursed by the employee for the cost of the respective program (including travel, meals, and lodging) as a condition of the employee being permitted to participate in the program. These conditions may include the employee being required to reimburse the

City for the cost of the employee's attendance at the program if the employee voluntarily leaves the employ of the City within a specified time period after the program.

#### 6.4 EDUCATIONAL ASSISTANCE PROGRAM FOR NON-UNION CITY EMPLOYEES

The City has established an educational assistance program through Educational Incentive Pay or Tuition Reimbursement to provide employees with the opportunity to enhance their development, to increase their knowledge and skills, and to earn undergraduate and advanced degrees that are related to their work. Courses must be directly related to the employee's current job, an advanced position within the City, or an identifiable career path within the City in order to qualify for reimbursement. Classes must not interfere with an employee's normal work schedule and the time spent in such classes is not compensable work time. The number of classes approved per semester/quarter will depend on the current department's budget.

##### 6.4.1 Eligibility

Regular, full-time employees who have completed 12 months of continuous employment are eligible to apply for the program. Employees hired before August 1, 2010 are either eligible for Educational Incentive Pay **or** Tuition Reimbursement. Employees hired after August 1, 2010 are only eligible for Tuition Reimbursement.

##### 6.4.2 Educational Incentive Pay

Education Incentive Pay is eligible to only employees hired before August 1, 2010. Employees who are not required to have an Associate, Bachelor degree or Master's degree as a qualification for their job duty, shall be eligible to receive the educational incentive pay. If the employee receives an Associate degree from an accredited college or university in an eligible course of study **during** employment with the City, the employee shall be eligible to receive a 1% increase in his or her base pay per hour. If the employee receives a Bachelor or Master's degree from an accredited college or university in an eligible course of study **during** employment with the City, the employee shall be eligible to receive a 2% increase in his or her base pay per hour.

In order to be eligible for education incentive pay under this Policy, the employee must:

1. Be a regular full-time employee of the City of Port Orchard **and hired before August 1, 2010;**
2. Provide an official transcript, diploma, and/or any other documentation required by the City. All such documentation must be in a form satisfactory to the City in its discretion; and
3. Obtain written approval by the Mayor or his/her designee for the employee to receive education incentive pay under this Policy.

The City reserves the right to discontinue this Education Incentive Pay Policy at any time determined appropriate in the City's discretion.

This Policy shall not apply to unionized City employees or employees with an individual employment contract. Educational incentives, if any, for these employees are governed by the applicable collective bargaining agreement or employment contract.

### **6.4.3 Tuition Reimbursement**

Upon the approval of the Mayor or his/her designee, the City of Port Orchard may reimburse an employee tuition expenses for a formal course of study from an accredited college or university to obtain an Associates, Bachelor's or Master's degree which will increase the employee's knowledge and skills vis-à-vis his/her present job duties at the City and thus be beneficial to the City. Any such tuition reimbursement shall be subject to the parameters and rules in this Policy.

Time spent by an employee in attendance at courses under this Policy shall be considered the employee's personal time and shall not be compensated by the City. Any books, supplies, or other non-tuition expenses incurred by the employee relating to their respective course of study taken under this Policy will be at the sole expense of the employee. In addition, the City shall not reimburse any employee for tuition costs that have or will be paid by a third party or entity.

Employees may be eligible for tuition reimbursement under this Policy by meeting the following conditions:

1. He/she must be a regular full-time employee of the City of Port Orchard;
2. Prior to enrollment, the Mayor or his/her designee must have pre-approved, in writing, the employee's participation in this program, as well as the employee's choice of educational institution and course of study;
3. The employee's application for tuition reimbursement must be made within sixty (60) days following the successful completion of the respective course for which the employee seeks tuition reimbursement;
4. The employee must complete the course(s) for which he/she seeks reimbursement with a passing grade. The employee shall provide appropriate documentation (as determined by the City in its discretion) to the Mayor or his/her designee from the applicable university or college which substantiates the grade in the course(s) for which the employee seeks reimbursement and the amount of the reimbursement requested by the employee; and
5. Funds to reimburse the employee for tuition must be available in the current applicable department budget.

The City reserves the right to discontinue this Policy at any time determined appropriate in the City's discretion. In addition, the City reserves the right to refuse to allow any employee to participate in this program and to discontinue any employee's participation in this program at any time, for any reason, determined appropriate in the City's discretion.

Any employee choosing to participate in this program may be required to sign an Agreement obligating him/her to repay the City for the cost of all tuition reimbursement paid by the City to the employee under this Policy for the preceding two (2) years in the event that the employee terminates employment with the City (measured backward from the employee's last day of employment with the City). This Agreement shall contain, among other things, authorization by the employee for the City to deduct monies owed to the City by the employee under this Policy from the employee's paycheck(s).

This Policy shall not apply to unionized City employees or employees with an individual employment contract. Tuition reimbursement, if any, for these employees are governed by the applicable collective bargaining agreement or employment contract.

## **CHAPTER 7.**

### **BENEFITS**

#### **7.1 RETIREMENT BENEFITS**

The City makes contributions as required by law on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee through FICA payroll deductions.

All regular full-time and part-time employees may also be eligible (as applicable) for retirement benefits under the State of Washington's Public Employees' Retirement System ("PERS"), the Law Enforcement Officers and Fire Fighters' Retirement System ("LEOFF") for the State of Washington, or other retirement plans as long as their compensated hours continue to qualify them for service credit under an applicable plan. State law may require the participation of eligible employees in these programs. Participating employees shall pay any required amounts toward contribution costs by means of an authorized payroll deduction. For coverage and other information relating to these benefits, please contact the Human Resources Department.

Employees intending to retire are requested to notify their Department Director and the Human Resources Department of their intent to retire at least three months prior to the date of retirement.

#### **7.2 WORKERS' COMPENSATION**

Employees are generally covered by the State of Washington Workers' Compensation Program administered through the Department of Labor and Industries (L&I). This insurance covers eligible employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, Workers' Compensation may provide for medical and hospital expenses and for partial compensation for time lost from work due to job-related injuries or illnesses.

All job-related accidents, injuries, or illnesses (regardless of nature) must be reported as soon as possible to the employee's supervisor. The employee's supervisor will notify the City's Human Resources Coordinator. The failure of any employee to timely report a job-related accident, injury, or illness to his/her supervisor may result in the delay or denial of Worker's Compensation benefits. All such reports will be investigated to the extent necessary and processed in accordance with applicable law. If appropriate, the investigation may address ways in which the incident can be avoided in the future.

Employees reporting an on-the-job injury or illness will receive immediate and appropriate medical treatment to the extent appropriate and possible. When an employee sustains an injury that requires outside medical treatment, is involved in a job-related accident, or in other circumstances determined appropriate by the City, he/she may also



be subject to testing for the presence of drugs and/or alcohol in their system to the extent permitted by law. Employees may be subject to discipline, up to and including termination, for refusing to take such a test.

When an employee is absent for one or more days due to an on-the-job accident, injury, or illness, he/she is required to file a claim for Workers' Compensation. Pending receipt of Workers' Compensation benefits, the employee shall continue to receive their regular compensation for any absence from work through the use of their accrued leave, if any. If the employee does not have accrued leave, then the employee's absence shall be unpaid.

To the extent permissible under applicable law, the City may require an employee on leave for an on-the-job injury or illness to use any accrued paid time off (to the extent available) concurrently with their absence to supplement any deficiency between his/her regular compensation for their normal working and their Workers' Compensation benefits. The purpose of this Policy is to assist employees with prompt and regular payments during periods of incapacity, so long as the employee has accrued leave available for his/her use. The payroll adjustment will result in the employee receiving the same pay, based on the employee's regular rate of pay, that he/she would have received for full-time active service during the period of temporary total disability, taking into account that industrial insurance payments are not subject to federal income or social security taxes. Employees do not have the option to "buy back" accrued leave with their L&I check.

Employees do not accrue vacation or sick leave (or any other employment benefits) while on leave (except to the extent that the employee uses accrued paid leave for the absence), unless otherwise specifically required by law, City policy, or contract.

The City may require any leave of absence under this Policy to run concurrently with any other leave of absence such as FMLA leave to which the employee may be entitled. The employee's healthcare benefits will continue while an employee is on unpaid FMLA leave in the same manner such benefits were paid while the employee was actively working.

### 7.3 LIGHT DUTY POLICY

Light-duty assignments under this policy are temporary job assignments for employees who suffer an on-the-job illness or injury that temporarily limits his/her ability to perform their regular work assignment. Such light-duty assignments are temporary assignments only, are not vacant or permanent positions within the City's workforce, and are not available to employees on a "permanent" basis. The availability of such light-duty assignments depends upon the employee's restrictions and the business needs of the City at that time. The existence of this light duty policy does not in any way guarantee that light duty will be available at any given time or for any particular duration; however, the offering and availability of light duty assignments shall be evenly applied to all City employees to

the extent feasible. The City reserves the right, in its discretion, to determine whether to offer a light duty assignment. No employee shall be “entitled” to receive a light duty assignment under this policy.

This policy is not intended to address circumstances where an employee is medically determined to have sustained permanent restrictions upon his/her ability to perform their respective essential job functions. In such cases, the City will review the employee’s situation separately and in compliance with the Americans With Disabilities Act (ADA), any other applicable law, as well as any other applicable City policies in order to determine what, if any, reasonable accommodations may be appropriate and any other legal requirements. Similarly, the City shall review and process situations where an employee suffers an off-the-job injury or illness in full compliance with the ADA and any other applicable authority to determine what, if any, reasonable accommodations may be appropriate.

#### GENERAL LIGHT DUTY PROCEDURES:

1. The City seeks to work with employees who suffer an on-the-job illness or injury so that they may return to work as soon as safely possible and with the employee’s treating health care provider’s concurrence.

2. As discussed above, the City may, in appropriate circumstances, explore whether an employee should receive a light duty assignment. Provided, however, for safety reasons no employee will be permitted to work in a light duty assignment unless the City receives a written statement from the employee’s treating health care provider in advance approving the assignment.

3. If the City offers a light duty assignment to an employee, and the employee receives the required release from his/her treating health care provider to return to work on a light duty basis, the injured employee will promptly report to the Department Director (unless the employee is on other approved leave from the City) with a form furnished by the City and completed by his/her treating health care provider indicating any restrictions. Nothing herein shall be construed so as to mandate the acceptance of a light duty assignment by an employee if the employee is on approved leave (either paid or unpaid) from the City. After reviewing what, if any, restrictions are indicated by the treating health care provider, the City will then determine whether it is appropriate to proceed with the light duty assignment under consideration.

4. The City reserves the right to determine the availability and appropriateness of all light duty assignments. When considering a light duty assignment as part of the process under this policy, the Department Director (or other City designee) will meet with the employee to the extent necessary to review his/her physical restrictions and to determine his/her skills, knowledge and abilities relevant to the assignment under consideration. This information will be used in determining light duty assignments for which the employee is

qualified and physically capable of safely performing. The City may discontinue a previously approved light duty assignment only if the employee becomes unable to safely perform said assignment, upon completion of the tasks/work related to said assignment, the employee is unable to return to his/her regular assignment within a reasonable period of time (determined on a case-by-case basis, taking into account the particular facts and circumstances), and/or if the City no longer has a business need to perform the functions of the assignment.

5. The City reserves the right to consider, in appropriate circumstances (as determined by the City in its discretion), whether other City Departments (outside of the subject employee's Department) may have light duty assignments to which the employee could be assigned.

6. The employee and the applicable Department Director (or designee) shall promptly notify the Human Resources Coordinator of any changes relating to the respective light duty assignment. The Human Resource Coordinator may then communicate, to the extent necessary and appropriate, with the insurance carrier and health care provider as applicable. To assist with the effective implementation of this policy, the Human Resources Coordinator may also communicate with the employee and the applicable Department Director from time to time, as may be necessary.

7. All forms of pay and benefits of an injured employee on a light duty assignment will be paid by the City during the duration of said assignment to the extent required by applicable City policy and/or any applicable Union Collective Bargaining Agreement. Employees who refuse to accept light duty assignments offered pursuant to this policy, and which are approved by their treating health care provider, may be ineligible to receive time loss payments under Washington State's Workers' Compensation laws. Requests from employees to utilize accrued paid time off (for example, sick or vacation leave) in lieu of accepting a light duty assignment will be processed in accordance with the applicable City policy and/or Union Collective Bargaining Agreement (if any). The City will, of course, comply with Washington State's Workers' Compensation laws in regard to any compensation (or other) requirements for employees suffering an on-the-job injury or illness who do not receive a light duty assignment under this policy.

8. Employees assigned to light duty shall not be assigned any job duties which fall outside the restrictions set by the applicable health care provider.

9. The City may require employees working on a light duty assignment to periodically furnish a written statement at reasonable intervals from his/her treating health care provider confirming that he or she remains incapable of performing his/her regular job duties. In general, the City will review the status of an employee's respective light duty assignment every 30 days, taking into account, among other things, the City's business needs and the employee's condition, in order to determine if continuation of the assignment is appropriate. Provided, however, the timing of the foregoing review may be modified as appropriate depending upon the particular circumstances of the respective employee's situation.

10. Light duty assignments under this policy are intended to be of a temporary and short-term duration. The specific duration of any light duty assignment will be handled on a case-by-case basis, taking into account the factors set forth above in this policy.

If an employee is unable to return to work after his/her on-the-job injury or illness and perform the essential functions of their job, they may request information on other job openings within the City they are otherwise qualified to perform. If the employee is medically unable to return to work, and no options for reasonable accommodation or other job opportunities are available, an employee who can no longer perform the essential functions of their position, with or without a reasonable accommodation, may be subject to termination. Employees may be eligible, at their expense, to continue to receive their City health insurance benefits for a defined period of time upon termination from City employment or upon commencement of an unpaid leave of absence in accordance with the provisions of the federal Consolidated Omnibus Reconciliation Act (“COBRA”).

To the extent permissible under the law, the City may require an examination (and/or a written statement from an appropriate health care provider), at its expense, performed by a physician of its choice to determine when the employee can return to work and/or if he/she will be capable of safely performing the essential duties of their respective position with or without a reasonable accommodation. The City may also require certification from an appropriate health care provider verifying the existence of an employee’s injury or illness and the necessity for the employee to be absent from work. In addition, the City may communicate, if appropriate, with an employee’s Claims Manager at L&I, or other appropriate person or entity, to the extent necessary and lawful.

Any employee off from work due to an on-the-job injury or illness may be required to call the City at reasonable intervals to advise as to their prognosis for a return to work. As a general rule, the City is not able to provide indefinite leave of an extended duration.

#### 7.4 HEALTH INSURANCE BENEFITS

Regular full-time and part-time employees of the City of Port Orchard may be eligible to participate in the City’s various insurance programs. The programs and criteria for eligibility will be explained upon hire. The City reserves the right to make changes in the carriers and provisions of these programs (including the elimination or modification of any or all programs) when deemed necessary or advisable in its discretion.

The terms and conditions of health insurance benefits for the City’s unionized employees are governed by the applicable collective bargaining agreement. Temporary employees are not normally eligible for health insurance coverage.

Medical Coverage. For regular full-time employees and part time employees working 30 + hours per week per ACA statute, the City currently provides medical insurance coverage (these employees shall pay a portion of the cost for this insurance, as determined appropriate by the City in its discretion). For regular part-time employees hired prior to December 9, 1996, the City currently pays 100% of the medical insurance premium, less applicable an employee contribution determined appropriate by the City in its discretion, for the employee only. The employee may elect to purchase medical insurance coverage for their spouse/registered domestic partner, and/or dependents at their own expense by payroll deduction. For regular part-time employees working less than 30 hours per week hired after December 9, 1996, the City currently pays 50% of the medical insurance premium for the employee only if the employee elects to pay 50% of the premium by payroll deduction. The employee may elect to purchase medical insurance coverage for their spouse/registered domestic partner and/or dependents at their own expense by payroll deduction.

Dental Coverage. For regular full-time employees and part time employees working 30 + hours per week per ACA statute, the City currently provides dental insurance coverage for the employee, spouse/registered domestic partner, and dependents. These employees shall pay a portion of the cost for this insurance as determined appropriate by the City in its discretion. The City does not offer dental insurance coverage to part-time employees or their dependents.

Vision Coverage. For regular full-time employees and part time employees working 30 + hours per week per ACA statute, the City currently provides vision insurance coverage for the employee, spouse/ registered domestic partner, and dependents. These employees shall pay a portion of the cost for this insurance as determined appropriate by the City in its discretion. The City does not offer vision insurance coverage to part-time employees or their dependents.

Employees eligible for health insurance shall be responsible for paying a portion of the total monthly premium for the subject medical plan by payroll deduction. The employees' share of the monthly premium is currently based on a numeric percentage of the total cost of the monthly premium for the subject plan (including the cost to insure dependents, if applicable). The amount of the numeric percentage shall be calculated by converting the monthly dollar amount employees are required to pay for each for the subject medical plans as of September 30, 2009 into a percentage basis. Employees shall then be responsible for paying this same percentage for each respective medical plan after September 30, 2009. In the event of any increase in the cost of the total premium in the future for any of the subject plans, the employees shall be responsible for paying the same percentage of the increased monthly premium for that respective plan. The City reserves the right to increase the employee's share of the cost for health insurance as determined appropriate in its discretion.

The City may self-insure or purchase a \$50,000 life insurance policy for the employee (subscriber) only.

If an eligible employee elects to waive City medical coverage and the related insurance companies and the subject insurance plan involved allow for such practice, the employee may be compensated five hundred dollars (\$500) per month through the payroll process as a cost savings incentive. This cost savings incentive is only payable for those full months where the employee elects to waive coverage. An eligible employee includes any full-time employees, as well as part-time employees hired prior to December 9, 1996. Employees who participate may not be eligible to return to medical coverage until open enrollment periods as outlined by the insurance carrier.

In order to be eligible to receive health and welfare benefits, the employee must meet the minimum hours of work per month, if any, required by the plan provider (as well as all other requirements of the plan provider).

