

**ORDINANCE NO. 1572**

**AN ORDINANCE OF THE CITY OF RUSTON,  
WASHINGTON, RELATING TO ADOPTION OF THE  
CITY'S PERSONNEL MANUAL, REPEALING  
CHAPTER 1.12 OF THE RUSTON MUNICIPAL  
CODE, PROVIDING FOR SEVERABILITY, AND  
ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Ruston maintains a personnel manual for its employees which is amended from time to time; and

**WHEREAS**, on March 15, 2022 the City adopted a new personnel policy manual by adoption of Ordinance No. 1557; and

**WHEREAS**, Section 3 of Ordinance No. 1557 specified that it was not to be codified; and

**WHEREAS**, the code reviser codified Ordinance No. 1557 notwithstanding Section 3 of the same; and

**WHEREAS**, the City desires to update the personnel policy manual to provide a holiday on Juneteenth to City employees and thus it is timely to repeal Ordinance No. 1557 and Chapter 1.12 of the Ruston Municipal Code; and

**WHEREAS**, in order to avoid issues in the future, the personnel policy manual will be adopted by City Council Resolution going forward; and

**WHEREAS**, on September 19, 2023, the City Council held the first reading on this Ordinance; and

**WHEREAS**, on October 3, 2023, the City Council adopted this Ordinance during its regular meeting at second reading; **NOW, THEREFORE**,

**THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON, DOES  
HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Repeal of Ordinance No. 1557 and Chapter 1.12 RMC.** Ordinance No. 1557 and Chapter 1.12 of the Ruston Municipal Code are hereby repealed.

**Section 2. Repeal of Prior Personnel Policies.** All other personnel policy manuals previously adopted by the City, whether by Ordinance or Resolution, are hereby repealed.

**Section 3. Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

**Section 4. Corrections.** Upon the approval of the city attorney, the city clerk and/or code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

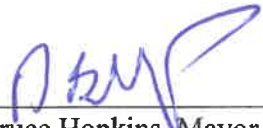
**Section 5. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 6. Effective Date.** This Ordinance shall be effective five days after publication as provided by law.

**ADOPTED** by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 3<sup>rd</sup> day of October, 2023.

**APPROVED** by the Mayor this 3<sup>rd</sup> day of October, 2023.

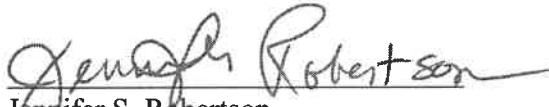
**APPROVED:**

  
\_\_\_\_\_  
Bruce Hopkins, Mayor

**ATTEST/AUTHENTICATED:**

  
\_\_\_\_\_  
Judy Grams, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Jennifer S. Robertson  
City Attorney

FILED WITH THE CITY CLERK: \_\_\_\_\_  
PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
ORDINANCE NO: 1572

**Exhibit “1” to Ordinance No. 1557**

**PERSONNEL POLICIES**

**CITY OF RUSTON**

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## **CHAPTER 1**

### **PURPOSE AND SCOPE**

#### **1.1 PURPOSE**

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

These personnel policies serve as a general informational guide to the City's current employment practices and procedures. As a result, these policies are 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. All employees of the City are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice. No supervisor, department head or representative of the City, 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.

The City has an obligation to retain employees who are qualified and, through their job performance, demonstrate that they are willing to carry out their responsibilities consistently with the procedures applicable to their assignments. The City will be fair, consistent and impartial in providing proper disciplinary action when any employee fails to observe accepted procedures, policies and standards set forth as requirements of their position.

#### **1.2 SCOPE OF POLICIES**

These personnel policies apply to all City employees. In cases where these policies conflict with any City ordinance, or state or federal law, the terms of that law or agreement prevail. In all other cases, these policies shall apply.

#### **1.3 CHANGING THE POLICIES**

The City reserves the right to revise, supplement, clarify or rescind any policy or provision of this manual, as the City deems necessary and appropriate, without advance notice. The City also reserves the right to deviate from these policies in individual situations, particularly in an emergency, in order to achieve the primary mission of serving the City's citizens.

#### **1.4 DEFINITIONS**

Call Back: A time when an employee is called to perform non-scheduled work.  
Department Director: An employee who is responsible for directing one or more departments.

**Immediate Family:** Includes the employee's parents, spouse, child, brother or sister, mother or father-in-law, son or daughter-in-law, grandparent, grandchild, or other relative who lives in the employee's home.

**Regular Full-Time Employee:** An employee who has completed service as a trial employee, and who is regularly scheduled to work at least 26 hours per week or more, is considered a regular, full-time employee.

**Regular Part-Time Employee:** An employee who has completed service as a trial employee, and who is regularly scheduled to work fewer than 26 hours per week, is considered a regular, part-time employee. Part-time employees are not eligible for City Benefits.

**Temporary Employee:** Employees who hold jobs of limited duration due to special projects, abnormal workloads or emergencies. Temporary employees are not eligible for City benefits.

**Trial Employee:** Employees who have not yet completed their trial period in a regular position and who have not been certified to regular employment status. All policies regarding standards of performance and conduct shall apply to trial employees. Unless otherwise specified, when regular employees are referred to in these policies, they shall include trial employees.

**Volunteers:** Volunteers provide various services to the City of Ruston, including supplemental police and fire services. With the exception of expense reimbursements approved in advance by the Mayor, volunteers receive no compensation for their services. No City employee, whether trial, temporary, or regular, full-time or part-time, shall volunteer services to the City in the same capacity as he or she is employed. However, an employee may volunteer their services for a department other than the one in which they are currently employed. For example, full-time paid police employees shall not be eligible to work as reserve officers and vice versa, however, paid police employees may volunteer their services as a coach in the parks and recreation programs.

**Exempt Employees:** All Department heads, including those Department heads appointed by the Mayor, or subject to appointment by statute, are considered exempt employees for the purposes of all applicable State and Federal laws. Exempt employees are those who work in a bona fide executive, administrative, or professional capacity. In addition, those employees who supervise 3 or more employees are also considered exempt. Exempt employees are not entitled to overtime or compensatory time. If employees have questions about the application of the exemption, they are encouraged to discuss these concerns with the Mayor.

## **CHAPTER 2**

### **GENERAL POLICIES AND PRACTICES**

#### **2.1 WHISTLEBLOWER POLICY**

It is the policy of the City of Ruston (1) to encourage reporting by its employees of improper governmental action taken by the City of Ruston officers or employees and (2) to protect the City of Ruston employees who have reported improper governmental actions. See Section 9.3 for the City's policy and procedures for reporting Improper Governmental Actions.

#### **2.2 EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The City of Ruston is an equal employment opportunity employer. The City employs, retains, promotes, terminates, and otherwise treats all employees and job applicants on the basis of job-related qualifications and competence. These policies and all employment practices shall be applied without regard to any individual's age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, unless based upon a bona fide occupational qualification.

#### **2.3 LIFE THREATENING/COMMUNICABLE DISEASES**

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

#### **2.4 ANTI-DISCRIMINATION POLICY**

Pursuant to City of Ruston Resolution No. 313 (appendix (ii)), it is the City's policy to foster and maintain a work environment that is free from discrimination. Toward this end, the City will not tolerate discrimination or unlawful harassment by employees toward co-workers or members of the public. Employees are expected to show respect for each other and the public at all times, despite individual differences. Unlawful harassment generally includes offensive comments or actions, which are based on an individual's age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, unless based upon a bona fide occupational qualification.



See Discrimination Complaint Procedure, Section 2.6, for guidance on what to do if you experience harassment.

## **2.5 SEXUAL HARASSMENT**

Sexual harassment is a form of sex discrimination and is illegal. Sexual harassment is also inappropriate and offensive and will not be tolerated by the City of Ruston.

Sexual harassment is conduct, which is based upon the gender of the recipient and known to be unwelcome to the recipient. Examples of sexual harassment can include: verbal conduct such as sexual comments, suggestions, jokes, or pressure for sexual favors; and physical behavior such as kisses, hugs, pats or squeezes, where the recipient has made the actor aware that such conduct is unwelcome. Other conduct also may constitute sexual harassment depending upon given facts and circumstances.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct constitute sexual harassment when:

- submission to or rejection of such conduct is used as a basis for making employment decisions affecting the recipient; or
- the conduct unreasonably interferes with the recipient's work performance
- the conduct creates an intimidating, hostile or offensive work environment

Any of the above conduct, or other offensive conduct directed at an individual on the basis of age, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, or the presence of a disability, or any other class protected by federal, state, or local law is strictly prohibited.

## **2.6 DISCRIMINATION COMPLAINT PROCEDURE**

Each member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their co-workers and others, including the citizens they serve.

The following procedure outlines the steps to follow if you believe you have experienced harassment or discrimination on the job.

If at any time you believe you are being subject to discrimination or unlawful harassment, you should identify the offensive behavior to the harasser and request that it stop. In the event such informal direct communication is either ineffective or impossible, you should discuss your concern immediately with the Mayor or a senior Councilmember.

Employees are strongly urged to report all instances of perceived harassment or discrimination as soon as possible. It is the City of Ruston's goal to provide its

employees with a professional and productive working environment; however, we cannot address your concerns if they are not brought to our attention.

If an investigation shows the accused employee(s) did engage in improper harassment or discrimination, appropriate action will be taken, as in the case of any other serious employee misconduct. Such actions may include warnings, verbal and/or written reprimands, a letter to the employee's file or, an employee transfer, demotion, suspension or termination.

The City of Ruston prohibits any form of retaliation against any employee for good faith actions in filing a complaint under the City's discrimination and harassment policies or for participating in an investigation of any complaint of discrimination or harassment. Improper retaliation may include, but is not limited to, discipline, termination, unfavorable work assignments, or hostile treatment of the employee who made the complaint or participated in the investigation.

### **Complaint Process.**

An employee who feels harassed should immediately tell the offending individual how they feel and ask them to stop. If that does not work or if the employee is uncomfortable confronting the offending individual, the employee should report the incident promptly.

A complaint can be made verbally or in writing to the City Clerk. In the alternative, as the employee may wish, the complaint may be brought to the attention of the Mayor. If an employee brings the complaint to the attention of another supervisor, the supervisor is required to report the complaint to the City Clerk and/or the Mayor.

A harassment complaint generally will be handled as follows:

- a) Every complaint is to be reported promptly, whether by the complainant or by the person receiving the complaint. If reported verbally, the person taking the complaint should produce a written statement for the complainant to review and sign.
- b) The complaint will be investigated as soon as reasonably practicable. Choice of investigator, level of formality, and the procedures used in the investigation may vary, depending upon the nature of the allegations and full circumstances of the situation, including the context in which the alleged incidents occurred.
- c) Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the need to undertake a full investigation.
- d) There shall be no retaliation by the City, its officers, managers, or other employees toward any employee bringing a complaint in good faith or cooperating with the investigation of a harassment complaint. Any person who feels they have been retaliated against, should immediately report their concern to the City Clerk. The City strictly prohibits retaliation under this policy, and any sustained allegations of retaliation will lead to discipline, up to and including termination.

e) Where the investigation confirms the allegation of unlawful harassment or retaliation, the City will take prompt corrective action, and, where appropriate, discipline the offending individual. Discipline may include verbal and written reprimands, professional counseling, reassignment, demotion, or other appropriate action, up to and including termination. The affected individuals will be informed of the outcome of the investigation.

All City employees are responsible for understanding and implementing this policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action if they witness inappropriate behavior or receive a complaint. Supervisors must open and maintain channels of communication to permit employees to raise concerns of sexual or other workplace harassment without fear of retaliation, stop any observed harassment, and treat harassment matters with sensitivity, confidentiality, and objectivity. A supervisor's failure to carry out these responsibilities may result in disciplinary action up to and including termination of employment.

