RESOLUTION NO. 447

A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ADOPTING THE REVISED PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the City Council has adopted a Personnel Policies and Procedures Manual; and

WHEREAS, the Personnel Policies and Procedures Manual has been substantially revised given new developments in employment law and an extensive internal review process; NOW, THEREFORE,

BE IT RESOVED BY THE CITY COUNCIL OF UNIVERSITY PLACE AS FOLLOWS.

- **Section 1.** Personnel Policies and Procedures Repealed. Repeal in its entirety the current Personnel Polices and Procedures Manual.
- Section 2. <u>Adopt Revised Personnel Policies and Procedures.</u> Adopt the new updated version of the Personnel Policies and Procedures Manual.
- Section 3. <u>Authorization of City Manager to Administer the Personnel Policies and Procedures as Amended.</u> The City Manager shall administer the Personnel Policies and Procedures as amended in Exhibit A of this resolution.
- Section 4. <u>Effective Date.</u> This resolution shall take effect immediately upon adoption.

 ADOPTED BY THE CITY COUNCIL ON JUNE 7, 2004.

Ken Grassi, Mayor

Attest:

Catrina Craig, City Clerk

PERSONNEL POLICIES & PROCEDURES

City of University Place, Washington

Adopted June 7, 2004

Table of Contents

Chapter 1: Purpose and Scope	
1.01 Welcome Message 1.02 Employee Acknowledgement Form 1.03 Organizational Chart 1.04 City History 1.05 Public Service 1.06 Scope of Policies 1.07 Changing the Policies 1.08 Administration of the Personnel System and Rules 1.09 Definitions 1.10 Employee Status	. 5 . 7 . 7 8
Chapter 2: General Policies and Practices	
2.01 Equal Employment Opportunity Policy 2.02 Disability Discrimination Prohibited 2.03 Life Threatening/Communicable Diseases 2.04 Anti-Harassment/Non-Discrimination Policy 2.05 Sexual Harassment Prohibited 2.06 Harassment/Discrimination Complaint Procedure 2.07 Workplace Violence Prohibited 2.08 Employee Personnel Records 2.09 Employment References	11 11 12 12 13 15
Chapter 3: Employment Practices	
3.01 Merit Employment	17 18 19 21 22
Chapter 4: Hours and Attendance	
4.01 Working Hours 4.02 Flexible and Alternate Work Schedules 4.03 Overtime/Compensatory Time 4.04 Attendance 4.05 Adverse Weather, Emergencies, and Natural Disasters 4.06 Breaks and Meal Periods	23 26 27 27

Chapter 5: Compensation

5.01 Salary Plan	
5.02 Salary Policy	
5.03 General Salary Practices	
5.04 Pay Days	
5.05 Garnishment	
5.06 Compensation Upon Termination	30
Chapter 6: Benefits	
6.01 Retirement Benefits	33
6.02 Disability Benefits (Workers Compensation)	
6.03 Benefit Allowance	
6.04 Health Insurance Benefits	
6.05 Life Insurance	
6.06 Other Benefits	
6.07 Continuation of Insurance Coverage	
6.08 Unemployment Compensation	
6.09 Relocation Benefits.	
6.10 Benefits Upon Hire/Return from Leave	
6.11 Benefits for Part-Time and Temporary Employees	
6.12 Refreshments	
6.13 Car Allowance	
Chapter 7: Leaves	
7.01 Vacation	39
7.02 Administrative Leave	40
7.03 Sick Leave	40
7.04 Family and Medical Leave	42
7.05 Bereavement Leave	43
7.06 Shared Leave Program	43
7.07 Leave Without Pay	
7.08 Jury and Witness Leave	44
7.09 Military Leave	
7.10 Holidays	
7.11 Continuation of Benefits During Leave	46
Chapter 8: Performance Reviews and Training	
8.01 Performance Reviews	47
8.02 Training Policy	47
8.03 Tuition Reimbursement Program	
Chapter 9: Employee Responsibilities and Conduct	
9.01 Outside Employment and Conflicts of Interest	
9.02 Political Activities	51
9.03 Reporting Improper Governmental Action (Whistleblower)	
9.04 No Smoking Policy	

9.05 Use of City Vehicles and Equipment	. 55
9.06 Safety/Seat Belt Policy	
9.07 Driver's License Requirements	. 55
9.08 Safety/Security	. 56
9.09 Substance Abuse	
9.10 Complaint Procedure/Problem Solving Process	
9.11 Bulletin Boards	
9.12 Solicitation	
9.13 Acceptance of Gifts	. 59
9.13 Professional and Civic Associations	
9.14 Uniforms, Special Equipment or Clothing	. 61
Chapter 10: Discipline and Termination	
	~~
10.01 Guidelines for Appropriate Conduct	
10.02 Investigatory or Non-Disciplinary Suspension	
10.03 Discipline Procedure	
10.04 Termination	
10.05 Resignation	
10.06 Layoff	
10.07 Medical	
10.08 Discharge	
10.09 Benefits at Termination	
10.10 Return of City Property	. 67
Annondiago	
Appendices:	
A. At-Will/For-Cause Matrix	ഒറ
A. At-vviii/i di-Gause Matrix	. ບອ
B. Summary of Employee Insurance Benefits	70
C. County, State and Federal Enforcement Agencies	71
o. odanty, otate and rederal Emolechient Agendes	. 1 1
D. Drug & Alcohol Testing Policy for Employees Who Operate Commercial	
Vahicles	71

CHAPTER 1

PURPOSE AND SCOPE

1.01 WELCOME MESSAGE

Congratulations on your selection as a City of University Place employee. Every City employee is selected for the breadth of their job skill and their positive approach to customer service. We have to be good not only at our own jobs, but also be able to help others be good at theirs. We select each City employee expressly for their ability to enhance our team approach to City services.

While some City of University Place employees provide direct services to citizens, the City is, in part, a "contract city," which means other government agencies or private companies contract with the City to provide services that would be cost prohibitive for the City to offer on its own.

We pride ourselves on selecting, training, and supporting a high quality, multitalented, flexible, and customer service oriented City staff. We believe that our competitive pay and extensive benefits help us to attract and retain excellent employees. Welcome to the University Place Team!

1.02 EMPLOYEE ACKNOWLEDGMENT FORM

Each employee of the City must read and sign an acknowledgment form as follows:

Enclosed are the City of University Place's personnel policies. It is your responsibility to read these policies and ask questions about anything you do not understand. These policies will acquaint you with employee benefits, the City's personnel practices and rules, and some organizational philosophy.

It is important to understand that these policies do not promise specific treatment in specific circumstances: they do not create an employment contract either express or implied and they do not guarantee employment for any length of time with the City.

Consistent with the City's responsibility to be flexible in responding to emerging citizen needs, these policies are themselves flexible. The policies are general guidelines only. Although we hope that your employment relationship with the City will be long-term, we recognize that at times things do not always work out as hoped. Either of us may decide to end the employment relationship at any time and for any reason.

Also, as the City grows and changes, personnel policies may change. The City, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate by the City. While we endeavor to advise employees of changes in the personnel policies, we provide no guarantee that you will receive either actual or constructive notice of such changes either before or after a change is implemented.

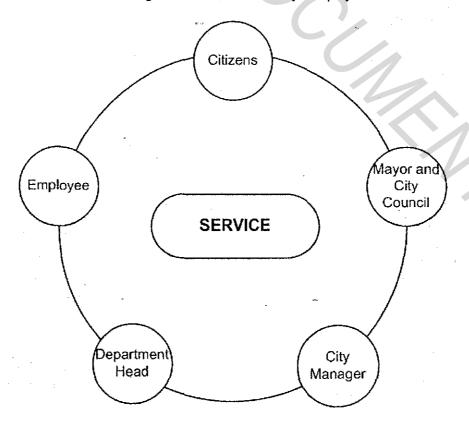
Please also understand that no elected official, supervisor, manager or representative of the City other than the City Manager has the authority to make any written or verbal statements or representations that are inconsistent with these policies.

If you have any questions about these policies or any other policies of the City, please feel free to ask your supervisor, department head or the Human Resources Manager.

1.03 ORGANIZATIONAL CHART

University Place is a "Council-Manager" city. The citizens elect the City Council at large. The Council then elects from among its members a Mayor and Mayor Pro Tem to serve as Chair and Vice-Chair of the Council. The City Council appoints the City Manager who acts as the City's Chief Executive Officer. All City employees work under the direction and supervision of the City Manager.

An organizational chart, detailing City functions and positions, appears in the City's budget. The City Council approves positions, pay ranges, and benefits as part of adopting the budget. The City Manager and Department Heads are responsible for the individual pay and benefit administration within these Council-approved pay and benefit plans. Please feel free to discuss with your department head your position, how it fits into the organization, and how your pay is determined.



1.04 CITY HISTORY

University Place is a city with a rich history. In the late 1800s, there were plans to build a university here, but financial concerns eventually cancelled these plans. Nevertheless, the community became known as "University Place," and the name stuck. Since then University Place has evolved into a suburban residential community, proud of its history, eager to retain its unique quality of life and looking ahead to future challenges.

Approximately one hundred years after University Place was established as a community, a movement began towards creating a local government and assuming local control over decision making. Groups formed to discuss incorporation. In November 1994 a ballot measure passed providing that 7.86 square miles of Pierce County be incorporated as the City of University Place.

This ballot measure began the journey to city-hood. Council members were elected, an interim city manager selected, and start-up staff hired. This group, along with thousands of hours of efforts by volunteers, made becoming a city a reality. University Place officially incorporated on August 31, 1995.

Today University Place is a community of over 30,000 people. The City Council, residents, and staff face the tasks ahead with enthusiasm and energy. There is a special atmosphere and attitude in a city such as ours. We recognize a unique opportunity to do things differently, to make changes that improve the quality of life, and to positively shape the future of our community.

1.05 PUBLIC SERVICE

City staff strive to provide quality customer service. This means making visitors to City Hall feel welcome, answering citizens' questions and concerns in an efficient and timely manner, and following through to ensure that each citizen inquiry is resolved to the best of our ability.

"Public service" is important to all of us at City Hall. We are here to transform City Council goals into reality, to ensure tax dollars are spent prudently, and to help citizens find solutions to their problems. The City of University Place is a city of innovation; one that recognizes that there is always room for improvement and that effectively resolving issues requires flexibility and ingenuity. We pride ourselves on our willingness to grow and learn from past mistakes and build on the successes of others. We are committed to preserving University Place as a quality community in which to live and work.

1.06 SCOPE OF POLICIES

These personnel policies apply to all City employees, except the City Manager, who serves at the pleasure of the City Council. In cases where these policies conflict with a City ordinance, state or federal law, a personal services contract, or union contract, the terms of the law or contract prevail. In all other cases, these policies apply.

1.07 CHANGING THE POLICIES

As the City grows and changes, these personnel policies may also change. The City, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate by the City. While we endeavor to advise employees of changes in the personnel policies, we provide no guarantee that you will receive either actual or constructive notice of such changes either before or after a change is implemented.

1.08 ADMINISTRATION OF THE PERSONNEL SYSTEM

These policies and the City's personnel system shall be administered as follows:

City Council: Adopts a budget that provides for authorized positions, salary ranges and benefits. The Council shall adopt, amend or revise these personnel policies by resolution.

City Manager: Has responsibility for developing, implementing and interpreting the personnel policies. The City Manager is responsible for the final decision on hiring, termination and discipline of all employees.

Deputy City Manager: Reports to the City Manager. In the absence or unavailability of the City Manager, the Deputy City Manager has all the authority of the City Manager.

Department Heads: Responsible for administering their own department in accordance with applicable laws and these policies. Under authority granted by the City Manager, department heads are responsible for hiring, supervising, disciplining and terminating their employees.

Human Resources Manager: Administers the personnel system on behalf of the City Manager, interprets these policies, and advise the City Manager and department heads on personnel matters.

Employee: Employees are full partners with the City in reading, understanding and following the personnel policies. Employees are required to sign a statement of understanding and acceptance of the personnel policies. Comments, suggestions and complaints should be discussed with the employee's department head or the Human Resources Manager.

1.09 DEFINITIONS

Immediate Family: Includes the employee's spouse, child, stepchild, parent, brother or sister, mother or father-in-law, son or daughter-in-law, grandparent, grandchild, and those over whom the employee has legal guardianship.

Regular Full-Time Employee: An employee who has successfully completed a working test period as defined in these policies and who regularly works either forty (40) hours per week or such other number of hours per week of work as the City Manager shall establish as a full-time week of work. Regular full-time employment status does not imply or guarantee for-cause status.

Regular Part-Time Employee: An employee who has successfully completed a working test period as defined in these policies and who regularly works less than forty (40), or such other number of hours per week of work as the City Manager shall establish as a full-time work week, but at least an average of one-half of the hours of work per week worked by a regular full-time employee.

Short-Term Volunteer: A City volunteer working less than eight hours per week for a period not exceeding three months.

Temporary Employee: Employees who hold jobs of limited duration due to special projects, abnormal workloads or emergencies. Temporary employees are always at-will; their employment based on the current needs of the City.

Working Test Period: Initial period of employment usually lasting for six months during which time either the City or the employee may terminate employment for any or no reason. Following a successful working test period employees are granted regular employment status. The working test period may be extended under certain circumstances (see Section 3.06). Unless otherwise specified, when regular employees are referred to in these policies, they shall include working test period employees.

Anniversary Date: The date the employee commenced work with the City; or a date based on the commencement of employment but adjusted for periods of unpaid leave. Benefits normally calculated based on the anniversary date include vacation and sick leave eligibility and accrual, eligibility for insurance and retirement programs and calculation of years of service with the City.

Exceptional Performance: When an employee demonstrates superior performance by achieving work goals ahead of schedule, under budget, and/or otherwise performing operational duties above and beyond expectations.

Position Date: The date an employee commences work in a specific position or classification.

Performance Review Date: The date established by the City Manager as the next formal performance review date for an employee. Normally this occurs twelve months from the last review date. However the performance review date may be delayed or accelerated based on an employee's performance. Adjustments to an employee's salary normally occur on the performance review date.

Training: Education the City provides to an employee to enhance or improve the employee's performance. Training is usually scheduled at City expense and on City time.

Education/Tuition Reimbursement: Education that an employee chooses to undertake in the employee's non-work hours. The City in its sole discretion may choose to reimburse an employee for education or tuition expenses if the City deems that the education will enhance the employee's effectiveness and contribution to City goals.