For more information regarding these benefits and eligibility requirements, please see the Human Resources Coordinator.

#### **7.4.1 HRA VEBA**

A health reimbursement arrangement (HRA) is a type of health plan that reimburses out-of-pocket health care costs incurred by you, your spouse, and qualified dependents. All contributions, investment earnings, and withdrawals (claims) are tax-free. The HRA VEBA plan is offered by the non-profit HRA VEBA Trust. Select city departments participate and those department employees' contribute to a VEBA. All employees, current and new hires, within a participating department are mandated to contribute the amount determined per department. Contributions are deducted biweekly from the employee's paycheck. Amounts may be revaluated from time to time and changed as agreed to by the department, city and IRS regulations.

#### **7.5 CONTINUATION OF INSURANCE COVERAGE**

Employees may be eligible, at their expense, to continue to receive their City health insurance benefits for a defined period of time upon termination from City employment or upon commencement of an unpaid leave of absence in accordance with the provisions of the federal Consolidated Omnibus Reconciliation Act ("COBRA"). Specific information regarding continuing coverage will be provided in appropriate circumstances. In addition, requests for information regarding COBRA may be directed to the Human Resources Coordinator.

#### **7.6 LONGEVITY PAY**

All non-union represented employees hired before November 1, 2001, shall be eligible for longevity pay as follows:

After completion of two (2) years full-time employment, an employee shall be eligible for longevity pay. Such longevity pay shall be the employee's base pay plus one-quarter of one percent (.25%) for each additional year of employment. Each longevity pay increase shall commence on his/her anniversary date of the employment and each longevity increase shall be calculated on the base pay for the position held by the

employee.

Longevity pay will be granted to eligible employees and adjusted thereafter on their anniversary date of their employment.

Employees hired after November 1, 2001 shall not be eligible to receive longevity pay.

## 7.7 EMPLOYEE ASSISTANCE PROGRAM

Full-time and regular part-time employees may be eligible to participate in an Employee Assistance Program (EAP) consisting of professional and confidential counseling and assistance to employees whose job performance, health, or well-being are adversely affected by personal problems.

The City recognizes that a wide range of personal problems, such as emotional or mental stress, marital or financial difficulties, or drug or alcohol dependency, can affect an employee's performance. These problems may or may not be caused by or related to the individual's responsibilities as an employee, but nevertheless, they may have an effect on work performance, safety, or overall welfare of that employee, co-workers, and the City. In an effort to provide a means for assisting employees and their families in identifying, beginning to deal with, and hopefully overcoming problems of this nature, the City has established an EAP. The program is designed to allow the employee and his or her family to voluntarily and confidentially seek professional assistance from an independent counseling service. An EAP agency is an independent agency, which provides professional and confidential diagnostic, counseling and referral service to City employees and their families by contract.

In addition, when work performance problems are identified and cannot be corrected by the supervisor through normal corrective actions, use of the EAP may be suggested by the supervisor. The existence of non-work related personal problems does not release the employee from the responsibility to perform his/her job responsibility satisfactorily. Utilization of the EAP agency during normal working hours will be subject to the use of sick leave.

The employee and his or her family may also choose to use the EAP agency's services independently without the suggestion of a supervisor. The self-initiated contact between the employee, his or her family and the agency will be confidential and records are not accessible to either the supervisor or the City. The EAP agency will provide up to three diagnostic sessions and, if necessary, a referral to potential service agencies for specific treatment. Coordination of medical benefits for the additional counseling or referral assistance by the EAP is determined by the medical plan covering the individual employee. Questions concerning insurance coverage or the EAP in general can be referred to Human Resources Coordinator.

## **CHAPTER 8.**

### **LEAVE**

#### **8.1 VACATION LEAVE**

Regular full-time and part-time employees may be eligible to earn vacation leave as outlined in the applicable collective bargaining contract, employment agreement or City resolution(s). Accordingly, the foregoing documents must be read in conjunction with this Policy to the extent they are applicable to any respective employee.

##### Non Exempt Employees

All full-time Non Exempt employees during their first year of continuous employment with the City shall begin to accrue vacation leave immediately on a prorated monthly basis equivalent to ten (10) days (80 hours) vacation leave. During the second year of continuous employment with the City, the employee shall accrue vacation leave on a monthly basis at the rate of eleven (11) days (88 hours) per year. During the third year of continuous employment with the City, the employee shall accrue vacation leave on a monthly basis at the rate of twelve (12) days (96 hours) per year. In addition, each year on the employee's anniversary date, after three (3) full years of continuous employment with the City, one (1) additional day (8 hours) of vacation for each year will be credited to his/her vacation account. The maximum annual vacation accrual rate shall not exceed thirty (30) days, 240 hours.

##### Exempt Employees

All Full Time Exempt employees shall be entitled to one hundred-sixty (160) hours vacation leave per year. The employee's vacation account shall be credited on a prorated monthly basis. In addition, each year on the employee's anniversary date, after three (3) full years of continuous employment, eight (8) additional hours of vacation for each year will be credited to his/her vacation account. The maximum annual vacation accrual rate shall not exceed 304 hours.

##### Regular Part-Time Employees

All leave benefits shall only apply to regular part-time employees who regularly work at least 20 hours per week.

Regular part-time employees accrue vacation leave on a pro-rata basis according to hours worked in a calendar month.

Temporary employees are not eligible for vacation benefits. Employees do not accrue vacation benefits during leave without pay.



### Other Terms and Conditions of Vacation Leave:

Vacations should be scheduled in order to minimize disruption to City operations. Leave requests should be submitted through Springbrook Employee Self Service Module as far in advance as possible (and at least two weeks prior) to taking vacation leave. Vacation requests will be granted or denied based upon City operational needs as determined in the supervisor's discretion.

The maximum amount of vacation leave for any employee that may be carried over from one calendar year to the next is 30 days, or 240 hours. Any accrued vacation in excess of this amount which is not used by the end of the calendar year (December 31st) will be forfeited without compensation, except in cases where the City has specifically informed the employee that City operational need has made it impractical for the employee to use vacation time. In that instance, the employee will be paid in cash (at his/her regular rate of pay) for the value of the specific vacation leave which the City informed the employee he/she would not be able to use. No employee shall be eligible to receive this cash payment, however, for any vacation leave which was not previously scheduled prior to December 1st.

Exempt and Non Exempt employees may receive leave pay for any portion of vacation earned, but not taken, upon leaving the employ of the City; provided, that in case of voluntary termination, the employee shall have given at least ten (10) calendar days' notice of such termination before being entitled to receive such pay. Upon date of termination the employee shall receive compensation for all vacation leave pro-rated from the last anniversary date. However, upon termination, vacation leave pay shall not exceed two hundred and forty (240) hours. If an employee has accrued vacation and bonus leave in excess of two hundred and forty (240) hours, the employee may (in the City's discretion) be continued on the payroll for the time equivalent to the amount of time in excess of two hundred and forty (240) hours of accrued vacation leave.

Holidays observed during an employee's vacation leave shall not be counted as vacation leave taken.

The leave pay of all employees shall be paid on the same schedule for the vacation period as the employee would have been paid for a regular week of work.

If an employee becomes ill or injured during their vacation leave, the employee may request that the time be counted as sick leave, rather than charged against accrued vacation leave. Substitution of sick leave for vacation leave must be approved by the employee's supervisor and satisfactorily confirmed by the employee's healthcare provider.

## 8.2 LEAVE SHARING

An employee may only donate vacation leave to another employee. Sick leave, accrued compensatory time, floating holidays or other type of leave are not eligible for donation to another employee.

The Human Resources Coordinator, with concurrence of the receiving employee's Department Director (or the Mayor if the recipient employee is a Department Director), may (in the City's discretion) permit an employee to receive shared leave if:

- A. The employee suffers, or has an immediate family member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to go on leave without pay status or to terminate their employment with the City.
- B. The employee has depleted or will deplete his/her total available paid leave during the absence. NOTE: The recipient employee is subject to the City's maximum 240-hour vacation leave carry over policy at the end of a calendar year.
- C. Prior to the use of shared leave, the employee has abided by the City's sick leave policy.
- D. The employee has diligently pursued and is found to be ineligible for state industrial insurance benefits, disability insurance benefits and/or any other benefits which might be available, with the exception of state public assistance.
- E. If deemed appropriate, the City may require that the employee provide appropriate medical justification and documentation both of the necessity for the leave and the time, which establishes that the employee can reasonably be expected to be absent due to the subject condition. The amount of shared leave, if any, which an employee may receive shall then be calculated. No full-time employee shall receive more than a total of 520 hours of shared leave within a 12-month period. No part-time employee shall receive more than a total of 260 hours of shared leave within a 12-month period. For purposes of this Policy a 12-month period shall be the 12-month period preceding an application to receive Shared Leave.
- F. The Mayor may permit an employee, who is experiencing an unusual or extraordinary situation that does not qualify as an extraordinary or severe illness, injury, impairment, or physical or mental condition, to receive shared leave if:
  1. The reason for which the employee is or will be absent from the workplace is eligible for sick leave usage;
  2. The receiving employee's Department Director recommends approval;
  3. The employee has depleted or will deplete his/her total available paid leave during their absence; and
  4. Prior to the use of shared leave, the employee has abided by the City's sick leave policy.
- G. Transfer shall be in increments of not less than 8 hours; with maximum amount of leave donated by any one employee not to exceed 80 hours;
- H. The donating employee must retain a total of 80 hours, or more, of total accrued vacation leave, after the transfer of shared leave;
- I. The transfer of leave from a donating employee shall not exceed the

- amount specified by that employee;
- J. All donations of shared leave shall be entirely voluntary;
  - K. Employees leaving the employ of the City, who have donated shared leave, shall not be eligible to receive payment for such donated leave at time of termination of employment or at any time in the future or under any circumstance.
  - L. Shared leave may be transferred without regard to the City department in which donating employees and receiving employees may be assigned.
  - M. While an employee is using shared leave, they shall continue to be classified as a City employee and shall receive the same treatment in respect to salary and employee benefits as they would normally receive if using accrued sick leave or vacation leave. All salary payments made to an employee while using shared leave shall be made by the department to which that employee is assigned.
  - N. The salary rate, total salary, and earned benefits of an employee using shared leave shall not change as a result of the employee being on shared leave, but shall continue as if the employee were using accrued sick leave.
  - O. The Payroll Department shall be responsible for adjusting the accrued leave balances to show the transferred leave. Records of all leave time transferred shall be maintained in the event that any time is returned at a later date to the donor.
  - P. The leave transferred, which remains unused, shall be returned to the leave accrual account of the employee or employees who donated the leave (subject to the other provisions of this Policy). In the event more than one employee donated the unused leave, the amount of leave shall be returned prorated at the percentage of leave each employee originally donated.
  - Q. The Human Resources Department shall monitor the use of shared leave with the objective of establishing uniform administration of this Policy for all employees of the City. Inappropriate use or treatment of the shared leave provision may result in the cancellation of the donated leave or use of shared leave and/or appropriate disciplinary action. In no event shall any unused-shared leave be paid to the recipient employee in the event of leaving City service.
  - R. The City Treasurer or his/her designee shall determine the appropriate fund transfers and budget amendments as needed for City Council action.

### 8.3 PERSONAL HOLIDAYS

Unless otherwise governed by collective bargaining contract, employment agreements or benefits resolutions, employees shall receive two (2) personal holidays each year to be selected by the employee; provided: the employee is scheduled to be continuously employed by the City for more than four (4) months and the employee has given not less than fourteen (14) calendar days written notice to his/her supervisor. Provided, however, the employee and the supervisor may agree upon an earlier date, and the number of employees selecting a particular day off does not prevent the City from providing continued public service. Regular part-time employees accrue Personal Holiday

leave on a pro-rata basis according to hours worked in a calendar month. Personal Holidays must be used before the end of the year or they will be forfeited.

#### 8.4 SICK LEAVE

Regular full-time and part-time employees may be eligible to earn sick leave as outlined in the applicable collective bargaining contract, employment agreement or City resolution(s). Accordingly, the foregoing documents must be read in conjunction with this Policy to the extent they are applicable to any respective employee.

Regular part-time employees accrue sick leave on a pro-rata basis according to hours worked in a calendar month.

Temporary employees effective January 1, 2018 will be eligible to earn 1 hour of paid sick leave for every 40 hours an employee works. Once a temporary employee has been employed for 90 days they may use accrued sick leave per the city's policy.

Sick leave is a conditional benefit based on the existence of a qualifying medical condition. Each employee is expected to manage his/her sick leave balance in order to adequately cover his/her needs. There is no entitlement to sick leave outside of the allowable uses outlined below.

If an employee is on leave under the FMLA, all accrued sick and vacation leave must be used concurrently as part of the FMLA leave. Please also refer to the City's FMLA Policy.

Accrued but unused sick leave shall have no cash value upon separation of employment (whether voluntary or involuntary) and may not be "cashed-out" by an employee.

Sick leave will not be counted toward the computation of overtime compensation for non-exempt employees.

Sick leave shall not accrue for any pay period during which an employee is absent, except for pay periods during which the employee is paid by the City for all absences by the used of accrued paid time off. (For example, employees shall not accrue sick leave while on unpaid leave or while receiving time loss benefits from L&I).

This Policy is intended to comply with Washington's Family Care Act, the Paid Sick Leave Act and any other applicable law. In the event of a conflict between any applicable law and this Policy, the applicable law shall govern.

Allowable Uses of Paid Sick Leave: Paid Sick leave may be used by the employee to cover those situations in which an employee is absent from work due to:

- A. An absence resulting from an employee's own mental or physical illness,

injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

- B. To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day. Family member is defined under Paid Sick Leave Law as:

A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;

A spouse;

A registered domestic partner;

A grandparent;

A grandchild; or

A sibling.

- C. When City Hall has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason; and
- D. For absences that qualify for leave under the state's Domestic Violence Leave Act (DVLA).
- E. Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
- F. Use of a prescription drug that impairs job performance or safety;
- G. Bereavement/funeral leave for the death of an "immediate family member" (as defined below), for a length of time approved by the Department Director, but typically 24 hours. For travel out of State, an employee may receive, subject to approval of the Department Director, an additional sixteen (16) hours of paid bereavement leave.

"Immediate family" means: spouse, registered domestic partner, children, stepchildren, sister, brother, grandmother, grandfather, mother and father of the employee

or spouse, “step or foster” and any other familial inhabitant of the employee’s household. All additional time shall be deducted from the employee's accrued vacation leave (if any).

Sick leave may not be taken until it is earned. If sick leave is exhausted, accrued vacation leave, if any, will be used in its place (subject to eligibility requirements).

Sick leave pay will not be granted for hours beyond what is considered the employee’s regularly scheduled hours. Employees must notify their direct supervisor with as much notice as possible before they are scheduled to begin work if they intend to use sick leave. Employees request their sick leave for approval by their supervisor through the online Springbrook Employee Self Service Module.

The City may require a certification from an appropriate healthcare provider verifying the necessity for the use of sick leave. In addition, a doctor’s certification may be required when an employee is absent in excess of three (3) consecutive days or as otherwise determined appropriate by the City in its discretion. The City may also request the opinion of a second doctor at the City’s expense. When indicated, the City may request an employee be evaluated at the City’s expense to determine whether the employee suffers from a chronic physical or mental condition which impairs his/her ability to perform the essential functions of their job, to assist in evaluating the employee’s return to work options and to determine issues relating to any request for an accommodation.

Employees who are habitually absent due to illness or disability may be terminated if they are unable to perform the essential functions of their job with or without a reasonable accommodation and/or their disability cannot be reasonably accommodated and the employee’s absenteeism prevents the orderly and efficient running of the City’s business. The City will comply with all applicable laws when making determinations in this regard.

Employees who use all of their accumulated sick leave and require more time off work due to personal illness or injury may, with the Department Director’s approval, be placed on a leave without pay. (See Personnel Policy No. 8.6 regarding leave without pay.) No employee, however, is entitled to receive leave without pay unless otherwise required by law. The decision as to whether an employee may receive leave without pay shall be made on a case-by-case basis as determined appropriate in the City’s sole discretion.

Employees who abuse sick leave privileges shall be subject to appropriate discipline, up to and including termination of employment.

## 8.5 BEREAVEMENT LEAVE

Employees shall be allowed up to twenty-four (24) hours bereavement leave for death in the immediate family upon approval and authorization of the Department Director. A

bereavement leave form must be completed for bereavement leave. For travel out of State, an employee shall receive, subject to the approval of the Department Director an additional sixteen (16) hours. Regular part-time employees accrue bereavement leave on a pro-rata basis according to hours worked in a calendar month. If an employee would like to attend the funeral of an individual not listed in this section, upon approval and authorization of the Department Head, the employee may do so either by using accrued vacation leave, or if the employee has no vacation leave available, leave without pay. The timelines set forth above, will apply to such leave. The provisions of requiring exhaustion of sick leave before leave without pay will be authorized will not apply to Bereavement Leave.

## 8.6 LEAVE WITHOUT PAY

The City may grant a leave of absence without pay to employees who require a leave of absence from work which is not covered by any other type of leave and who have exhausted all available paid leave. No employee is entitled to receive leave without pay unless otherwise required by law. The decision as to whether an employee may receive leave without pay shall be made on a case-by-case basis as determined appropriate in the City's sole discretion. This decision will be made by the employee's Department Director (or by the Mayor if the subject employee is a Department Director). The employee should make a written request for leave without pay in as far as advance as possible. A leave of absence will not be granted to allow an employee time off to seek employment elsewhere or to work for another employer. Employees who begin employment elsewhere while on an unpaid leave of absence, except military reserve duty, may be considered to have quit voluntarily.

The City reserves the right to require any employee requesting leave without pay due to a medical condition to present an appropriate medical certification verifying the need for the leave. The City also reserves the right to otherwise verify the necessity of the leave, and to require supporting documentation, to the extent appropriate and permitted by law.