## **2.7 REASONABLE ACCOMMODATION POLICY**

### **Reasonable Accommodation of Disabilities**

- a) The City of Ruston complies fully with its duty to provide a reasonable accommodation to allow an employee with physical or mental disabilities to perform the essential functions of the employee's job. Employees who have a disability that limits their ability to perform their job should contact the City Clerk to inform the City of their disability and request for accommodation.
- b) In order to provide a reasonable accommodation, the City may seek to communicate with the employee's medical provider to gain a better understanding of any limitations they possess, and given those limitations, the means by which an accommodation would allow the employee to perform the essential functions of a position. Employees may be asked to submit to a medical examination by an independent medical provider to confirm their medical condition and resulting limitations. After returning from a disability-related leave, the City may request that an employee undergo a fitness for duty examination to ensure that they are capable of performing the essential functions of the job.
- c) If an employee qualifies, the City will work with the employee and their medical providers to provide the employee with a reasonable accommodation so that the employee can continue to perform the job. This may include making changes to the employee's work schedule, changing some of the job duties or transferring the employee to another position that the employee is able to perform.

### **Reasonable Accommodation of Religious Beliefs:**

- a) The City of Ruston complies fully with its duty to provide a reasonable accommodation of any employee's sincerely-held religious beliefs, unless the City

believes such an accommodation would create an undue hardship or is contrary to the City's commitment to equal opportunity. For example, if an employee requires a certain work schedule or a particular day off for religious observance, or to dress or attire oneself in a way that vary from any dress code adopted by the City, the employee must contact the City Clerk to request accommodation.

## **2.8 EMPLOYEE PERSONNEL RECORDS**

The City maintains a separate personnel file, medical file, and payroll file for each City employee which is kept in the Clerk-Treasurer's office. An employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information. The payroll file will include any salary and/or compensation information and/or changes to salary and wage compensation and will be kept in the Clerk-Treasurer's office.

The City will comply with provisions of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996 which requires the protection of confidential medical information. The following information will not be contained within an employee's personnel records but will instead be maintained in separate file(s) and will not be disclosed without the employee's consent or as required by law:

- Health insurance application form;
- Life Insurance application form;
- Request for medical leave of absence;
- Personal accident reports;
- Workers' Compensation reports of injury or illness and related claims documents;
- OSHA or WISHA injury and illness reports;
- Any other form or document which contains private medical information for a specific employee.

Employees have the right to review their file. An employee wishing to review their personnel file should contact the Clerk/Treasurer to schedule a time to do so. An employee has the right to request that the Mayor remove irrelevant or erroneous information in his/her personnel file. If the employee's request to remove the information is denied, the employee may file a written rebuttal statement to be placed in their file.

Personnel files are kept confidential to the maximum extent permitted by law. Personnel files are not to be removed from City Hall and all reviews shall be observed by the City Clerk.

## **2.9 EMPLOYMENT REFERENCES**

Only the Mayor or City Clerk will provide employment references on current or former City employees. Without a signed release from the employee, the information released will be limited to job title, verification of dates of employment and salary.

## **2.10 DRESS CODE AND PERSONAL APPEARANCE**

A neat, tasteful, and professional appearance contributes to the positive impression you make on the public. Office personnel are expected to be suitably attired and groomed during working hours or when representing the City of Ruston.

Employees who violate dress code standards may be subject to appropriate disciplinary action.

In keeping with the standards of the City of Ruston, attire may be categorized as "business casual", specifically:

1. All apparel should be clean, neatly maintained and in good repair.
2. Dress slacks or pants are acceptable as an alternative to dresses and skirts.
3. Denim blue jeans are allowed. Jeans must not have holes or be excessively faded. Denim apparel other than blue jeans may be worn during the week provided it conforms to the overall dress code.
4. Shorts, pants-skirts, culottes, pedal pushers, capris are acceptable if they have an overall professional appearance and are not shorter than 3" above the knee. Skirts and dresses should not be shorter than 3" above the knee.
5. Apparel which is specifically not acceptable includes:
  - Spandex clothing
  - Apparel with distasteful (or what might be construed as distasteful) lettering on the front or back
  - Low-cut tops or slacks that are inappropriately revealing, including clothing that reveals the bare midriff or is "see-through" in nature
  - T-shirt tank tops.

## **2.10 ANIMALS/PETS IN THE WORKPLACE.**

The City is responsible for assuring the health and safety of all employees. In keeping with this objective, the City does not permit employees to bring their household pets to work. Animals may pose a threat of infection and may cause allergic reactions in other employees. Some employees may feel threatened or be distracted by the presence of animals, particularly dogs.

**Service Animals:** An employee who requires the help of a service animal will be permitted to bring a service animal to the office, provided that the animal's presence does not create a danger to others and does not impose an undue hardship upon the company.

A "service animal" is defined by 49.60.040(25) as:

Any dog or miniature horse, as discussed in RCW 49.60.214, that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks.

## **CHAPTER 3**

### **RECRUITING AND HIRING**

#### **3.1 RECRUITING**

Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence, without regard to age, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, or the presence of a disability, or any other class protected by federal, state, or local law.

Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace, the City's official application form.

Any applicant supplying false or misleading information is subject to immediate termination. If hired, regardless of how long the employee has been employed by the City.

#### **3.2 HIRING**

When a position becomes vacant and prior to any posting or advertisement of the vacancy, the Mayor shall review the position, its job description and the need for such a position, the Department head will prepare and submit a written request to fill the position to the Mayor. The position will be posted and advertised only after the Mayor has approved the request. If the proposed position requires funding beyond the

amounts included in the City's annual budget, a majority of the City Council must vote to approve the budget increase. All vacant positions will be posted at City Hall.

The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined to be necessary by the City. The City may contract with any agency or individual to prepare and/or administer examinations. The City may also conduct certain background procedures as required by law. Examples of such procedures include requiring applicants/employees to show proof they are authorized to work in the United States and requiring as a condition of employment applicants/employees who have unsupervised access to children or vulnerable adults to complete a disclosure statement and release for a fingerprint background check at the expense of the applicant. Also, a full background check and disclosure statement will be used for emergency services personnel.

Applicants for emergency services positions must complete a disclosure statement, undergo a background check, and pass a physical fitness test.

Residency within the City shall not be a condition of initial appointment or continued employment; provided, however that an employee's selection of residence shall not interfere with the daily performance of his/her duties and responsibilities.

Applicants for positions in which the employee is expected to operate a motor vehicle must maintain a valid State driver's license with any necessary endorsements. Driving records of applicants may be checked. Applicants with poor driving records, as determined by the City, may be disqualified for employment with the City in positions requiring driving.

After an offer of employment has been made and prior to commencement of employment, the City may require persons selected for employment to successfully pass a medical examination and mandatory drug and alcohol screening. The purpose of the examination is to determine if the individual is physically able to perform the job and to ensure his/her physical condition will not endanger the health, safety or well-being of other employees or the public. The offer of employment may be conditioned on the results of one/or both of these examinations.

Alcohol and drug screening may be required if the employee is involved in an accident or incident while on the job or when there is specific, objective grounds to believe the employee's work performance is impaired due to the presence of such substances in the body. See Policy 13.2 Drug and Alcohol Testing.

A candidate may be disqualified from consideration if: (1) found physically unable to perform the duties of the position (and the individual's condition cannot reasonably be accommodated in the workplace without undue hardship); (2) the candidate refuses to submit to a medical examination or complete medical history forms; or (3) if the exam reveals use of alcohol and or controlled substances.

### 3.3 TEMPORARY EMPLOYEES

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

**Compensation/Benefits:** Temporary employees are eligible for overtime pay as required by law. Temporary employees do not receive retirement, vacation, health insurance, paid holidays or any other benefits during their employment, though they will earn paid sick leave in accordance with Washington's mandatory paid sick leave law, RCW 49.46.200, 210.

Temporary employees pay contributions to the Social Security system, as does the City on their behalf. Temporary employees will normally not be placed on the state PERS retirement system, although there are a few exceptions depending on PERS eligibility criteria.

### 3.4 TRIAL PERIOD

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

The normal trial period is four (4) months from the employee's date of hire, rehire or promotion. The Mayor may authorize the department director to extend the trial period for up to an additional four (4) months. An extension may be granted due to circumstances such as an extended illness or a continued need to evaluate an employee's performance.

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

**Use of Sick Leave and Vacation During Trial Period:** Trial employees may use their accrued sick leave from the beginning of their employment, but shall not use earned vacation until they have successfully completed one year of employment without express authorization from the Mayor.



### 3.5 EMPLOYMENT OF RELATIVES (NEPOTISM)

The immediate family of the Mayor, City Employees, and Council Members will not be employed by the City where:

- (1) One of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;
- (2) One party would handle confidential material that creates improper or inappropriate access to that material by the other;
- (3) One party would be responsible for auditing the work of the other: or
- (4) Other circumstances exist that might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City.

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

### 3.6 PROMOTIONS

The City encourages promotion from within the organization whenever possible. All openings will be posted on the City bulletin board so that employees may become aware of opportunities and apply for positions in which they are interested and qualified. Before advertising a position to the general public, the Mayor may choose to circulate a promotional opportunity within the City. However, the City reserves the right to seek qualified applicants outside of the organization at its discretion.

To be considered for promotion, an employee must be employed in their position for at least six (6) months and must meet the qualifications for the vacant position.

**New Trial Period:** After promotion to a new position, a new trial period of four (4) months must be completed, unless waived or reduced by the Mayor. In the case of unsatisfactory performance in a promotional situation. the employee may be considered for transfer back to the previous position held by the employee.

## **CHAPTER 4**

### **HOURS AND ATTENDANCE**

#### **4.1 WORKING HOURS**

The City's standard workweek is Monday through Friday from 8:30 a.m. to 5:00 p.m. A normal working schedule for regular, full-time employees consists of forty (40) hours each workweek. Different work schedules, such as in the case of police and other employees, may be established by the Mayor to meet job assignments and provide necessary City services. Each employee's Department head will advise the employee regarding his/her specific working hours.

Part-time and temporary employees will work hours as specified by their Department heads.

#### **4.2 HOURS OF WORK AND OVERTIME**

All City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") and Washington Minimum Wage Requirements and Labor Standards Act. You will be informed of your status by the City.

For most City employees, the established work period is forty (40) hours within a seven (7) day workweek, and all personnel are responsible for accurately and honestly reporting all hours worked on forms supplied by the City. Employees failing to accurately and honestly record the time worked are subject to discipline.

Pursuant to the current wage and salary ordinance non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than the maximum number of hours during a work period. All overtime must be authorized in advance by the employee's Department head. Time and a half will be paid for all hours exceeding forty (40) hours of paid time in a workweek.

Exempt employees are not covered by the FLSA or Washington Minimum Wage Requirements and Labor Standards Act overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay. Such positions cannot be restricted to a specific number of hours in a workday or workweek. Exempt employees are paid to do the job rather than paid by the hour.

#### **4.3 COMPENSATORY TIME**

Non-exempt employees entitled to overtime pay may request compensatory time off instead of cash payment. This is approved on a case-by-case basis by the Mayor.

Forms for requesting approval for compensatory time are available through the City Clerk/Treasurer. The City is not required to grant comp time instead of overtime pay. If

the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. Maximum accruals of compensatory time shall be limited to forty (40) hours for regular employees. After maximum accrual, overtime compensation shall be paid.