1.10 EMPLOYEE STATUS

Employees serving in a confidential capacity, assisting the City Council or City Manager in policy and/or program formation, or serving as supervisors or advanced level professionals (example: Project Engineers), are hereby designated "at-will" employees. All employees not designated "at-will" are given a "for-cause" status upon successful completion of their working test period.

CHAPTER 2

GENERAL POLICIES AND PRACTICES

2.01 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of University Place is an equal employment opportunity employer. It is the policy of the City to treat employees and job applicants on the basis of job-related qualifications and competence. These policies and all City employment practices shall be applied without regard to an individual's gender, race, color, religion, national origin, age, marital status, pregnancy, disability or any other basis prohibited by applicable law.

The City does recognize the importance of, and is committed to, achieving workforce diversity that reflects the diversity of its residents. Toward this end special effort will be made during employee recruitment to reach out to minority populations and thus widen the applicant pool, striving for proportional representation for all.

2.02 DISABILITY DISCRIMINATION PROHIBITED

The City will not discriminate against qualified applicants or employees with a disability and it will provide reasonable accommodation as required by law. An employee who reasonably believes that he/she needs assistance in accommodating a disability shall make a written request to the City Manager specifying the accommodation requested.

2.03 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 termination, when a substantial and/or unusual safety risk to the employee, co-workers or the public exists.

2.04 ANTI-HARASSMENT/NON-DISCRIMINATION POLICY

It is City policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the City will not tolerate 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.

Harassment is defined as verbal or physical conduct that demeans or shows hostility or aversion toward another employee or member of the public. Examples of prohibited conduct include slurs or demeaning comments to employees or members of the public relating to race, ethnic background, gender, religion, age, disability or any other basis prohibited by applicable law.

See Section 2.06, Harassment/Discrimination Complaint Procedure for guidance on what to do if you experience harassment.

2.05 SEXUAL HARASSMENT PROHIBITED

Sexual harassment will not be tolerated in the City of University Place. Prompt disciplinary action will be taken against any employee who commits or participates in any form of sexual harassment. Sexual harassment includes any unwelcome or personally offensive sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (or aimed at just one sex) by managers or supervisors, co-workers or third parties such as customers or vendors. Harassment is illegal when used as a part of a manager's or supervisor's decision to hire or fire someone or when used to make other employment decisions such as changes in pay, promotion, or job assignment. It is also illegal when it interferes with the employee's work performance or creates a hostile, offensive or intimidating work environment. Sexual harassment can include verbal behaviors such as unwanted sexual comments, suggestions, jokes, pressure for sexual favors, or foul or crude language; non-verbal behavior such as suggestive looks or leering or the display of sexually oriented or explicit materials; and physical behavior such as pats or squeezes, obscene gestures, or repeatedly brushing against someone's body.

If you have a sexual harassment complaint, or if you believe you have witnessed harassment, please follow the steps below in Section 2.06, Harassment or Discrimination Complaint Procedure.

2.06 HARASSMENT OR DISCRIMINATION COMPLAINT PROCEDURE

Each supervisor is responsible for ensuring an atmosphere free of discrimination and harassment. 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 take if you experience harassment or discrimination on the job.

- (1) If you believe or feel you are being harassed or discriminated against make it clear to the other person that you are offended and that their behavior is not welcomed. If this does not resolve the matter or if you are uncomfortable with such direct communication, you should move to step 2.
 - (2) If you experience or witness any job-related harassment, or believe you have been treated in an unlawful or discriminatory

manner, promptly report the incident to your supervisor, any department head, or the City's designated Equal Employment Opportunity (EEO) officer -- the Human Resources Manager. Supervisors should report all complaints to the Human Resources Manager as soon as they are received.

- (3) All complaints will be investigated promptly by the Human Resources Manager or designee. Upon receiving a complaint from the employee, the supervisor or the department head, the Human Resources Manager shall promptly notify the department head, initiate an investigation and upon completion of the investigation recommend to the City Manager whether further action should be taken. If the investigation shows the accused employee did engage in harassment, appropriate disciplinary action will be taken, up to and including termination, that is necessary to stop any further harassment and to return to a professional work environment.
- (4) Both the employee filing the complaint and the alleged offender shall receive either a verbal or written response to the complaint. Unless extra time is needed for a thorough investigation, the response will normally be given within thirty (30) days of the date the complaint was received.
- (5) The City prohibits retaliation of any kind against an employee or member of the public for filing a good faith complaint under this policy or for assisting in a complaint investigation. Any employee who retaliates or provides false information regarding a complaint may be subject to disciplinary action.

Any employee who is found to have deliberately made false sexual harassment allegations against another person will be subject to disciplinary action or other appropriate sanctions.

2.07 WORKPLACE VIOLENCE PROHIBITED

The City of University Place strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct associated in or around the workplace, or otherwise related to City employment:

- Threatening injury to damage against a person or property;
- Fighting or threatening to fight with another person;
- Threatening to use or the possession, custody, storage, or control of a weapon on City premises;
- Abusing or injuring another person;
- Abusing or damaging property,

- Using obscene or abusive language or gestures in a threatening manner;
- Raising voices in a threatening manner;
- (Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited.)

"Weapon" Definition: The term "weapon" is defined in its broadest sense and means any object or substance that ordinarily is capable of inflicting death or serious bodily harm including, but not limited to: a hand gun or any other firearm or similar device; a knife (other than a pocket knife with a blade less than three inches in length); or other item intended for physical harm, such as straight razor or other dangerous sharp object, explosive device, electronic stun device, mace, pepper spray, or other chemical assault propellants.

"City Premises" Definition: The term "City premises" means all areas under City ownership and/or control, including, but not limited to: buildings, offices, vehicles, work areas, lounges, parking lots, desks, cabinets, lockers, and storage areas. The City reserves the right to search all City premises and employee property brought onto City premises when the City determines that such a search is a reasonable and necessary precaution for work place safety.

Reporting Violent Conduct: Any workplace violence incidents or incidents indicating a potential for violence are to be reported by an employee to their supervisor (and/or the Human Resources Manager) as soon as possible. Incident reports are to be completed, as appropriate. If management determines that an employee has violated this policy, the employee will be subject to immediate discipline up to and including discharge, as deemed appropriate by the City. The City shall handle specific concerns with customers or other public parties as it determines under its policies and procedures.

If an employee is the victim of domestic violence or suspects that a coworker may be the victim of domestic violence a report should be made to the effected employee's supervisor or the Human Resources Manager. In addition, employees should report any restraining orders filed on their behalf or against them to the their supervisor and/or the Human Resources Manager along with a description of the individual against whom the order was filed.

Imminent Danger/Violence Incident Procedure: Any employee who reasonably believes that a situation with an aggressive employee, guest, contractor, vendor, or other party (e.g., any person who uses obscene or abusive language or gestures, makes threats or acts in a violent or threatening manner) may immediately become violent putting the employee or others in imminent danger at the work site, should promptly leave the work area and report to his/her supervisor (and/or the Human Resources Manager). (As appropriate, however, the employee should first try and secure the area and see that no other individuals are potentially at risk.) No disciplinary action shall be taken against any employee who leaves a work area when the employee has a reasonable belief that an emerging situation with an aggressive person is likely to turn violent

at that time at the work site. The supervisor should take immediate action and contact the Human Resources Manager as soon as possible for immediate action (e.g., 911 call). The timing and circumstances of possible return by the employee to the work area should be coordinated by the employee with City management. The employee, supervisor and/or Human Resources Manager shall follow City procedures in response to such events, including incident reporting and appropriate action deemed necessary by City management.

Security Precautions. All City security policies and rules much be adhered to at all times. To prevent inappropriate outsider access, City solicitation and access rules must be strictly followed. It is especially important that building security rules and procedures are specifically enforced at all times (e.g., doors locked after hours). Failure to comply with these requirements may lead to disciplinary action, up to and including discharge, as deemed appropriate by the City.

2.08 EMPLOYEE PERSONNEL RECORDS

Access to an employee's personnel file generally is limited to the City Manager, Human Resources, the employee's immediate supervisor and department head, although labor laws, collective bargaining agreements, public disclosure laws, and other laws or regulations may mandate access by other persons to the personnel file. The personnel file contains such items as the employee's job application, job description, emergency numbers and contacts, performance evaluations, salary information, training records, disciplinary actions, and letters of commendation.

For payroll purposes, certain salary and benefit records will be kept in separate payroll files. Medical records and benefit enrollment information are kept in a medical file that is separate from the personnel file.

Employee's Right to Inspect File: Employees have the right to review their own file and may request removal of irrelevant or erroneous information. If the City denies the employee's request to remove the information, the employee may submit a written statement of explanation to be placed in his/her file. If you wish to see your personnel file, please make your request to the Human Resources Manager. You have the right to a copy of any information in your file.

Public Access: Personnel files are confidential except as stated in the first paragraph of this section and to the extent permitted by public disclosure law, labor laws, or other applicable regulations. The City will only release individual information (such as dates of employment, positions held and pay range) unless a more specific release is requested in writing by the employee, by court order or unless disclosure is required by public disclosure laws, a subpoena, or other lawful request.

It is the employee's responsibility to keep all personal contact and benefits information including address, phone number, and beneficiaries up to date. This information should be given to the Human Resources Manager as soon as is reasonably possible to ensure accurate disbursement of benefits.

2.09 EMPLOYMENT REFERENCES

Only the City Manager, Human Resources Manager, department head, or the department head's designee will provide employment references on current or former City employees. City employees shall refer all requests for references to the Human Resources Manager, department head or the City Manager.

CHAPTER 3

EMPLOYMENT PRACTICES

3.01 MERIT EMPLOYMENT

Consideration in the selection, placement and retention of employees shall be based on merit. Merit is defined as the match between the knowledge, abilities, skills, and interest of the individual and the requirements of the position as well as how the employee performs the duties of that position. Selection processes will be job related and will attempt to measure a candidate's knowledge, abilities, skills, and interests as they relate to the duties of the position.

3.02 APPOINTING AUTHORITY

The City Manager alone may appoint and remove all officers and employees of the City. Department heads may make recommendations to the City Manager regarding the appointment and removal of employees.

3.03 HIRING PROCEDURES

When a position is vacant or otherwise needs to be filled, the department head shall submit a request to fill the position to the City Manager. The position may be posted and/or advertised after the City Manager approves the request.

The City will administer such pre-employment examinations and background checks; testing and verifying applicants' qualifications, abilities, and background as is legally required and as the City deems necessary. Examples of such procedures include: requiring applicants/employees to show proof they are authorized to work in the United States, driving record checks, and requiring applicants/employees who have unsupervised access to children to complete a disclosure statement and submit to a State Patrol background check.

Driving Record/License: Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least eighteen (18) years old and will be required to present a valid Washington State driver's license with any necessary endorsements and proof of personal vehicle insurance. 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.

Medical Examination: After a conditional 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 paid for by the City. The purpose of the examination is to determine if the individual is physically able to perform the essential functions of the job and to ensure the candidate's physical

condition will not endanger the health, safety or well-being of other employees or the public. Included in the required medical examination may be drug testing or screening (employees subject to the Federal DOT drug and alcohol testing regulations should see Appendix D). The offer of employment may be conditioned on the results of the examination.

A candidate may be disqualified from consideration if: (1) found physically unable to safely perform the essential functions of the position and the individual's condition cannot reasonably be accommodated in the work place; (2) the candidate refuses to submit to a medical examination or drug testing, and/or complete medical history forms; and (3) the candidate tests positive on any required drug and alcohol screening.

Offers of Employment: After a candidate's selection or promotion has been recommended by the department head and approved by the City Manager, the City Manager will notify the candidate in writing and officially extend an offer of employment or promotion, including compensation levels and conditions of employment. The candidate must be made aware that employment and compensation are always subject to budget availability and continued satisfactory performance. No City representative other than the City Manager has the authority to enter into any agreement for employment for a specific period of time or make any agreement contrary to the foregoing. In limited cases the City Manager may delegate this hiring authority. Any such delegation will be expressed in writing.

3.04 TEMPORARY EMPLOYEES

Department heads may use temporary employees to temporarily replace regular employees who are on vacation or other leave, to meet peak workload or seasonal needs, or to temporarily fill a vacancy until a regular employee is hired.

Temporary employees may be hired without competitive recruitment or examination, although all hiring processes must comply with state and federal laws.

Compensation/Benefits: Temporary employees are eligible for overtime pay as required by law. Temporary employees normally do not receive retirement, vacation, sick leave, health insurance, holidays or any other benefits during their employment. The City Manager may offer benefits to temporary employees on a case-by-case basis, considering the City's need for the employee, the employee's skills and abilities, and the estimated length of temporary employment with the City. Temporary employees will normally not be placed on the state PERS retirement system, although there are some exceptions depending on PERS eligibility criteria. Eligibility for PERS does not imply or guarantee eligibility for other benefits.

Because they are not typically eligible for retirement and other benefits, temporary employees contribute to the social security system. If the temporary employee participates in PERS, neither the City nor the temporary employee will contribute to social security.

3.05 VOLUNTEERS

The City wishes to make use of the rich skills and talents and goodwill of individuals and organizations within the community to benefit the entire community without adding unnecessary liability to the citizens of the City.

Individual volunteers and organizations that perform voluntary services in conjunction with the City must do so in a safe, appropriate and legal manner in accordance with City policies.

Scope of Volunteer Service: Except for short-term volunteers (see section 1.09), a scope of volunteer service description will be provided to individual volunteers and organizations. The scope of work will identify the policies and procedures for each volunteer service project and will include the following:

- a. The duties of the volunteer service assigned
- b. Supervision responsibilities
- c. Training and orientation prior to performing the volunteer service
- d. Personal protective equipment to be provided
- e. Name of contact person and description of how to contact them, and
- f. Any other relevant information

Liability Coverage: The City is self-insured through the Washington Cities Insurance Authority (WCIA) for comprehensive liability coverage. Volunteers working within the scope and on behalf of the City have liability coverage under the WCIA Coverage Document. Liability insurance is not medical insurance. The City does not provide regular medical insurance for volunteers. The WCIA Coverage Document excludes volunteer coverage for those under the age of 14 years and for those volunteers working through another organization. Therefore, the City cannot utilize any individual volunteers under the age of 14 years unless such individuals are volunteering as a part of a group that is providing its own insurance naming the City as "additional insured".