In order for the City to effectively and efficiently operate, leave without pay, if granted to an employee, shall generally be of a temporary duration unless otherwise required by law. If an employee is unable to return to work after receiving leave without pay, his/her employment may be terminated.

Employees receiving leave without pay under this Policy may not receive or accrue any employment benefits while on unpaid leave, unless otherwise required by law. Employees may, however, be able to continue their health insurance, at their expense and under qualifying circumstances, during a leave without pay under this Policy. Please see the Human Resources Coordinator for additional information in this regard and to make any appropriate arrangements.

The City reserves the right to require any employee returning from an unpaid leave of absence necessitated by their own illness or health condition to present a statement from their healthcare provider certifying that they are fit to return to work.

Upon the expiration of leave under this Policy, the employee may be returned to his/her former position if available. If the employee's position is not available, the employee may be offered another available position for which he/she is qualified. If no position is available when the employee is able to return to work, the employee may be terminated, unless otherwise prohibited by law.

Failure to report to work on the first day after the expiration of the leave of absence, without approval, will be considered a voluntary quit.

If applicable, the City may require any unpaid leave of absence to run concurrently with leave under the FMLA or any other leave of absence from the City.

## 8.7 JURY AND WITNESS LEAVE

Jury Duty: The City provides all employees with leave for the full period of jury duty service. You must provide a copy of the jury duty summons as soon as possible after receiving it. Because state law, RCW 2.36.150, provides that payments received by jurors from the court for each day's attendance constitute "expense payments," the City does not require employees to remit such payments to the City, including for periods of paid leave. The employee must give the City prompt notice of the call for jury duty, and in order to be eligible to receive paid jury duty leave the employee must furnish the City a written statement from the court showing the dates and times of jury duty served. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from jury duty. Employees on Jury Duty Leave are required to report back to work if released from Jury Duty during their normal working hours. Regular part-time employees accrue jury leave on a pro-rata basis according to hours worked in a calendar month.

Witness Duty: All employees summoned to testify in court are allowed time off for the period they serve as witnesses. In general, witness duty leave is unpaid for non-exempt employees unless you are a witness in a case involving the City (exempt employees shall generally be paid for witness duty leave if they perform other work on behalf of the City during the designated workweek).

## 8.8 DOMESTIC VIOLENCE LEAVE

In accordance with the Washington Domestic Violence Leave Act, Chapter 49.76 RCW, the City will provide reasonable leave from work, including leave on an intermittent or reduced-schedule basis, for employees who are victims of domestic violence, sexual assault, or stalking for the following purposes: (a) to seek legal remedies or an enforcement action against the perpetrator; (b) to obtain medical treatment for physical or mental injuries; (c) to obtain services from a domestic violence shelter or other crisis center; (d) to obtain social services support or mental health counseling; or (e) to relocate or devise a safety plan.

This law allows employees to take leave for themselves or to assist a "family



member” (as defined under this law) who is a victim of domestic violence, sexual assault, or stalking to take any of the steps outlined above.

The employee may elect to use sick leave, vacation, compensatory time, or other accrued paid time off (if any), or may take unpaid leave. Domestic violence leave, including documentation of such leave, will be applied and administered in accordance with the provisions of the Ch. 49.76 RCW. Nothing in this Policy shall be construed to provide greater or lesser leave rights to employees than that which is required by Ch. 49.76 RCW. Employees requesting Domestic Violence leave under this Policy are required to notify the Human Resources Coordinator for the necessary forms.

## 8.9 ADMINISTRATIVE LEAVE

On a case-by-case basis, the City may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used in the best interests of the City as determined by the Mayor or applicable Department Director in his/her discretion during an investigation or other administrative proceeding or as otherwise determined appropriate. The fact that an employee has been placed on administrative leave shall not be considered a disciplinary action. Regular part-time employees accrue paid administrative leave on a pro-rata basis according to hours worked in a calendar month.

## 8.10 MILITARY LEAVE

The City provides all employees leave while performing military service in accordance with federal and state law. Military service includes active military duty and reserve or National Guard training.

Under the terms set forth in RCW 38.40.060, regular full-time and part-time employees shall be entitled to receive a paid military leave of absence of up to twenty-one (21) days during each year beginning October 1st and ending the following September 30th for military service.

Employees are required to provide the Human Resources Coordinator with copies of their military orders as soon as possible after they are received. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.

## 8.11 HOLIDAYS

The following are generally recognized as paid holidays for all regular full and part-time employees of the City:

New Year’s Day  
Martin Luther King Jr. Day  
President’s Day

Memorial Day  
July 4th  
Labor Day  
Veteran's Day  
Thanksgiving Day  
Day after Thanksgiving  
December 25th

Any holiday falling on Saturday may be celebrated on the preceding Friday. Any holiday falling on Sunday may be celebrated on the following Monday. The City reserves the right to modify or rescind the foregoing holiday schedule, as it deems appropriate in its sole discretion, unless otherwise required by law or contract.

Regular part-time employees accrue holiday leave on a pro-rata basis according to hours worked in a calendar month.

Temporary employees are not eligible to receive holiday leave.

Employees who are on unpaid leave are not eligible for holiday pay unless otherwise required by law.

Regular non-exempt employees required to work during a holiday may be paid one and one-half times their regular rate of pay for actual time worked on the holiday, even if they have not exceeded their designated number of hours in their typical work period (i.e. typically 40 hours per week).

## 8.12 RELIGIOUS HOLIDAYS

Eligible employees are entitled to two unpaid holidays per calendar year for reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church or religious organization.

The specific days shall be selected by the employee after consultation with his/her supervisor and shall be allowed unless the employee's absence would impose an undue hardship on the department or the employee is necessary to maintain public safety.

## 8.13 THE FEDERAL FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA) AND RELATED LEAVE UNDER WASHINGTON LAW

The City fully complies with the federal Family and Medical Leave Act of 1993 (FMLA) and all related Washington State law regarding medical leave, family care leave, and any other required leave. The City may not interfere with an individual's FMLA rights or retaliate against someone using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceedings under or related to the FMLA. The statutory requirements for these various laws have incorporated into this Policy, the City's Sick Leave Policy, and the City's other applicable policies contained in this Personnel Policies Manual.

## Overview of General FMLA Leave Eligibility

The FMLA provides up to 12 weeks of unpaid, job protected leave every 12 months to eligible employees for specified family care and medical reasons. To be an eligible employee, you must have worked for the City for a total of 12 months and worked a minimum of 1,250 hours over the previous 12 months as of the date leave is requested. The City uses a "rolling" method to determine eligibility, meaning FMLA leave eligibility will be determined from the time of the initial request for leave by looking at the employee's prior 12-month work history. The 12-week leave period will begin at the date the employee's request is granted and will provide for up to 12 total weeks of leave, whether taken at one time or intermittently (as discussed below in this Policy), in the 12 months that follow.

Upon return from FMLA leave, the employee will generally be restored to his/her original, or an equivalent, position. However, an employee shall have no greater right to reinstatement than if he/she had been continuously employed during the FMLA leave period. Accordingly, an employee who would not have otherwise been employed at the time of reinstatement is requested shall not be entitled to reinstatement. For example, entitlement to reinstatement shall not apply if the employee's position is eliminated by reorganization or layoff, the employee takes another job while on FMLA leave, or the employee's employment would have otherwise been terminated. In addition, if an employee fails to return at the end of the FMLA leave, the employee may be considered to have voluntarily resigned his/her position with the City.

## Reasons for Taking FMLA Leave

Unpaid FMLA leave is granted to eligible employees, based on the 12-month rolling method described above, for any of the following reasons:

- A. The birth of a child or placement of a child for adoption or foster care;
- B. To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- C. To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- D. For the employee's own qualifying serious health condition that make the employee unable to perform the employee's job;
- E. For qualifying exigencies related to foreign deployment of a military member who is the employee's spouse, child or parent.

For purposes of this Policy, a "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves "inpatient care" (i.e., an overnight stay in a hospital, hospice or residential medical-care facility, including any period of "incapacity", or any subsequent treatment in connection with such inpatient care) or continuing treatment by a health care provider as defined below:

- A "serious health condition" involving "continuing treatment by a health care

provider” means any one or more of the following:

- a. Incapacity and Treatment. A period of “incapacity” (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom) of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
  - (i) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
  - (ii) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.
    - \* The requirements above for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity.
    - \* Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.
- b. Pregnancy or prenatal care. Any period of incapacity due to pregnancy, or for prenatal care.
- c. Chronic Conditions. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
  - (i) Requires periodic visits (meaning at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;
  - (ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - (iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- d. Permanent or long-term conditions. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be

effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

- e. Conditions requiring multiple treatments. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:
  - (i) Restorative surgery after an accident or other injury; or
  - (ii) A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

If an employee takes leave for a condition that progresses into a serious health condition and the employee subsequently requests leave under this Policy, the City may designate all or some portion of the related leave taken as FMLA leave under this Policy to the extent that the earlier leave meets the necessary qualifications and is authorized by law.

#### Additional Requirements Under Washington Law for Pregnancy-Related Leave

Under Washington law, a female employee is also entitled to a leave of absence for the period of time that she is sick or temporarily disabled because of pregnancy or childbirth (in addition to leave under the federal FMLA). Pursuant to Washington law, a woman on pregnancy-related leave shall be treated the same as other employees on leave for sickness or other temporary disabilities. This type of leave is for the period of temporary disability or sickness because of pregnancy or childbirth only, and not for child rearing after the temporary disability ends. Employees should contact the Human Resources Coordinator with any questions they may have regarding this leave.

#### Overview of Military-Related FMLA Leave

The federal National Defense Authorization Act expands FMLA-qualified events to include eligible employees caring for certain injured servicemembers as well as for family members who have a close family member called to active duty. These rights are summarized below.

##### 1. Military Caregiver Leave

An eligible employee who is the spouse, registered domestic partner, son, daughter, parent, or "next of kin" of a covered military servicemember who is recovering from a serious illness or injury incurred in the line of duty while on active duty is entitled to up to

26 weeks of FMLA leave in a single 12-month period to care for the service member. The single 12-month period is measured forward from the date an employee's leave to care for the covered servicemember begins. Eligible employees are entitled to a combined maximum of 26 weeks of all types of FMLA leave.

When leave is taken to care for a covered servicemember with a serious injury or illness, the City may require an employee to obtain a certification completed by an authorized healthcare provider of the covered servicemember. In addition, servicemember family leave requests should be accompanied by appropriate documents from the U.S. Department of Defense or other appropriate entity.

## 2. Leave Because of a Qualifying Exigency

Eligible employees are also entitled to take FMLA leave while the employee's spouse, registered domestic partner, son, daughter, or parent (the "covered military servicemember") is on active duty or call to active duty status for one or more of the following "qualifying exigencies": (a) short-notice deployment (i.e., a week or less notice of deployment); (b) military events and related activities; (c) for urgent childcare arrangements (but not ongoing childcare) and school activities; (d) financial and legal tasks to deal with a covered servicemember's active duty; (e) to attend nonmedical counseling for the employee, the covered servicemember, or child of the covered servicemember; (f) to spend time with the covered servicemember on rest and recuperation breaks during deployment; (g) post-deployment activities; and (h) for other purposes arising out of the call to duty, as agreed upon by the employer and employee.

A "covered military servicemember" means the employee's spouse, registered domestic partner, child, or parent who is: (1) in the regular armed forces and is deployed to a foreign country; or (2) is a member of the National Guard or military reserves and called to active duty in a foreign country.

The City may require the employee to provide a copy of the covered military servicemember's active duty orders from the U.S. Department of Defense the first time the employee requests FMLA exigency leave and may require that a qualifying exigency be supported by an appropriate certification from the employee.

### Substitution of Paid Leave Benefits

The City requires employees who are taking FMLA leave to concurrently exhaust all paid leave options while on leave to the extent permissible by law. Available sick leave will be used first, then accrued compensation time and vacation. Once all paid leave options are exhausted, the employee will remain on unpaid leave for the remainder of the FMLA leave period.

Except as provided below, vacation, sick leave, and other benefits or rights of employment, do not accrue during any unpaid portion of FMLA, unless otherwise provided by law. The employee's healthcare benefits will continue while an employee is on unpaid

FMLA leave in the same manner such benefits were paid while the employee was actively working. This means if the employee pays a contribution for healthcare benefits, that contribution must continue during the period of leave in order to maintain those benefits. Please contact the Human Resources Coordinator to coordinate the payment of any necessary healthcare contributions.

If an employee fails to return to work at the end of the FMLA leave period, the employee may be required to reimburse the City for the cost of the premiums paid for maintaining healthcare coverage during the leave period unless the reason the employee does not return is due to: (a) the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member which would otherwise entitle the employee to leave under the FMLA; or (b) other qualifying circumstances beyond the control of the employee as defined by applicable law.

### Intermittent Leave

It may be medically necessary in some circumstances for employees to use intermittent FMLA leave. Intermittent leave is typically taken in blocks of time consistent with the need for medical treatment or to recover from a medical procedure when the employee can resume a normal work shift in between the medical treatments/procedures. Employees requesting intermittent FMLA leave may be required, if applicable, to provide medical certification which states the dates and duration of the medical treatment, as well as a statement of medical necessity for taking intermittent leave.

Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with the City to schedule the leave so as not to unduly disrupt the City's operations, subject to the approval of the employee's healthcare provider. The City reserves the right to transfer an employee temporarily to an alternative job with equivalent pay and benefits that better accommodates the employee's need for intermittent leave than his/her current position. FMLA leave because of the birth or placement of a child for adoption or foster care must be completed within the 12-month period beginning on the date of birth or placement of the child. This leave may not be taken intermittently.

### Advance Notice to the City and Medical Certifications

When requesting FMLA leave, the employee must provide the City with at least thirty (30) days advance written notice when the need for the leave is foreseeable. This notice should be provided to the Human Resources Coordinator. If 30 days notice is not possible, the employee must give the City advance written notice as soon as practicable, usually at least three (3) business days (unless the need for the leave arises from a sudden emergency). Employees shall complete all necessary forms and documentation for FMLA leave. Please see the Human Resources Department to obtain the required forms/documentation.

Absent legitimate emergency situations, employees must follow the City's usual and customary requirements for requesting leave and calling in absences.

Employees who fail to provide proper notice of their need for FMLA leave may jeopardize their rights under this Policy, which may result in a denial of leave or a delay in approving their leave request. In addition, employees who fail to follow this Policy may be subject to the consequences of an unexcused absence.

The City will provide individual notice of rights and obligations to each employee requesting leave as soon as practicable and within the timeframes required by law. For employees on intermittent leave or recurring leave for the same incident, this notice may be provided every six (6) months or as otherwise required by law.

The City may require the employee to present appropriate medical certification for FMLA leave if the leave requested is for the employee's own serious health condition or to care for a family member's serious health condition (or as otherwise determined appropriate by the City in compliance with applicable law). The employee must provide this medical certification within fifteen (15) days of the City's request for the same. Failure to provide the requested medical certification in a timely manner may result in a delay or denial of the leave, or a discontinuance of the leave until it is provided. If the City determines that the certification or recertification is incomplete, it must provide a written notice indicating what additional information is required. The City may conditionally grant an employee's FMLA leave request in appropriate situations pending receipt of satisfactory medical certification.

The City reserves the right to have an authorized person (excluding the employee's direct supervisor) contact the employee's healthcare provider on its behalf for verification of information in appropriate circumstances.

The City also reserves the right to require the employee to be seen by a medical specialist of its choosing, at its expense, for the purpose of verifying whether the employee's condition qualifies for leave under the FMLA or to confirm issues as part of a planned return to work. If the opinions of the employee's and the City's designated healthcare provider(s) differ, the City may require, at its expense, the employee to obtain certification from a third healthcare provider. This third opinion shall be final and binding. The third healthcare provider must be approved jointly by the employee and the City.

The City may place an employee who is absent for three (3) days or more (or as otherwise determined appropriate by the City) on FMLA leave. The City may present an employee who is absent for medical reasons with a medical certification form to be filled out and returned to determine if the employee is eligible for FMLA leave.

All medical examinations required under this Policy will occur not less than thirty (30) days apart during any period of leave granted under the FMLA, unless otherwise authorized by law. Medical examinations may be used to confirm or refute medical information provided by the employee, assist with return to work analysis and options, confirm or refute fitness for duty assessments, or help evaluate workplace restrictions or



accommodations.

Finally, the City may require, at such times as are permissible under the FMLA, a recertification of the subject medical condition, a recertification when an extension of leave is requested, and a recertification if the City receives information casting doubt on the employee's stated reason for an absence or the continuing validity of the last certification.

#### Concurrent Workers' Compensation Leave

All time loss, work related injuries, and similar circumstances may also be subject to the City's FMLA Policy, so that leave taken under work loss may also be FMLA eligible. The City may require any time loss from work related injuries subject to Washington's workers' compensation statutes to run concurrently with FMLA leave. The City reserves the right to place an employee who is absent from work under these circumstances on FMLA leave to effectuate this Policy unless otherwise prohibited by law.

#### Return to Work

The City values the safety, health, and well being of all employees. The City's policy is to provide safe and healthful working conditions in all operations and to follow the laws and regulations about the safety and health of our employees. Before being allowed to return to work, therefore, an employee who has been away from work due to an injury or illness will normally be required to provide a Fitness for Duty statement from the appropriate healthcare provider certifying that the employee is able to resume his or her job duties, or specifying limitations on any duties. If restrictions or limitations are placed on the employee's ability to perform the job, the City shall interactively work with the employee to determine if there are any reasonable accommodations that it can make to enable the employee to return to work and perform the essential functions of his or her job. The City may require a physical examination at City expense, performed by a healthcare provider of its choice, to determine when the employee can return to work and if he/she is capable of performing the essential functions of his/her position with or without a reasonable accommodation. The City reserves the right to delay or deny an employee from returning to work for the City until he/she provides an appropriate Fitness for Duty statement.