Employees may use compensatory time within a reasonable time period after their request has been approved, unless doing so would unduly disrupt City operations. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and the City. Accumulation of compensatory time to be used as a substitute for extended vacation time off is not normally permitted. If an employee is unable to use accrued compensatory time within the calendar year in which it is requested, it will be cashed out at the end of the year. The employee will be paid his or her original overtime wage.

#### **4.4 ATTENDANCE**

Punctual and consistent attendance is a condition of employment. Each employee is responsible for maintaining an accurate attendance record.

Employees unable to work or unable to report to work on time should notify their supervisor as soon as possible, ordinarily before the workday begins or within thirty (30) minutes of the employee's usual starting time. If the supervisor is unavailable, the employee may leave a message with the Mayor or his/her designated representative, stating the reason for being late or unable to report for work.

An employee who is absent without authorization or notification is subject to disciplinary action, including possible termination.

#### **4.5 UNUSUAL WEATHER CONDITIONS**

During times of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work without endangering their personal safety. An employee who is unable to get to work or leaves work early because of unusual weather conditions may charge the time missed to: vacation, compensatory time, or leave without pay. The employee shall advise the supervisor by phone as in any other case of late arrival or absence.

#### **4.6 BREAKS AND MEAL PERIODS**

Employees may take one (1) fifteen-minute break for every four hours worked. All breaks shall be arranged so that they do not interfere with City business or service to the public. Meal periods shall be scheduled by the employee's department head and will be unpaid. The scheduling of meal periods may vary depending on department workload.

#### **4.7 CALL BACK**

A minimum of two hours overtime shall be paid for call back when required to report for work other than the scheduled workday or workweek.

#### **4.8 PAYROLL RECORDS**

The official payroll records are kept by the City Clerk/Treasurer. Each employee shall turn in on a semi-monthly basis a signed work record for each employee within their department, noting hours worked, leave taken and overtime worked. The Mayor shall sign the work records pursuant to the current wage and salary ordinance for employees for overtime or compensatory time approval forms prior to payroll. All hours worked by the employee, whether authorized or not, must be recorded and submitted.

#### **4.9 OUT OF CLASS PAY**

The higher rate of out of class pay will be paid when the out of class employee covers for more than a period of 5 consecutive days.

#### **4.10 STAND BY PAY or ON CALL PAY**

Unless an employee is specifically designate by the Mayor or designee, in some written form, e.g., schedule, direct written communication, an employee shall assume that they are under no further reporting obligations once his or her regular shift ends. Listed below are three categories of standby status applicable.

- a. **PAGER STATUS** - Employees who have been designated to respond to calls via pager are not restricted as to the activities they may engage in prior to being paged. Employees designated to this status are not compensated unless they are required to report for service.
- b. **ON-CALL STATUS** — Employees on-call, are not required to remain on City premises but are restricted as to the activities they may engage in, these employees will be compensated at the current federal minimum wage standards.
- c. **STAND BY STATUS** — Employees who are required to be available and ready for service will be compensated at their regular rate of pay.

### **CHAPTER 5**

### **COMPENSATION**

#### **5.1 SALARY CLASSIFICATION AND GRADES**

Each job title within the City is classified into one of the City's classifications for salary purposes pursuant to the current wage and salary ordinance. Each classification is designated a particular salary or salary range shown on the City's salary and wage schedule, which is approved annually by the City Council.

## **5.2 EMPLOYEE PAY RATES**

Employees shall be paid within the limits of the wage range to which their positions are assigned. New employees will start their employment at the rate shown in the then applicable salary ordinance for their classification. However, a new employee may be employed at a higher rate than the minimum when the employee's experience, training or proven capability warrant. or when prevailing market conditions require a starting rate greater than the minimum.

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

The Mayor may propose and the City Council may grant an across-the-board pay adjustment from time to time, raising the salaries of all positions by a specified amount within a defined group of classifications. Such adjustments, if any, will not change an employee's pay anniversary date.

## **5.3 PAYDAYS**

Employees of the City are paid monthly on the fifth (5th) and twentieth (20th) day of each month. The paycheck paid on the 20<sup>th</sup> of the month will cover the period from the 1<sup>st</sup> to the 15<sup>th</sup> of that month; and the paycheck paid on the 5<sup>th</sup> on the month will cover the period from the 16<sup>th</sup> through the last day of the previous month. If a regularly scheduled payday falls on Saturday, paychecks will be distributed on Friday; if it falls on Sunday or a holiday. paychecks will be distributed on the next regularly scheduled working day.

## **5.4 DEDUCTIONS**

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

## **5.5 TRAVEL AWAY FROM THE CITY**

Travel away from the City for which reimbursement is requested must be approved in advance by the Mayor. If private automobiles are used, employees will be reimbursed at the current IRS rate per mile.

## **5.6 TRAVEL EXPENSE REIMBURSEMENT**

City employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the City. including food, lodging and travel expenses while away, but excluding any expenses for alcoholic beverages. Tips, not to exceed 15%, for meals, taxis, or baggage handling are reimbursable.

Requests for reimbursement, including receipts, shall be submitted on an expense report form signed by the employee and the department head. The Mayor must approve reimbursement for department heads.

## **5.7 COMPENSATION UPON TERMINATION**

When an employee's employment with the City is terminated, the employee will receive the following compensation on the next regularly scheduled payday:

- (1) Regular wages for all hours worked up to the time of termination, which have not already been paid.
- (2) Any overtime or holiday pay due through date of termination.
- (3) A lump sum payment of any accrued but unused vacation not to exceed 240 hours and compensatory time.

## **CHAPTER 6**

### **PERFORMANCE EVALUATIONS AND TRAINING**

#### **6.1 PERFORMANCE EVALUATIONS**

To achieve the City's goal to train, promote and retain the best-qualified employee for every job, the City conducts periodic performance evaluations for all positions. The Mayor is responsible for developing and maintaining the City's performance evaluation program. Employees are to be evaluated by their department head or Mayor prior to completion of their four-month trial period and usually on employee's anniversary date and once every 12 months thereafter.

The evaluation is part of an employee's personnel record and may be a factor in determining the employee's conversion to regular status, whether the employee receives a wage increase, or is to be promoted, transferred, demoted, laid off, or terminated. Employees not agreeing with their performance evaluation shall respond to the Mayor or his designee within ten (10) working days of the evaluation to arrange a meeting to discuss the performance evaluation.

#### **6.2 TRAINING POLICY**

The City seeks, within the limits of available resources, to offer training to increase an employee's skill, knowledge and abilities directly related to the employee's job description, to obtain or maintain required licenses and certifications, and to develop staff resources. Opportunities may include, but are not limited to on-the-job training, in-house workshops, and seminars sponsored by other agencies or organizations.

## **CHAPTER 7**

### **BENEFITS**

#### **7.1 RETIREMENT BENEFITS**

The City makes contributions 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 uniformed employees in the police department are covered by the Law Enforcement Officers and Firefighters Retirement System (LEOFF). Benefit levels and contribution rates are set by the State of Washington. All regular full-time and part-time (RCW 41.40.010 part-time employees/70 hours per month) non-uniformed employees are covered under the Public Employees Retirement System (PERS). Benefit levels and contribution rates are set by the State of Washington.

The City of Ruston will pay \$30.00 per year for each active volunteer firefighter, with the remainder of \$30.00 to be paid by the firefighter.

Employees intending to retire should notify the Mayor of their intent to retire at least three months prior to the date of retirement.

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

All employees are covered by the State Workers' Compensation Program. This insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for workdays lost and medical costs due to job-related injuries or illnesses. All job-related accidents should be reported immediately to the supervisor.

The City of Ruston will pay \$30.00 per year for active volunteer firefighters to the Board for Volunteer Firefighters.

When an employee is absent for one or more days due to an on-the-job accident, he/she is required to file a claim for Workers' Compensation. If the employee files a claim, the City will continue to pay (by use of the employee's unused sick leave) the employee's regular salary pending receipt of Workers' Compensation benefits.

Coordination of Benefits: When the employee receives Workers' Compensation benefits, he/she is required to repay to the City the amount covered by Workers' Compensation and previously advanced by the City. This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave is available; while ensuring that no employee receives more than he/she would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of sick leave shall be restored to the employee's account.

The City may require an examination at its expense, performed by a physician of its choice to determine when the employee can return to work and if he/she will be capable of performing the duties of the position.

### **7.3 HEALTH INSURANCE BENEFITS**

Full time salaried and full-time hourly employees will be limited to employee and spouse coverage only on the City of Ruston's health insurance program. Dependent coverage other than the employee's spouse will be paid by the employee. 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 when deemed necessary or advisable, with prior notice to affected employees.

Temporary, part-time (defined as working less than 26 hours/week), and volunteer employees are not eligible for insurance coverage.

### **7.4 CONTINUATION OF INSURANCE COVERAGE**

*Workers Compensation Leave:* An employee receiving Workers Compensation benefits continues to accrue vacation leave and sick leave for up to six (6) months. The City also continues to pay for the employer's portion of health insurance premiums, provided that the employee continues to pay their share of premiums, if any. After six (6) months, the employee's benefits shall cease unless the City agrees to an exception. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time he/she receives Workers Compensation benefits. The cessation of employer-paid health benefits may increase the amount of temporary total disability benefits (i.e, time-loss benefits) for which the employee is eligible.

*COBRA Rights:* Upon an employee's termination from City employment or upon an unpaid leave of absence, at the employer's option and expense, the employee may be eligible to continue City health insurance benefits to the extent provided under the federal COBRA regulations.

*Termination, Retirement, Leave of Absence:* For eligible employees who terminate, retire or are on an approved leave of absence, the City will pay the premium for the month the employee is leaving, provided the employee is on paid status for the first ten (10) days of the month.

### **7.5 UNEMPLOYMENT COMPENSATION**

City employees may, as defined by State Law qualify for State Unemployment Compensation after termination from City employment depending on the reason for termination and if certain qualifications are met. Employees should contact the Employment Security Department upon separation from employment for further information regarding their rights and responsibilities with respect to unemployment compensation.



## **CHAPTER 8**

### **LEAVES**

#### **8.1 BENEFITS FOR PART-TIME AND TEMPORARY EMPLOYEES**

Unless noted otherwise in these policies, benefits for regular part-time and temporary employees are as follows:

**Regular Part-Time Employees:** All leaves, including holidays, are pro-rated. Pro-rated means the ratio between the number of hours in the employee's normal work schedule and forty (40) hours per week.

**Temporary Employees:** Temporary employees are not eligible to receive most benefits, including vacation leave, holidays, and insurance. Temporary employees are eligible to accrue sick leave under Washington's mandatory paid sick leave law at a rate of one hour per every forty hours worked.

#### **8.2 WASHINGTON PAID FAMILY AND MEDICAL LEAVE**

##### **Purpose of Policy:**

The Washington State Paid Family and Medical Leave (PFML) law (Chapter 50A RCW) and supporting regulations establish a program administered by the Washington Employment Security Department (ESD) to provide paid leave benefits and job protection to eligible employees who need leave for certain family and medical reasons. This policy provides a summary of the PFML program. Employees may obtain additional information at [www.paidleave.wa.gov](http://www.paidleave.wa.gov). To the extent an issue is not addressed in this policy, the City of Ruston will administer this benefit program consistent with applicable statutes and regulations.

##### **Payroll Deductions:**

The PFML program is funded through premiums collected by ESD via payroll deductions. The premium rate is established by law; employees are currently responsible for two-thirds of the total premium amount. Should the State in the future modify the PFML premium rate or the percentage of premiums subject to collection through payroll deduction, the City will modify payroll practices to reflect those statutory changes.