All organizations performing volunteer services shall provide proof of Commercial General Liability coverage in a per-occurrence amount set by the WCIA and/or the City's Risk Manager, naming the City as an additional named insured. Each organization providing volunteers to the City must sign a waiver holding the City harmless for any injuries and claims of any kind resulting from the actions of the volunteers of that organization in addition to providing the supervision necessary for the project.

Timekeeping for Volunteers: Except for short-term volunteers and City Council-appointed commission or committee members, all volunteers must submit semi-monthly records of their time spent in volunteer service. Failure to do so will result in separation from volunteer service with the City. Short-term volunteers are not required to submit time records; nevertheless, each month, the designated supervising staff member must estimate and report the short-term volunteer hours to the Finance Division. All volunteer worker's hours must be reported by the department supervisor to the Finance Division.

Personal Injuries: The City's Workers' Compensation plan provides limited medical insurance coverage for volunteer workers injured while working for the City. Workers' Compensation does not provide any compensation for time lost from a regular job due to an injury while volunteering for the City, nor does Workers' Compensation provide coverage for any permanent injuries to a volunteer.

Supervision: When individual volunteers are utilized, the City will provide appropriate supervision. When organizations provide volunteers for service to the City, the organization must provide adequate supervision of its volunteers and the City will provide overall supervision of the project.

Provision of Personal Protective Equipment: The City shall provide personal protective equipment as required for the scope of work and identified by the Washington Industrial Safety and Health Act and WAC 296.24. All volunteers requiring personal protective equipment shall be provided adequate training in its proper use and care. The staff member providing this training shall document this training and provide a copy of this documentation to the Human Resources Manager.

Volunteer Travel: Unless specifically authorized in writing and in advance, time spent in volunteer service does not include the commute to, from, or between job sites.

Termination of Volunteer Service: The City and/or the volunteer may terminate volunteer service at any time without cause.

Background Checks: As required in RCW 43.43.834 all persons potentially coming into contact with children, or vulnerable adults will have completed a background check for history of abuse and/or sexually deviant behavior or other crimes of violence. A copy of the results of this background check will be provided to the volunteer. In addition, if volunteers are performing court ordered community service, the volunteer is required to disclose the nature of the infraction or offense for which they are serving. The City reserves the right to require a background check on any volunteer as a condition of either becoming or being retained as a volunteer. Lastly, the City may check references for potential volunteers.

Documentation of Training: The City should provide volunteers with adequate instruction and training. Training records identifying specific training provided, instructor, any testing results, and attendance sheets will be maintained by the City for a minimum of three years. These records will be provided to the Human Resources Manager upon completion of training.

Waivers: Organizations providing volunteer service should sign the "Agreement Regarding Organizational Service with the City," including the agreement to defend, indemnify and hold the City harmless for any claims or lawsuits that arise out of their activities. All organizational volunteer service agreements must be reviewed and approved by the City Attorney.

Individual volunteers should sign the "Agreement Regarding Individual Volunteer Service with the City." Short-term volunteers should sign the "Volunteer Release" form or the "hold harmless" paragraph in the short-term volunteer application.

3.06 WORKING TEST PERIOD

Upon hire or appointment, all employees enter a working test period that is considered an integral part of the selection and evaluation process. The working test period gives an employee time to learn the job and the supervisor time to evaluate whether there is an appropriate match between an employee and the job. Resignation or termination during the working test period may be deemed a separation in good standing.

The normal working test period is six months from the employee's date of hire, rehire or promotion. The City Manager may for any reason, authorize a department head to extend the working test period up to three additional months not including any periods of absence from work of the employee. The department head shall indicate, in writing, successful completion of the working test period.

Performance Reviews: During the working test period, the employee's performance may be evaluated orally or in writing on a scheduled basis or as needed. These evaluations may document that the employee is successfully completing the working test period, provide a written plan of improvement that includes what is needed for the employee to gain regular employment status, or recommend termination of employment.

If an employee's performance is substandard and does not improve, if it becomes clear that an employee is unable to satisfactorily learn the position, or if the match between the City and an employee does not seem appropriate, an employee may be terminated at any time for any reason during the working test period. Only in unusual circumstances, as authorized by the City Manager, will the working test period be extended to further evaluate performance.

An example of a process for reviews during the working test period may include:

- (1) Initial orientation and goal setting within the first thirty days;
- (2) Progress reviews during the first three (3) months;
- (3) A written working test period review shall be conducted during or shortly after the sixth (6th) month;
- (4) Monthly reviews if the working test period is extended.

The working test period is not considered successfully completed unless stated and approved in writing by the City Manager. Once the working test period is successfully completed, the employee will be granted regular employment status, per the written approval of the City Manager. Satisfactory completion of the working test period does not necessarily create an employment contract nor does it guarantee employment with the City for any specified duration. FLSA non-exempt employees will be granted "for cause" status upon satisfactory completion of the working test period, (See Appendix A).

Use of Sick Leave/Vacation: Working test period employees may use sick leave as it accrues, but may not use accrued vacation until having completed six (6) months of employment. If an employee is voluntarily or involuntarily terminated during the working test period, no payoff of accrued sick leave or vacation is made.

3.07 EMPLOYMENT OF RELATIVES (NEPOTISM)

It is City policy that immediate family of current city employees and the City Council will not be employed by the City where:

- (1) One of the parties would have authority (or practical power) to benefit, 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 become domestic partners, 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 appropriate changes, as determined by the City Manager, 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 ninety (90) calendar days of the date they marry, become related, or become domestic partners. If no decision is made during this time, the City reserves the right to terminate either employee.

3.08 PROMOTIONS

The City's policy is to encourage promotion from within the organization whenever possible. Openings will usually be posted so that employees may become aware of opportunities and apply for positions in which they are interested and for which they are qualified. Current employees or City residents applying for positions will be given preference when qualifications are equal to or exceed those of outside candidates.

New Working Test Period: After promotion to a new position, a new working test period must be completed, unless waived or reduced by the department head. In the case of unsatisfactory performance in a promotional situation, the employee will be considered for (but not guaranteed) transfer back to the previous position or level formerly held by the employee, as long as that position or a position at that level is open and available.

CHAPTER 4

HOURS AND ATTENDANCE

4.01 WORKING HOURS

The City's basic workweek is Sunday 12:01 a.m. through Saturday midnight. The schedule for most full-time, non-exempt employees is Monday through Friday from 8:00 am to 5:00 pm. A normal working schedule for regular, full-time employees consists of forty (40) hours each workweek. Different work schedules or workweeks may be established upon recommendation of the department head to the City Manager.

Supervisors will advise employees of their scheduled work hours.

4.02 FLEXIBLE AND ALTERNATE WORK SCHEDULES

To ensure compliance with the Washington Clean Air Act and the Washington Commute Trip Reduction Act, the City developed a flexible work schedule policy that permits varied work schedules and job sharing between employees. Flexible work schedules reduce commuter travel during certain days of the week and reduce the number of commuters traveling during peak congestion periods. This reduces travel time, peak period traffic congestion and the consumption of petroleum while improving air quality.

Alternate work schedules that accommodate the City's workload while recognizing the City's responsibilities under regional trip reduction regulations may be established by agreement between an employee and the City Manager or department head. Examples of alternate work schedules include condensed work weeks (e.g., 4/10, 9/80) or telecommuting. Approval for an employee to telecommute will be predicated on task specific assignments. The City is not responsible for providing or maintaining equipment used at home, and the employee is responsible for maintaining a safe home work place.

A Flexible Work Schedule is a work schedule that permits starting and quitting times other than the standard work schedule. Flexible work schedules require that a minimum number of hours be worked each workday.

A Compressed Work Week is a work schedule which permits employees to increase the length of each work day so as to provide one day off every one or two weeks. Compressed workweek schedules include:

- 1) 4/10 Four ten hour days each week. This provides one extra day off each week.
- 2) 9/80 80 hours in a two-week period are scheduled over nine working days. Example: The normal workday is extended by one hour for five days one week and for three days the next week, with one regular eight-hour day. This provides one extra day off every two weeks.

NOTE: Because of the requirement to pay overtime to employees in overtimeeligible (non-exempt) jobs, specific alternative schedules for these employees should be developed in order to avoid overtime liability (see examples pp. 25-26).

NOTE: Each department reserves the right to administer the flexible schedule policy to promote the efficient use of resources and to provide effective service to the citizens. The alternative work schedule options offered are subject to change at any time. Changes in workload, funding, legal mandates, legal interpretations or other needs of the City and/or individual departments may cause the City to modify or cancel an alternative work schedule.

All regular status full-time and part-time employees of the City are eligible for consideration to work flexible work schedules. Final decisions for participation will be made by the City Manager with concurrence by the department director. Among other factors that will be considered are whether the alternative work schedule interferes with the City's business operations or compromises the City's ability to provide service to citizens.

The completed Request for Flexible Work Schedule will be submitted to the department director for review. An application must be reviewed and approved by Human Resources for Fair Labor Standards Act and the Washington Wage and Hour Law compliance. Final approval will be given by the City Manager. Copies will be distributed to the employee, the department director and the Finance Division. The original will be placed in the employee's personnel file. The request for flexible work schedule must be completed and approved at least two weeks prior to the end of the pay period in which the alternative schedule begins.

All approved flexible work schedule applications will be implemented for a trial (or interim) period, of at least three (3) months, but not to exceed six (6) months. At the conclusion of the trial period, the director will evaluate the situation and determine if the alternative work schedule should be continued. After successful completion of the flex schedule trial period, employees should commit to their flex schedule for no less than three additional months to facilitate efficient use of staff resources.

Sick and vacation leave will continue to accrue at the employee's regular rate. When an employee takes a full day of sick or vacation leave the time charged will be equivalent to the full number of hours the employee was scheduled to work on that day pursuant to the flexible schedule.

When a paid holiday falls on a full-time employee's regularly scheduled workday, the employee will be paid eight hours of holiday pay. If the regularly scheduled workday is greater than 8 hours, the employee will be required to use either vacation or compensatory time earned to make up for the time in excess of the 8 hours that the employee was scheduled to work.

If the department director approves, an employee may work additional hours during the same workweek as the holiday in lieu of using accrued leave. When a paid holiday falls on a full-time employee's regularly scheduled day off, the employee will be credited with eight hours of holiday time off which must be used prior to the end of the calendar year.

Employees must schedule personal appointments (doctor, dentist, etc.) on scheduled days off whenever possible. Employees may be required to fill in on their regularly scheduled days off for employees who are absent. Supervisors and employees will provide as much advance notice as possible and will attempt to work out alternative schedules for employees who are asked to work on regularly scheduled days off. There is no guarantee, however, of advance notice.

The Fair Labor Standards Act (FLSA) requires that non-exempt employees be paid overtime for all hours worked in excess of forty hours during a workweek. The workweek consists of seven consecutive 24-hour periods, and the employer retains the right to designate when the work period begins and ends. The defined workweek is not required to be the same for all employees. (See Appendix A for Exempt/Non-exempt matrix.)

The City will not incur additional costs in order to permit employees to choose alternative work schedules. Therefore, non-exempt employees must select an alternative schedule that does not require more than 40 hours per workweek. This may require employees to agree to a different workweek designation.

The following are examples of alternative work schedules for non-exempt employees:

EXAMPLE # 1: Compressed Work Week 4/40

Workweek Start/End: Sunday midnight - Saturday 11:59 p.m.

Day	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total
	off	7 to 6	7 to 6	7 to 6	7 to 6	off	off	
# Hours	Zero	10	10	10	10	Zero	Zero	40

EXAMPLE # 2: Compressed Work Week 9/80

Workweek Start/End: Friday noon - Friday 11:59 a.m.

Week 1

Day	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri
Schedule	off	off	off	7 to 5	7 to 5	7 to 5	7 to 5	7 to 11
# Hours	Zero	Zero	Zero	9	9	9	9	4

Day	Fri	Sat	Sun	Mon	Tue_	Wed_	Thu	Fri
Schedule	12 to 4	off	off	7 to 5	7 to 5	7 to 5	7 to 5	off
# Hours	4	Zero	Zero	9	9	9	. 9	Zero

In this example, the employee has every other Friday off. This can be done because the workweek is defined as Friday noon to Friday at 11:59 a.m. If the employee works more than 40 hours in the defined workweek, the additional hours worked are paid at the overtime rate.

Human Resources will answer questions to determine compliance with FLSA requirements.

4.03 OVERTIME/COMPENSATORY TIME

All City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act (FLSA) regulations. (See Appendix A for listing of exempt and non-exempt positions.)

Overtime for Non-Exempt Employees: Non-exempt (FLSA covered) employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than forty (40) hours in a seven (7) day work week. The employee's supervisor must authorize all overtime in advance.

Overtime pay is calculated at one and one-half times the employee's regular rate of pay for all time worked in excess of forty (40) hours in a workweek. When calculating time worked for purposes of overtime compensation, only time actually worked by an employee within the workweek will be considered. Thus, time paid for by the City but not actually worked by the employee (e.g., holidays, sick leave and vacation time) will not count as hours worked.

Compensatory Time Off for Non-Exempt Employees: Upon request from a non-exempt (FLSA covered) employee, the City may grant compensatory time off (comp time), in lieu of overtime compensation, at the rate of 1-1/2 times the overtime hours worked. The City reserves the right to pay overtime or cash out compensatory time off at any time.

As compensatory time off represents an unfunded liability for the city, the maximum accrual of comp time shall not exceed eighty (80) hours. Employees should schedule the use of comp time with their supervisor within ninety (90) days of the date it is earned, unless granted an extension, in writing, by the City Manager. If an employee is unable to use accrued compensatory time within 90 days, or comp time exceeds the maximum accrual, overtime compensation will be paid at the current overtime rate. Every employee's compensatory time accrual will be reviewed at year-end to ensure that the maximum has not been exceeded.

Overtime for Exempt Employees: Exempt employees are not covered by the FLSA overtime provisions and do not receive overtime pay or compensatory time. An exempt employee is paid to perform a job that may not necessarily be completed in a normal 40-hour workweek. There will be no actual deduction in pay for absences of less than a full day for personal reasons, illness, or disability.

4.04 ATTENDANCE

Employees are expected to report for work on time and maintain good attendance. If an employee is unable to report to work on time, the employee should notify his/her supervisor before the work day begins or within thirty (30) minutes of the employee's scheduled start time. If an absence continues beyond one day, the employee must call in to his/her supervisor each day. If the employee's supervisor is unavailable, the employee should leave a message on his/her supervisor's voice mail and also with the main receptionist.