#### Reporting While on Leave

Employees on FMLA leave may be required to provide an update every month (i.e., not more often than once every 30 days unless otherwise authorized by law) while on leave to make certain the initial time provided for approved leave is sufficient and to confirm the employee's status and intended return to work date.

#### Other Insurance

If an employee is covered by other insurance plans, such as life or disability

insurance, that coverage will continue during any paid portion of FMLA leave on the same basis as if the employee were actively working provided that the employee would be covered while on other forms of paid leave (such as vacation, sick, or compensatory time). If the employee is on unpaid FMLA leave, or any other form of unpaid leave, he or she will be responsible for the full amount of these premiums, or risk a lapse of coverage. Please contact the Human Resources Coordinator to coordinate the payment of any necessary insurance contributions.

#### Spouses or Registered Domestic Partners Employed by the City

If an employee and his/her spouse or registered domestic partner both work for the City and they both request leave for the birth, adoption, or foster care placement of a child, or to care for a parent with a serious health condition, the total annual FMLA leave available to them as a couple for these purposes is 12 weeks.

#### Key Employee Designation

The City reserves the right to designate certain employees within the highest paid 10% of its workforce as "key employees". A "key employee" is an employee whose restoration after taking FMLA leave would cause substantial and grievous economic injury to the operations of the City. The City will provide written notice to employees who will be designated as "key employees" at the time the employee gives notice of the need for FMLA leave (or when the FMLA leave commences, if earlier). A key employee may not retain the right of job restoration after taking FMLA leave, if such restoration would cause a substantial and grievous economic injury to the operations of the City.

#### Other Provisions

Employees on leave under the FMLA shall be subject to the same City rules, policies, and procedures governing employees on other types of leaves of absence.

Employees on FMLA leave (like all employees on leave from the City) shall not engage in other employment (excluding required military reserve duty) unless they obtain prior approval from the Mayor or his/her designee.

#### Questions

Employees with questions about FMLA leave are strongly encouraged to contact the Human Resources Coordinator.

## **CHAPTER 9.**

### **CITY PROPERTY AND PUBLIC RECORDS**

#### **9.1 ISSUANCE, USE, AND RETURN OF CITY PROPERTY**

All property issued to an employee by the City will be recorded on the employee's individual property receipt form. This form will be maintained by the employee's supervisor or designee. All property issued to an employee shall remain the property of the City and shall be used for business purposes only. The City may require any equipment initially issued to the employee to be returned to allow a more proper distribution of resources or as otherwise determined appropriate by the City. The issuance of City equipment shall not be construed as a job benefit, entitlement, or right, but will be left to the sole discretion of the respective Department Directors, their management staff, and the Mayor and City Council.

If the employee is issued City equipment, all City policies regarding proper use of this equipment apply, even if the employee is permitted to take equipment home from time to time.

Upon an employee's departure from employment, all City employees shall return all tangible City proprietary information and City equipment in their possession or control on or before their last day of employment. This includes information relating to pending or completed City projects, improvements, possible acquisitions or purchases, including the purchase of services or equipment, real estate or other information. All City equipment and property, issued by the City or paid for by the City, must also be returned, to include any identification information that would associate the prior employee with City service.

Similarly, the City may require any employee on leave to return all tangible City proprietary information and City equipment in their possession or control.

#### **9.2 USE OF CITY ISSUED CELL PHONES**

This Policy applies to City issued cell phones and is applicable to all employees, contract service providers or elected officials who have been granted permission to use a City issued cell phone. Cell phones will only be temporarily loaned or issued to a City employee or elected official if it is beneficial to the City and shall not be construed as an entitlement, benefit or right of the employee.

City issued cell phones shall not be used for personal purposes. They are issued for business purposes only. An individual making or receiving personal calls is responsible for a full reimbursement regarding any personal calls or other expense charged to the City. If personal phone calls cost the City additional amounts due to call overages for the billing cycle, the employee is also responsible for reimbursing the City promptly for these expenses.

If an employee uses their personal cell phone for approved City related business, they may request reimbursement on the employee's expense reimbursement request form. Such requests are subject to supervisor approval.

It is preferred that a City-provided cellular phone be used for City business. However, a personal cellular phone may be used in lieu of a City provided cellular phone. This personal cellular phone would replace the need to carry a City-owned cellular phone and their previous City phone must be turned into the City Clerk. If an authorized personal cell phone is used for City business, the City shall pay a stipend per month set forth in the Cell Phone Allowance Agreement. Such payment of a stipend will be considered "wages" for income tax purposes and are subject to withholding and payment of employment taxes.

An employee must agree in writing (City's Stipend Agreement) to have his or her personal cellular telephone accessible and available at all time during City business hours or other times that an employee may be required to be available for City business.

The stipend payment for use of a personal cellular telephone for City business shall be a voluntary program between the City and the employee.

The request to utilize a privately-owned personal cell phone for City purposes and receive a stipend must be approved by the Mayor. If approved the amount of the stipend will be based upon the cost of the City business portion of use and what the cost to the city would have been to issue the employee a City-owned cell phone for such use.

The use of cell phones, whether owned by the employee or the City creates a record of the number dialed or the number of the caller or both. When the cell phone is used for City business, that record is a public record, subject to possible disclosure under the Public Records Act. Similarly, any message relating to City business that is left on a cell phone whether owned by the employee or the City, is, in nearly every case a public record, subject to possible disclosure under the Public Record's Act.

The City will not provide technical support for personal cellular phones, except for limited support for data communication with the City's network for those authorized to have the ability to do so.

Use of the cellular phone in any manner contrary to local , state or federal laws will constitute misuse and will result in immediate termination of the cellular stipend.

If another means of communication is available that is more cost effective, such as land lines or two-way radios, then these forms of communication should be used rather than a cell phone, unless an emergency situation exists.

### 9.3 GENERAL POLICY REGARDING USE OF THE CITY'S RESOURCES

#### A. Overview of Policy

This Policy sets forth, among other things, the guidelines and restrictions for the use of electronic data, resources, and equipment by City employees and volunteers, including the use of voice-mail, telephones, cell/smart phones, computers, portable electronic devices, e-mail, the Internet, Intranet, computer systems, facsimile machines, and photocopy machines (hereinafter referred to as "electronic resources"). Electronic resources include those owned or leased by the City, that are used or accessed on the City's premises, or that are used for the City's business. Access to these resources is provided to employees solely for the benefit of the City and to further the City's business. Because access to the Internet is not essential for each City employee, Internet access will be provided to employees only upon approval from their respective Department Director.

Access to the City's electronic resources is reserved for employees who are actively providing services to the City. Thus, employee access to these systems may terminate immediately upon a change in status, such as termination, administrative leave, lay off or any extended employee absence from work, such as extended medical leave.

This Policy also provides guidelines and restrictions for any other resources of the City (hereinafter referred to as "physical resources"). Physical resources include, but are not limited to, desks, file cabinets, storage areas, bulletin boards, vehicles, and other storage areas. Access to these resources is provided to employees solely for the benefit of the City and to further the City's business.

This Policy also covers any other City resources not specifically set forth above.

All employees are required to use the City's electronic, physical, and other resources in a legal, appropriate, and professional manner. Employees may only use the City's electronic, physical, and other resources for the City's business purposes. The only exception to this rule is that incidental and occasional personal use of the City's electronic mail, Internet access, and telephones (land-lines) is permitted if it is conducted on the employee's own time, does not conflict with the performance of the employee's regular duties, job performance, and other City policies, does not result in expense to the City, and is used in a safe, legal, and appropriate manner. Furthermore, all employees' use of the City's resources must be appropriate and consistent with the City's professional environment.

Employees are responsible for ensuring that their respective use of the City's electronic, physical, and other resources is professional, ethical, appropriate, and legal. Employees are expressly prohibited from using the City's electronic, physical, and other resources in any manner that interferes with the City's ability to conduct its business or the employee's ability to perform their employment duties.

All employees must acknowledge and agree that they will use the City's electronic, physical, and other resources in compliance with this Policy as it currently exists or as it may be modified by the City in its sole discretion. Any employee who violates this Policy will be subject to appropriate discipline, up to and including termination.

B. Inappropriate Behavior and Use of the City's Resources is Prohibited

All electronic, physical, and other resources, including the information stored thereon or therein, belong to the City. All electronic, physical, and other resources may only be used for appropriate purposes as set forth in this Policy. Employees are prohibited from using the City's electronic, physical, or other resources for personal gain or in any inappropriate, illegal or unsafe manner.

The City prohibits employees from using its electronic, physical, or other resources to send, save, view, or access in any manner offensive and/or inappropriate material. Employees are prohibited from using the City's resources in any manner that violates the City's Anti-Harassment and Anti-Discrimination Policy. Along these lines, employees are also prohibited from accessing or exposing, in any manner, the City's workplace, other employees, business contacts, members of the public and/or any related person or entity to offensive or inappropriate material, language and the like. Offensive materials include, but are not limited to, sexual comments, jokes, or images, racial slurs, comments, jokes, or images that may offend someone on the basis of race, color, creed, sex, gender, pregnancy, age, national origin or ancestry, physical or mental disability, marital status, sexual orientation (including gender expression and gender identity), genetic information, and any other category protected by federal, state, or local law or other authority.

In addition to the foregoing, the City prohibits (in regard to the use of its resources):

1. Employees, other than designated computer personnel, from installing software or other programs or executable files on City computers or computer related equipment, or downloading any of the foregoing from the Internet. Some executable files contain viruses that may disable City equipment or damage stored information. Further, software cannot be copied or downloaded without properly purchasing the user rights to these programs. All changes, additions or deletions of computer programs must be authorized by the respective Department Director, and carried out by appropriate personnel.
2. Employees from opening spam.
3. Employees from visiting pornographic or other offensive websites. Employees are also prohibited from visiting Internet dating services, gaming websites, and websites that charge fees (unless the website that

charges a fee is used for legitimate City business and is approved in advance by the employee's respective Department Director or the Mayor or his/her designee).

4. Employees from releasing confidential City information.
5. Employees from joining "chat-rooms," non-work related web discussion groups, or participating in online surveys or contests.
6. Employees are only to use a Councilmember's city-assigned email address when conducting City business between their department and the Council via email.
7. Any conduct that may affect the integrity of the City's resources.

All employees are expected to conduct themselves in a professional and appropriate manner at all times. Any employee who becomes aware or believes that another employee is violating this Policy must immediately report the same in as much detail as possible to their immediate supervisor or the Human Resources Coordinator as soon as possible. The City will not retaliate against any employee who makes such a report in good faith. If the City determines that a violation of this Policy has occurred, it will take appropriate disciplinary action, up to and including termination of employment.

#### C. Employees Have No Expectation of Privacy

The City reserves the right to access all physical, electronic, and other resources and the information stored therein or thereon at any time. ALL OF THE CITY'S ELECTRONIC, PHYSICAL, AND OTHER RESOURCES ARE SUBJECT TO ACCESS, INSPECTION, SEARCH, AND MONITORING BY THE CITY AT ANY TIME WITHOUT NOTICE. THIS INCLUDES THE RIGHT TO MONITOR CITY CELLULAR TELEPHONES (THROUGH GLOBAL POSITIONING SATELLITE TECHNOLOGY AND/OR OTHER MEANS), TEXT MESSAGES, AND THE LIKE.

THE CITY RESERVES THE RIGHT TO CONDUCT COMPLETE WORKPLACE INVESTIGATIONS, INCLUDING THE ACCESS, SEARCH, AND INSPECTION OF ALL FILES, MESSAGES, COMMUNICATIONS, OR OTHER INFORMATION OR DATA CREATED, STORED, COPIED, SENT, RETRIEVED, RECEIVED, OR OTHERWISE MAINTAINED ON OR IN ITS ELECTRONIC, PHYSICAL, OR OTHER RESOURCES OR ANY OTHER LOCATION WITHIN THE WORKPLACE AT ANY TIME WITHOUT NOTICE AS IT DEEMS APPROPRIATE IN ITS SOLE DISCRETION.

THE FOREGOING WORKPLACE INSPECTIONS MAY BE CONDUCTED DURING OR OUTSIDE BUSINESS HOURS AND IN THE PRESENCE OR ABSENCE OF THE EMPLOYEE.

Employees are also hereby put on notice that their use of the City's electronic and physical resources may be subject to a request for records under the Public Disclosure Act or other applicable law.

All employee passwords or codes for electronic resources, or for any other City equipment or resources, must be made known to the employee's immediate supervisor and may be utilized by the City in the employee's presence or absence. While employee passwords may be used for City security purposes, the use of such passwords is not intended to keep messages, communications, or other information confidential on behalf of the employee. The City may also override any employee password or code to access, inspect, monitor, or search any electronic, physical, or other resources used by the employee. As set forth above, employees are on notice that messages and all other data or information stored on or in the City's electronic, physical, or other resources, including personal messages and data, are subject to access, inspection, monitoring, and search by the City at any time and are not to be considered confidential or private and do not create any right of privacy.

**EMPLOYEES SHOULD HAVE NO EXPECTATION OF PRIVACY IN ANYTHING THEY WRITE, CREATE, RETRIEVE, RECEIVE, STORE, COPY, SEND, OR VISIT USING THE CITY'S ELECTRONIC, PHYSICAL, OR OTHER RESOURCES.**

If an employee is given a key to lock their respective desk, workspace, or other area on the City's premises, the City will maintain a duplicate key and/or master key so that it may access any locked area at any time without notice. The City may open a locked desk, workspace, or any other area on its premises or property in order to inspect, access, monitor, investigate, or search its contents. An employee's keys **DO NOT CREATE ANY RIGHT OF PRIVACY** in the City's electronic, physical, or other resources, or in any of the information, materials, or data stored therein or thereon. No employee may change locks without express written authorization from their immediate supervisor.

In addition, no employee may use their own lock to secure any workplace area on the City's premises without express written authorization from the employee's immediate supervisor. A lock, or any other device used to secure the City's electronic, physical, or other resources does not create any right to privacy on behalf of the employee or in any of the materials, information, or data stored thereon or therein. The City expressly reserves the right to open any secured space to inspect, access, search, monitor, or investigate its contents at any time with or without notice in the employee's presence or absence.

Employees who violate this Policy will be subject to appropriate disciplinary action, up to and including termination of employment.

#### 9.4 EMPLOYEE'S RESPONSIBILITY FOR CITY ISSUED EQUIPMENT

Employees using City resources outside of City premises are responsible for maintaining appropriate security for the subject resource at all times. This includes the duty to ensure the subject resource is physically secure, an appropriate password is



maintained if applicable, and all information is secure. Employees shall not leave City resources unsecured.

In addition, should City issued property become damaged, lost or stolen due to the negligence of an employee, the applicable Department Director may require that the property be replaced, less the amount of any reasonable depreciation, at the employee's expense, if such losses are not covered by the City's insurance policy. In all cases where the employee's conduct results in a loss of City property, and the employee's conduct is intentional or deliberate, or in direct violation of City policies, the City may demand payment of the full replacement cost, without taking into account depreciation. Any protest of the City's determination that the employee shall be held responsible for the City's losses must be presented to the Mayor or his/her designee within ten (10) days from the date the employee has been notified of the City's decision. Any right to protest said decision that is not timely presented is waived. The decision of the Mayor responding to the employee's protest shall be final.

Employee conduct which results in a loss to the City of equipment or property may also result in disciplinary action, up to and including termination of employment.

If the employee owes money to the City for City issued equipment which was destroyed or damaged, and the employee is notified he or she will be held responsible for such losses but fails to file a timely protest or such protest is rejected, the employee may specifically authorize deduction from his or her paycheck to reimburse the City for any losses incurred by the City. Deductions will be for the entire amount owed from the employee's final paycheck if the employee will no longer be working with the City. Deductions can be spread out over a finite period of time if the employee remains employed with the City. The City also reserves the right to institute any appropriate legal action to recover funds owed by the employee if he/she does not authorize deduction of the same from his/her paycheck.

## 9.5 USE OF CITY VEHICLES

The following rules are applicable to the use of all City vehicles:

- A. City vehicles and equipment shall be used for City business only. Use of a vehicle must be authorized by a Department Director or the Mayor. Employees performing duties on an on-call basis or who may be asked to respond to an emergency situation may be eligible to use a City vehicle while on call or in response to an emergency. In some departments, City vehicles may be assigned to an employee for this purpose. All such vehicles must be locked and secured when not in use and shall be used only in connection with City business. A mileage log has been provided for each city vehicle and daily mileage is to be recorded by the employee driving the vehicle as a means of record keeping that vehicles are being used in accordance with IRS rules. Mileage logs are to be turned in to the Department Head at the end of each month.

Use of a City owned vehicle for commuting purposes is considered a taxable benefit. There are three methods for determining the amount to include in taxable wages: Automobile Lease Valuation Rule, Vehicle Cents-Per-Mile Rule, and Commuting Rule.

**When vehicle use is a requirement of the job:**

Commuting rule – Personal use for commuting is valued at \$1.50 each way. This amount is added for each commute and added to taxable wages (i.e.: employee works 10 days and commutes each day using city vehicle; \$30 [10 x (2 x 1.50)] is added to gross wages for income tax purposes).

*Reg. §1.61-21(f)*

\**Requirement* means that the employer requires the employee to commute in the vehicle for a bona fide non-compensatory business reason.