##### **Eligibility:**

Under PFML, employees may be eligible for monetary benefits and, in certain cases, job protection when taking leave for covered reasons. Eligibility requirements are as follows:

**Monetary Benefits:** In order to be eligible for monetary benefits from ESD, an employee must have worked 820 hours in Washington (for any employer or combination of employers) during the year preceding the claim.

***Job Protection:*** In order to be eligible for job protection under PFML, an employee must meet FMLA eligibility requirements. Note: FMLA eligibility requirements include working for an employer who employs 50 or more employees within a 75-mile area. Because the City of Ruston does not currently employ 50 or more employees, its employees do not meet eligibility requirements of the FMLA and thus do not have statutory job protection rights under the PFML.

An employee is ineligible for PFML benefits during any period of suspension from employment or during which the employee works for remuneration or profit (e.g., outside employment or contracting).

### **Leave Entitlement:**

Eligible employees are entitled to take up to 12 weeks of medical or family leave, or a combined total of 16 weeks of family and medical leave per claim year; an additional two weeks of leave may be available in the event the employee's leave involves incapacity due to her pregnancy.

The claim year begins when the employee files a claim for PFML benefits or upon the birth/placement of the employee's child. PFML leave may be taken for the following reasons:

***Medical Leave:*** Medical leave may be taken due to the employee's own serious health condition, which is an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as those terms are defined under the FMLA and RCW 50A.05.010. However, an employee is not eligible for PFML benefits if the employee is receiving time loss benefits under the workers compensation system.

***Family Leave:*** Family leave may be taken to care for a covered family member with a serious health condition; for bonding during the first 12 months following the birth of the employee's child or placement of a child under age 18 with the employee (through adoption or foster care); or for qualifying military exigencies as defined under the FMLA.

For purposes of family leave, covered family members include the employee's child, grandchild, parent (including in-laws), grandparent (including in-laws), sibling, or spouse.

PFML leave may be taken intermittently, provided that there is a minimum claim requirement of eight (8) consecutive hours of leave in a week for which benefits are sought.

### **PFML Application Process:**

An employee must submit an application to ESD in order to seek PFML benefits. For guidance on the application process, please refer to the ESD website ([www.paidleave.wa.gov](http://www.paidleave.wa.gov)). Eligibility determinations will be made by ESD. If approved, the employee will need to file weekly benefit claims with ESD to continue receiving benefits.

***Notification Requirements:*** An employee must provide written notice to their supervisor and the City Clerk/Treasurer of the intent to take PFML leave. If the need for

leave is foreseeable, notice must be given at least 30 days in advance of the leave. For unforeseeable leave, notice must be given as soon as practicable. The employee's written notice must include the type of leave taken (family or medical), as well as the anticipated timing and duration of the leave. If an employee fails to provide this required notice to their supervisor and the City Clerk/Treasurer, ESD may temporarily deny PFML benefits.

If leave is being taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt City operations. If taking leave intermittently, an employee must notify the City Clerk/Treasurer each time PFML leave is taken so that the City may properly track leave use.

### **PFML Monetary Benefits:**

If ESD approves a claim for PFML benefits, partial wage replacement benefit payments will be made by ESD directly to the employee. The amount of the benefit is based on a statutory formula, which generally results in a benefit in the range of 75-90 percent of an employee's average weekly wage, subject to a maximum of \$1,000 per week. ESD's website is expected to include a benefits calculator to assist employees in estimating their weekly benefit amount. With the exception of leave taken in connection with the birth or placement of a child, monetary PFML benefits are subject to a seven (7) day waiting period. The waiting period begins on the Sunday of the week in which PFML leave is first taken. The waiting period is counted for purposes of the overall duration of PFML leave, but no monetary benefits will be paid by ESD for that week. Employees may use available accrued leave to cover absences during the waiting period.

Paid leave accruals (vacation, sick leave, floating holidays, compensatory time, or any other accrued leave) are not supplemental to PFML. An employee may elect to use the appropriate accrued leave during a PFML-covered absence, although the receipt of accrued leave must be reported to ESD as part of the PFML claims process and will result in a pro-rated weekly PFML benefit. Important note: failure to report the receipt of accrued leave may result in an overpayment by ESD, which ESD may recoup from the employee.

### **Coordination with Other Benefit Programs:**

When an employee is on leave and only receiving PFML benefits, the employee is deemed to be in unpaid status for purposes of City policies and benefit programs. Insurance coverage and other benefits will be handled in the same manner as other unpaid leaves of absence, pursuant to City policy and subject to any FMLA or other legal requirements requiring continuation of coverage.

*Job Restoration; Return to Work Recertification:* An employee who is eligible for job-protected leave will be restored to the same or equivalent position at the conclusion of PFML leave, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). The City may require a return-to-work certification from a health care provider before restoring the employee to work following PFML leave where the employee has taken leave for the employee's own serious health condition and/or the employee is employed in a safety-sensitive position.

If an employee taking PFML leave chooses not to return to work for any reason, the employee should notify the City as soon as possible.

### **8.3 SICK LEAVE**

All full-time hourly employees accrue sick leave benefits at the rate of seven days of sick leave per year for each year of service, cumulative up to twenty-eight days. All sick leave days shall be based upon the employee's scheduled hours per week and upon the hourly rate in effect when the sick leave is taken.

Employees accrue but may not use sick leave until they have worked at least 90 days.

Temporary and part-time employees earn sick leave at a rate of one hour for every forty hours worked.

Employees do not accrue sick leave benefits during a leave without pay.

Sick leave may be requested for the following reasons:

An absence resulting from an employee's 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;

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;

When the employee's place of business 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

For absences that qualify for leave under the state's Domestic Violence Leave Act (DVLA)

When otherwise required or permitted by local, state, or federal laws (for example, during periods of quarantine necessitated by the COVID-19 pandemic).

*Family member defined:* child or parent (including biological, adopted, foster, step or legal guardian in loco parentis, and "de-facto"), a spouse, domestic partner, spouse's parent, grandparent, grandchild or sibling.

Employees are not permitted to use sick leave before it is accrued.

The City may request verification of the need for leave (such as a doctor's note) after an employee is absent for three consecutive scheduled workdays. When the absence is due to illness or injury of an employee or family member, acceptable verification may include a doctor's note or signed statement by a health care provider indicating that the use of paid sick leave is necessary to take care of the employee or family member. The City will not require that the verification provide information regarding the nature of the

condition necessitating the use of sick leave, and it will treat any health information about an employee or an employee's family member in a confidential manner consistent with applicable privacy laws.

Verification must be provided to the City Clerk/Treasurer within ten (10) calendar days of the first day the employee used paid sick leave.

**Unreasonable Burden or Expense for Verification:** The verification required under this provision will not result in an unreasonable burden and expense on the employee. If an employee anticipates that the required verification will result in an unreasonable burden or expense, he or she will be permitted to provide an oral or written explanation to the City Clerk/Treasurer supervisor which asserts:

- That the employee's use of paid sick leave was for an authorized purpose; and
- How the verification requirement creates an unreasonable burden or expense on the employee.

The Mayor, in conjunction with the City Clerk/Treasurer will consider the employee's explanation. Within ten calendar days of the employee providing an explanation about the existence of an unreasonable burden or expense, the Mayor or his/her designee must make a reasonable effort to identify alternatives for the employee to meet the City's verification requirement in a manner which does not result in an unreasonable burden or expense on the employee.

#### **Return to Work:**

If an employee has been on leave due to his or her own serious health condition, the employee must provide the supervisor with a "Release to Return to Work" completed by their health care provider. Any information regarding limitations or restrictions must be included and detailed in order to allow the City to consider reasonable accommodation(s). The "Release to Return to Work" must be forwarded to the City Clerk/Treasurer to be retained in the employee's medical file. When limitations or restrictions are needed, they must be submitted in advance of the return-to-work date in order to allow adequate time to review and assess availability to accommodate. If the interactive discussion yields those accommodations are not possible, the employee may be granted leave extension under the applicable leave, within the City's discretion and if the extended leave will not create an undue hardship for the City.

When an employee returns from an approved leave, the City will make every effort to restore him/her to his/her former position or an equivalent position without loss of seniority or previously accrued benefits or rights possessed at the beginning of the leave, except for paid leave used during the leave of absence.

The City retains the right to deny an employee's return to work due to the following:

The employee would have lost the job due to layoff if he/she had not been on leave;

The employee fraudulently obtained Paid Family or Medical Leave;

The employee violated the City's policies and is subject to discipline; and/or

Upon return, the employee failed to provide a completed and accurate Release to Return to Work, where applicable.

Whenever an employee is absent from work for more than seven (7) consecutive days to provide family leave or take medical leave to care for the employee or a family member of the employee, the Executive Director will provide the employee with a written statement of the employee's rights under Washington's Paid Family and Medical Leave Act (PFMLA).

#### **8.4 FAMILY CARE (WASHINGTON FAMILY CARE ACT)**

The Family Care Act provides employment rights for employees who need time off work to provide care for their child(ren) and other covered family members and is available where the employee has accrued sick leave available. Where the employee has accrued leave that he or she could use for his or her own illness or injury, the employee will be entitled to use that accrued leave to care for a covered family member with a qualifying health condition, as defined below. The law protects the employee's right to take time off work as long as the basis for the leave is consistent with the Family Care Act and the employee has accrued paid leave available to cover the time away from work. Furthermore, all time under the Family Care Act that also qualifies for the Washington Paid Family and Medical Leave Act shall be counted concurrently.

This policy covers regular full-time and part-time employees who have accrued paid leave available that could be used for the employee's own illness or injury and have a covered dependent with a qualified health condition. This policy does not apply to the employee's own health condition for which they need time away from work.

##### **Covered Family Members**

Employees are eligible to take Family Care Leave for a qualifying reason, as outlined below, with respect to the following dependents:

##### **Child:**

A child under the age of 18, and who is a biological, adopted, or a foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis\*; OR

A child who is age 18 or older and incapable of self-care because of a mental or physical disability. "Incapable of Self-Care" means that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" (ADL's) or "instrumental activities of daily living" (IADL's). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

##### **Other covered family members:**

Employee's legal Spouse or Registered Domestic Partner,

Parent (biological or an individual who stood in loco parentis\* to the employee when the employee was a child),

Parent-in-law, or

Grandparent (parent of a parent of an employee).

\*An "In Loco Parentis" is a person with whom an employee has developed a parent/child relationship in the absence of a biological or adoptive parent, and in the parental role the individual is responsible for the day-to-day care and financial responsibility of the child.

## **Qualifying Events**

### **Covered Child:**

An employee can use his or her accrued paid leave to care for a covered child with:

any medical condition requiring medication that the child cannot self-administer;

any medical or mental health condition which would endanger the child's safety or recovery without the presence of a parent or guardian; or

any condition warranting treatment or preventive health care such as a physical, dental, optical or immunization services, when a parent must be present to authorize the treatment.

### **Other Covered Dependents:**

An employee can use his accrued paid leave to care for any other covered family member with:

A serious health condition defined as an illness, injury, impairment or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e. overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment or recovery in connection with such inpatient care; or

Continuing treatment by or under the supervision of a health care provider or a provider of health care services, and which includes any period of incapacity (i.e. inability to work, attend school or perform other regular daily activities);

An emergency condition where a health condition is a sudden, generally unexpected occurrence or set of circumstances related to one's health demanding

immediate action and is typically very short term in nature.

### **Duration of Leave**

The duration of leave under the Family Care Act will continue as long as the employee has accrued paid leave that the employee would be able to use for his or her own health condition, and the covered family member has a qualified health condition, as defined above.