4.05 ADVERSE WEATHER, EMERGENCIES, AND NATURAL DISASTERS

During periods of inclement weather, an emergency or a natural disaster, the City must continue to provide essential public services. Therefore, employees must make every reasonable effort to report to work if they can do so 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, floating holiday, compensatory time, or leave without pay. Non-emergency employees who arrive within two hours of the start of their normal workday during a period of inclement weather, an emergency or a natural disaster will be paid for a full day's work. An employee who expects to arrive at work late shall advise the supervisor by phone.

During periods of inclement weather, emergency or a natural disaster, employees may be assigned emergency services work schedules other than their normal work assignments.

If, due to inclement weather, emergency or a natural disaster, the City determines either to send employees home before the conclusion of their workday or not to have employees come to work, the employees will be paid their normal rate of pay for their regularly scheduled hours for that day.

4.06 BREAKS AND MEAL PERIODS

 Non-exempt employees may take one fifteen (15) minute paid rest break for every four hours worked and a sixty (60) minute unpaid meal break for every six hours worked. Meal periods shall be at least thirty (30) minutes but not more than sixty (60) minutes and shall commence no less than two hours nor more than five hours from the beginning of the shift. Where the nature of the work allows employees to take intermittent rest periods equivalent to 10 minutes for each four hours worked, scheduled rest periods are not required. All breaks should be arranged so they do not interfere with City business or service to the public. Breaks cannot be saved in order to extend any other break period or to leave early from work. Employees should have either a meal period or rest break at least every three hours. An employee who is not receiving rest breaks or meal periods should notify his/her supervisor.

4.07 CALL BACK

All employees are subject to call back in emergencies or to provide necessary services to the public. Non-exempt (FLSA covered) employees called back to duty will be paid at their regular rate, with the overtime rate paid for hours worked in excess of forty per workweek.

4.08 PERSONAL PHONE CALLS

Employees are not permitted to make personal long distance phone calls that are charged to the city. However, if city business creates an unforeseeable need for the employee to work late, a brief, long distance personal call, for the purpose of notifying family members, is permitted.

CHAPTER 5

COMPENSATION

5.01 SALARY PLAN

The City's salary plan is set forth in ordinance. The City Council approves an annual salary schedule proposed by the City Manager that establishes pay ranges for each job classification. Subsequent changes in the pay plan must be approved by the City Council.

5.02 SALARY POLICY

It is the intent of the City Council to attract and retain quality City employees. Within budget limitations, the City endeavors to pay salaries competitive with those of other employers in the applicable labor market. Salaries are reviewed on an annual basis and, resources permitting, a cost of living or market adjustment may be applied to salary ranges by the City Council.

5.03 GENERAL SALARY PRACTICES

Employee Pay Rates: Employees shall be paid within the appropriate salary range. The City Manager shall determine pay within the range. The City Manager may establish a temporary entry salary at a trainee rate that is not more than 10% below the entry-level salary for that position.

Starting Rate of Pay: New or promoted employees will normally start their employment at or near the beginning of the pay range for their classification. The City Manager, however, may approve compensation at a higher rate within the salary range when qualified applicants cannot be recruited or the department head determines that the applicant has experience and qualifications that warrant a higher salary. When the starting pay of a newly appointed employee exceeds midpoint of the applicable pay range, the City Manager will report the reasons to the City Council.

Merit Increases: If performing satisfactorily, employees are eligible for a four percent salary increase within the range for their position effective on their scheduled performance review date (usually their anniversary date).

Salary increases are contingent upon satisfactory performance by the employee and conformation of such performance in the written employee's evaluation. If an employee's performance is unsatisfactory, the department head will recommend that the City Manager defer a scheduled pay increase for a specified period of time or until the employee's job performance is satisfactory. Successful completion of a written work plan for improvement, agreed to between the department head and employee, must occur before the employee is eligible to receive a deferred salary

increase. No deferred salary increase shall be made retroactive. Cost of living adjustments approved by the City Council will not be tied to performance.

The City Manager may accelerate by up to three months the performance review dates and pay increases for employees with exceptional performance.

The Human Resources Manager is responsible for making sure performance evaluations are completed in a timely manner and that merit increases are forwarded to payroll.

5.04 PAYDAYS

Employees are paid twice monthly on the 5th and the 20th of each month for work performed between the 1st and the 15th and the 16th and the end of each month, respectively. If a regularly scheduled payday falls on Saturday or Sunday, paychecks will be distributed on Friday; if it falls on a holiday, paychecks will be distributed on the last regularly scheduled working day preceding the holiday. Certain employees, depending upon their work schedules, may be paid on alternate schedules.

Pay Deductions: The City will withhold from the employee's paycheck those deductions required by law and any voluntary deductions (e.g. health insurance premiums, flexible spending accounts, automatic deposits, health club membership dues, retirement, voluntary life or disability insurance, charitable or nonprofit organizations) authorized by the employee and approved by the City Manager.

Employees scheduled to be on leave or traveling on a payday are encouraged to arrange direct deposit while they are absent. Otherwise, the check will be held until the employee's return.

Payroll Records: Official payroll records are kept by the Finance Manager. Each department head shall submit a work record signed by each employee and supervisor on a twice-monthly basis noting hours or days worked, leave taken and overtime worked. The City Manager shall sign work records for department heads.

5.05 GARNISHMENT

The City will enforce garnishments and wage attachments as required by federal or state laws. A court ordered writ of garnishment will not be cause for corrective action or discharge.

5.06 COMPENSATION UPON TERMINATION

Upon an employee's separation from City employment, the employee will receive the following compensation: regular wages for all worked hours that have not been paid; any overtime, compensatory time or holiday pay due; and payment of any accrued but unused vacation and sick leave authorized for payment, if applicable. Payment will be made at the next regular payday. (See sections 7.01 and 7.03).

This page intentionally left blank

CHAPTER 6

EMPLOYEE BENEFITS

6.01 RETIREMENT BENEFITS

The City does not participate in the federal social security program. In place of it, the City provides the following retirement programs for employees. All retirement benefits shall be a fringe benefit accruing to the employee by virtue of employment with the City and shall not be considered part of the employee's regular rate of pay.

Social Security Replacement Program: All employees eligible for participation in the Washington State Public Employees Retirement System utilize this system as a replacement for the federal social security program. Employees not eligible for PERS and other benefits will pay into social security.

All City employees contribute to the Medicare insurance portion of FICA.

State Retirement System (PERS): All regular full-time and eligible part-time employees are covered by the statewide retirement system, the Public Employees Retirement System (PERS). Benefit levels, contribution rates, and eligibility criteria are set by the State of Washington.

Money Purchase Plan: The City provides a mandatory money purchase 401(a) plan, in which the City contributes on behalf of the employee and the employee participates according to Appendix B of this manual and within dollar limits defined by the IRS.

Deferred Compensation Plan: The City provides a voluntary deferred compensation 457 plan for employees to contribute pre-tax dollars.

Retirement Health Savings Plan: The City provides a voluntary tax free retirement savings plan that is dedicated to health care costs upon retirement.

(See Appendix "B" for more details on retirement plan benefits and contributions.)

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

6.02 DISABILITY BENEFITS (WORKERS COMPENSATION)

All employees are covered by the State Workers' Compensation (Industrial Insurance) Program. 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 State Workers' Compensation Program may not cover activities undertaken by employees outside their normal scope of work or workday. If an employee is absent for one or more days due to an on-the-job accident, the employee must 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 or other leaves) the employee's regular net salary pending receipt of Workers' Compensation benefits.

Coordination of Benefits: When an employee receives Workers' Compensation benefits, the employee 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 as long as accrued sick or other 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. Employees may supplement workers' compensation salary benefits by using accrued sick or other leaves to increase their workers' compensation disability payments up to an amount not to exceed their net pay if they were working their regular schedule.

Return to Work: In the event of an injury the City will coordinate with the attending medical care provider to return the injured employee to work as soon as is medically possible. The City will provide any reasonable accommodation, including temporary reassignment to light duty tasks, that the medical care provider feels is warranted while the injured employee is recovering. Injured employees shall report to the Human Resources Manager for assignment while recovering from their work related injury.

The City may require an employee to submit to a City-paid medical examination performed by a physician selected by the City, to determine if an employee can return to work and whether the employee is or will be capable of performing the essential duties of the position.

The State Workers' Compensation program may cover citizens who volunteer to perform the equivalent of staff services at the City. Volunteers must submit in a timely manner, in writing, the hours volunteered to ensure L & I contributions are made on their behalf for the time worked. Advisory Boards and Committees are not covered under this provision.

6.03 BENEFIT ALLOWANCE

See the Biennial Budget for a detailed description of the Employee Health Care Plan. (See Appendix "B" for more details and plan names.)

6.04 HEALTH INSURANCE BENEFITS

Regular full-time and regular part-time employees, their spouses and their dependents are eligible to participate in the City's various insurance programs

beginning with the first full calendar month of employment with the City (example: to be eligible for coverage in March, the employee would need to start no later than the first workday in March). The programs and criteria for eligibility are explained upon hire. The City provides a monthly benefits allowance toward the cost of premiums in the amounts authorized by the City Council. The remainder of the premiums, if any or as described in the preceding section, shall be paid by the employee through payroll deduction. This health allowance shall be a fringe benefit accruing to the employee by virtue of employment with the City and shall not be considered part of the employee's regular rate of pay. The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable, without prior notice to affected employees. (See Appendix "B" for more details and plan benefits.) Represented employees should refer to their union contract for health insurance or other benefit information.

Temporary employees normally will not be eligible for insurance coverage.

6.05 LIFE INSURANCE

The City provides life, accidental death and dismemberment, survivor, and long-term disability insurance for regular full-time and regular part-time employees. This coverage is effective the first day of the month following the month in which the employee started employment with the City. (See Appendix "B" for more details and plan benefits.)

6.06 OTHER BENEFITS

The City provides an Employee Assistance Program and a Section 125 flexible spending accounts program to regular employees. Also, to reduce absenteeism and to promote employee health and productivity, the City encourages employee wellness through various City-sponsored, voluntary activities and programs. Subject to the annual budget, City funds may be budgeted to promote some inhouse wellness programs. These benefits shall be a fringe benefit accruing to the employee by virtue of employment with the City and shall not be considered part of the employee's regular rate of pay.

6.07 CONTINUATION OF INSURANCE COVERAGE

Leave of Absence: Upon mutual agreement between the employee and the City, and in accordance with the terms and conditions of the insurance policy, the City will continue health insurance coverage at the employee's expense during an approved unpaid leave of absence. COBRA continuation rights may apply in the event coverage is not extended through the City.

Workers Compensation Leave: If an employee cannot work because of a onthe-job injury, the City will continue to pay for the employer's portion of health insurance premiums while an employee is receiving Workers Compensation benefits, 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 Manager makes an exception based on the criteria stated in Changing the Policies, Section 1.09 of these policies. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time the employee receives Workers Compensation benefits, subject to trust rules and COBRA regulations.

COBRA Rights: Upon the occurrence of a qualifying event, which can include an employee's termination from City employment, a reduction in hours, an unpaid leave of absence, a divorce, or a covered dependent being no longer eligible to be covered as a dependent, the employee, divorced spouse, or dependent may be eligible to continue City health insurance benefits to the extent provided under the federal COBRA regulations at their own expense. Continuation rights are not available if an employee is terminated for "gross misconduct." An administrative handling fee over and above the cost of the insurance premium may be charged the employee or his/her dependents who elect to exercise their COBRA continuation rights.

Termination, Retirement, Leave of Absence: For eligible employees who terminate, retire or are on an approved leave of absence, the employee will be responsible for the health insurance premium immediately following the last month for which the City pays this premium.

6.08 UNEMPLOYMENT COMPENSATION

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

6.09 RELOCATION BENEFITS

Relocation benefits may be offered to new employees subject to Council approval.

6.10 BENEFITS UPON HIRE/RETURN FROM LEAVE

Upon hire or return from an unpaid leave (other than FMLA), an employee's benefits—leave accruals and insurance coverage—will commence on the first of the month subsequent to the date of hire or return from leave.

6.11 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, and benefit allowances are pro-rated. Pro-rated means the ratio between the number of hours in the employee's normal work schedule of at least 20 hours per week and the regular full-time schedule of forty (40) hours per week is applied to the normal full-time benefit allocation.

Temporary Employees: Temporary employees normally are not eligible to receive benefits, including leaves, holidays and insurance. The City Manager, however, may make exceptions to this policy.

6.12 REFRESHMENTS

As authorized in the City's Biennial Budget, the City may furnish coffee, tea, soft drinks, or snacks for attendees of public meetings as a benefit of contribution to the public process, and for employees as a benefit of employment.

6.13 CAR ALLOWANCE

The City Manager may authorize a car allowance of up to \$150 per month for Department Heads and up to \$100 per month for Division Managers. Travel outside the Puget Sound region (Bremerton to Snoqualmie Pass and Everett to Olympia) will be reimbursed at the per-mile amount set by the IRS.

This page intentionally left blank.

CHAPTER 7

LEAVES

7.01 VACATION

Each regular full-time employee is entitled to vacation leave as follows:

Years of	Vacation Hours			
Employment	Earned			
0 - 4 years 5 - 9 years 10 -14 years 15 -19 years 20+ years	8 hours/month 10 hours/month 12 hours/month 14 hours/month 15.3 hours/month			

Vacation accrual begins on the first day of the first full month of employment. Vacation hours are credited at the completion of each pay period. Employees are eligible to use earned vacation after successful completion of their working test period, but no sooner than six (6) months of employment. Regular part-time employees earn vacation on a pro-rated basis. Temporary employees are not eligible for vacation leave. Vacation credit does not accrue during leave without pay or on overtime hours.

Department heads are responsible for scheduling employee vacations without disrupting department and City operations. As a general guideline, leave requests of one week or more in duration should be submitted in writing thirty (30) days in advance.

Vacation Accrual Maximum: Employees are encouraged to use vacation in the year it is earned. The maximum vacation balance that an employee may accrue is 184 hours. Any hours earned above the maximum will not be accrued and will be lost to the employee. Where City operations make it impractical for an employee to use his/her vacation time, the City Manager may authorize additional accruals.

Previous Relevant Service: On recommendation of the City Manager, subject to the approval of the City Council, an employee's years of service for vacation accrual purposes may be calculated based on previous relevant service (up to 50% credit may be given for related career service). The maximum annual vacation accrual based on combined years of City service and previous relevant service may not exceed 23 days per year.