**When vehicle use is not a requirement of the job:**

Vehicle Cents-Per-Mile Rule – Multiply the standard mileage rate by number of personal miles driven. *Reg. §1.61-21(e)*

**Automobile Lease Valuation Rule** - based on the lease value of the vehicle, this amount is multiplied by the percentage of personal miles to total miles vehicle is used. *Reg. §1.61-21(d)*

- B. Any employee or volunteer operating a City vehicle, or using a motor vehicle for City business, must be at least 18 years of age and must have a valid and unsuspended Washington Driver's License. Employees and volunteers using the City's vehicles must provide proof of a current driver's license and appropriate insurance information, and update that information as requested or when the subject information changes.
- C. City vehicles and equipment must be operated at all times in a manner consistent with standard safety guidelines and procedures, the rules of the road, traffic laws and weather and traffic conditions. Unsafe driving practices will not be tolerated and will subject the employee to appropriate disciplinary action, up to and including termination of employment. Employees are not authorized to perform repairs or maintenance duties on assigned vehicles unless an emergency necessitating said repairs occurs when the vehicle cannot be returned to the City for servicing. No one may operate any vehicle on behalf of the City which contains a defect that would or could prohibit its safe operation. Only City employees and volunteers assigned to drive for City business are permitted to drive a City vehicle.
- D. No one other than an authorized City employee, volunteer, or agent may use or be placed in the City's vehicles, other than as allowed for in the Police

Department by General Order or by internal policies unless permission is granted by a Department Director or Mayor. Any unauthorized passengers in a City vehicle place the City's insurance coverage at risk and may result in appropriate discipline for the responsible employee.

- E. An accident control kit has been provided for each vehicle and shall be stored in the glove box. This kit contains materials each employee will need if involved in an accident. Employees are required to report any accident, no matter how minor, by completing an accident report. All accidents must be reported to the employee's direct supervisor and City Clerk as soon as possible and no later than 24 hours after the occurrence unless the employee is physically unable to make such report. The employee shall comply with all applicable law regarding remaining at the scene of an accident, exchanging insurance information, and any other applicable law. Employees involved in an accident may be subject to drug and alcohol testing to the extent permissible by law. The City may also conduct any other investigation into the accident that it deems appropriate in its discretion.
- F. No employee may use a cell phone/communications device while driving unless they use a "hands free" ear piece and it is otherwise safe and lawful to do so. Furthermore, employees whose job responsibilities include regular or occasional driving are expected to refrain from using their cell phone while driving – use of a cell phone/communications device while driving is not required by the City. The City's police officer employees are exempt from this requirement when performing law enforcement activities, provided that their use of the subject cell phone/communications device complies with applicable law.

Safety and compliance with the law must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are required to pull off to the side of the road and safely stop the vehicle before placing or accepting a call or use of hands-free operations (in which case, the employee shall refrain from discussion of complicated or emotional matters, keep their eyes on the road, and comply with all applicable law). Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

The City shall not be responsible for the payment of any traffic citation (moving or non-moving violation) or related ticket, citation, or liability received by an employee or volunteer unless otherwise required by law.

- G. If maintaining the ability to legally operate a vehicle is an essential job requirement, an employee may be terminated if he/she is unable to maintain the required licensure and insurance.

- H. Smoking is not permitted inside City vehicles.

#### 9.6 USE OF PERSONAL VEHICLES

An employee's personal vehicle, if used on City business, is not covered under the City's insurance agreement. Employees need to inform their insurance carrier so they are covered under their own insurance

#### 9.7 USE OF CITY CREDIT CARDS

Department Directors may apply for a City issued credit card, with the Mayor's approval, for business use in the following situations:

- A. For conference registration for Department Directors or designated employees to assist with business air or train travel, hotel, car rental or other reasonable business expenses.
- B. A Department Director may authorize use of a City credit card for emergency vehicle repairs on a City vehicle.
- C. Other business uses deemed appropriate by the Department Director and consistent with the City's budget and expense reimbursement policies. No alcohol is to be purchased. Meals purchased with a City credit card will require a detailed receipt. All tips for service must not exceed 15% and stay within the maximum amount for each meal period
- D. All Department Directors and authorized users must have signed a Credit Card User Agreement, approved by the Mayor. Once the charges are approved as being appropriate for City business, the Treasurer will process payment for all credit card bills.
- E. Credit cards including fleet gas credit cards and other city issued credit cards for purchasing purposes may never be used to obtain cash advances or for personal purposes. In addition, for the purchase of services with a City credit card, the City must have an approved contract to use with the subject vendor. Credit cards cannot be used to pay City invoices or statements.

Department Directors are responsible for submitting all needed paperwork or verifications to accounts payable on a monthly basis. It is also the Department Director's responsibility to match the individual receipts to the credit card statement if requested. The Mayor (or his/her designee) may discontinue use of a credit card for any individual or Department Director that fails to comply with this Policy, who engages in conduct deemed a violation or misuse of the City issued credit card, or as otherwise determined appropriate in the Mayor's discretion. Other appropriate discipline may also result from any disregard of these requirements, up to and including termination of employment.

Any employee who incurs personal charges for non-business related expenses on City charge cards or due to misuse of City equipment also specifically authorizes the City to deduct the amount needed to fully repay the City for such expenses from any paycheck or other forms of compensation due the employee to the extent permissible by law.

## 9.8 EMPLOYEE REIMBURSEMENT OF EXPENSES

The purpose of this Policy is to identify and provide guidelines regarding the City's travel policies and to further delineate valid business expenses for which an employee may qualify for payment or reimbursement.

The objectives of this Policy are to provide employees, public officials and others who incur authorized business expenses for travel, subsistence, registration, and related expenses while on City business, reasonable and timely mechanisms for the reimbursement and/or the advancement of such necessary expenditures.

This Policy serves to provide guidelines to determine whether or not expenditures by City employees may be reimbursable to the employee, and to determine whether or not refreshments and related costs, served or made available at meetings involving volunteers and others, are legitimate City expenditures.

Individuals seeking reimbursement have the responsibility for becoming knowledgeable about authorized expenditures and the documentation requirements. Care must be taken to avoid unnecessary or excessive expenditure, as well as expenses not directly and reasonably related to the conduct of City business or which are otherwise inappropriate. The City shall not provide reimbursement for these types of expenses.

Any requests for reimbursement rejected by the City for non-compliance with these rules may be returned to the requesting employee and Department Director, if necessary, with an explanation for the decision. Any dispute that arises shall be reviewed by the Mayor for final disposition.

It shall be the responsibility of the City Finance Director to adopt, publish, and enforce rules and procedures consistent with this Policy for the purpose of carrying out the provisions thereof; and to provide forms accompanied by instructions for their implementation. Exceptions to the rules set forth herein may, by directive of the Mayor or his or her designee, be effected if compliance with these rules is or was not feasible and the subject expenditure was legitimate and appropriate. To effectively carry out this Policy, the Mayor or his or her designee may, from time to time, issue guidelines for the administration thereof.

In the event of a conflict between this Policy and applicable law, the applicable law shall govern.

### A. Documentation

Employees may seek reimbursement of expenses for City related business or purchases, but must first seek a Department Director's approval before the expense is incurred. Approval, whenever possible, shall be in writing and forwarded to the City Finance Director. If a receipt is lost, the date and specific nature and description of the expense and proof of payment (if available through a credit card statement or check) shall be

provided to the Department Director for written approval, which will be forwarded to the Treasurer.

Forms necessary to request approval for reimbursement regarding Advance Travel will be kept at the City Finance Director's office. Forms necessary to request approval for per diem meal and expense reimbursement and will be kept at the City Finance Director's Office. All forms can be accessed on the common drive S:Forms.

Each City employee is responsible for submitting his/her own request for reimbursement, even if other employees attended the same meeting or training program. All reimbursement requests must be turned in to the City within 60 days of the purchase/event or will be subject to taxation and reimbursed through Payroll. Each request must be approved by the Department Director or his or her designee or the Mayor as appropriate. No overnight travel or expenses shall be incurred without prior approval and authorization from a Department Director or the Mayor as appropriate.

#### B. Meals

Food and meal reimbursement will only be available when an employee is scheduled to be away on City business overnight or for business meetings where City business occurs while the meal expense is incurred. Meals for overnight travel will be reimbursed at a daily per diem for each meal and submitted on the Claim for Expenses form. No alcohol is to be purchased. Meals purchased with a City credit card will require a detailed receipt. All tips for service must not exceed 15% and stay within the maximum amount for each meal period.

Meal reimbursement(s) will not be paid for meals that are included in the registration fee, whether or not the employee partakes of the meal. Continental breakfasts are not considered a meal therefore if a registration includes a continental breakfast the City would reimburse at the per diem rate.

Meal costs must be incurred directly by the claimant; direct billing to the City by a restaurant must be pre-authorized by the City Treasurer and pre-arranged with the restaurant.

Reimbursement for meals will be at a daily per diem. Per diem expenses for meals shall be paid at the U.S. General Services Administration (GSA) rates set by fiscal year, effective October 1 each year. GSA rates are available online, adjusted annually, and searched by city, state or ZIP code

The Department Director must approve payment of any food or meal expense, including payment of per diem meal expenses. Receipts are not required for per diem meal expenses.

Meal reimbursement for elected officials must include a specific description of the meeting or business purpose of the expense, and be authorized by a majority of the Council or the Mayor as appropriate.

Light refreshments for City meetings or meetings with City volunteers or advisory committees may be permitted if pre-approved by the responsible Department Director, and such an expense furthers the City's interests. The actual receipt is required to provide support of these expenses.

### C. Internal Revenue Service

The Internal Revenue Service regulations may provide tax exemptions for the cost of meals that have, among other things, a direct or associated business connection. The cost of a meal not having a direct or associated business connection is taxable to the individual benefiting from the meal. The cost of a meal not having a direct or associated business connection will be subject to applicable federal and state payroll taxes. Cost of meals that are taxable must be processed through payroll. The City shall comply with all applicable law regarding the taxation of meals and the like. To facilitate compliance with this policy, Advance Travel funds for food/meals will only be available when the employee is away on city business overnight or other situation where the meal would be non-taxable meal reimbursement. Other type of meal allowances that do not have a direct or associated business connection (or which are otherwise subject to taxation) will be subject to applicable payroll taxes in compliance with applicable law.

The following list contains examples of taxable meal allowance or meal reimbursement situations. This list is not intended to be all-inclusive and is provided for illustrative purposes only.

1. Twelve hour shift meal allowances.
2. The cost of meals if the distance for the business trip does not require an overnight stay or long enough to require you to stop to get substantial sleep or rest.
3. The cost of a meal if the person is away from their duty station and on a "lunch break" and/or their own time.

Meal reimbursement in these situations will be at the daily per diem for each meal and submitted on the Claim for Expenses form. These meals will be subject to applicable federal and state payroll taxes.

The following list contains examples of NON-TAXABLE (EXEMPT) meal allowance or meal reimbursement situations. This list is not intended to be all-inclusive and is provided for illustrative purposes only. Other types of business meal allowances and/or meal reimbursements may be exempt from applicable payroll taxes.

1. Council retreats or meetings where participants are required to stay and continue the meeting through the meal period.
2. Meetings or training sessions which the cost of the meeting or training session included the meal. (e.g. Council Coalition, Puget Sound Regional Council, professional association meetings)

#### D. Travel

Expenses can only be reimbursed for authorized City travel while an employee is on City business.

The use of a City vehicles rather than a personal vehicle is encouraged and may limit the expense of employee travel to the City. In addition, many forms of public transportation may provide employees with a cost effective alternative to using a personal vehicle. Car-pooling to allow employees to travel together is also a priority and should be arranged by supervisors and Department Directors whenever possible. When use of a personal vehicle is necessary, mileage will be reimbursed at the rate established by the United States Internal Revenue Service for deductions. This rate shall cover all incidental expenses associated with use of the employee's private vehicle, such as gas, gasoline taxes, insurance, wear and tear or maintenance costs for the vehicle. The City will not provide reimbursement for the costs associated with an employee's receipt of a citation of any kind while on City business.

Overnight travel will only be authorized if the employee is traveling a distance of over 50 miles from the City or from their home, whichever is closer to the employee's destination. Accommodations must be at the most economical rate available to the employee

City employees who receive an automobile allowance in lieu of city provided transportation shall not be entitled to further reimbursement or surface transportation costs within a 300-mile radius of the City. Incidental travel costs such as parking, ferry, or bridge tolls are reimbursable, as they would be even if a City vehicle were provided.

Mileage for elected officials will not be reimbursed for expenses incurred within City limits.

#### E. Air Travel

Air travel must be made at least five weeks in advance of the departure date to assure the most cost effective prices are obtained. The traveling employee or authorized personnel shall make every effort to locate the best price possible for airfare. Only flights originating from or returning to Seattle/Tacoma Airport are permitted. The employee is directly responsible for all personal travel that occurs in connection with a trip for City business, and such arrangements identifying personal vs. business related travel must be pre-approved by the respective Department Director, or if the traveling employee is a Department Director, the Mayor. Any changes in travel costs due to personal preferences of the employee will be paid for by the employee.

Approved costs may be paid by the City if changes in travel plans occur that are the result of City business requirements, (i.e. delays in departure, cancellations, extended stays, or revised itinerary)



F. Rental Vehicles

The cost of a rental vehicle while on out of town business will only be considered for reimbursement when other surface transportation in the area of travel is not feasible. All vehicle rental costs must be pre-approved by a Department Director or the Mayor.

G. Other Miscellaneous Travel Expenses

Parking, ferry transportation, bus, taxi, bridge or other tolls, porter, bellman and the like (not including any maid service) may be authorized, if necessary, while traveling on City business and, if approved, will be reimbursed in addition to a mileage allowance, if actual receipts are provided to support these expenses.

Personal entertainment, loss or theft of personal property, personal cell phone or phone expenses for non-City purposes, airline or trip insurance, or other personal items will not be approved as a travel expense.

H. Use of City Credit Cards

The City may authorize the use of a City issued credit card for City business as authorized in Policy 9.7 above.

I. Advance Travel

The City has implemented Advance Travel procedures to assist employees who are traveling out of the area on City approved business. This program is set forth in the Port Orchard Municipal Code (POMC) 3.08. State of Washington RCW 42.24.120-160 also provides authority to establish this fund and requires compliance with the State Budgeting, Accounting and Reporting System (BARS).

The City will establish a special bank account for authorized Advance Travel for employees or City officials traveling on City Business.

A check register will be maintained in the manner established by the State Auditor in BARS and this account will be reconciled monthly by someone other than the account custodian.

The maximum amount that may be used to pay for travel expenses incurred by any one officer or employee of the City is \$500.00.

Funds provided to the employee through Advance Travel are considered a per diem reimbursement expense and cannot be used for any personal expenses incurred while traveling.

Advance Travel is not authorized for personal loans, payments of airline tickets, pre-registration fees, reimbursement to employees/officials for travel already incurred.

All Advance Travel requests must be submitted for approval at least one week in advance of the employee's expected date of travel to the Advanced Travel Custodian (ATC). All requests must be signed by the employee, provide the specific business purpose for the trip, length of trip, anticipated expenses if Advance Travel is requested, and a signed approval by the employee's Department Director.

Advance Travel requests will be approved by the ATC on a "first come – first served" basis.

#### J. Non-Travel Food & Beverage Reimbursement

Meals consumed by the City employee during meetings and other functions, during which official City business is conducted or which serves to benefit the City, may be reimbursable to the employee in compliance with IRS regulations.

Generally, the City will not incur costs for refreshments, and other related items, for meetings or functions held in the normal course of business or that are attended solely by City employees i.e., employee luncheons or picnics. However, at such meetings or functions where a municipal function, public purpose, or City program is served or furthered, and where the City Council or its designee has approved the meeting, the City may incur such costs directly or as a reimbursement to employees who have incurred such costs on behalf of the City.

Refreshments purchased solely for personal entertainment are not a legitimate City expense.

#### K. Volunteer Refreshments

"Volunteers" are defined as non-compensated volunteers, advisory committee members, and others who are participating in City business but are not on the City's payroll. Reimbursable expenditures relating to volunteers are authorized as follows:

Coffee and other light refreshments at meetings involving volunteers are authorized City expenditures.

Incidental consumption of refreshments by City employees at meetings involving volunteers is allowed.

#### L. Ceremonies and Celebrations

Reasonable expenses, including food and beverage, associated with commemorating a dedicating or an unveiling that is recognized as serving a public purpose are legitimate City expenditures.

Private celebrations rather than public celebrations are not generally considered as serving a public purpose. Refreshments, food, and beverage related costs would

therefore not be recognized as legitimate City expenditures.

Support of a local “event” or celebration may not take the form of a gratuitous contribution of public funds to a private person, committee or organization. Expenditure of public funds on a publicly sponsored event requires:

1. The existence of a recognizable public or municipal purpose that relates to the purpose for the City existence,
2. Proper authorization from the legislative authority for such public sponsorship, and
3. A reasonable relationship between the amount of the City’s expenditure and the “public” nature of the event.

M. Meal Reimbursement for Non-City Employees and Non-City Officials

Employee claims for reimbursement of meal costs for non-City employees and non-City officials will be allowed only with a memo of authorization for the City Treasurer or his/her designee, which must be included with the reimbursement request. This memo must identify:

1. The name(s) of the individual(s) being hosted;
2. The official title or capacity of this person(s) and how it relates to City business;
3. The nature of the topic or topics discussed, nature of the occasion, what public purpose or public policy was served; and
4. How this activity was an appropriate way to carry out that purpose or policy.

Council member claims for the reimbursement of meal costs for non-City employees and non-City officials will require a memo of authorization signed by the Mayor, or in the Mayor’s absence, the Mayor Pro Tem, and this memo must be included with the reimbursement request. This memo must identify the following:

1. The name(s) of the individual(s) being hosted;
2. The official title or capacity of this person(s) and how it relates to City business;
3. The nature of the topic or topics discussed, nature of the occasion, what public purpose or public policy was served; and
4. How this activity was an appropriate way to carry out that purpose or policy.

N. City Council Expenses for Meetings and Training

Subject to available fund balances and proper documentation, it is the policy of the Port Orchard City Council to reimburse its members for the registration fee or cost of attendance for the following meetings or training:

- AWC Regional/Annual Meetings
- AWC Newly Elected Training
- KRCC Legislative Dinner/Breakfast
- KEDA Decision Maker's Breakfast
- KEDA Annual Meeting and/or Retreat
- Waste Water Training
- Kitsap Peninsula Visitors and Convention Bureau Meetings
- Home Builders Annual Meeting
- Realtors Annual Meeting
- PSRC Meetings/Conferences
- Economic Development Meetings/Conferences
- Other meetings and training as approved by the City Council

#### 9.9 PUBLIC RECORDS REQUESTS

The Port Orchard Municipal Code designates the City Clerk as the Public Records Officer. Any employee receiving a public records request must immediately inform the City Clerk so that the request may be processed appropriately. The only exception to this procedure is that public records requests pertaining solely to the Police Department should be referred directly to the Police Department for processing.