### **Certification of Health Condition**

The City may require certification from the attending health care provider(s) for leave to care for an employee's family member with a health condition under the Family Care Act.

If the health condition of the covered family member requires a period of incapacity of three (3) or more consecutive calendar days, the employee will normally be required to provide medical certification immediately upon return to their job.

If the health condition is a serious health condition to which the Family and Medical Leave Act and/or Washington Paid Family and Medical Leave Act also applies, the employee is required to apply for and submit appropriate paperwork in accordance with the terms and conditions of the Paid Family and Medical Leave policy. The completed paperwork must indicate that the employee is needed to provide care for the family member's serious health condition.

In situations where an employee appears to be abusing the Family Care policy by calling in excessively or if there is a pattern, such as Monday/Friday absences, the City reserves the right to ask for medical documentation from the family member's health care provider certifying the family member was sick and required the employee to provide care.

### **Return from Leave**

The employee is expected to return to work on their next scheduled workday immediately following the end of the requested time off.

Failure to return to work or notify their supervisor or the City Clerk/Treasurer regarding the need for extended leave within three (3) business days of the expected return to work, will be considered job abandonment and voluntary termination. Requests for leave extensions require supporting written medical certification included with the time of the request.

### **Request Procedures**

Calling in day of incident – all employees must follow call-in policies to notify their manager/supervisor of the need to be away from work. They must notify the manager/supervisor of the following:

- Purpose and duration of leave; and estimated return to work;

- Family member affected (child, spouse, parent, etc.);



Contact number if other than home number;

Establish schedule to communicate status changes (not to exceed once per day); and

Notify the Clerk/Treasurer when leave is for a family member with serious health condition that also qualifies for FML leave. The Clerk/Treasurer will follow-up with FML request forms.

**Emergency Situations** - In situations where an emergency arises that prevent timely notification, the employee must notify his/her supervisor as soon as practicable. In situations when the employee is unable to notify his/her supervisor, an employee's designee shall notify the supervisor. It is important and advisable, that employees arrange for a next-of-kin or representative for such circumstances.

### **Supervisor's Responsibility**

The manager/supervisor's responsibilities include:

Contact the City Clerk/Treasurer when the employee is requesting leave of absence of three (3) or more days that otherwise may qualify as FML or PFML leave or other protected leave;

Document information shared to and from the employee; and

Ensure the time is coded accurately on the time sheet in order to track the employee's time away from work.

### **Accounting/Payroll Responsibility**

The Accounting/Payroll Department is responsible to:

Maintain an up-to-date policy ;

Notify employees of any policy changes and notify supervisors of procedural changes;

Evaluate requests for compliance with eligibility and consistency; and

Document cases and track and maintain the hours used under the PFMLA, Pregnancy Disability Leave, and WA Family Care Act by maintaining records on employees' use of each type of leave and apply the appropriate leave time.

## 8.5 VACATION LEAVE

Each salaried and regular full-time employee is entitled to vacation leave as follows on their anniversary date:

### Years of Employment:

After one (1) year  
After two (2) years  
After three (3) years  
After four (4) years  
After five (5) years  
After six (6) years  
After seven (7) years  
After eight (8) years  
After nine (9) years  
After ten (10) years  
After eleven (11) years  
After twelve (12) years  
After thirteen (13) years  
After fourteen (14) years  
After fifteen (15) years  
After sixteen (16) years

### Vacation Days Earned:

Twelve (12) days  
Fourteen (14) days  
Fourteen (14) days  
Fifteen (15) days  
Sixteen (16) days  
Seventeen (17) days  
Eighteen (18) days  
Nineteen (19) days  
Twenty (20) days  
Twenty-One (21) days  
Twenty-Two (22) days  
Twenty-Three (23) days  
Twenty-Four (24) days  
Twenty-Five (25) days  
Twenty-Six (26) days  
Twenty-Seven (27) days

*With a maximum accrual of Twenty-Seven (27) days.*

Each employee must use the available vacation time allotted during the year of service calculated from the employee's date of hire.

The maximum number of vacation hours which may be carried over from one anniversary date to the next is 80 hours with a maximum balance of 240 hours on the books at any time. In cases where City operations have made it impractical for an employee to use vacation time, the Mayor may authorize additional carryover.

Employees will be paid for unused vacation time upon termination of employment not to exceed 240 hours.

The Mayor is responsible for scheduling its employees' vacations without undue disruption of department operations. Leave requests shall be submitted at least two weeks prior to taking vacation leave.

All new employees must satisfactorily complete one year of service before being eligible to use their accrued vacation leave unless they receive specific authorization from the Mayor and their supervisor to allow an exception to this policy. Temporary and regular part-time employees are not eligible for any vacation benefits. Employees do not accrue vacation benefits during a leave without pay.

## **8.6 JURY AND WITNESS LEAVE**

*Jury Duty.* The City provides all employees leave for the full period of jury duty service. Regular full-time employees who have completed their training period receive paid jury duty leave of up to two weeks each time they are called for jury service. In general, if jury duty extends beyond two weeks in any one instance the additional leave will be unpaid. Exempt salaried employees who are asked to serve longer than two weeks should contact the Mayor to discuss whether further paid leave will be provided. Payment provided by the courts during periods of paid jury duty leave must be paid over to the City, excluding expense reimbursements, such as mileage if applicable. You must provide the Mayor with a copy of the jury duty summons as soon as possible after receiving it.

Upon completion of jury duty, you are required to provide your supervisor with proof of jury service. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from duty.

*Witness Duty.* All regular full time/part time employees summoned to testify in court are allowed time off for the period they serve as witnesses. Witness duty leave is unpaid unless you are a witness in a case involving the City. For exempt salaried employees, however, salary payment will continue except for full-day absences caused because the employee is a party in a lawsuit.

## **8.7 ADMINISTRATIVE LEAVE**

On a case-by-case basis, the Mayor 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) pending the investigation or other administrative proceeding.

## **8.8 DOMESTIC VIOLENCE LEAVE**

### **Purpose and Scope**

To allow victims of domestic violence, sexual assault, or stalking to take reasonable leave from work to take care of legal or law enforcement needs and obtain health care. Family members of a victim may also take reasonable leave to help the victim obtain treatment or seek help.

This policy applies to all regular employees, and project employees through the term of their project.

### **Definitions**

Covered Family Members:

Child

Spouse/Domestic Partner

Parent

Parent-in-law

Grandparent

Person whom the employee has a dating relationship

"Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

"Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

## **Policy**

Pursuant to the provisions of the Washington State Domestic Violence Leave law, the City shall provide reasonable leave to employees who experience domestic violence, sexual assault, or stalking.

An employee may take a reasonable continuous leave, intermittent leave, or a reduced work schedule with or without pay to:

Seek legal or law enforcement assistance or remedies to ensure their health and safety or the health and safety of a covered family member, including but not limited to:

Preparing for, or participating in any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault or stalking;

Seek treatment by a health care provider for physical or mental injuries caused or attend to health care treatment for a victim who is the employee's family member;

Obtain or assist a family member in obtaining services from a domestic violence shelter, rape crisis center or other social services program;

Obtain or assist a family member in obtaining mental health counseling;

Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family member.

The rights provided in this policy are in addition to any other rights provided by state and federal law.

## **Notification**

An employee shall give his/her supervisor advance notice of their intention to take leave, and as soon as practicable; preferably within 48 hours of such need for leave.

If advance notice is not practicable, because of an emergency or unforeseen circumstance due to an event, the employee or his or her designee must give notice to the supervisor no later than the end of the first day that the employee takes such leave. Employees may also call into the department superintendent or Clerk/Treasurer in lieu of the supervisor.

## **Verifying Need for Leave**

Documentation is required to verify the need for the leave. The verification must provide that the employee or their family member is the victim of an event; that the leave is for one or more of the purposes described above under the policy.

Verification must be provided within a reasonable time period either during to or immediately following their return to work. Verification must be provided with at least one of the following documents:

- Police report indicating that the employee or employee's family member was a victim of domestic violence, sexual assault or stalking;

- A court order protecting or separating the employee or their family member from the perpetrator of the act;

- Or other evidence from court or the prosecuting attorney that the employee or their family member appeared or is scheduled to appear in court in connection with an incident of domestic violence, sexual assault or stalking;

- Documentation that the employee or their family member is seeking or sought assistance in addressing the domestic violence, sexual assault or stalking from:

- An advocate for victims of domestic violence, sexual assault or stalking;

- An attorney;

- A member of the clergy;

- Or a medical or other professional

- An employee's written statement that the employee or their family member is a victim and that the leave taken was for one of the purposes described under this Policy.

Verification of the familial relationship between the employee and the victim may include but is not limited to a statement from the employee, a birth certificate, a court document, or other similar documentation.

Any other request for information not stated above is prohibited.

#### **Disclosure of Information:**

Information given by the employee may be disclosed by the City only if:

Requested or consented to by the employee;

Ordered by a court of administrative agency; or

Otherwise required by applicable federal or state law.

An employee may elect to use their paid leave for medical related absences. Vacation, sick leave, compensatory time, flextime or personal leave without pay may be used during their absence for all other related time away from work (i.e. court appointments). The employee must notify their supervisor/manager about the type or reasons for the leave and which type of pay to apply prior to their leave. If the leave was not pre-arranged or there is insufficient information prior to processing payroll, the City will charge the time off to sick leave and then to vacation leave or comp-time.

Employees who take leave under this policy will not lose any benefits accrued before the date the leave began. Health Insurance and Life Insurance will also continue for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had not taken leave. If the employee is in a paid status all other voluntary benefits applicable to the employee shall continue.

#### **Restoration to Position:**

Regular employee's taking leave under this policy shall be restored to the position they held prior to when the leave began, or if the position no longer exists, they shall be restored to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

#### **Confidentiality**

Documentation regarding the need for leave related to Domestic Violence shall be maintained in the employee's benefits/medical file. This information may be shared only as it is operationally necessary to administer employee's benefits (on-a-need-to-know-basis).

### **8.9 LEAVE FOR LACTATION/**

The City will provide reasonable break time for an employee to express breast milk for her nursing child for up to one year after the child's birth. The break time, if possible, must run concurrently with rest and meal periods already provided to the employee. If

the break time cannot run concurrently with rest and meal periods already provided to the employee, the break time will be unpaid, subject to applicable law.

The City will provide employees with the use of a room or location for the employee to express milk in private.

Employees will not be discriminated against or retaliated against for exercising their rights under this policy.

## **8.10 MILITARY LEAVE**

Employer obligations to provide military leave and reinstatement rights for employees are addressed in both Federal and State Statutes: the Uniformed Services Employment and Reemployment Rights Act (USERRA) and RCW 38.40.060. These laws provide civilian job protection and benefits for employees, veterans and members of National Guard or Reserve components who voluntarily or involuntarily take a leave of absence for military service or training.

### **Scope**

This policy applies to all regular full-time and part-time employees who meet the following criteria:

- The employee must give notice to that leave is needed for military training or service;

- The employee must be released from service under honorable conditions;

- The employee must report back to work in a timely manner or make timely application for reemployment; and

Employees who are laid off with recall rights, on strike, or on a leave of absence remain “employees” for USERRA purposes. However, if employees are laid off before or during their uniformed service, and are not eligible for recall during that period, the City is not required to reemploy them following their period of service.

### **Definitions**

**Military Training:** Required duty, training, or drills for reservists and National Guard members. The twenty-one (21) days in the calendar period of October 1st to September 30th including annual training and monthly weekend drills mandated for reservists and National Guard members (refer to WA law for public employees, RCW 38.40.060).