Minimum Vacation Use: Vacation may be used at a minimum rate of one (1) hour per day for non-exempt (FLSA covered) employees. Exempt employees (not covered by FLSA) are required to use vacation at a minimum rate of one (1) day.

Termination: Employees who successfully complete their working test period will be paid for accrued but unused vacation time upon separation from employment. Employees who voluntarily or involuntarily terminate employment prior to the successful conclusion of the working test period will not be paid for accrued vacation leave.

Merit Vacation Days: The City Manager may, on recommendation from the department head, grant up to five vacation days per year, based on the employee's performance. Merit vacation days cannot be used during the working test period. Earned but unused merit vacation days cannot be cashed out during employment or upon separation of employment.

7.02 ADMINISTRATIVE LEAVE

The City Manager, with City Council approval, may grant up to one week per employee per year of additional paid leave to FLSA exempt employee(s) when, in his/her judgment, the employee(s) have expended exceptional effort during periods of seasonal or otherwise extraordinary workload.

7.03 SICK LEAVE

Regular full time and regular part time employees are eligible to accrue sick leave on the first day of the first full month of employment. Full time employees shall accrue sick leave at the rate of four (4) hours per pay period (eight hours per month); part time employees shall accrue on a pro-rata basis. Sick leave is available for use following its accrual. Sick leave is credited following completion of each pay period.

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

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

- (1) Physical injury or illness of the employee;
- (2) The need to care for immediate family members who are ill or recovering from a temporary disability or childbirth;
- (3) Medical or dental appointments for the employee, spouse, or dependent child. Employees should try their best to schedule such appointments outside of normal work hours or at times that least interfere with the workday;
- (4) Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
- (5) Use of prescription or non-prescription medication that impairs job performance or safety;

- (6) Periods of temporary disability directly associated with pregnancy or childbirth:
- (7) Additional leave beyond bereavement leave may be authorized by the City Manager if a death occurs within an employee's immediate family.

Doctor's Documentation: A doctor's certificate may be required when an employee is absent for a period of three (3) or more consecutive days. The City may also request the opinion of a second doctor at the City's expense to determine whether the employee suffers from a chronic physical or mental condition that impairs the employee's ability to perform the essential functions of the job. The City may terminate employees who are habitually absent due to illness or disability if their disability cannot be reasonably accommodated or when the employee's absenteeism prevents the orderly and efficient provision of services to citizens. Reasonable accommodation may include consideration by the city of retraining or reassignment.

The City may require a doctor's certificate that the employee is able to return to work or perform job duties.

Minimum Sick Leave Use: Sick leave may be used at a minimum rate of one (1) hour per day for non-exempt (FLSA covered) employees. Exempt employees (not covered by FLSA) are required to use sick leave at a minimum rate of one (1) day.

When Sick Leave is Exhausted: Employees who use all their accumulated sick leave and require more time off due to illness or injury may, with their department head's prior approval, use vacation, compensatory time, floating holidays or, as a last resort, take leave without pay.

Payment of Accrued Sick Leave: Effective January 1, 2005, any employee in good standing with at least 5 years of regular employment with the city may cash out up to 40 hours per year of sick leave for 50% of its value at the employee's current hourly wage if their remaining sick leave balance is over 100 hours.

For the purposes of sick leave payout, hourly wage will be calculated by dividing the current monthly wage by 173.3333.

Example: Employee X hired on 1/1/2000 has a balance of 140 hours of sick leave on 1/1/2005 and is currently paid \$25.00 per hour. That employee could cash out 40 hours at 50% of their current hourly wage receiving \$500.00 taxable income and would retain a balance of 100 hours of sick leave.

In 2007, employees in good standing with 7 or more years of regular employment with the city may cash out up to 80 hours for 75% of its value at their current hourly wage as long as their sick leave balance remains over 100 hours.

Donated leave will not be eligible for use in this provision.

Payment for Sick Leave upon Termination: Employees who have worked for the City for two (2) or more years and terminate employment in good standing are eligible to be paid for twenty-five percent (25%) of accrued and unused sick leave up to a maximum of 120 days at termination. Included in termination for these purposes are voluntary resignation, retirement, layoff or death. If sick leave hours are cashed out while still employed with the City according to the above "Payment of Accrued Sick Leave" provision, that employee shall be ineligible for payment of any remaining hours if the employee leaves the City's employ for any reason prior to January 1, 2008.

7.04 FAMILY AND MEDICAL LEAVE

Recognizing the importance of family and out of concern for the well being of its employees, the City of University Place's leave program enables employees to use time off to take care of family matters. This family leave policy shall apply to regular employees who have been employed by the City at least 12 months and have worked at least 1,250 hours in the preceding 12 months and shall be administered in accordance with the Federal Family and Medical Leave Act (FMLA) and the State Family Leave Act.

No benefits such as vacation or sick leave are earned when the employee is on unpaid leave. Depending on the type of leave taken, group health insurance coverage may terminate at the end of the month in which an unpaid leave of absence begins. Failure to return as agreed from an approved leave may be treated as a voluntary resignation of employment. The employee may be required to repay to the City contributions to benefits paid on behalf of the employee by the City.

A qualifying regular employee may request leave for up to twelve (12) weeks of FMLA leave per "leave year." The City defines leave year as the rolling twelvementh period measured backward from the date an employee uses any FMLA leave. FMLA leave may be used for the following reasons:

- (1) A medical disability directly related to pregnancy or childbirth. Pregnancy/childbirth disability that occurs following the birth of a child will be calculated along with leave to care for a new baby to determine the total allowable leave time.
- (2) To care for a newborn or newly adopted child. See note (1) above.
- (3) To care for a spouse, child or parent who has a serious health condition.
- (4) To care for self, if the employee has a serious health condition that makes the employee unable to perform the essential functions of the position.

Continuation of Benefits: During all leaves noted in items (1) through (4) above of this family and medical leave policy, the City will continue to pay the employer's portion of health insurance premiums, provided that the employee continues to pay their share of insurance premiums, if any. Failure of the employee to pay his/her portion of the premium may result in cancellation of health insurance. If an employee fails to return from work at the end of the leave, the employee may be

responsible to pay back the City for the employer portion of the health insurance premiums. Leaves such as vacation and sick leave will continue to accrue during paid leave, but not during unpaid leave. An employee may be required to use any accrued paid leaves before a leave without pay commences. However, in certain circumstances, employees on FMLA leave may not be required to use their sick leave before going on unpaid leave.

Notification and Return to Work: A leave of absence shall be requested in writing and submitted to the department head 30 days prior to the date on which the employee wishes to begin the leave; or as soon as the need for such leave is known. Determination of applicability of accrued leave time or leave without pay to be used during a leave of absence will be made by the Human Resources Manager and communicated to the employee as soon as possible following receipt of the leave request. The employee should also provide the supervisor with their intended date of return.

Upon return from family and medical leave, an employee shall be entitled to return to the employee's former position, unless the City has eliminated the position. If the employee chooses not to return to work for any reason, the employee should notify the City as soon as possible.

For more information, or if you think you may need to take a Family and Medical Leave, contact the Human Resources Manager.

7.05 BEREAVEMENT LEAVE

Any regular employee who suffers a death in the immediate family shall receive up to three (3) days leave with pay. If additional time is needed, the City Manager may authorize use of accrued sick leave, vacation leave or compensatory time for up to five (5) days.

7.06 SHARED LEAVE PROGRAM

The City Manager may authorize employees to donate their accrued vacation or sick leave to another City employee who is suffering from or who has an immediate family member suffering from an extraordinary or severe illness, injury, or physical or mental condition that has caused or is likely to cause the employee to take leave without pay. The following conditions apply:

1. To be eligible to donate either vacation or sick leave an employee must have at least eleven (11) days of accrued vacation or sick leave. In no event shall a leave donation result in the donor reducing a vacation or sick leave balance to less than ten (10) days. Transfer of leave will be in increments of one day. Leave is donated on an hour for hour basis with no relation to actual earnings of either the donor or the recipient. All donations of leave are strictly voluntary and confidential.

- 2. For an employee to receive donated leave, the employee must first exhaust all of the employee's own accumulated compensatory time and sick leave and have a vacation leave balance not greater than eighty (80) hours. An employee may receive donated leave and still retain up to eighty (80) hours of accrued vacation leave.
- 3. An employee using shared leave will continue to receive the same salary and benefits as an employee using vacation or sick leave. Unused donated leave can be given back to the donor(s).

7.07 LEAVE WITHOUT PAY

The City Manager may grant leaves of absence without pay for absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of absences that may qualify include, but are not limited to: a prolonged illness or medical condition, parenting, caring for an ill relative, or fulfilling a military obligation in excess of fifteen (15) days per year.

An employee may be required to use any accrued paid leaves before a leave without pay begins. If an employee is on unpaid status for more than thirty (30) days, the employee's anniversary date and time in service will be changed to reflect the period of absence.

7.08 JURY AND WITNESS LEAVE

Employees may be granted time off with pay to serve on a jury or as a job-related court witness. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from duty. It is expected that employees will report to work if there is a break during jury duty where the employee is not required to report to the courts.

An employee on jury or witness leave will continue to receive regular wages but shall sign over to the City any check for jury duty or witness services.

7.09 MILITARY LEAVE

Military Training Leave: Employees who are members of the National Guard or federal reserve military units are entitled to paid leave for a period of up to fifteen (15) workdays per year, or any greater period required by law, for performing ordered active duty training. If the active duty exceeds fifteen (15) workdays, the employee will take accrued compensatory time, available vacation, and then leave without pay.

Leave for Active Duty Military Service: Regular employees who are called to or volunteer for active duty military service in excess of fifteen (15) workdays will be placed on an indefinite unpaid leave of absence during the time the employee is in an active duty status with any branch of the United States Armed Forces or state militia. The employee may chose to use accrued vacation leave prior to moving to

an unpaid status. Any unused leave accruals remaining when the unpaid leave begins will be held until the employee returns to active employment with the City. During the unpaid leave the employee will neither earn additional vacation or sick leave nor be entitled to health insurance benefits except as may be provided for under COBRA or other applicable law. Reinstatement following active duty will be in compliance with state and federal laws at the time of the return to work.

7.10 HOLIDAYS

The following are recognized as paid holidays for all regular employees:

New Year's Day
Martin Luther King Jr.'s Birthday
President's Day
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day
One Floating Holiday

January 1
3rd Monday in January
3rd Monday in February
Last Monday in May
July 4
1st Monday in September
November 11
4th Thursday in November
Day after Thanksgiving
December 25
As scheduled by employee
and supervisor

The employee must be on paid status on the day before and after a holiday to qualify for a paid holiday.

A holiday falling on a Saturday will be observed on the preceding Friday. A holiday falling on a Sunday will be observed on the following Monday.

Part-time and Temporary Employees: Holidays will be pro-rated for regular part-time employees. Temporary and other non-regular employees usually do not receive holidays, though exceptions may be made by the City Manager as part of an individual's benefit package.

Floating Holiday: Each regular full time employee is entitled to one floating holiday per calendar year. Regular part-time employees shall receive pro-rated floating holiday leave in proportion to the number of hours in their normal work schedule. Temporary employees are not eligible for this holiday. Floating holidays are awarded at the beginning of each calendar year for regular employees and upon successful completion of the working test period for new employees. Employees cannot receive or use the floating holiday during their working test period, and the floating holiday may not be granted retroactively.

- The floating holiday shall be scheduled by agreement between the employee and his/her supervisor.
- The holiday must be used by the end of the calendar year and cannot be carried over into the next year. Unused floating holidays are not compensated upon termination.

 Employees hired after the first of the year may be granted a pro-rated portion by the City Manager.

Religious Holidays: If an employee's religious beliefs require observance of a holiday not included in the holiday schedule, the employee may, with the department head's approval, take the day off using vacation, compensatory time, a floating holiday or leave without pay.

Holidays Worked: Non-exempt employees who work on a holiday will be paid for eight (8) hours pay at the regular rate of pay and will also be paid for all hours actually worked on the holiday at one-half (1/2) times the regular rate of pay, provided that the total hourly rate shall not exceed one and one-half (1-1/2) times the regular rate of pay. Such work time must be pre-authorized by the supervisor. Employees who are called out during stand-by duty shall receive holiday pay plus call out pay as described in Section 4.07 of this manual.

7.11 CONTINUATION OF BENEFITS DURING LEAVE

Employees on paid leave shall continue to receive benefits they were entitled to prior to the start of their leave including the accrual of vacation, sick leave, holidays, retirement, and health insurance benefits. Unless noted otherwise in these policies, an employee's benefits, including health insurance, are suspended during the period of unpaid leave, including leave accruals. In certain circumstances, self-payment of insurance premiums may apply (see Section 6.07, Continuation of Insurance Coverage).

CHAPTER 8

PERFORMANCE REVIEWS AND TRAINING

8.01 PERFORMANCE REVIEWS

To ensure that employees perform their jobs to the best of their abilities, it is important that employees and supervisors communicate regularly, openly and frequently about job expectations, job performance, and employee concerns. The City has established a performance review process to ensure that this dialog occurs and to document employee performance.

The primary purpose of annual performance reviews is to ensure that employees understand what is required of them to successfully perform their jobs. Additionally, performance evaluations are used as a factor in pay increase decisions, performance improvement counseling efforts, career growth and determination of training needs.

Working Test Period: During the working test period, the supervisor and the employee will meet to discuss the employee's progress. An example of a process for reviews during the working test period is outlined in section 3.06.

Scheduled Reviews: An annual written performance review is required for all employees. Employees receive performance reviews each year on their performance review date. Normally reviews occur 12 months after the last scheduled review. An employee's performance review date may be delayed or accelerated by the City Manager based on the employee's performance. Supervisors and employees are expected to discuss on an ongoing basis the performance issues and goals that are identified and established annually during written performance evaluations.

8.02 TRAINING POLICY

The City seeks, within the limits of available resources, to develop staff by offering training opportunities that will increase employee job knowledge and skills. Opportunities may include, but are not limited to, on-the-job training, in-house workshops, seminars sponsored by other agencies or organizations, and programmed learning courses. Training assigned by the City usually occurs during employee work time and is usually paid for by the City.

As part of the performance review process, an employee and supervisor may set training goals that should be completed prior to the next scheduled performance review. This training should be job related and within budget allocations.