#### 9.10 PUBLIC RECORDS RETENTION

Washington State law requires retention of most public records, including the archiving and storage of such records. The Secretary of State's office and the City establish schedules for retention of public records. Employees are required to comply with the established retention schedules.

Employees must consult the City Clerk for any questions regarding what records need to be retained and for how long they should be kept before being destroyed. Electronically stored information is subject to retention in the same manner as a paper record. Any document created on City equipment can be a public record, including electronic documents/data (including e-mails), faxes, photocopies, and scanned documents. Employees shall retain and store all electronically stored information falling within the definition of a public record in the same manner as they would a printed document.

Employees should contact the City Clerk with any questions they have regarding this Policy.

## CHAPTER 10.

### EMPLOYEE RESPONSIBILITIES AND CONDUCT

#### 10.1 GENERAL CODE OF CONDUCT

This Chapter supplements the City of Port Orchard's Anti-Harassment and Anti-Discrimination Policy, as well as the remainder of the City's personnel policies relating to employee conduct. All employees are expected to represent the City of Port Orchard in a professional manner which is courteous, efficient and helpful. Employees must also maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and supervisor.

The City of Port Orchard's success in serving its citizens depends upon each employee's performance. The City has established certain minimum standards of personal conduct. All employees, volunteers and elected officials are required to conduct themselves in a professional and courteous manner at all times when acting as an employee of the City or in a capacity that may be associated with the City. Among the City's expectations are: tact and courtesy towards City employees and officials and the public; adherence to City policies, procedures, safety rules and safe work practices; compliance with directions from supervisors and management; and preserving and protecting the City's equipment, grounds, facilities and resources. To this end, set forth below is a non-exclusive list of some behaviors that constitute a breach of the City's code of conduct policies and/or expected behavior which may result in discipline, up to and including termination of employment. This list is not all-inclusive, but is provided for your general guidance.

- A. Behaving in an insubordinate manner toward a supervisor or refusing legitimate work orders;
- B. Working in a manner that obstructs or hinders other employees from completing their assigned duties;
- C. Failing to preserve your own safety and/or the safety of others (including the failure to wear required safety clothing and equipment and the failure to promptly report an on-the-job injury or accident);
- D. Releasing confidential information without authorization or in violation of the law;
- E. Misusing, destroying, or damaging City property (this includes the unauthorized use or possession of City property, resources, and facilities);
- F. Assault, battery, fighting or any other type of violence;
- G. Disrespectful or discourteous conduct, bullying, or other unprofessional conduct;
- H. Failure to follow City rules, policies, or regulations;
- I. Failure to present a professional appearance appropriate to your work assignment;
- J. Violations of the law or other applicable authority;

- K. Failure to satisfactorily perform your job, neglect of your job duties, and failing to assist other employees when required;
- L. Intimidation, threatening, or attacking another with any form of weapon to include firearms, knives, blunt instruments, clubs, or projectiles;
- M. Engaging in criminal or unethical behavior (including any type of dishonesty). This includes the commission of any crime, whether committed at or away from the workplace (during or outside of working hours) that may impair the employee's ability to effectively perform his/her job duties and/or which is so disruptive to the City's working environment or operations that the City (in its discretion) feels compelled to terminate the employee rather than tolerate the disruption and/or inefficiencies that continued employment of the subject employee may cause;
- N. Engaging in activities that pose a conflict of interest (or potential conflict of interest) with your duties and obligations to the City;
- O. Engaging in behavior which reflects poorly upon you or the City;
- P. Misrepresentation or withholding of pertinent facts in securing or maintaining employment with the City;
- Q. Unauthorized use of your position as a City employee for personal gain (to include accepting unlawful gratuities or bribes);
- R. Unauthorized recording or alternation of another employee's time record (both employees may be subject to disciplinary action) or falsification or other improper recording of your own time record;
- S. Unauthorized tardiness or absence from work;
- T. Making malicious, false, or derogatory statements that are intended or could reasonably be expected to damage the integrity or reputation of others or the City; and
- U. Intentional falsification of records/paperwork relating to City business.

The City of Port Orchard is a relatively small organization. To make the most efficient use of personnel, the City reserves the right to change an employee's work conditions and duties as determined appropriate in the City's discretion. If these arrangements become necessary, the City expects the employee's best cooperation. The City also expects that each employee will provide his/her best efforts each working day as an employee of the City. Consistently positive, cooperative, and professional conduct is an essential function of every position at the City.

Violations of the City's code of conduct policies, breaches of expected behavior, and/or unsatisfactory work performance (as determined in the City's discretion) will result in appropriate disciplinary action, up to and including termination of employment, as well as possible civil and/or criminal legal action. All employees are expected to abide by the City's code of conduct policies as a term and condition of employment.

Reporting Procedure: Any employee who reasonably believes that a situation with an aggressive employee, member of the general public, or other party (e.g., any person who uses obscene or abusive language or gestures, makes threats, or acts in a violent or

threatening manner) is placing him/her in imminent danger should immediately contact the City's police department or call 911. The employee should also immediately report the situation to his/her supervisor or Department Director. If the supervisor and/or Department Director are unavailable or are part of the violence, the employee shall report the situation to the Human Resources Coordinator or the Mayor. Once the situation has been defused, the supervisor or Department Director must contact Human Resources Coordinator to initiate an appropriate investigation. The report will be investigated as appropriate and disciplinary or corrective action will be taken to the extent necessary.

**Duty to Report Protective Orders:** Any employee who is the subject of or protected by a domestic violence protective order or civil protective order, which could reasonably effect their ability to perform their job duties and/or necessitate action on behalf of the City in regard to the subject protective order, shall immediately report the existence of the order to his/her Department Director or the Human Resources Coordinator.

**Duty to Report Criminal Arrests and Convictions:** Any employee who is arrested or convicted of a felony, gross misdemeanor or misdemeanor offence shall immediately report such arrest or conviction to his/her Department Director.

## 10.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

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

- A. Outside employment which prevents the employee from being available for work beyond normal working hours, such as in emergencies or peak work periods, when such availability is required by the employee's job;
- B. Outside employment which is conducted during the employee's work hours;
- C. Outside employment which uses City telephones, computers, supplies, or any other resources, facilities or equipment;
- D. Employment with a firm which has contracts with, or otherwise does business with the City; or
- E. Employment which includes activities that are or may reasonably be perceived as a conflict of interest or otherwise discredits the City.

To avoid conflicts of interest, each employee must:

- A. Maintain a high standard of conduct and disqualify him or herself from exerting influence in any transaction where his or her own interest may conflict with the best interests of the City, or where the employee may gain or be perceived to gain any financial or other personal benefit.

- B. Report to the City any financial interest the employee or any member of his or her family may have in any entity, agency or concern doing business with the City.
- C. Refuse to accept any remuneration, gift or promise of a benefit received from anyone who has a business relationship with the City which could influence your professional judgment or discretion. Employees must report all such conduct to the City Clerk or his/her designee.
- D. Accept no cash, merchandise or any item of more than a de minimis value from anyone who has a business relationship with or interest in dealing with the City. Items that are donated to use as a door prize for a fundraiser or to be auctioned or raffled off for the benefit of the City are not considered gratuities to the employee if used strictly for the purpose intended.
- E. Refrain from lending money to, borrowing money from, or having loans guaranteed by anyone doing business with, or with an interest in doing business with, the City. The exception is that an employee may borrow money from a financial institution the City does business with provided the employee does not receive preferential treatment.
- F. Refrain from using information or knowledge acquired by virtue of the employee's position in the City for any personal gain or advantage by divulging such information to anyone who could use it in a manner detrimental to the City or detrimental to the fairness of the process, such as a competitive bidding process.
- G. Report to the City Clerk or Mayor (or his/her designee) any knowledge the employee has of a potential violation of this Policy.

Any employee, who serves as a consultant to, or a director, officer or part-time employee of a business or agency that does business with the City, when that relationship has not been fully disclosed to the City, has a conflict of interest. This is true even when the City employee has no direct contact with the City in the course of the business or agency's dealings with the City. This places the City at risk for inadvertent disclosure of confidential information and creates the appearance of impropriety. Thus, all employees must obtain written approval from the Mayor (or his/her designee) before the employee may accept outside work with a firm or entity that has or may have dealings or a relationship with the City.

Finally, employees are cautioned to consider carefully the demands that outside employment will create before seeking or accepting any such employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to work overtime, different hours, or refusal to travel when required. If an outside work activity does cause or contribute to job-related problems, the employee will be subject to appropriate disciplinary action, up to and including termination of employment.

Nothing in this Policy, however, is intended to apply to an employee's military reserve obligations in the United States Armed Forces or the National Guard.



### 10.3 PROHIBITION OF WORKPLACE VIOLENCE

The safety of the City's employees and public is the City's paramount concern when dealing with issues of violence or threatened violence in the workplace. Acts of violence, threats, bullying, aggressive behavior and intimidation will not be tolerated. This includes verbal or physical threats. This also includes communications through electronic means or through a third party. Destruction of property is also prohibited. Bringing a firearm or any other weapon on City property is prohibited, with the exception of authorized law enforcement personnel acting within the scope of their employment for the City.

Threats or intimidation of a public official is prohibited. Any such conduct by members of the public or City employees directed at another City employee or City official may result in refusal of City services or access to services, discipline (up to termination), and/or legal action, including criminal action, when appropriate.

If any City employee is aware of such conduct being directed at a City employee or City official, whether the source is another City employee or member of the public, they must report such conduct immediately to their Department Director, the Human Resources Coordinator, City Clerk, Mayor or law enforcement. The City will take police action when needed to meet these safety goals.

The City will investigate all reports of threats of (or actual) violence and of suspicious individuals or activities to the extent appropriate.

An employee who participates in, commits, or threatens to commit an act of violence in the course of his or her employment or directed toward a co-worker will be subject to appropriate disciplinary action, up to and including immediate termination.

### 10.4 CONFIDENTIALITY OF BUSINESS INFORMATION

Employees and volunteers of the City of Port Orchard may receive and have access to confidential information regarding its taxpayers, ratepayers and other employees and officials. Employees are obligated to keep this information confidential. Other information is also considered confidential, such as attorney-client privileged communications, information used in negotiating land acquisitions or purchases, and other information exempt from the public disclosure laws. Employees who have access to or are made aware of confidential information must safeguard this information and protect it from misuse or further dissemination.

All requests for confidential City records or information must be referred to the applicable Department Director, City Clerk, or Mayor. Employees are prohibited from copying or distributing confidential information without appropriate authorization. This obligation exists during employment and it continues indefinitely after employment with the City ends. Employees who violate this Policy, and/or the trust and standard of

accountability that is expected of all City employees, shall be subject to appropriate disciplinary action, up to and including termination, as well as any other appropriate legal action.

#### 10.5 CONDUCT TOWARD CO-WORKERS AND THE PUBLIC

The City of Port Orchard's integrity and reputation in the community will be determined by the work we do and by the employees who represent us. We are proud of those who work for us and employees can be proud of the positions of trust they hold. We must continue to earn that trust in everything we do. We expect that employees will maintain the highest degree of reliability and honesty. The community will judge the City by the actions of its employees.

All employees are expected to treat their co-workers, volunteers and the public with courtesy and respect. While employees may disagree with one another, or even with aspects of the City policies, management directives or other practices, they are expected to resolve their concerns in a way that is not disruptive of the City's business, and does not undermine the quality of the workplace for others. If you have concerns, you are expected to address those concerns with an appropriate member of the management team to see if your concerns can be resolved. Employees are not to act in a way that is considered combative or threatening to other co-workers or the public.

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

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

#### 10.6 NO SMOKING POLICY

As required by law, the City prohibits tobacco use by employees in all City facilities, including City-owned buildings, vehicles, and offices or other facilities rented or leased by the City, including individual employee offices. Tobacco use is permitted only in designated areas outside of the City's buildings in accordance with State law.

#### 10.7 PERSONAL POSSESSIONS AND USE OF CITY VEHICLES AND EQUIPMENT

This Policy supplements the other personnel policies contained herein regarding use of City equipment and resources and the conduct expected of every City employee.

The City of Port Orchard does not assume responsibility for any theft or damage to the personal belongings of employees, and it reserves the right to search employee desks, lockers, other City resources, and personal belongings brought onto City premises, when necessary and as permitted by law.

Other City equipment, including vehicles, must be appropriately used by employees as previously set forth in these personnel policies. An employee's misuse of City services, telephones, computers, vehicles, equipment, supplies, or other resources will result in appropriate disciplinary action, up to and including termination.

#### 10.8 CONTACT WITH THE NEWS MEDIA

The Mayor or his/her designee shall be responsible for all official contacts with the news media, including answering of questions from the media. The Mayor may designate specific employees to give out procedural, factual or historical information on particular subjects. Employees who are contacted by the news media regarding the City or City business, should refer the media to the Mayor. The only exception to the foregoing procedure is that the Police Department has a designated Public Information Officer who handles contacts with the news media relating to the Police Department.

#### 10.9 SEAT BELT AND DRIVER/EQUIPMENT OPERATOR SAFETY

This Policy supplements Policy 9.5 (Use of City Vehicles) above and should be read in conjunction with that Policy. Under Washington law, anyone operating or riding in City vehicles must wear seat belts at all times. No one is permitted to have a non-City employee or agent in a City vehicle without written authorization from a supervisor and any appropriate waivers from the passenger.

Similarly, when operating City equipment or vehicles that require a commercial driver's license (CDL), each employee must maintain their license and all the requisites for that license at all times. Any change in status must be reported to the City promptly. If a CDL license is essential to an employee's job duties, he or she may be terminated if unable to maintain their CDL qualifications.

No vehicle should be driven on City business if the vehicle is not operating properly or would be or could be unsafe to drive. At no time will any City employee operate a City or personal vehicle in connection with reporting to work or on City business if they have consumed alcohol. If an employee is called to work unexpectedly due to an emergency condition, he or she must notify their supervisor if they have consumed alcohol so that a replacement can be located. Similarly, if an employee has consumed prescription or non-prescription medication that may impair his or her ability to drive or stay alert, they must notify their supervisor prior to undertaking any driving tasks, or any other task which they cannot perform safely.

No one under the age of eighteen (18) will be permitted to operate a motor vehicle while carrying out City business.

## 10.10 SAFETY COMMITTEE

The City has a safety committee made up of members of various departments, whose responsibility it is to address safety concerns and educate employees on safe work practices.

## 10.11 DRIVER'S LICENSE REQUIREMENTS

Employees, elected and appointed officials, and volunteers may be required to hold a valid Washington State Driver's license or other license as a requirement for certain City positions, and as a requirement when driving vehicles owned by the City, and in performance of their City related business. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid, and in the employee's possession, the employee shall promptly notify his/her supervisor or their Department Director and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her supervisor or Department Director. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to corrective action, including termination.

## 10.12 POLITICAL ACTIVITIES

City employees may participate in political or partisan activities of their choosing provided that City resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on City time or in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities. Any City employee who meets with or may be observed by the public or otherwise represents the City to the public, while performing his/her regular duties, may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on City property or City time, for a contribution for a partisan political cause.

## 10.13 SOLICITATION

Solicitation by an employee of another employee is prohibited during the working time of either person. Working time is defined as time when an employee's duties require that he/she be engaged in work tasks. Reasonable forms of solicitation are permitted during non-work time, such as before or after work or during meal or break periods. Distribution of printed materials or literature of any nature shall be limited to non-work areas at non-work times. Solicitation and/or distribution of material on City property by persons not employed by City of Port Orchard are prohibited at all times. (Exceptions to this rule may be made, by the Mayor or his designee, in special circumstances where the City determines that an exception would serve the best interests of the organization and our

employees. An example of an exception might be the United Way campaign or a similar, community-based fund raising effort).

#### 10.14 ACCIDENT PREVENTION AND SAFETY

This Policy supplements the City's other safety related policies and should be read in conjunction with those policies. It is the City's intent to provide safe working conditions for its employees. Every employee is responsible for maintaining a safe work environment and following the City's safety rules. The City has established a safety and health policy and accident prevention program. Copies of the Safety Manual are available from the Human Resources Coordinator or in the Safety folder on the Share Drive and are distributed to each new employee at the time of hire. Each Department also has a hard copy of the manual.

Employees shall promptly report all unsafe or potentially hazardous conditions to their Department Director. The City will make every effort to remedy problems as quickly as possible. Employee safety depends on the safety consciousness of everyone. In order to facilitate a safe work environment, employees may not bring dangerous weapons to the workplace (please also see Personnel Policy No. 10.3 regarding the prohibition of workplace violence). This includes, but is not limited to, weapons for which employees have a valid permit. This Policy does not apply to City law enforcement personnel acting within the scope of their employment, who are governed by law and internal departmental policies. Violations of this Policy will result in appropriate disciplinary action, up to and including termination of employment. The City encourages the promotion of accident prevention and safety education at regular department/ safety meetings.

Employees in certain jobs or when performing certain tasks, operating equipment or as otherwise instructed are required to use personal protective equipment provided by the City, such as safety vests/glasses, hearing protection, gloves and/or hard hats. Employees are prohibited from removing guards or other protective devices from machinery and equipment or in any way tampering with or disabling safety measures. Violations of safety requirements may result in discipline, up to and including termination. In case of an accident involving personal injury or damage to property regardless of how minor or if a motor vehicle is involved in a collision of any kind, any involved employees shall immediately notify their direct supervisor or Department Director, as well as the Risk Manager.