**Active Duty:** Active Duty (other than for training) by volunteers supporting “operational missions” for which Selected Reservists have been ordered to active duty without their consent. Active Duty is also defined as service under involuntary order to, or to be retained on, active duty during domestic emergency or national security related situations; service under an order to, or to remain on, active duty (other than for training) because

of war or national emergency declared by the President or Congress; service by volunteers who are ordered to active duty in support of a "critical mission or requirement"; federal service by members of the National Guard called into action by the President to suppress an insurrection, repel an invasion, or to execute the laws of the United States.

**Uniformed Services Covered:** The following "uniformed services" are covered by USERRA: Army, Navy, Air Force, Marines, Coast Guard, Army or National Guard (when engaged in active duty for training, inactive duty training, or full-time National Guard Duty); the commissioned corps of the Public Health Service; a cadet or midshipman attending a service academy; or those specially designated by the President as "uniformed service" members. Service in the uniformed services applies to both voluntary and involuntary activities.

### **Notice Requirements**

An employee must give advance written or verbal notice to the City for any leave of absence for military service or training. Federal law requires the service member to provide "as much advance notice as possible". The only circumstance in which advance notice is not required is "if the giving of such notice is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable." Examples include a classified recall of military personnel or when the employee cannot give notice due to failure of the phone system, mail system, or other means of delivering notice.

The City is required to grant military leave to eligible employee service members, and the employees will be placed on leave of absence for the period of their military service.

At the time the leave is to begin the employee is not required to notify the City when they expect to return to work. There is also no limit on the amount of time that may elapse between the dates the employees leave and the date in which they actually enter uniformed service.

### **Duration of Service**

An employee may be absent for up to five (5) years (cumulative or consecutive) for military duty and retain reemployment rights. The following leaves do not count toward the cumulative five (5) year limit: 1) periodic and special Reserve training; 2) voluntary or involuntary service performed by Reserve and National Guard members in time of emergency, when Reserve Component members are being recalled; and 3) service that is performed if the person is unable to obtain orders releasing them prior to expiration of the five (5) year period, and which was of no fault of their own.

An employee will be entitled to take leave beyond five (5) years, if necessary, to complete an initial period of obligated service (e.g., a six-year tour in the Navy's nuclear power program).



## **Paid Military Leave of Absence**

Every employee of the City of Ruston who is a member of the Washington national guard or of the army, navy, air force, coast guard, or marine corps reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted military leave of absence from such employment for a period not exceeding twenty-one days during each year beginning October 1st and ending the following September 30th in order that the person may report for required military duty, training, or drills including those in the national guard under Title 10 U.S.C., Title 32 U.S.C., or state active status.

Such military leave of absence shall be in addition to any vacation or sick leave to which the employee might otherwise be entitled, and shall not involve any loss of efficiency rating, privileges, or pay.

During the period of military leave, the officer or employee shall receive his or her normal pay and benefits.

Military leave will be provided only for days in which the employee is scheduled to work for the City. If the employee is scheduled to work a shift that begins on one calendar day and ends on the next calendar day, the employee shall be charged military leave for only the first calendar day. If the employee is scheduled to work a shift that begins on one calendar day and ends later than the next calendar day, the officer or employee shall be charged military leave for each calendar day except the calendar day on which the shift ends.

To have time credited toward Paid Military Leave, an employee must show proof that the absence was for required military duty, training, or drills by providing a copy of their Military Training Orders or a letter from their commanding officer. The City may accept other forms of verification of leave that meet City verification needs.

## **Active Duty**

If an employee is called to active duty and will be away from work in excess of the 21-calendar day training period, the employee may request the use of paid leave during their leave to be used on a continuous basis from the start of their leave. Employees are not required to use any or all accrued leave. In such cases, the leave will be coded as leave without pay.

Spouse Leave for employee called to Active Duty: The spouse of a member of the armed forces, National Guard or Reserves who has been notified of an impending call or order to active duty or has been deployed is entitled to a total of 15 workdays of unpaid leave per deployment after they have been notified by the armed forces. The employee must provide notice within five (5) business days of receiving the official notice and of their intention to take leave.

Employee may use the applicable leave or comp time. Whether paid or unpaid, all benefits shall continue to accrue – seniority, accrual date, medical, dental, vision, life and disability insurance. Employee shall be restored to same position.

### **Payroll Notice and Service Accruals During Military Leave**

All time spent on military leave counts toward continuous employment with the City. Military leave that is not covered with the employee's annual paid military leave entitlement or the use of applicable paid leave or comp time, will be considered on unpaid leave. Employees do not receive pay or leave accruals during military unpaid leave. However, upon the employee's return to the City, the employee is entitled to begin at the same seniority, salary step, and level of paid leave accrual as the employee would have achieved had he/she not left on military leave. If the employee did not complete probation prior to entering the military, the employee will be required to complete the remainder of the probation period upon return to employment.

All military leave must be reported on the timesheets and include the proper military leave coding.

### **Health Benefits During Leave**

#### **Medical, Dental and Employee Assistance Coverage**

During the annual 21-days military leave, medical and dental benefits will be continued for the employee and their covered dependents. Any employee contribution due for coverage shall be the responsibility of the employee. While in a paid status, the employee contributions will be deducted from pay. If military leave continues beyond the 21-days annual leave, the City will continue the medical and dental coverage for the employee and their dependents as follows:

While on Training Leave in excess of the 21-days annual leave, the City will continue coverage while the employee is in a continuous paid status by using their accrued paid leave. When leave continues, but the employee is in an unpaid leave, benefits will end the last day of the month;

While on Active Duty and on a continuous leave from the start of the active-duty period, the City will continue to cover medical and dental for the employee as long as the employee is in on paid leave status. When leave continues, but the employee is in an unpaid leave benefits will end the last day of the month;

In accordance with City policies related to continuous paid leave and benefits, employees must use paid time continuously to be eligible for benefits. Intermittent use of paid leave will not continue benefits; however, the employee and/or their covered dependents will have the opportunity to continue coverage under COBRA benefits provisions. Family members can make an election separate from the employee.

## **Reporting Back to Work--USERRA**

Employees absent on leave for military training or service are eligible for reinstatement to their former or equivalent position. As a condition of reinstatement, the employee must be discharged under honorable conditions, and return to work or apply for re-employment under the following timelines:

Periods of training or service up to 30 consecutive days: The employee must report back to work on the first full work shift following completion of military service and the expiration of eight hours following safe transportation to the employee's residence.

Periods of training or service between 31-180 days: The employee must submit an application for re-employment or register intent to return, not later than 14 days after release from service.

Periods of training or service of 181 days or more: The employee must submit an application for re-employment or register intent to return not later than 90 days after release from service, or from hospitalization continuing after discharge for a period of not more than two years.

When submitting an application for re-employment the employee is notifying the City that he/she is a former employee returning from Military service and not a new applicant. The application need not be in writing, but the City may require documentation of service to establish if the application for re-employment is timely and to verify the service has not exceeded five (5) cumulative or consecutive years (via a DD-214, an endorsed copy of military orders or a letter from the Commanding Officer.)

The laws require the following in returning an employee from military leave:

The employee must be "promptly reemployed" which is defined by law to be a matter of days, not weeks or months;

An employee returning from military leave is entitled to reinstatement to their former position or an equivalent position if the former position no longer exists. Reinstatement shall be made regardless of another individual filling the position on a temporary basis while the employee was on leave;

Employees returning from military leave have special protection against discharge, except for cause, for a limited time. If the period of service was for 181 days or more, the period of special protection is one (1) year. If the period of service was 31-180 days, the period of special protection is 180 days;

The City must make "reasonable efforts" to train or retrain an employee returning from leave to refresh or upgrade their skills so they might qualify for re-employment.

Escalator Provision –The City is required to reemploy returning employees who were in the military for fewer than 91 days in the position they would have attained, with reasonable certainty, by remaining

continuously employed. This could be a higher position or layoff status, depending upon what happened to the employment situation while the employee was in service. If the re-employed employee is not qualified for this escalator position, the employer must offer the employee's old position.

For employees in the military for 91 or more days, employers have two additional options. Instead of the escalator position, the employer could reemploy the employee in a position of like seniority, status and pay to the escalator position. Similarly, instead of the old position, the employer could offer a position of like seniority, status, and pay.

*Disabled veterans* – There are special rules for employees disabled while in the military. If the employer is unable to re-employ a disabled employee in his or her escalator position or old position, even with a reasonable accommodation, then the City must re-employ the employee in:

Any other position of similar seniority, status, pay, and duties which, with reasonable effort by the City, the employee could perform; or

The nearest approximate position consistent with the individual's circumstances.

#### Reinstatement of Benefits upon Return

Employees returning from uniformed service shall have their benefits reinstated for themselves and their covered dependents immediately upon their date of return to work. Enrollment may be required.

### 8.11 BEREAVEMENT LEAVE

We provide regular, full-time employees with paid leave for up to three (3) days in the event of the death of an immediate family member.

### 8.12 HOLIDAYS

The following are recognized as paid holidays for all salaried and regular full-time employees:

|                                      |                                     |
|--------------------------------------|-------------------------------------|
| New Year's Day                       | January 1                           |
| Martin Luther King's Birthday        | 3 <sup>rd</sup> Monday in January   |
| President's Day                      | 3 <sup>rd</sup> Monday in February  |
| Memorial Day                         | Last Monday in May                  |
| Juneteenth                           | June 19                             |
| Independence Day                     | July 4                              |
| Labor Day                            | 1 <sup>st</sup> Monday in September |
| Columbus Day/Indigenous People's Day | 2 <sup>nd</sup> Monday in October   |

Veteran's Day  
Thanksgiving Day  
Day after Thanksgiving Day  
Day before Christmas  
Christmas

November 11  
4<sup>th</sup> Thursday in November  
Day after Thanksgiving  
December 24  
December 25

Any holiday falling on Saturday will be celebrated on the preceding Friday. Any holiday falling on Sunday will be celebrated on the following Monday.

Non-exempt regular full-time and part-time employees will be paid one and one-half times their regular rate of pay for any time worked on the holiday. Such time must be pre-authorized by the Mayor. Regular full-time employees working on a holiday will be entitled to another day off in lieu time for working the holiday,

Temporary employees will be paid at their regular straight-time rate for hours worked on a holiday.

### **8.13 UNPAID HOLIDAYS FOR REASONS OF FAITH OR CONSCIENCE**

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

The employee may select the days on which he or she desires to take the two unpaid holidays after consultation with his or her supervisor. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety.

If possible, an employee should submit a written request for an unpaid holiday provided for by this section to the employee's supervisor a minimum of two weeks prior to the requested day. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's supervisor. The employee's supervisor shall evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of "undue hardship" developed by rule of the Office of Financial Management.

The two unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.

### **8.14 SHARED LEAVE**

City employees historically have joined together to help their fellow employees suffering from extraordinary or severe illness, injury, impairment, or physical or mental condition which prevents the individual from working and causes great economical and emotional

distress to the employee and his or her family. These circumstances may be exacerbated because the affected employee(s) use all their accrued leave and must either request leave without pay or terminate their employment. The purpose of this policy is to facilitate voluntary donations of accrued vacation leave from employees to assist other employees on unpaid leave due to catastrophic medical events. The donations shall be made on an hour for hour basis. Employees who choose to donate earned vacation leave may reduce their personal earned leave balance down to, but not less than ten (10) working days.

It is understood by the parties that those employees receiving temporary total disability or "time loss" through the Department of Labor & Industries due to a work-related injury or illness are ineligible for shared leave.