8.03 TUITION REIMBURSEMENT PROGRAM

To promote continued education, professional growth, and the personal development of City employees, a voluntary tuition reimbursement benefit program is available to regular employees with twelve (12) months of City service. Participation in the tuition reimbursement program is entirely voluntary. Participation is limited to employees who wish to avail themselves of educational opportunities that will advance personal career development goals. Any time spent by employees associated with attending courses for which the City provides tuition reimbursement must be outside of regular work hours, on the employee's own time and not compensable by the City. Occasionally employees pursuing further education outside of work to meet their own goals for career development chose to complete coursework that may incidentally benefit their performance in their current City positions Through the tuition reimbursement program, an employee choosing to pursue such coursework may have tuition costs for a job-related course reimbursed by the City, all or in part, following successful completion of the course.

The following criteria apply:

- Reimbursement is for tuition or the cost of the course only; no reimbursement is made for books, lab fees or travel costs.
- Reimbursement is limited to a maximum amount per employee that is set each year by the City Manager and is subject to the funding level set annually by the City Council.
- To qualify for reimbursement, the employee must submit a tuition reimbursement application and receive prior approval from the department head and City Manager. In addition, the employee must complete each course with a minimum grade of "pass" or "C".
- In the case where limited funds prevent the City from reimbursing all eligible employees, the following criteria will be considered in determining which applicants shall receive reimbursement:
 - (1) Length of service with the City;
 - (2) The benefit to the City received by the particular knowledge, skill or training associated with a particular course; and
 - (3) How the course work relates to the employees' current job or a future promotional position.

The City's commitment shall be established in advance, in writing, using the following guidelines:

- Courses directly benefiting current duties and assignments but not considered training 100%.
- Courses in a degree path directly benefiting future promotional opportunities with the City 50%.
- Courses of a personal development nature or in a degree path indirectly benefiting the City or future promotional opportunities with the City 0%.

However, the City will attempt to make some accommodation to employee work schedules, if possible, to allow employees to participate in educational opportunities.

The percentage paid shall be at the maximum for comparable courses at a state university within the State of Washington. Notwithstanding the above guidelines, reimbursement shall be limited to \$1,500 per employee per calendar year.

Education is on the employee's time and is not training as such. An employee must reimburse the city for any tuition reimbursement made by the City within the preceding 24 months if that employee voluntarily leaves City service. By participating in the tuition reimbursement program, employees agree to payroll deductions for any reimbursement owed to the City pursuant to these policies.

This page intentionally left blank.

CHAPTER 9

EMPLOYEE RESPONSIBILITIES AND CONDUCT

9.01 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

The primary job for all regular City employees is the position they hold with the City. Due to the high performance and emergency service expectations of City employees, any outside employment shall need to be approved in advance by the City Manager.

Outside Employment: Employees may engage in another job outside their City employment if the outside job does not conflict with the interests of the City or interfere with the employee's ability to perform the City job. Specifically, outside activities may not:

- (1) Interfere with City job responsibilities;
- (2) Be conducted during the employee's work hours;
- (3) Utilize City telephones, computers, supplies, or any other resources, facilities or equipment;
- (4) Be employment with a firm that contracts with or does business with the City;
- (5) Involve service in a decision making or policy formulating capacity with a public, private, or non-profit agency that receives funds from the City and where the employee has a role in the City to influence such actions; or
- (6) Be reasonably perceived as a conflict of interest, or raise a reasonable appearance of a conflict of interest issue, or otherwise discredit the employee's public service.

Conflicts of Interest: No employee of the City of University Place shall use employment with the City for personal gain other than legal remuneration. All employees shall avoid conflicts of interest and the appearance of conflicts of interest.

9.02 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, 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 that employee's regular duties may not wear or display any button, badge, sticker or other advertisement about any candidate or ballot issue during working hours. Employees shall not solicit contributions for a partisan political cause on City property or City time.

An employee shall not hold an appointed or elected public office of the City when the holding of such office is incompatible with or substantially interferes with the official duties of the employee's job.

Except as noted in this policy City employees are otherwise free to fully exercise their constitutional rights. (Reference: RCW 42.06.250.)

9.03 REPORTING IMPROPER GOVERNMENTAL ACTION (Whistleblower Protection Act)

In compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, it is the policy of the City:

- (1) To encourage reporting by its employees of improper governmental action taken by City officers or employees and;
- (2) To protect City employees who have reported improper governmental actions in accordance with the City's policies and procedures.

Key Definitions:

"Improper Governmental Action" is any action by a City officer or employee that is:

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

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

"Improper governmental action" does not include personnel actions including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor

agreements or reprimands. In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

"Retaliatory Action" means any adverse change in the terms and conditions of a City employee's employment, or hostile actions by another employee towards a City employee that are encouraged by a supervisor or senior manager or official.

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

Procedure for Reporting Improper Government Action: Employees who become aware of improper governmental action should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves the employee's supervisor, the employee may raise the issue directly with the City Manager, the Deputy City Manager, or such other person as may be designated by the City Manager to receive reports of improper governmental action. This should be done as soon as the employee becomes aware of the improper action.

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

The supervisor, the City Manager or the City Manager's designee, as the case may be, shall take prompt action to assist the City in properly investigating the report of improper governmental action. Officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes in writing the disclosure of the employee's identity. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

Employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the employee reasonably believes that

- (1) An adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred;
- (2) Insufficient action was taken by the City to address the improper action, or
- (3) For other reasons the improper action is likely to recur.

(See Appendix "C" for listing of County, State and Federal enforcement agencies.)

Employees who fail to make a good faith attempt to follow the City's procedures in reporting improper governmental action shall not receive the protection provided by the City in these procedures.

Protection Against Retaliatory Actions: Officials and employees are prohibited from taking retaliatory action against an employee because the employee has in good faith reported an improper governmental action in accordance with these policies and procedures.

Employees who believe they have been retaliated against for reporting an improper governmental action should advise their supervisor, the City Manager, the Deputy City Manager, or other designee of the City Manager. Officials and supervisors shall take appropriate action to investigate and assess complaints of retaliation.

If the employee's supervisor, the City Manager, the Deputy City Manager, or other designee of the City Manager, does not satisfactorily resolve an employee's complaint that the employee has been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state law by providing a written notice to the City Council that specifies the alleged retaliatory action and specifies the relief requested.

Employees shall provide a copy of their written charge to the City Manager no later than thirty (30) days after the occurrence of the alleged retaliatory action. The City shall respond within thirty (30) days to the charge of retaliatory action.

After receiving either the response of the City or thirty (30) days after the delivery of the charge to the City, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the City Manager within the earlier of either fifteen (15) days of delivery of the City's response to the charge of retaliatory action or forty five (45) days of delivery of the charge of retaliation to the City for response.

Upon receipt of the request for hearing, the City shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge. The City will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

Protection Against Intimidation or Coercion: Officials and employees are prohibited from using their official authority or influence, directly or indirectly, to threaten, intimidate, or coerce an employee for the purposes of interfering with that employee's right to disclose information concerning an improper governmental action in accordance with these policies and procedures.

Nothing in this section authorizes an employee to disclose information prohibited by law.

Responsibilities: The City Manager is responsible for implementing City policies and procedures, for reporting improper governmental action and for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures are:

- (1) Permanently posted where employees will have reasonable access to them;
- (2) Made available to any employee upon request, and;
- (3) Provided 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 discharge.

9.04 NO SMOKING POLICY

The City prohibits smoking by employees in all City-owned buildings and vehicles as well as offices or other facilities rented or leased by the City.

9.05 USE OF CITY EQUIPMENT AND VEHICLES

Use of City phones for local personal phone calls should be kept to a minimum; long distance personal use is prohibited, except as stated in section 4.08. Use of City cellular phones for personal use other than in an emergency is prohibited. An exception may be made when the City changes an employee's normal work schedule and the employee needs to consequently change personal plans.

Other City equipment, including vehicles, should be used by employees for City business only. Any misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action up to and including termination.

9.06 SAFETY/SEAT BELT POLICY

Pursuant to Washington law, anyone operating or riding in City vehicles or driving or riding in a private or commercial vehicle while on City business must wear a safety/seat belt at all times.

9.07 DRIVER'S LICENSE REQUIREMENTS

As a condition of employment for certain City positions, an employee may be required to hold a valid Washington State Driver's license, have a good driving record, and, if driving their personal vehicle on City business, provide proof of personal vehicle insurance.

If an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify his/her supervisor and immediately suspend any driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her supervisor. In addition, the City may require employees in certain positions to undergo a Department of Licensing driving record check once per year, typically on their annual performance review date.

An employee may be subject to disciplinary action up to and including termination because of license suspension, revocation, or other inability to drive

9.08 SAFETY/SECURITY

The safety of each employee, co-workers and the public is a primary responsibility of each employee. Every employee is responsible for maintaining a safe work environment and following the City's safety policies. Each employee shall promptly report all unsafe or potentially hazardous conditions to the employee's supervisor. The City will make every effort to remedy problems as quickly as possible.

Endangerment of other employees or the public may result in immediate suspension or other disciplinary action up to and including termination.

Employees who are provided safety clothing or equipment for their personal protection are required to wear or utilize it. Failure to do so may result in disciplinary action up to and including termination.

When an employee is injured while on the job, no matter how minor, employees shall immediately notify the supervisor, department head or Human Resources Manager about the injury.

The City's Safety Committee functions in accordance with state and federal laws. The Safety Committee maintains communication with management about all aspects of safety including employee and supervisory safety training programs and an anonymous safety suggestion program.

The City retains the right to inspect employees' lockers, work areas, desks, packages, computers and other work equipment and tools when there is a concern for the safety or security of City employees and members of the public. City employee have no expectation of privacy in furnishings or equipment provided to employees by the City including but not limited to desks, lockers, work areas, computers, equipment and tools.

9.09 SUBSTANCE ABUSE

The City is committed to providing and maintaining a safe and productive work environment that is free from the effects of drugs, alcohol and other job impairing substances. The City is primarily concerned with the wellbeing of employees and the public it serves. The City encourages employees who are concerned about personal alcohol or drug use to seek counseling, treatment and rehabilitation. All City employees are subject to the policies stated in this section. However, employees of the City who are required to have and maintain a Commercial Driver's Licenser to perform the duties of their job are also subject to the "Drug and Alcohol Testing Policy for Employees who Operate Commercial Vehicles" in Appendix D of this manual. If there are any conflicts between Appendix D and this section, Appendix D controls.

City Resources Available: Although the decision to seek diagnosis and accept treatment may be voluntary, the City helps employees overcome substance abuse. In some cases, treatment expenses may be covered under the City's benefit program. The Human Resources Manager can provide more information on available benefits. In recognition of the sensitive nature of the topic, discussions about substance abuse will be kept confidential. Employees who seek advice or treatment for substance abuse will not be subject to retaliation or discrimination. However, employees who refuse to seek treatment when requested by the City are subject to disciplinary action.

Use of Medication: An employee taking prescription or non-prescription medication that may affect the employee's ability to work or the safety of the employee, co-workers or the public is required to notify his/her supervisor prior to commencement of work. The supervisor will make a determination whether it is in the best interests of the employee and the City that the employee work, not work, or be reassigned during the period medication is used.

When Job Performance is Affected: Although the City emphasizes rehabilitation, disciplinary action may be taken when an employee continues to demonstrate problems in job performance associated with substance abuse or uses, or is under the influence of drugs or alcohol, while on the job. The City may discipline or immediately terminate any employee possessing, consuming, manufacturing, selling or using alcohol, drugs or other controlled substances during work hours, or who reports for duty under the influence of drugs or alcohol. The City may also discipline or terminate an employee who exhibits an on-going dependence on alcohol, drugs or other controlled substances which, in the City's opinion, impairs the employee's work performance, poses a threat to the public confidence, or is a safety risk to themselves or others.

Drug-Free Workplace: To comply with the requirements of the federal Drug-Free Workplace Act, the City adopts the following policies:

- The manufacturing, distribution, dispensation, possession, use and reporting for duty under the influence of unlawful drugs or alcohol on City premises or during work hours by City employees is strictly prohibited.
- Employees must notify the City within five (5) days of any conviction for a drug violation in the workplace.

 Violation of this policy can result in disciplinary action up to and including discharge. Continued poor performance or failure to successfully complete a rehabilitation program is grounds for termination.

Drug Testing: The City may require an employee to undergo testing for drugs when it has a reasonable suspicion that an employee may be in violation of the City's drug-free workplace policy.

9.10 COMPLAINT PROCEDURE/PROBLEM SOLVING PROCESS

The City recognizes that an employee may feels that she or he has been treated either unfairly or not in accordance with City policies. For this reason, a number of steps are outlined below to address employee problems and complaints. Represented employees should use the grievance procedure in their collective bargaining agreement for complaints regarding terms and conditions of employment.

A "complaint" is defined as an action by an employee alleging a violation of the personnel or other administrative policies of the City.

This complaint procedure does not apply to claims of discrimination, sexual harassment, or reports of improper governmental action. Separate procedures apply to these types of complaints — see Harassment/Discrimination Complaint Procedure, Section 2.06 and Reporting Improper Governmental Action, Section 9.03.

No punitive action shall be carried out against the employee for using this procedure.

Complaint Procedure:

- (1) Discuss your problem or complaint with your supervisor within two weeks of the occurrence that gave rise to your complaint. The supervisor will give you a reply within ten (10) working days, unless it is mutually agreed that additional time is needed.
- (2) If you feel the problem is not resolved to your satisfaction with your supervisor, or you disagree with how City policies have been applied, you should discuss the matter with your department head within two weeks of your supervisor's reply (or lack thereof). The department head will respond to your complaint within ten (10) working days after receiving the complaint unless it is mutually agreed that additional time is needed.
- (3) If you remain dissatisfied with the response from the department head, you can submit the problem, in writing, to the City Manager. The written complaint submitted to the City Manager should include a description of the problem and the remedy you seek. It should be filed within thirty (30) working days of the occurrence leading to your complaint, or ten (10)

working days after an unsatisfactory response from a Department head, whichever event occurs last.

The City Manager may meet with the parties involved and will prepare a written response within twenty (20) working days of the meeting unless it is mutually agreed that additional time is needed. The City Manager may delegate the matter to the Deputy City Manager or may bring in a third party from outside the City to help resolve the problem. The City Manager's or designee's response and decision shall be final and binding. This complaint procedure shall constitute the sole and exclusive method for resolving complaints relating to the administration of these policies, and as such may not be appealed through other avenues, such as litigation or arbitration.