In any accident that results in serious property loss or bodily injury, it is the City's policy to test the employee for drugs or alcohol use, to confirm that the use of drugs or alcohol was not a factor in the accident. (The City also reserves the right to conduct such testing at other times determined appropriate in its discretion to the extent permitted by law). In addition, no City employee is permitted to engage in conduct after an accident or injury occurs that will negatively impact the City's or law enforcement's investigation of the accident.

## On the Job Employee Injuries

When an on-the-job injury occurs, employees shall report to their immediate supervisor or Department Director each injury or illness regardless of the degree of severity. As soon as possible after an accident, injury or occupational illness is discovered, the employee must complete the City's Personal Injury Accident/Report form and submit it to the Human Resources Coordinator within twenty-four (24) hours unless the employee is physically unable to do so. If applicable, the employee is responsible for completing the Washington State Labor and Industries claim form. Supervisors are required to complete the supervisor portion of the accident report form. Should the injury require attention beyond basic first aid, the employee should have his or her treating physician complete the applicable portion of the Washington State Labor and Industries Claim form. Injured employees must submit physician time loss certification to their Department Director or his/her designee and if absent from work for more than three (3) days, contact his or her Department Director or designee once a week or as otherwise required to keep the City informed of their condition, progress and intent to return to work. The injured employee's Department Director or his/her designee shall promptly forward the original completed time loss certification to the Human Resources Coordinator.

## Other Accidents/Incidents

Employees shall report any work-related accidents involving a third party personal injury and/or damage to public/private property or equipment, regardless how minor, to their immediate supervisor or Department Director, as well as the Risk Manager. Such report shall be made as soon as possible, but in no event later than one (1) hour following such accident unless the employee(s) involved are physically unable to do so. So that an accident may be timely reported, the initial report may be given verbally. Accident report forms are available from supervisors or the Human Resources Coordinator. A written accident report shall be completed by the employee as soon as possible, and, unless the employee is medically unable to, no later than twenty-four (24) hours following the accident, or sooner if required by the employee's Department Director or the Human Resources Coordinator.

## Bloodborne Pathogens

The City complies with all statutory obligations for the prevention of exposure to bloodborne pathogens. Employees should familiarize themselves with the City's Exposure Control Plan which is in the City of Port Orchard's Safety Manual- Accident Prevention Program and follow it at all times. Failure to comply with this Plan may result in discipline up to and including termination.

## 10.15 SUBSTANCE ABUSE

### Introduction

The City of Port Orchard is committed to providing a safe, healthy, and efficient working environment for all employees. The City recognizes that drug and alcohol abuse pose a direct and significant threat to these goals. The City is also committed to complying with the federal Drug Free Workplace Act of 1988 (and any other applicable law). This Policy is intended to comply with that Act and to set forth the City's policy regarding substance abuse issues. Every employee is required to abide by the terms of this Policy as a condition of employment.

#### Drug and Alcohol Prohibitions

To accomplish the goals of this Policy, all employees are required to report to work in an appropriate mental and physical condition to perform their job satisfactorily. In addition, employees are prohibited from:

- A. Possessing, distributing, selling, manufacturing, dispensing, using, or being under the influence of any illegal drug as a matter of federal, state, or local law, including marijuana", intoxicant, or controlled substance;
- B. Consuming alcoholic beverages while on City premises, in City vehicles, or while on City business or time, or bringing alcohol onto City premises, unless specifically approved by the Mayor;
- C. Abusing prescription drugs or possessing and distributing prescription drugs that have not been prescribed for the employee by a physician; and
- D. Any other related conduct in violation of the law or City policy.

Any employee who violates this Policy is subject to appropriate disciplinary action, up to and including termination of employment. In addition, any workplace conduct in violation of the law may be treated as a criminal matter and turned over to the Port Orchard Police Department or other authority for appropriate action.

#### General Testing Requirements

The City may require a drug test for the following reasons:

- A. Prior to appointment to a position in the Police Department;
- B. After a conditional offer of employment but prior to commencement of employment;
- C. Prior to appointment to a position whose duties may jeopardize public safety;
- D. After a job-related accident;

- E. According to the terms of a return to work agreement or last-chance agreement between an employee and the City or following completion of an approved treatment program;
- F. In any other situation required by applicable law; and
- G. In any other appropriate situation to the extent permissible under applicable law (for example, based upon a reasonable suspicion of apparent workplace use of drugs, alcohol, controlled substances, or other intoxicants).

The City may also require an alcohol test, to the extent permitted or required by law, under the foregoing circumstances. An applicant's or employee's refusal to submit to a required drug and/or alcohol test will result in disqualification for further consideration for employment or appropriate disciplinary action, up to and including termination of employment (as applicable).

#### Testing Based Upon Reasonable Suspicion

As stated above, employees may be subject to drug or alcohol testing based upon his/her apparent workplace use or impairment. To this end, when a supervisor or manager reasonably suspects that an employee may be under the influence of drugs, controlled substances, alcohol, or other intoxicants, the employee may be required to submit to an appropriate substance test. Refusal to take the test will result in appropriate disciplinary action, up to and including termination of employment.

The supervisor or manager's "reasonable suspicion" shall be based upon current and specific observations of the employee's appearance, behavior, speech, body odors, or other appropriate factors. For example, the "reasonable suspicion" could include a combination of various factors such as slurred speech, red eyes, dilated pupils, incoherence, unsteadiness on feet, smell of alcohol or drugs emanating from the body, inability to carry on a rational conversation, increased carelessness, erratic behavior, inability to perform the job, repeated workplace accidents, or other behavioral changes.

If time permits, prior to requiring an employee to submit to a substance test, the supervisor or manager shall document in writing the specific observations and behaviors that create a reasonable suspicion that the employee is under the influence of drugs, controlled substances, alcohol, or other intoxicants. The supervisor or manager may confidentially discuss the matter with the Mayor (or his/her designee), the employee's Department Director, and/or the Human Resources Coordinator. If it is determined that reasonable suspicion of impairment or use exists, the supervisor or manager shall meet with the employee (along with another appropriate City management witness) and direct him/her to accompany the supervisor or manager (or other appropriate City management personnel) to an approved testing facility for the substance test. If practicable, the employee will be provided with a copy of the written documentation supporting the reasonable suspicion of substance use upon his/her request. The employee shall be relieved from duty with pay



until a clear determination can be made as to the presence of drugs, controlled substances, alcohol, or other intoxicants in his/her system. The employee will not be allowed to drive to himself/herself to the testing facility. A member of the City management will transport and escort the employee to the testing facility. The employee may have his/her union representative (if applicable) or other representative accompany them as well if they so desire. The City's management representative shall then make arrangements for the employee to be transported home at the conclusion of the test. The employee will remain on leave with pay until the status of the substance test and the circumstances surrounding the alleged impairment are determined.

#### Post-Accident Testing

Employees may be subject to substance testing when they cause or contribute to an accident that seriously damages a City vehicle, machinery, equipment, or property (or the employee's own vehicle while conducting City business) and/or results in an injury to themselves or others requiring off-site medical attention. This testing shall take place as soon as possible and no later than two (2) hours following the accident unless there are emergent circumstances which prevent the test within this timeframe. The employee shall not be allowed to drive himself/herself to the testing facility.

#### Random Testing

The City may require random substance testing whenever required or permitted by applicable law (for example, for employees performing functions for which a commercial driver's license is required). Any employee subject to random testing shall be paid for the time required to travel to and from the test site, as well as the time at the test site.

#### Follow-Up Testing

Employees who have tested positive, or who have otherwise violated this Policy, are subject to appropriate discipline, up to and including termination of employment. Depending upon the individual circumstances and the employee's work history/record, the City may choose (in its sole discretion) to offer the employee the option to return to work by entering into a last-chance agreement on terms satisfactory to the City. The last-chance agreement will generally include appropriate discipline, required treatment and/or counseling, and follow-up substance testing in a manner determined appropriate by the City in its sole discretion. Any employee failing to fully comply with and satisfactorily complete the terms of his/her last-chance agreement will be subject to appropriate disciplinary action, which will generally result in termination of employment.

#### Additional Supervisor/Manager Responsibilities

As stated above in this Policy, if a supervisor or manager has a reasonable suspicion that an employee is under the influence of drugs, controlled substances, alcohol, or other intoxicants in the workplace, the supervisor or manager shall verify and document the

employee's condition to the best of his/her ability as previously outlined. The supervisor or manager is responsible for removing an employee from duty where reasonable suspicion of impairment exists. A supervisor or manager shall not allow an employee believed to be under the influence of drugs, controlled substances, alcohol, or other intoxicants to operate equipment or drive a vehicle until it has been determined that an employee can safely do so. A reasonable effort will be made to prevent the employee from driving a personal vehicle when the employee is believed to be under the influence of drugs, controlled substances, alcohol, or other intoxicants.

#### Other Requirements and Matters

A. Each employee must notify their supervisor of any criminal drug statute conviction no later than five (5) days after such conviction. The City shall take appropriate personnel/disciplinary action against the employee, up to and including termination of employment and/or requiring the employee to participate satisfactorily in an approved substance abuse treatment program.

B. Prescription and over-the-counter medications are not prohibited in the workplace or while acting on behalf of the City when taken in standard dosage and/or according to a physician's prescription. Employees are responsible for notifying their supervisors when taking prescribed or over-the-counter medication(s) that may interfere with their ability to safely or effectively perform the essential functions of their job, or when doing so may impose a danger to the employee or others. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe and effective performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees, or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g. call in sick, use leave, request change of duty, notify supervisor) to avoid unsafe workplace practices.

C. The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug free work place policy to intentionally misuse and/or abuse prescription medications. Distributing prescription drugs to another employee that have not been prescribed for the employee by a physician is also considered a violation of this Policy. Appropriate disciplinary action will be taken if job performance deteriorates and/or safety incidents or accidents occur as a result of such illegal or unauthorized prescription drug use.

D. Employees are responsible for reporting to their supervisor any action by another employee which demonstrates an unusual pattern of behavior which may be the result of an impairment due to the use of drugs, controlled substances, alcohol, or other intoxicants.

E. While the City does not condone the use or abuse of drugs, controlled substances, alcohol, or other intoxicants or the use of illegal drugs or other intoxicants, it recognizes that addiction to the foregoing may be treated. If an employee seeks assistance for an abuse problem in advance of any performance problems or disciplinary action resulting from performance problems, the City may assist the employee in seeking treatment through its EAP or otherwise to the extent appropriate and feasible (such employees may be required to provide certification that they are successfully following the prescribed treatment and take and pass follow-up substance tests as appropriate). However, once the employee allows the situation to jeopardize his/her work performance or public safety, the City reserves the right to address the situation from a disciplinary standpoint. The City will hold all employees to the same standard of performance and behavior requirements. Violation of these performance and/or behavior requirements will subject the employee to appropriate disciplinary action, up to and including termination of employment.

F. Confidentiality. Records relating to substance testing shall be maintained in the respective employee's separate and confidential medical file unless otherwise required by law or disciplinary process. Access to this information shall be restricted to appropriate City personnel with a legitimate business reason to need access to the information and as otherwise required by law.

#### 10.16 PROFESSIONAL ATTIRE POLICY

The City requires its employees to dress appropriately and professionally at all times for their particular position. To maintain the professional image of the City, it is imperative that all City employees present a neat, groomed, and clean appearance.

Under no circumstance may employees wear halter tops, strapless tops, spaghetti straps, cropped tops, tee shirts with offensive wording on them, clothing that reveals undergarments, torn clothing, or clothing with holes in it. Provocative clothing is prohibited. All clothing must be clean, neat, and fit properly.

The City reserves the right to determine appropriate dress at all times and in all circumstances and may send employees home to change clothes should it be determined, in the City's discretion, that the employee's dress is not appropriate. The employee may be required to use their own accrued leave time, if available, or use unpaid time for these circumstances.

## CHAPTER 11.

### IMPROPER GOVERNMENTAL ACTION POLICY

#### 11.1 REPORTING IMPROPER GOVERNMENTAL ACTION

In compliance with the Local Government Whistleblower Protection Act, Ch. 42.41 RCW, this Policy is created to encourage employees to disclose, in good faith, any improper governmental action taken by City employees or elected officials without fear of retaliation. This Policy also safeguards legitimate employer interests by encouraging complaints to be made first to the City, with a process provided for timely resolution.

##### A. Key Definitions for this Policy

1. “Improper Governmental Action” means any action by a City employee or elected official that 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
- In violation of any federal, state or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

“Improper Governmental Action” does not include personnel actions, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the local government collective bargaining and Civil Service laws, alleged labor agreement violations, reprimands, or any action that may be taken under Chapters 41.08, 41.12, 41.14, 41.56, 41.59, or 53.18 RCW or RCW 54.04.170 and 54.04.180. In addition, nothing in this Policy authorizes employees to disclose information prohibited by law.

2. “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 City employee that were encouraged by a supervisor or senior management official.

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

## B. Procedure for Reporting Improper Governmental Action

An employee who becomes aware of an improper governmental action must submit a written report to his/her respective Department Director, stating in detail the basis for his/her belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her Department Director, the employee must submit the foregoing written report to the Mayor or the Human Resources Coordinator. The employee must submit the written report as soon as he/she becomes aware of the alleged improper action but no later than 30 days from the date of the action in question.

In the case of an emergency, the employee may report the alleged improper governmental action directly to an appropriate government agency with responsibility for investigating the improper action (please see the list at the end of this Policy). In the absence of an emergency, employees must report the alleged improper governmental action as set forth in this Policy.

Any employee reporting an alleged improper governmental action who fails to make a good-faith effort to follow the procedures set forth in this Policy shall not receive the protections provided by the City pursuant to state law. In addition, an employee who knowingly furnishes false information will be subject to appropriate disciplinary action, up to and including termination of employment.

The City shall take prompt action to properly investigate the report of improper governmental action. An investigator (either internal or external) may be appointed by the Mayor or his/her designee if appropriate. The employee shall be advised that a prompt investigation is occurring. Emergency situations shall receive an appropriate expedited response. Non-emergency situations shall receive serious, prompt attention.

The identity of the reporting employee shall be kept confidential to the extent possible under law, recognizing the City's potential need to make certain disclosures in order to conduct the subject investigation and address the matter, unless the employee authorizes additional disclosure of his/her identity in writing.

The appointed investigator shall determine the scope of the investigation. After the investigation has been concluded, the Mayor or his/her designee shall decide: (a) what action should be taken to address the report of improper governmental action and (b) what, if any, personnel action is required.

After an investigation has been completed, the reporting employee shall be advised as to the results of the investigation to the extent possible. However, personnel actions taken as a result of the investigation may be kept confidential to the extent required by law.

### C. Protection Against Retaliatory Actions

Elected officials and City employees are prohibited from taking retaliatory action against an employee because he/she has, in good faith, reported an improper governmental action in accordance with this Policy.

Employees who believe they have been retaliated against for reporting an improper governmental action must deliver a written complaint to their Department Director, the Human Resources Coordinator or the Mayor within 30 days of the occurrence of the alleged retaliatory action. This written notice must:

1. Specify the alleged retaliatory action; and
2. Specify the relief requested.

Upon receiving the written complaint of alleged retaliatory action set forth above, the City shall take appropriate action to investigate and address complaint(s) of retaliation in writing within 30 days of receipt of the written complaint. The identity of the complaining party shall be kept confidential to the extent possible under the law, recognizing the City's potential need to make certain disclosures in order to investigate the complaint and address the matter, unless the employee authorizes further disclosure in writing.

After receiving the City's response, if the employee determines the City's response did not adequately address the problem, the employee may request a hearing before a state administrative law judge, to establish that a retaliatory action occurred and to obtain appropriate relief as defined in this Policy. The request for hearing must be delivered to the City within the fifteen (15) days of receipt by the employee of the City's response to the charge of retaliatory action or within fifteen (15) days of the last day on which the City could respond.

Within five (5) working days of receipt of a request for hearing, the City shall apply to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge.

At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence. The administrative law judge shall issue a final decision consisting of findings of fact, conclusions of law, and judgment no later than forty-five (45) days after the date of the request for hearing was delivered to the City. The administrative law judge may grant specific extensions of time beyond this period of time for rendering a decision at the request of either party upon a showing of good cause, or upon his/her own motion.

Relief that may be granted by the administrative law judge consists of reinstatement, with or without back pay, and such injunctive relief as may be found necessary in order to return the employee to the position he or she held before the

retaliatory action and to prevent any recurrence of retaliatory action. The administrative law judge may award costs and reasonable attorneys' fees to the prevailing party.

If a determination is made that retaliatory action has been taken against the employee, the administrative law judge may, in addition to any other remedy, impose a civil penalty personally upon the retaliator of up to three thousand dollars payable by each person found to have retaliated against the employee and recommend to the City that any person found to have retaliated against the employee be suspended with or without pay or dismissed. The City will consider any recommendation provided by the administrative law judge that the retaliator(s) be disciplined. To the extent applicable, all penalties recovered shall be paid to the local government administrative hearings account created in RCW 42.41.060.

The final decision of the administrative law judge is subject to judicial review under the arbitrary and capricious standard. Relief ordered by the administrative law judge may be enforced by petition to superior court.

#### D. Responsibilities

The Mayor or his/her designee is responsible for implementing the City's policies and procedures for: (a) reporting improper governmental action and (b) protecting employees against retaliatory actions. This includes ensuring that:

1. This Policy, or a summary of it, is permanently posted in a place where all employees will have reasonable access to it;
2. This Policy will be made available to any employee upon request; and
3. This Policy (along with this entire Personnel Policies Manual) will be provided to all new hires.

In addition, City management, Officials, and supervisors are responsible for ensuring that the procedures relating to this Policy are fully implemented within their respective areas of responsibility.

Violations of this Policy and the procedures specified above will result in appropriate disciplinary action, up to and including termination.

#### E. Appropriate Agencies

The following is a list of some outside 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 Mayor, the Human Resources Coordinator, or the outside agency. In addition, employees may contact the

Human Resources Coordinator to verify the address and contact information for any of these agencies.