## **CHAPTER 9**

### **EMPLOYEE RESPONSIBILITIES**

#### **AND CONDUCT**

##### **9.1 GENERAL CODE OF CONDUCT**

All City employees are expected to represent the City to the public in a professional manner which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and department head.

Since the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct. Among the City's expectations are: Basic tact and courtesy towards the public and fellow employees; adherence to City policies, procedures, safety rules and safe work practices; compliance with directions from supervisors; preserving and protecting the City's equipment, grounds, facilities and resources; and providing orderly and cost-efficient services to its citizens.

The City of Ruston is a relatively small organization. To make the most efficient use of personnel, the City reserves the right to change your work conditions and duties as originally assigned. If such arrangements become necessary, the City expects the employee's best cooperation.

##### **9.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST**

Employees shall not, directly or indirectly, engage in any outside employment or financial interest 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. outside employment which:

- (1) prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
- (2) is conducted during the employee's work hours;
- (3) utilizes City telephones, computers, supplies, or any other resources, facilities or equipment;
- (4) is employment with a firm which has contracts with or does business with the City; or
- (5) may reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

An employee who chooses to have an additional job, contractual commitment or self-employment, may do so only after notifying the Mayor.

### **9.3 REPORTING IMPROPER GOVERNMENTAL ACTION**

General Policy:

In compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, this policy is created to encourage employees to disclose any improper governmental action taken by City officials or employees 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 speedy dispute resolution.

As used in this policy, "improper actions" refers to actions undertaken by an officer or employee in the performance of his or her official duties that:

- (a) are in violation of any federal, state, or local law or rule;
- (b) are an abuse of authority;
- (c) create a substantial and specific danger to the public health or safety; or
- (d) are a gross waste of public funds.

"Improper governmental action" does not include personnel actions (hiring, firing, complaints, promotions, reassignment, for example). In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

**Procedure for Reporting Improper Government Action:** City employees who become aware of improper governmental action should follow this procedure:

- (1) Bring the matter to the attention of his/her supervisor, if non-involved, in writing, stating in detail the basis for the employee's belief that an improper action has occurred. This should be done as soon as the employee becomes aware of the improper action.

- (2) Where the employee believes the improper action involves the supervisor, the employee may raise the issue directly with the Mayor.
- (3) The Mayor or his or her designee, as the case may be, shall promptly investigate the report of improper government action. After the investigation is completed (within thirty (30) days of the employee's report), the employee shall be advised of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

An employee who fails to make a good faith effort to follow this policy shall not be entitled to the protection of this policy against retaliation. pursuant to ROW 42.41.030.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately. the employee may bypass the above procedure and report the improper action directly to the Pierce County Prosecutor or to the appropriate government agency responsible for investigating the improper action.

Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper government action occurred. or that insufficient action was taken by the City to address the improper action or that for other reasons the improper action is likely to recur.

**Protection Against Retaliation:** It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. Employees who believe they have been retaliated against for reporting an improper government action should follow this procedure.

#### **Procedure for Seeking Relief Against Retaliation:**

- (1) Employees must provide a written complaint to the supervisor within thirty (30) days of the occurrence of the alleged retaliatory action. If the supervisor is involved, the notice should go to the Mayor. The written charge shall specify the alleged retaliatory action and the relief requested.
- (2) The Mayor or his or her designee, as the case may be, shall investigate the complaint and respond in writing within thirty (30) days of receipt of the written charge.
- (3) After receiving the City's response, the employee may request a hearing before a state administrative law judge (ALJ) to establish that a retaliatory action occurred and to obtain appropriate relief under the law. The request for hearing must be delivered within the earlier of either fifteen (15) days of receipt of the City's response to the charge of retaliatory action or forty-five (45) days of receipt of the charge of retaliation to the Mayor for response.
- (4) Within five (5) working days of receipt of a request for hearing the City shall apply to the State Office of Administrative Hearing's 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



in the hearing. The ALJ will issue a final decision not later than forty-five (45) days after the date of the request for hearing, unless an extension is granted.

**Policy Implementation:** The Mayor is responsible for implementing these policies and procedures. This includes posting the policy on the City bulletin board, making the policy available to any employee upon request, and providing the policy to all newly hired employees. Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

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

### **List of Agencies that May Investigate Reports of Improper Governmental Actions:**

The following agencies is a non-inclusive list of agencies that may receive and investigate reports of improper governmental actions:

Pierce County Prosecuting Attorney  
930 Tacoma Avenue S  
Tacoma, WA 98402  
(253) 796-7400

State Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600  
(360) 407-6000

State Auditor's Office  
Legislative Building  
PO Box 40021  
Olympia, WA 98504-0021  
(360) 902-0370

Human Rights Commission  
402 Evergreen Plaza Bldg., FJ-41  
711 South Capitol Way  
Olympia, WA 98504-2490  
(360) 753-6771

Equal Employment Opportunity Commission  
909 First Avenue, Suite 400  
Seattle, WA 98101  
(206) 220-6883 or 1-800-669-4000

Dept. of Labor & Industries  
PO Box 44850  
Olympia, WA  
98504-4850  
1-800-547-8367

#### **9.4 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.

#### **9.5 NO SMOKING POLICY**

For health and safety considerations, the City prohibits smoking by employees within 25 feet of any public entrance in all City facilities, including City-owned buildings, vehicles, and offices or other facilities rented or leased by the City, including individual employee offices. This prohibition includes not only traditional tobacco products such as cigarettes, cigars, and pipes, but also electronic or e-cigarettes and "vaping" products.

#### **9.6 PERSONAL POSSESSIONS AND ELECTRONIC COMMUNICATIONS**

The City furnishes desks, closets, and/or lockers for security of employee coats, purses, and other personal possessions. We do not, however, assume responsibility for any theft or damage to the personal belongings of employees and we reserve the right to search employee desks, lockers, and personal belongings brought onto City premises, when necessary.

The City also furnishes computers for use in conducting City business. Because the computers are for City business, the City reserves the right to review the contents of any files or documents on the computer, including contents of any electronic mail. City computers are not for personal use.

#### **9.7 USE OF CITY VEHICLES AND EQUIPMENT**

Use of City phones for local personal phone calls shall be kept to a minimum; long distance personal use is prohibited. Other City equipment, including vehicles should be used by employees for City business only. An employees' misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action including termination. All City vehicles shall remain within the City of Ruston while not in service. If a police officer lives within a thirty (30) mile radius, he or she may take their car home

as approved by the Chief of Police only. Use of a vehicle outside the thirty-mile rule will be at the discretion of the Mayor.

## **9.8 CONTACT WITH THE NEWS MEDIA**

The Mayor 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.

## **9.9 EMPLOYEE USE OF SOCIAL MEDIA**

### **Purpose**

The City understands that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these policies and guidelines for appropriate use of social media.

### **Definitions**

*Social Media:* A category of internet-based resources that integrates user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, LinkedIn, etc.), microblogging sites (Twitter, etc.) photo and video-sharing sites (YouTube, TikTok, Instagram, Snapchat etc.), wikis (Wikipedia, etc.), blogs, and news sites (iFiber One News Radio, Reddit, etc.).

*Social Networks:* Online platforms where users can create profiles, share information, and socialize with others using a range of technologies and functionalities. Facebook is an example of a social network.

*Speech:* Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videos, or related forms of communication.

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

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

*Post:* Content a person 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 media site.

*Discussion/Message Boards:* An online discussion site where people can hold conversations in the form of posted messages. These forums may allow anonymous postings or postings with a login ID. A single conversation on a discussion or message board is called a "thread."

**Policy:** Employees are free to express themselves on social media sites provided that their speech does not violate City policies or impair the relationships between the City and its clients, vendors, customers, and employees.

## **Guidelines for Personal Use of Social Media**

- a. Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your supervisor or consistent with other City policies. Do not use your City email addresses to register on social networks, blogs or other online tools utilized for personal use.
- b. Be respectful. Always be fair and courteous to fellow co-workers, supervisors, members of the public, government agencies, and their employees. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing the grievance procedure than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating; that disparage co-workers, supervisors, members of the public, or other government agencies and their employees; or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City policy.
- c. Employees shall not post, transmit, or otherwise disseminate any confidential information, documents, or images to which they have access as a result of their employment unless prior written permission from the Mayor. Express only your personal opinions. Never represent yourself as a spokesperson for the City. If the City is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the City, fellow co-workers, or supervisors. If you do publish a blog or post online related to the work you do or subjects associated with the City, make it clear that you are not speaking on behalf of the City.
- d. When using social media, employees should be mindful that their speech becomes a part of the worldwide electronic domain. Therefore, adherence to the City's standards of conduct is required in the personal use of social media. In particular, employees are prohibited from posting or publishing statements, opinions, or information that might reasonably be interpreted as discriminatory, harassing, defamatory, racially or ethnically derogatory, or sexually violent when such statements, opinions or information may place the City in disrepute or negatively impact the ability of the City in carrying out its business. Any harassment, bullying, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, from home and on home computers or personal devices.
- e. Employees should be aware and understand that the content of social networking sites and other postings may be accessed and used in criminal or civil trials in which the City may be involved. Employees are cautioned to avoid posting messages or information that may be used to impeach credibility, demonstrate bias, show neglect of duty, or otherwise undermine an individual's integrity as a witness. Remember that even if your privacy settings on social networks prohibit general viewing by the public, such content may be accessible in a civil or criminal proceeding through a court-issued subpoena.

- f. Employees may not make any statements, speeches, appearances and endorsements, or publish materials that could reasonably be considered to represent the views of the City, unless written permission is obtained from the Mayor beforehand.
- g. Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the City, your co-workers, members of the public, or other agencies with whom we work and their employees and agents. Remember that there can be consequences to your actions in the social media world — both internally, if your comments violate City policies, and with outside individuals and/or entities. If you're about to publish, respond, or engage in something that makes you even the slightest bit uncomfortable, don't do it.
- h. Employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum or on social network may be accessed by the City at any time without prior notice. In other words, employees should assume that information they post that is viewable by the public at large may also be viewable by co-workers or supervisors.

Employees who violate the provisions of this policy may be subject to disciplinary action, up to and including termination.

#### **9.10 SEAT BELT POLICY**

Per Washington law, anyone operating or riding in City vehicles shall wear seat belts at all times.

#### **9.11 DRIVER'S LICENSE REQUIREMENTS**

As part of the requirements for certain specific City positions, an employee may be required to hold a valid Washington State Driver's license. 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 the department head 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 head. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including termination.

#### **9.12 SAFETY**

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

In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify their department head or the Mayor.

Since being exposed to a blood borne pathogen may lead to sicknesses such as hepatitis, AIDS, HIV, or malaria, and since the City wants to assure our employees as safe and healthy work environment as possible, it is the policy of the City to comply with all statutory obligations for the prevention of exposure to blood borne pathogens.

Employees should familiarize themselves with the City's Exposure Control Plan and follow it at all times. Failure to comply with this Plan will result in discipline up to and including termination.

Employee safety depends on the safety consciousness of everyone. In order to facilitate a safe work environment, employees may not bring dangerous weapons to the workplace. This includes, but is not limited to, weapons for which employees have a valid permit. The only exception to this rule involves law enforcement positions for which the job requires possession of dangerous weapons.

## **CHAPTER 10**

### **DISCIPLINE AND TERMINATIONS**

#### **10.1 ACTIONS SUBJECT TO DISCIPLINARY ACTION**

Unless otherwise specified in a valid Collective Bargaining Agreement, Civil Service Rule, or individual employment contract, all City employees are considered "at will" meaning that they can be terminated with or without cause. Nothing in this policy alters the "at-will" nature of the employment relationship.