9.11 BULLETIN BOARDS

The City maintains bulletin boards for posting information as required by federal and state law as well as to provide information to its employees. Posting of materials on City bulletin boards is restricted to those materials deemed appropriate by the City.

9.12 SOLICITATION

To avoid coercion or the appearance thereof, direct solicitation by employees for the collecting of money, goods or gifts for other than City sponsored events is prohibited during work hours. This includes but is not limited to solicitations for service, community, religious or charitable groups. However, occasional bulletin board postings by employees may be allowed. Solicitation for political organizations is explained in section 9.02. All solicitation by city employees must be in conformance with state law.

No City funds or resources can be utilized for outside solicitations.

Except for authorized City programs and with prior approval from the City Manager, individuals not employed by the City are not permitted to enter City premises at any time to solicit, survey, petition, or distribute literature. This restriction includes charity solicitors, salespersons, questionnaire surveys, union organizers or any form of solicitation or distribution.

9.13 ACCEPTANCE OF GIFTS

No City employee shall solicit or receive a gift, loan, favor, entertainment, or other item or service of monetary value if it is or appears to be solicited, received, or given with the intent to give or obtain special consideration or influence any job-related action of the employee. However, this policy shall <u>not</u> prohibit:

- 1. Attendance at a hosted meal provided in conjunction with a seminar, conference, or banquet which relates directly to City business, or which is attended as a staff representative.
- 2. An award publicly presented in recognition of public service.
- 3. An occasional non-money gift (such as fruits and candy given to the City) having a monetary value of \$50.00 or less when the gift is offered without obligation or the appearance of obligation. Such a gift may be accepted if made available to employees and the public alike.
- 4. Any gift that would have been offered or given to the employee regardless of City employment.

9.14 PROFESSIONAL AND CIVIC ASSOCIATIONS

It is the intent of the City Council that the City staff actively represent the City in civic and service organizations whose activities may benefit or otherwise affect the citizens of University Place. The City Manager may authorize City employees to actively participate in such organizations. Where specific University Place clubs do not exist, the City Manager may authorize membership in clubs or organizations that serve the University Place area. When possible, the City itself shall be the designated member of the organization, extending the ability to designate various attendees as necessary.

Benefits to the City from such memberships include:

- a. providing information out about the City and City programs to organizations through membership in committees and attendance at meetings;
- b. identifying opportunities to advance city programs or goals through partnerships with civic and service organizations;
- c. furthering other mutual benefits to the City and the organization which may arise from association, such as cooperation in organizing and supporting community events.

Employees holding such memberships are prohibited from:

- a. exerting influence on other city employees to provide financial contributions or other support to the civic or service organization;
- b. using the civic or service organization as a forum to lobby in support of or opposition to political or legislative actions, or the promotion of endeavors in which the officers or employee may have a direct or indirect financial interest or may acquire a personal benefit or gain.

Department Heads shall request permission from the City Manager for membership in a civic or service organization with an explanation of the benefits to the City that are derived from that membership. The City Manager may authorize membership and expenses subject to the City's travel and meals reimbursement policies. Memberships shall be annually reviewed; are subject to the City's budget process; and shall not exceed \$500 per year. The City will pay for membership and participation expenses but will not pay for charitable or personal contributions of time, money or goods.

9.15 UNIFORMS, SPECIAL EQUIPMENT AND CLOTHING

The City may require uniforms, special clothing and use of special equipment. When such requirements exist, the City will pay for the uniform, special clothing and special equipment. The employee is required to wear uniforms, clothing or utilize special equipment in accordance with City policy and practice. Failure to wear uniforms or special clothing or utilize special equipment may result in disciplinary action up to and including discharge.

This page intentionally left blank.

CHAPTER IO

DISCIPLINE AND TERMINATION

10.01 GUIDELINES FOR APPROPRIATE CONDUCT

Public employees are responsible to the public and are held to a high standard of performance to maintain public trust. In pursuing University Place's goal of excellence in City service, the City Council expects excellence from each employee. Each employee was selected to work for the City on the belief that he or she will be able to fulfill that expectation.

The following are examples of types of inappropriate work behavior that may result in discipline up to and including termination:

- (1) Being on the job under the influence alcohol or controlled substances.
- (2) Possessing or distributing alcohol, controlled substances, or prescribed medications for which the employee does not have a prescription at work or in any city facility or vehicle.
- (3) Violation of a lawful duty, falsification of records or making a false claim on City funds;
- (4) Insubordination or other disrespectful conduct;
- (5) Sexual harassment or other unlawful harassment of another employee, member of the public, vendors or contractors;
- (6) Excessive or unexcused absence or tardiness for any reason;
- (7) Fighting or threatening violence in the workplace;
- (8) Acceptance of fees, gratuities or other valuable items in the performance of the employee's official duties for the City;
- (9) Violation of duties or rules in these personnel policies, or any other City rule or administrative order;
- (10) Theft or inappropriate removal of property;
- (11) Boisterous or disruptive activity in the workplace;
- (12) Negligence or improper conduct leading to damage of property;
- (13) Violation of safety rules or endangering the safety of the employee, co-workers or the public;
- (14) Possession of dangerous or unauthorized materials in the workplace;
- (15) Unauthorized disclosure of confidential information.

This list contains examples only and is not exhaustive. The City may discipline or terminate employees for reasons other than those stated above. Some offenses require immediate action including termination to ensure the public trust and safety.

The City reserves the right to depart from its standard disciplinary procedures when, in its discretion, such a departure is deemed warranted.

10.02 SUSPENSION DURING INVESTIGATION

The City Manager may place an employee on paid or unpaid suspension pending the outcome of an investigation. Based on the findings of the investigation, further action may or may not be taken by the City.

10.03 DISCIPLINE PROCEDURE

The City's discipline procedure is intended to give regular employees advance notice, if possible, of problems with their conduct or performance so that employees have an opportunity to improve. Based on the seriousness of the conduct for which discipline is imposed, however, discipline may begin at any level, may skip steps or disciplinary steps may be repeated. The City may determine that immediate termination is the necessary and only step to be taken. The City determines which step is appropriate. At-will employees, including working test period employees, are not entitled to the use of this discipline procedure. Granting an at-will employee use of this discipline procedure does not eliminate an employee's at-will employment status.

- (1) Verbal Counseling. With the exception of offenses requiring more stringent action, the supervisor will discuss behavior and performance problems with the employee on an informal basis or through verbal discussions. This gives the employee the opportunity to make changes and avoid proceeding to the formal discipline steps below. Repeated counseling may result in a written warning.
- (2) Written Warning. This is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. Written warnings are placed in the employee's personnel file. The written warning shall include the nature of the infraction, what the employee needs to do to correct the conduct or improve performance, and make clear what further disciplinary action would follow if the incident happens again or improvement does not occur within a specified time period.
- (3) Suspension. A temporary, unpaid or paid absence from duty that may be imposed as a penalty for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action that is made part of the employee's permanent record. Unpaid suspensions for exempt employees shall be in increments of one workweek.
- (4) Discharge. An employee may be terminated from City employment for a serious offense, when the progressive steps above do not result in corrected behavior or improved work performance, or when the offense is such that the City determines immediate termination to be appropriate.

Pre-Discharge Meeting. In the event a department head or the City Manager decides to discharge an employee, the employee shall be provided written notice of the pre-discharge meeting that includes an explanation of the reasons and the time of the meeting. The meeting will be presided over by the City Manager, the Deputy City Manager or a designated representative. The employee may bring one person

to the meeting as an observer who may not interfere with the orderly process of the meeting. At-will employees, including working test period employees, shall not be entitled to a pre-discharge meeting.

At the meeting, the employee shall be given an opportunity to respond, either orally or in writing, and to explain why the City should not go ahead with the discharge. Within three (3) working days of the meeting, the City Manager will issue a written decision determining whether the discharge will proceed, or some alternative disciplinary action imposed. A longer review period may be required in more complex situations.

Working Test Period Employees: Employees in their working test period may be terminated with or without cause at any time without following the above discipline procedure. Likewise, the employee may resign in good standing during the working test period without discredit to their work record. Regular at-will employees continue to serve in an at-will capacity even after completion of the working test period.

10.04 TERMINATION

Termination from employment with the City may be for a number of reasons including:

<u>Resignation</u>: Employment termination initiated by the employee who chooses to leave the City voluntarily.

<u>Layoff:</u> Involuntary employment termination initiated by the City for non-disciplinary reasons due to lack of work, reduction in force, limited funds, organization change or needs of the City.

<u>Medical:</u> Employment termination initiated by either the employee or the City when an employee is unable for health reasons to continue to perform the essential job functions.

Retirement: Voluntary retirement from active employment status initiated by the employee.

<u>Discharge:</u> Employment termination initiated by the City. It may be for cause or without cause depending on the employment status of the employee.

Prior to termination of employment, the employee will participate in an exit interview normally conducted by the Human Resources Manager during which the employee's benefits, rights and responsibilities following termination are explained. At the exit interview employees are expected to return all City property.

10.05 RESIGNATION

The City expects employees to provide at least two (2) weeks' prior notice of resignation. Four weeks' advance notice is preferable. Absent emergency circumstances, failure to provide at least two weeks' prior notice may result in ineligibility for re-hire and a resignation not in good standing. In certain circumstances, a resignation may be accepted and implemented immediately upon receipt.

10.06 LAYOFF

The City Manager may layoff employees for lack of work, a reduction in force, reorganization, budgetary restrictions or other factors that the City Manager finds to be in accordance with the needs of the City.

In determining which employees are to be laid off, the City Manager may consider the following factors. These factors are not listed in any particular order:

- Positions that are needed to achieve City Council goals, essential City services, emergency responsibilities, or service levels as set by the City;
- · Individual Performance or qualifications;
- Seniority when need, qualifications, and performance are equal;
- Any other factors that the City Manager deems relevant.

Employees who are laid off may be placed on a re-employment list for up to six (6) months. Persons on this list will be considered along with other internal or external candidates if they are qualified for any City position. Laid off employees who are given an opportunity for re-employment during this six-month period but decline the City's offer may be removed from this re-employment list.

10.07 MEDICAL

If an employee has a physical or mental impairment that prevents the employee from performing the essential functions of a position and the employee cannot be reasonably accommodated, either the employee or the City may institute termination of employment for medical reasons. The City may require an examination at the City's expense performed by a physician chosen by the City prior to a medical termination. An employee's failure to submit to such an examination may result in discharge.

10.08 DISCHARGE

An employee may be discharged from City employment for any of the reasons listed below:

(1) During or at the end of the employee's working test period with or without cause or reason provided;

- (2) At-will employees may be discharged without cause or reason provided;
- (3) For cause employees may be discharged;
 - As a result of disciplinary action;
 - For unsatisfactory job performance;
 - Inappropriate conduct as outlined in, but not limited to, Section 10.01;
 - Due to loss of skills, job certifications, or other circumstances that result in the employee being unable to perform satisfactorily the essential functions of the job or otherwise being unfit for service.

10.09 BENEFITS AT TERMINATION

Employee and dependent benefits normally cease the day following the date of termination. However, based on contracts with benefit providers, some benefits may continue until the end of the month during which the employee terminates. Employees may be able to convert some group benefits to individual policies following termination. The Human Resources Manager will explain benefits at termination during the exit interview.

10.10 RETURN OF CITY PROPERTY

Prior to release of a terminated employee's final check, the employee will be required to return to the City all property in his/her possession or assigned to him/her including but not limited to:

- Credit cards
- Telephone calling cards
- Equipment and tools
- Identification badges and security passes
- Business cards
- Keys
- Manuals and written or electronic materials/computer access codes
- Protective equipment and uniforms

Vehicles

The value of property not returned or lost and any tuition reimbursements owed to the City will be deducted from the employee's final pay check and/or appropriate legal action will be taken to reclaim the property.

APPENDIX A

and the second s		no or	C	city of University Place, V	VΑ	
				At Will		For Cause (6 Month Trial Service Period)
		er.1.		*City Manager		and the first of t
		ng R		*City Attorney		-
		Ma		*Deputy City Manager		
		Executive/Manageri		*P&CD Director		and the same of the same of the same and the
		th.	 -	*PW Director *Finance Director		
		(9) (4)		*Mgt. Services Director		
				Intg. Delvices Director		
	.n.,,,,,,,,,,,		35	*Executive Assistant		
pt				*Paralegai		-1
£				*City Clerk		
FLSA Exempt				*Information Services Mgr.		
	I	nai		*Assistant Finance Director		
Ž		o ist		*Recreation Manager	1	
Ĭ		ofe.		*Planning Manager		
		€.		*Building Official		
		five		*Permits Manager		en e
		t:		*Project Engineer	🖟	man a summan and a summan as a sum
		Size		*Public Works Superintendent *City Engineer		
		4dministrative/Professional		*Info. Systems Engineer		
		×		*Info. Systems Analyst		
				*Financial Analyst		The state of the s
				*Recreation Supervisor		and a contraction of the contrac
		·		*Senior Planner		
		ğ	3			*Administrative Secretary
		Š				*Deputy City Clerk
*		\$ <u>\$</u>				*Office Assistants
Ĭ		£	B			*Office Specialist
Š		ģ		*Intern	_ [*Finance Specialist *Recreation Coordinator
(z)		1/2/		Fig. 1. The first the continues are seen to be a seen of the continues of		*Associate/Asst Planner
ž		Technical/Para-Professional				*Engineering Tech.
≵		%				*Maintenance Worker I, II, II, Le
<u> Z</u>		.g.				*Building Inspector
FLSA Non-Exemp						
E		2, ⊆	3	*Office Aide		
	B	Casual/ easona		*General Worker		The second secon
	Ä	Casual/ Seasonal		*Recreation Assistant		
· 新的,各种。100	•	146.0	i			
			M .	*Attomey		
N/A		ह्यू इंट्र		*Prosecutor		
		Contract Professional		*Defender		
		% % Sec. 25		*Engineer		
		`` &`	1	*Planner		
	B			*Consultants		

APPENDIX B

Summary of Employee Insurance Benefits

The following is a listing of insurance plans currently available to City of University Place employees (subject to change):

Medical Plan: Association of Washington Cities Employee Benefits Trust, PPO Plan (underwritten by Washington Physicians Service) or an HMO.

Dental Plan: Association of Washington Cities Employee Benefits Trust, Plan F and Orthodontia Rider Plan IV (underwritten by Washington Dental Service).