Kitsap County Prosecuting Attorney  
Kitsap County Courthouse  
614 Division Street  
Port Orchard, WA 98366  
(360) 337-7174

State of Washington  
Fair Practices Division  
1019 Pacific Avenue  
Tacoma, WA 98402-4443  
(206) 464-6684

Washington State Auditor's Office  
Insurance Building  
Capitol Campus  
P.O. Box 40021  
Olympia, Washington 98504-0021  
(360) 902-0370

Washington State Attorney General's Office  
1125 Washington Street SE  
P.O. Box 40100  
Olympia, WA 98504-0100  
(360) 753-6200

Kitsap County Auditor's Office  
Kitsap Co. Courthouse  
614 Division, Mail Stop 10  
Port Orchard, WA 98366-4678  
(360) 337-7128

Washington State Department of Ecology  
3190 160th Southeast  
Bellevue, WA 98008-5852  
(206) 649-7000

Washington State Human Rights Commission  
711 South Capitol Way, Suite 402  
Olympia, WA 98504-2490  
(360) 753-6770



Kitsap County Health Department  
345 6th St., Suite 300  
Bremerton, WA 98337  
(360) 337-5235

Washington State Department of Labor & Industries  
500 Pacific Avenue, Suite 400  
Bremerton, WA 98337-1943  
(360) 415-4000

Washington State Liquor Control Board  
Enforcement Office  
4401 E. Marginal Way S.  
Seattle, WA 98134-1193  
(206) 464-6094

Seattle Field Office of the Equal Employment Opportunity Commission  
909 1st Avenue, Suite 400  
Seattle, WA 98104-1061  
(800) 669-4000

Washington State Department of Retirement Systems  
P.O. Box 48380  
Olympia, WA 98504-8380  
(800) 547-6657

Washington Department of Natural Resources  
P.O. Box 47000  
1111 Washington St. SE  
Olympia, WA 98504-7000  
(360) 902-1000

Puget Sound Air Pollution Control Agency  
110 Suite 500  
Seattle, WA 98101  
(800) 522-3565

## **CHAPTER 12.**

### **OTHER EMPLOYMENT PRACTICES AND POLICIES**

#### **12.1 OPEN COMMUNICATIONS POLICY**

The City believes open and respectful communication promotes positive employee relations and a positive working environment. Accordingly, the City encourages its employees to share their concerns, seek information, provide input, and resolve-work related issues by discussing these issues with their supervisor and/or the Human Resources Coordinator. While it may not be possible to achieve the result an employee wants, the supervisor and/or the Human Resources Coordinator will endeavor to actively listen to the employee and his/her concerns and provide constructive feedback to the extent possible.

Please note that if an employee has a concern about discrimination, harassment, or improper governmental action, the City has set up special procedures to report and address these issues. These reporting procedures are previously set forth in detail in this Personnel Policies Manual in Chapters 2 and 11 respectively.

#### **12.2 REDUCTIONS IN FORCE**

The City of Port Orchard may lay off employees for lack of work, budgetary restrictions, restructuring, organizational changes, or other reasons as determined appropriate by the City in its discretion.

Temporary employees or employees who have not completed their introductory period will usually be laid off before regular employees are affected. In determining who is to be laid off, consideration will be given to individual performance and the qualifications required for remaining jobs. However, reductions in force shall be accomplished as deemed appropriate by the City in its discretion unless other process is required by applicable law or a collective bargaining agreement or other contract. Nothing in this Policy shall be construed as the promise of specific treatment in specific circumstances or as altering the at-will status of City employees.

#### **12.3 REHIRE POLICY**

Any employee who voluntarily terminates his/her employment with the City shall not be eligible for rehire for a period of one year unless the employee is rehired at the request of the City or as otherwise required by law.

## **CHAPTER 13.**

## **EMPLOYEE RECOGNITION AND WELLNESS**

### **13.1 EMPLOYEE WELLNESS**

The City, through its Employee Wellness Committee, may sponsor programs or circulate information designed to develop, promote, and implement those programs and activities that improve the health and wellbeing of City employees, contribute to a healthy work environment and provide employees with information to make informed decisions about health and lifestyle.

The Wellness Program is administered through the Finance Department and has its own budget. A voluntary employee Wellness Committee assists with the planning, oversight, management, promotion and execution of the program activities. Each Department Director is requested to select a respective Department representative who will serve as a member of the Committee. Representatives will be encouraged to rotate participation among other interested Departmental personnel in order to promote full participation in the program and to provide different perspectives to the Committee. Committee members are granted time within their workday to carry out any approved wellness event. All employees and family members may participate in Wellness Committee events within their workday. Any participation in the programs and activities is on a voluntary basis.

### **13.2 EMPLOYEE RECOGNITION PROGRAM**

The City recognizes employee contributions to the work environment, service to the public, or jobs beyond that expected of the employee in their typical job performance. All employees are eligible for the Employee of the Quarter recognition program. Each Department Director will advise employees of eligibility requirements and will accept nominations from their co-workers. A Department Director may also nominate someone for extraordinary service or dedication. The Mayor will present the award quarterly to the employee voted on by the Department Directors. The award itself consists of a certificate that will be placed in the employee's file and their name and picture placed on a City plaque for display. It will be up to the discretion of each Department Director to plan or present additional recognitions for their employees at no cost to the City.

## CHAPTER 14.

### SOCIAL MEDIA POLICY

#### 14.1 PURPOSE

This policy is to provide guidelines and define individual and departmental responsibilities for the use of social media, such as Facebook and/or Twitter.

The purpose of social media is to inform as many citizens of City business in an effective and efficient manner. This will build a stronger community, by providing citizens a better understanding of their government.

#### 14.2 DEFINITIONS

**Blog:** A self-published diary or commentary on a particular topic that may allow visitors to post responses, redactions, or comments.

**Content:** Any text, metadata, QR codes, digital recordings, videos, graphics, photos, and links on approved sites.

**Employee:** Elected officials and personnel appointed to a position (regular, temporary, or volunteer) of service with the City.

**Employer:** The City of Port Orchard

**Page:** The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

**Post:** Content that an individual shares on a social media site or the act of publishing content on a site.

**Profile:** Information that a user provides about himself or herself on a social networking site.

**Public Record:** Any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics (RCW 42.56.010(2)).

**Social Media Coordinator:** A City of Port Orchard employee who has been designated to oversee the City's social media program.

**Social Media Representative:** A City of Port Orchard employee who has been trained in the Social Media Policy and who has been designated to establish and/or maintain a social media account on behalf of their department. A representative must be identified before the City department can use social media.

**Social Media / Web 2.0:** Internet-based technology communication tools with a focus on immediacy, interactivity, user participation and information sharing. Examples include, but are not limited to: forums; weblogs; wikis; social networking, communication, and bookmarking sites; podcasts; photo or video sharing sites; and real-time web communication sites/systems.

### 14.3 RESPONSIBILITIES

It is the responsibility of the Social Media Coordinator to train the Social Media Representatives, determine the content provided on the social media sites is subject to records retention requirements, assign and maintain a list of logins and passwords, and to oversee the City's social media program generally in order to ensure the City's social media activities adhere to the guidelines set forth herein.

It is the responsibility of Social Media Representatives to read and adhere to relevant policies, to maintain archival data, maintain current accurate information via City social media platforms, and to ensure that the City is being appropriately represented. (see City's Personnel Policies Manual Chapter 10.1)

It is the responsibility of Department Directors or designees to enforce this policy, to ensure that relevant City standards are met, and to ensure that the use of social media platforms meets the City's business needs. It is also the responsibility of Department Directors or designees to review and make decisions regarding the approval and distribution of information on social media platforms.

It is the responsibility of the LAN Technician to grant access to technology resources to appropriate staff.

It is the responsibility of Human Resources to integrate the policy into new employee training, orientation, and ongoing training of City work rules and policies.

### 14.4 POLICY AND PROCEDURE

Social media platforms must comply with applicable federal, state, and city laws, regulations and policies. This includes adherence to established laws and policies regarding copyright, public records, records retention, First Amendment rights, privacy and security laws, and conduct policies established by the City of Port Orchard.

The best, most appropriate uses of social media platforms for the City of Port Orchard fall into two general categories: as channels for disseminating time-sensitive information as quickly as possible (i.e., emergency information); and as marketing or promotional channels which increase the City's ability to deliver its messages to the widest possible audience.

#### 14.4.1 Designation of Social Media Coordinator and Social Media Representatives

The Public Records Officer is hereby designated as the Social Media Coordinator for the City. As such, he/she is responsible for coordinating the activities of Social Media Representatives and overseeing the social media program generally pursuant to Section 3.0 above.

Each Department Director will designate at least one Social Media Representative for the department, who is responsible for providing and updating content and

information posted on the social media site(s) pursuant to Section 3.0 above.

#### 14.4.2 Request for Creation of Social Media Site

All requests for official City of Port Orchard social media sites are subject to review and approval by the Mayor. To request a new social media site, a Social Media Approval form (Appendix C) must be submitted to the Mayor.

#### 14.4.3 Terms of Service

Typically, a Terms of Service (TOS) agreement is associated with the use of third-party social media tools. Each social media site usually requires users to accept a TOS agreement specific to that site.

- a. In order to avoid violations, the Social Media Coordinator in conjunction with the City Attorney, will review the most current TOS prior to implementing any new social media site.
- b. The Social Media Coordinator in conjunction with the City Attorney will review significant amendments made to the TOS for any sites currently used by the City, to determine whether these amendments contradict City policy.
- c. If the TOS appears to contradict City policy, the Social Media Coordinator will notify the Mayor, who will determine whether the use of such social media site is appropriate.

#### 14.4.4 Access, User Names, and Passwords

Requests for social media sites or account changes (including, but not limited to adding or removing a social media sites, creating new user accounts, and changing permissions) must be submitted using the Social Media Approval form (Appendix C).

- a. Each Social Media Representative authorized to access and update a social media site must have a unique user account. Multiple Social Media Representatives will not share a generic login, and Social Media Representatives may not share their login or passwords with other staff members, volunteers, or others who update the social media site. Upon separation of the Social Media Representative, the Social Media Coordinator will be responsible for changing the login and password.
- b. Each social media user account will be set up in conjunction with an official City e-mail account for the purposes of privacy, security, and records retention.
- c. The Social Media Coordinator will maintain a list of all City social media sites, logins, and passwords. As needed, she/he may create administrative user accounts to enable the City to change account settings and to immediately add, edit, or remove content from social media sites. (see City's Personnel Policies Manual Chapter 9.3 (C))

#### 14.4.5 Site Maintenance, Format and Content

##### 14.4.5.01 Official Website

The City of Port Orchard's official website ([www.cityofportorchard.us](http://www.cityofportorchard.us)) will remain the City's primary and predominant internet presence.

#### 14.4.5.02 Language

Content provided by the City on social media sites should avoid the use of abbreviations, jargon, acronyms, or slang iterations. Although social media sites are often more casual than other communication tools, they still represent the City and should maintain a professional image (see Personnel Policies Manual Chapter 9.3(B)).

#### 14.4.5.03 Site Standards & Templates

For consistency and ease of use, the City's social media sites will use approved names, official titles, and the official City logo in the header/main page whenever possible.

#### 14.4.5.04 Equal Access

Social Media sites requiring membership or subscription to view content should be avoided. Security settings should be as open as possible to allow the public to view content without requiring membership or login. When posting information on a social media site that requires membership or subscription, the City will provide an alternate source for the information so those who are not members may have equal access.

#### 14.4.5.05 Updates and Maintenance

A social media platform, like any communication resource, must be updated regularly to ensure the information provided is current, accurate, and useful. Social Media Representatives are responsible for maintaining social media sites by viewing and updating them as necessary and appropriate. As a general rule of thumb, social media site content should be updated at least once per week.

#### 14.4.5.06 Commenting and Discussions

Commenting and/or discussion boards are prohibited, unless approved by the City Council.

#### 14.4.5.07 Disclaimers

Users of the City's social media sites shall be notified that the intended purpose of the site is to serve as a mechanism for communication between City departments and members of the public.

- a. All social media sites must include a general disclaimer regarding public records and external links. (see Appendix A)

#### 14.4.6 Appropriate Use

All City of Port Orchard presences on social media platforms are considered an extension of the City's Personnel Policies Manual.

Approved Social Media Representatives are permitted to access and maintain

approved

City social media accounts during regular work hours and/or using City equipment.

Employees representing the City via social media platforms must conduct themselves at all times as representatives of the City of Port Orchard. Employees who fail to conduct themselves in an appropriate manner are subject to the disciplinary procedures outlined in applicable City's Personnel Policies Manual Chapter 9.4).

- a. When posting information on the City's or another agency's social media site, the Social Media Representative must identify themselves by full name, title, agency, and contact information, and shall address issues only within the scope of their specific authorization.
- b. All content posted by the Social Media Representative on the City's social media sites should be true and not misleading and all claims should be substantiated. In the event inaccurate information is posted on the City's social media sites it should be removed as soon as discovered and a public correction should be made.
- c. If employees exchange information on the City's or another agency's social media site, but are not authorized to speak on behalf of the City, they must clarify that they are presenting information on their own behalf and that they do not represent the position of the City.

#### 14.4.7 Public Records Act Compliance

Any public records created through the use of social media platforms are subject to State and Local public records laws and records retention requirements. (see Disclaimers, Appendix A)

Each City-sponsored social media site must clearly indicate that any articles or other content posted or submitted for posting are subject to public disclosure laws.

An original record is created when unique information related to City businesses is posted on social media sites, which are not provided via the City's official website or in another format, and are, therefore, subject to the Public Records Act and records retention requirements. Examples of original records that may be created through use of social media sites include, but are not limited to:

- a. Account information (user names, passwords, etc.);
- b. Listings of social media site 'friends,' 'followers,' 'fans,' etc.;
- c. Information posted to social media sites that was not first provided via the City's official website, press release, or other format.

All social media content with public records value must be maintained for the



minimum required retention period in an easily accessible format that preserves the integrity of the original record to the extent possible. The Social Media Representative should refer to the most recent versions of the Washington State approved Records Retention Schedules for applicable records retention requirements. In general, the majority of content provided by the City on social media sites must be retained for at least two years (see Appendix B). Various methods may be employed to retain public records created on social media sites. Options include:

- a. Archiving Software/Service: The City may use software or service designed to capture content from social media sites for retention and retrieval;
- b. E-mail: Updates, comments and account change notifications are sent to a City email account created for this purpose and retained as described in this section;
- c. Website Capture: Web capture tools may be used to capture snapshots of City's social media sites in their native format, such as the Washington State Digital Archives website capturing program;
- d. PDF Format: Staff may convert social media pages to PDF format, and the PDF files saved for retention purposes. This option retains the content and formatting (look and feel) of the original web page.

#### 14.4.8 Privacy and Security

See the City's Personnel Policies Manual Chapter 9.3 (c) for information related to privacy.

Employees should not include personally identifiable information about themselves or others, such as Social Security Numbers, personal phone numbers, email addresses, or home address via official City social media sites. As a security measure, Social Media Representatives shall not use the same password used in their personal accounts as the City's password.

Employees may not post any content involving or related to any of the following:

- a. Items that are involved in litigation or that could be involved in future litigation;
- b. Violates copyright license agreements;
- c. Promotes or advertises any political campaign or ballot measure;
- d. Can be used for or to promote any illegal activity;
- e. Promotes or solicits for an outside organization or group unless authorized by the Mayor;
- f. Defamatory, libelous, combative, offensive, disparaging, demeaning, or threatening materials related to any person or group; or
- g. Personal, private, sensitive or confidential information of any kind.



**ACKNOWLEDGMENT OF RECEIPT OF THE CITY OF PORT ORCHARD'S  
PERSONNEL POLICIES MANUAL**

I acknowledge I have received a printed version of the City of Port Orchard's Personnel Policies Manual. I further acknowledge that I will carefully read, understand, and become familiar with the Policies within seven days of the day that I received them, and will abide by the policies and procedures contained therein.

I understand that my employment with the City of Port Orchard is "at-will" (unless specific rights have been granted to me in an individual employment contract, collective bargaining agreement, or by the Civil Service laws and rules). This means that just as I am free to resign at any time, the City of Port Orchard is free to terminate my employment at any time, for any reason, with or without cause, and without further compensation except for time actually worked. I understand that none of the statements contained in the City of Port Orchard's Personnel Policy Manual should be construed as a contract, implied contract, or promise of permanent employment, employment for any particular duration, specific treatment in specific circumstances, discharge only for cause, or as a guarantee of any particular disciplinary or discharge procedure unless otherwise required by law.

I understand that additional information and policies may be implemented from time to time by the City and I will also be required to read, understand, and abide by them.

This Manual is only a summary of the City of Port Orchard's policies and procedures. Not all City or department policies are reflected in this Manual. Employees must comply with all applicable City and department policies and procedures as they relate to their job duties. In event of discrepancies between the City's policy and department policy, City policy will govern. The City of Port Orchard expressly reserves the right to change any of its policies or procedures, including those covered in this Manual, at any time in its discretion unless otherwise prohibited by law.

If the City of Port Orchard mistakenly overpays me, I hereby consent to the deduction of the overage from my later paychecks. I also hereby consent to deduction from my final paycheck of: (1) any amounts advanced to me that remain unearned when my employment with the City of Port Orchard ends, or (2) any amount necessary to reimburse the City of Port Orchard for my own actions, such as failure to return City equipment, unauthorized telephone charges, or damage to City equipment or property.

I understand that my signature of acknowledgement on this form does not constitute in any way a contract of employment.

I have read and understand the statements above.

I acknowledge that I have been oriented to key organizational policies, which include but are not limited to:

- **Drug Free Work Place Policy.**
- **Anti Harassment and Anti Discrimination Policy.**
- **Use of City Electronic Resources Policy.**
- **Driver's License Policy.**

I agree to abide by the principles that were explained in the orientation session. I recognize that if I have any questions that were not addressed in orientation or if I encounter any problems, I can contact the Human Resource Coordinator for assistance.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Witness

A signed copy of this form will be placed in the employee's personnel file.