The City of Ruston's success in providing excellent service to its citizens and maintaining good relationships with the community depends on its employees. The following are examples of the types of actions which are detrimental to the City's objective and may result in discipline to the employee. This list is not all-inclusive, but is provided for guidance.

The City may discipline or terminate employees for other reasons not stated below:

1. Misrepresentation or withholding of pertinent facts in securing employment.
2. Unauthorized use or possession of City facilities/property.
3. Unauthorized use of City position for personal gain or advantage. Accepting unlawful gratuities or bribes.
4. Violation of the City's telephone use policy.
5. Failure to report an occurrence causing damage to the City, customer, or public property. Failure to properly secure City facilities or property.
6. Violation of duties or rules imposed by these personnel policies, including those policies which prohibit discrimination and harassment.

7. Unauthorized operation or using machines, tools, or equipment to which the employee has not been specifically assigned.
8. Unauthorized recording of another employee's time record. Both employees can be subject to disciplinary action.
9. Habitual lateness for work. Absence without proper notification to immediate supervisor, excessive absenteeism, or insufficient reasons for absenteeism. Loitering, goofing off, failing to assist others in a work situation.
10. Making malicious, false, or derogatory statements that are intended or could reasonably be expected to damage the integrity or reputation of the City or our employees, on or off premises. Disorderly conduct, including fighting on the premises. Rudeness, discrimination, intimidation, coercion, use of obscene language, gesture or lack of courtesy to the public or fellow employees. Immoral conduct while on duty.
11. Intentional falsification of records/paperwork required in the transaction of City business.
12. Inability, inefficiency, negligence, or insubordination, including a refusal or failure to perform assigned work. Concealing defective work.
13. Failure to observe safety practices, rules, regulations, and instructions. Negligence that results in injury to others. Failure to wear required safety clothing and equipment.
14. Failure to promptly report to your immediate supervisor an on-the-job injury or accident involving an employee, equipment, property, or visitor.
15. Dishonesty or theft, including deliberate destruction, damage, or removal of the City's or other's property from the premises, or any job site.
16. Possession, use, sale, or being under the influence of alcohol and controlled substances while on City business (including standby duty). Abuse of prescription or non-prescription drugs.
17. Possession of explosives or weapons on the premises or at any job site.
18. Conviction of a gross misdemeanor or felony.

## **10.2 POSSIBLE DISCIPLINARY ACTIONS**

Employee disciplinary action is based on the City's assessment of the severity of the conduct requiring disciplinary action, the frequency and number of prior acts which required disciplinary action, and the City's assessment of how such conduct affects the safety and well-being of other employees and the public. Each employee's situation will be assessed individually, and the determination of what discipline is appropriate is at the sole discretion of the City.

In the event that discipline is necessary, the following types of disciplinary actions may be utilized:

1. Oral Warning.
2. Written Reprimand.
3. Suspension.
4. Demotion.
5. Termination.

Employees who are exempt from overtime laws will not be suspended without pay for disciplinary purposes for periods less than a full workweek, unless the infraction involves violation of safety rules of major significance.

### **10.3 LAYOFF**

The City may lay off employees for lack of work, budgetary restrictions, reorganization or other changes that have taken place.

Temporary employees or employees who have not completed their trial period will 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. Seniority will be considered when performance and qualifications are equal, as determined by the City. Employees who are laid off may be eligible to be re-employed, if a vacancy occurs in a position for which they are qualified.

### **10.4 RESIGNATION**

An employee should provide two (2) weeks' notice of resignation. This time limit may be waived by the Mayor.

## **CHAPTER 11**

### **COMPLAINT PROCEDURES**

#### **11.1 COMPLAINT PROCEDURES**

The City recognizes that sometimes situations arise in which employees feel that they have not been treated fairly or in accordance with City policies. For this reason, the City provides its employees with procedures for resolving complaints.

Step 1: Employees should first try to resolve any problem or complaint with their supervisor, if any.

Step 2: When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of City policies and procedures, the employee should attempt to resolve the problem with his/her department head. The department head will usually respond to the employee in writing within five (5) days after meeting with him/her, if possible.

Step 3: If the employee is not satisfied with the response from the department head, the employee may submit the problem, in writing, to the Mayor. The written complaint must contain, at a minimum:

- (1) A description of the problem;
- (2) A specific policy or procedure that the employee believes has been violated or misapplied;



- (3) The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances;
  - (4) The remedy sought by the employee to resolve the complaint.
- The written complaint must be filed within ten (10) working days of the occurrence leading to the complaint, or ten (10) working days after the employee becomes aware of the circumstances.

The Mayor may meet with the parties, either individually or together, and will usually respond in writing to the aggrieved employee within ten (10) days of the meeting. The Mayor's response and decision shall be final and binding.

## **CHAPTER 12**

### **INTERNET USAGE POLICY**

The following policy applies to all regular and contract City employees, volunteers and other affiliates who use City provided Internet facilities or services. The purpose of this policy is to provide the employee with guidelines for responsible use of City resources to access.

Internet content via the City network. The City of Ruston reserves the right to determine what constitutes appropriate use of the Internet.

Before using the City's network to access the Internet, a City of Ruston employee, contractor volunteer or affiliate must review and agree to the following goals and requirements. Each prospective user must understand that Internet communications are subject to public disclosure and the rules of discovery in the event of a lawsuit. The City's Internet connection will be monitored, and a log of users and access sites maintained by the Network Administrator.

The Mayor will authorize individual departments to assume the responsibility for approving connection to the Internet. Information Services will provide consultation and installation of approved Internet connections.

#### **12.1 GOALS**

Ensure the security, reliability, and privacy of the City of Ruston's computer systems, network and data.

Ensure the security of sensitive City data.

To avoid usage that may cause the City to incur civil or criminal liability.

#### **12.2 PROHIBITED USES OF THE INTERNET**

1. The possession or transmission of the following materials:
  - a. Pornographic, profane, or sexually explicit material (photos, jokes, etc.) excluding information on cancer.

- b. E-mail that is in anyway abusive towards a gender. race or religion.
- c. E-mail that is in anyway abusive towards a fellow employee.
  - 2. Private or commercial use -any use that promotes monetary or business gain for the employee and their family is prohibited.
  - 3. Copyright Violations - any use of the Internet that violates current copyright laws is prohibited.
  - 4. Harassment - the use of the Internet to harass employees, vendors, customers, and others is prohibited.
  - 5. Political - the use of the Internet for political purposes is prohibited. Truth of Identity - the use of an alias while using the Internet is prohibited. This includes sending of anonymous messages. The misrepresenting of an employee's job, their job title, job description. or position within the City is prohibited.
  - 6. Misinformation/Confidentiality - the release of misleading, distorted, untrue, or confidential materials regarding City business, views, or actions is prohibited.
  - 7. Any message that either commits or references the commission by either the author or recipient is a crime.

**See also, Policy 9.9 – Social Media Policy.**

### **12.3 DISCIPLINARY ACTION**

If an employee is found to be in violation of the rules and policies, they may be subject to one or more of the following disciplinary actions.

- 1. An oral reprimand.
- 2. A written reprimand.
- 3. Restriction of Internet privileges.
- 4. Removal of Internet privileges.
- 5. Review for further disciplinary action by the employee's supervisor.
- 6. Discharge from employment.

## **CHAPTER 13 – DRUG FREE WORKPLACE POLICY**

### **13.1 Purpose and Goal**

The City of Ruston is committed to protecting the safety, health and well being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

The City encourages employees to voluntarily seek help with drug and alcohol problems.

#### **Covered Workers**

Any individual who conducts business for the City, is applying for a position or is conducting business on City property is covered by our drug-free workplace policy. Our

policy includes, but is not limited to managers, supervisors, full-time employees, part-time employees, and applicants.

### **Applicability**

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the City. Therefore, this policy applies during all working hours, whenever conducting business or representing the City, while on call, paid standby and while on City property.

### **Prohibited Behavior**

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants. For purposes of this policy, cannabis products are prohibited despite the legalization of recreational cannabis in Washington state.

### **Notification of Convictions**

Any employee who is convicted of a criminal drug violation in the workplace must notify the City Clerk/Treasurer in writing within five calendar days of the conviction. The City will take appropriate action within 30 days of notification. Federal contracting agencies will be notified when appropriate.

### **Consequences**

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may reapply after six months and must successfully pass a pre-employment drug test.

If an employee violates the policy, he or she will be subject to progressive disciplinary action and may be required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

### **Return-to-Work Agreements**

Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

### **Assistance**

The City of Ruston recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

### **Confidentiality**

All information received by the City through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

### **Shared Responsibility**

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play. All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Use the Employee Assistance Program.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Inform employees of the drug-free workplace policy.
- Observe employee performance.
- Investigate reports of dangerous practices.
- Counsel employees as to expected performance improvement.
- Refer employees to the Employee Assistance Program.
- Clearly state consequences of policy violations.

### **Communication**

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written copy of the policy.

- All employees will receive an update of the policy annually with their paychecks.

### **13.2 DRUG AND ALCOHOL TESTING POLICY:**

#### **Pre-employment**

Applicants being considered for hire must pass a drug test before beginning work. Refusal to submit to testing will result in disqualification of further employment consideration.

#### **Reasonable suspicion**

Employees are subject to testing based on (but not limited to) observations by at least two members of management of apparent workplace use, possession or impairment. The City/Clerk Treasurer or the Mayor should be consulted before sending an employee for testing. Management must use the Reasonable Suspicion Observation Checklist to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol. Examples include:

- Odors (smell of alcohol, body odor or urine).
- Movements (unsteady, fidgety, dizzy).
- Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
- Face (flushed, sweating, confused or blank look).
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching).
- Inactions (sleeping, unconscious, no reaction to questions).

When reasonable suspicion testing is warranted, both management and the City Clerk/Treasurer will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours. Refusal by an employee will be treated as a positive drug test result and may result in immediate termination of employment.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A City employee must transport the employee or arrange for safe and reliable transportation (e.g., a cab) and arrange for the employee to be transported home.

#### **Post-accident**

Employees are subject to testing when they cause or contribute to accidents that seriously damage a City vehicle, machinery, equipment or property or that result in an injury to themselves or another employee requiring offsite medical attention. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including a City forklift, pickup truck, or other motorized vehicle) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two hours following the

accident, if not sooner. Refusal by an employee will be treated as a positive drug test result and may result in immediate termination of employment. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A City employee must transport the employee or arrange for safe and reliable transportation (e.g., a cab) and arrange for the employee to be transported home.

### **Collection and Testing Procedures**

Employees subject to alcohol testing will be transported to a designated facility and directed to provide breath specimens. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breath alcohol concentration is .04 or more, a second breath specimen will be tested approximately 20 minutes later. The results of the second test will be determinative. Alcohol tests may, however, be a breath, blood or saliva test, at the company's discretion. For purposes of this policy, test results generated by law enforcement or medical providers may be considered by the company as work rule violations.

Applicants and employees subject to drug testing will be transported to a designated testing facility and directed to provide urine specimens. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens will be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates, amphetamines, PCP, benzodiazepines, methadone, methaqualone and propoxyphene use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory will screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

The laboratory will transmit all positive drug test results to a medical review officer (MRO) retained by the City of Ruston who will offer individuals with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test. In no event should a positive test result be communicated to the City until such time that the MRO has confirmed the test to be positive.

### **Consequences**

Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply/retest in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. If

the employee refuses to be tested, yet the employee's supervisor believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.

### **Confidentiality**

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

### **Inspections**

The City reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.