Vision Plan: Association of Washington Cities Employee Benefits Trust, Full Family - \$25 Deductible, Second Pair Option (underwritten by Vision Service Plan).

Long Term Disability Insurance: 60% of Salary; 90-day Elimination Period; Maximum Monthly Benefit of \$5,000; Minimum Monthly Benefit of \$100 (through R.L. Evans Company, provided by Unum Insurance).

Life and Accidental Death and Dismemberment Insurance: \$25,000 per employee (through R.L. Evans Company, provided by Unum Insurance).

Survivor Life Insurance: Spouse or Children - 30% to a \$900 monthly maximum benefit; Spouse and Children - 60% to a \$1,800 monthly maximum benefit (through R.L. Evans Company, provided by Unum Insurance).

Other Insurance: The City also may offer voluntary group life, short-term disability or other optional insurance programs paid for by the employee via payroll deductions.

Additional Benefit Information: For regular employees, the City of University Place does not contribute to Social Security. PERS is the Social Security replacement for regular employees, and a 7.5% Deferred Compensation contribution, in lieu of Social Security, is made for Council members. In addition, for regular employees, the employee is required to contribute at least 6.0% of their monthly earnings into a 401(a) Defined Contribution Plan matched by a City contribution of 6.2% of the employee's monthly earnings into the 401(a) plan. Subject to Federal rules, employees may voluntarily contribute to the 401(a) plan at higher percentages. These voluntary employee percentage rates are 8%, 10.5%, 13%, 15.5%, and 18%. Federal one-time election rules, contribution limits, and other regulations will apply. Vesting for the City share of the 401(a) plan is 33.3% after one year, 66.7% after two years, and 100% after three years of being employed with the City.

The City of University Place employees belong to PERS. The Washington State Department of Retirement Systems establishes the employer and employee contributions to PERS.

APPENDIX C

County, State and Federal Enforcement Agencies

PIERCE COUNTY AGENCIES

Pierce County Council

(General Complaints) 930 Tacoma Ave. S, #1046 Tacoma, WA 98402 (253) 798-7777

Pierce County Environmental Health

3629 South D Street Tacoma, WA 98418 (253) 798-6500

Pierce County Department of Planning and Land Services

2401 S, 35th Tacoma, WA 98409 (253) 798-7210

Pierce County Prosecuting Attorney

946 Tacoma Ave. S. Tacoma, WA 98409 Civil Division: (253) 798-7400 Criminal Division: (253) 591-7400 Fraud Division: (253) 591-7400

Puget Sound Air Pollution Control Agency

110 Union Street, Suite 500 Seattle, WA 98101 (206) 343-8800

WASHINGTON STATE AGENCIES

Attorney General's Office

Consumer Protection Division 2000 Bank of California Center 900 Fourth Avenue, Suite 2000 Seattle, WA 98164-1012 (206) 464-6684

Auditor's Office

Legislative Building P.O. Box 40021 Olympia, WA 98504-0021 (360) 753-5280

Department of Ecology

3190 160th S.E. Bellevue, WA 98008-5452 (425) 649-7000

Human Rights Commission

1511 Third Avenue Seattle, WA 98101 1-800-233-3247 or (206) 464-6500

Department of Health

Health Consumer Assistance P.O. Box 47890 Olympia, WA 98504-7890 800-525-0127

Department of Labor & Industries

1305 Tacoma Ave. S., Suite 305 Tacoma, WA 98402-1988 (253) 596-3800

Liquor Control Board

Enforcement Office 515 South M Street Tacoma, WA 98405 (253) 471-5200

Department of Natural Resources

P. 0. Box 68 Enumclaw, WA 98022-0068 (360) 825-1631

Puget Sound Water Quality Authority

P. 0. Box 40900 Olympia, WA 98504-0900 (360) 407-7300

Department of Social and Health Services

Community Services Office 1301 East 72nd Street Tacoma, WA 98404 (253) 671-7900

FEDERAL AGENCIES:

Department of Agriculture

Office of Inspector General 1000 Second Avenue Seattle, WA 98104 Supervisor Auditor (206) 553-8290 Supervisor Special Agent Investigation (206) 553-8286

Alcohol Tobacco & Firearms

Criminal Enforcement 915 Second Avenue Seattle, WA 98104 (206) 389-5800

U. S. Attorney

800 Fifth Avenue Seattle, WA 98104 (206) 553-7970

Department of Commerce

Office of Inspector General Office of Audits 915 Second Avenue Seattle, WA 98104 (206) 220-7970

Government Accounting Office Fraud Hot Line 800-424-5454

Consumer Product Safety Commission

Hot line 800-638-2772

U.S. Customs Service

Office of Enforcement 909 First Avenue Seattle, WA 98104 (206) 553-7531

U.S. Department of Education

Office of Inspector General 915 Second Avenue Seattle, WA (800) 647-8733 Audits/Investigations (206) 220-7860 (206) 220-7876

Environmental Protection Agency

Criminal Investigations 1200 Sixth Avenue Seattle, WA (206) 553-8306

Equal Employment Opportunity Commission

2815 Second, Suite 500 Seattle, WA (206) 220-6883

Federal Emergency Management Agency

130 228th Street S.W. Bothell, WA (425) 487-4600

Federal Trade Commission

915 Second Avenue Seattle, WA (206) 220-6363

General Services Administration

400 15th Avenue SW Auburn, WA 98001 (253) 937-7000 Audits Investigations (253) 931-7650

Department of Health & Human Services

Food & Drug Administration 22201 23rd Drive S.E. Bothell, WA 98021 Consumer/Trade Complaints (877) 368-1019 Office of the Regional Secretary General Counsel's Office, Inspector General Audits/Investigations (206) 615-2252 (206) 615-2259

Department of Housing and Urban Development

Office of Counsel 909 First Avenue, Suite 190 Seattle, WA 98104 (206) 220-5380 Office of Inspector General Audits/Investigations and Fraud (206) 220-5360 (206) 220-5380

Interstate Commerce Commission 915 Second Avenue, Room 1894 Seattle, WA 98174 (206) 205-0700

Department of Interior

U.S. Fish & Wildlife Services Division of Law Enforcement 121 107th N.E. Bellevue, WA 98004 (425) 883-8122

Department of Justice

Drug Enforcement Administration 220 West Mercer, Suite 104 Seattle, WA 98119 (206) 553-5443

Department of Labor

Occupational Safety & Health (OSHA) 1111 Third Avenue, Suite 715 Seattle, WA 98101-3212 (206) 553-5930 Office of Inspector General Audits (206) 553-4880 Investigations (206) 553-4504 Office of Women's Bureau (206) 553-1534

National Transportation Safety Board

19518 Pacific Highway S. Ste. 201 Seattle, WA 98188 (206) 870-2200

Nuclear Regulatory Commission (800) 882-4672 (fax)

Securities and Exchange Commission

450 Fifth Street NW Washington, DC 20549 (202) 942-7040

Department of Transportation

Office of Inspector General 915 Second Avenue Seattle, WA 98174 (206) 220-7754

Department of Veterans Affairs

Office of Inspector General 915 Second Avenue Seattle, WA 98174 1-800-488-8244

APPENDIX D

City of University Place, WA

Drug and Alcohol Testing Policy For Employees who Operate Commercial Vehicles

I. PURPOSE

The purpose of this policy is to comply with Federal Highway Administration regulations requiring drug and alcohol testing for Commercial Driver's License holders. Regulations issued by the United States Department of Transportation mandate urine drug and evidential breath alcohol testing for employees in safety-sensitive positions, including those who are required to hold a Commercial Driver's License. This policy sets forth the City of University Place alcohol and drug testing program and the testing and reporting requirements established in those regulations.

II. APPLICATION

This policy applies to all employees of the City who are required to have and maintain a Commercial Driver's License to perform the duties of their job. Contractors performing functions for the City involving the use of a vehicle requiring a Commercial Driver's License will be subject to specific alcohol and drug testing as required by federal regulations.

III. POLICY

The City has a significant interest in the health and safety of its employees and the citizens of the City of University Place. Therefore, it is City policy to ensure that City employees perform their duties and responsibilities free of the influence of drugs and alcohol. Employees are encouraged to seek confidential counseling on problems associated with alcohol and drug abuse. There will be mandatory drug and alcohol testing for employees and job applicants under the circumstances outlined in this policy.

IV. DEFINITIONS

<u>ACCIDENT</u> - Accident means an occurrence involving a commercial vehicle on a public road which results in (1) a fatality; (2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (3) one or more motor vehicles incurring disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

<u>DRIVER</u> - This term includes all employees whose positions may involve driving a commercial vehicle and that require the possession of a Commercial Driver's License.

<u>COMMERCIAL VEHICLE</u> - A commercial vehicle is one that either: 1) has a gross vehicle weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); 2) is designed to transport 16 or more persons, including the driver; or 3) is used to transport hazardous materials.

<u>DRUGS</u> - For the purposes of this policy, in accordance with the applicable federal regulations, "drugs" refers to the following five substances: marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines.

MEDICAL REVIEW OFFICER (MRO) - The Medical Review Officer is the licensed physician responsible for receiving and interpreting laboratory results from the urine drug tests.

<u>SAFETY SENSITIVE POSITION</u> - For purposes of this policy, these are positions that involve driving commercial vehicles.

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

V. PROHIBITED CONDUCT

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

A. ALCOHOL CONCENTRATION

An employee may not report for or remain on duty requiring the performance of duties covered under this policy while having an alcohol concentration of 0.04 or greater.

B. ALCOHOL POSSESSION AND ON DUTY USE OF ALCOHOL

An employee may not possess or consume alcohol while on duty or while operating a commercial vehicle.

C. PRE-DUTY USE OF ALCOHOL

An employee may not operate a commercial vehicle within four hours after consuming alcohol. An on-call employee who consumes alcohol within four hours of being called in must acknowledge the use of alcohol and may not report for duty.

D. ALCOHOL USE FOLLOWING AN ACCIDENT

An employee required to take a post-accident alcohol test may not use alcohol for eight hours following the accident, or until a post-accident alcohol test is given, whichever comes first.

E. USE OF DRUGS

If an employee has used a drug or drugs, the employee may neither report for nor remain on duty for a job that requires driving a commercial vehicle unless a physician has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial vehicle. Employees who are taking a prescription or over-the-counter medication that may impair their ability to perform their duties safely and effectively should provide written notice from their physician or pharmacist with respect to the effects of such substances.

F. REFUSAL TO SUBMIT TO A REQUIRED TEST

An employee may not refuse to submit to a post-accident, random, or "reasonable suspicion" alcohol or drug test as directed by this policy.

G. POSITIVE DRUG TEST

An employee may not report for duty or remain on duty requiring the performance of duties covered under this policy if the employee tests positive for drugs or alcohol.

H. TAMPERING WITH A REQUIRED TEST

An employee may not tamper with, adulterate, alter, substitute or otherwise obstruct any testing process required under this policy.

I. POSSESSION, TRANSFER OR SALE

No employee may possess, transfer or sell drugs or alcohol while in any position covered by this policy.

VI. TESTING

A. Pre-employment Drug Testing

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

B. Reasonable Suspicion Testing

Employees subject to this policy shall submit to a drug or alcohol test when the City reasonably suspects that this policy (except the prohibitions against possession, transfer or sale of alcohol) is being violated. A referral for testing will be based on contemporaneous, articulable observations. Such referrals will be made by supervisory personnel who have received training concerning the signs and symptoms of drug and alcohol use.

Alcohol testing for reasonable suspicion may only be conducted just before, during or after an employee operates a commercial vehicle. If removed from duty based on reasonable suspicion of alcohol use and an alcohol test is not administered within eight hours, the employee will not be allowed to perform or continue to perform covered functions until:

- 1) an alcohol test is administered and the driver's breath alcohol concentration measures less than 0.02; or
- 2) 24 hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated this policy concerning the use of alcohol.

C. Post-Accident Testing

Following an accident (as defined above) involving a commercial vehicle, the driver is required to submit to alcohol and drug tests when the driver receives a citation under state or local law for a moving traffic violation, or where a fatality occurs as a result of the accident. Testing should occur as soon as possible, but may not exceed eight hours after the accident for alcohol testing and 32 hours after the accident for drug testing.

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

D. Random Testing

Employees covered by this policy will be subject to random, unannounced alcohol and drug testing.

E. Re-tests

Employees who test positive for drugs may request a second test of the remaining portion of the split sample within 72 hours of notification of a positive test result by the Medical Review Officer.

F. Return to Duty Testing

Employees having a breath alcohol concentration of at least 0.02 but less than 0.04 and who under the discipline policy may be allowed to return to workbut must test negative prior to being released for duty. A return to duty test following alcohol misuse may not exceed an alcohol

concentration of 0.02. Employees having a breath alcohol concentration of 0.04 or more are not eligible for return to duty testing.

VII. REFUSAL TO TAKE AN ALCOHOL OR DRUG TEST

No employee shall refuse to submit to an alcohol or drug test as directed under this policy. A refusal to submit shall include, but is not limited to:

- a. a failure to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing in accordance with the procedures manual;
- b. failure to provide adequate urine for drug testing without a valid medical explanation after the employee has received notice of the requirement for urine testing in accordance with the procedures manual;
- c. engaging in conduct that obstructs the testing process.

Refusal to submit to a test shall be considered the same as a positive test result.

VIII. SECURING INFORMATION FROM PREVIOUS EMPLOYERS

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

- a. Positive alcohol or drug tests
- Refusal to be tested

This information must be obtained before the applicant is employed by the City. However, if the information has not arrived by the anticipated start date, and if the person has passed the pre-employment drug test, the person may be hired and the requested information must be obtained from the previous employers within 14 calendar days of the date of hire. If the information has not been received within the 14 calendar days, the person will not be permitted to drive commercial vehicles until the information has arrived. If the information obtained from a previous employer indicates either a positive test or that a refusal to be tested occurred within the past two years, that person will not be permitted to drive commercial vehicles unless subsequent information indicates that the person has been released to operate a commercial vehicle by a Substance Abuse Professional and has successfully completed return to duty testing.

IX. CONFIDENTIALITY AND RECORD RETENTION

All records related to drug and alcohol testing will be maintained in a secure location with controlled access. These records will be kept separate from records pertaining to all other employees.

X. CONSEQUENCES OF ENGAGING IN PROHIBITED CONDUCT OR POSITIVE DRUG OR ALCOHOL TESTS

A. Discipline

The City maintains a zero tolerance, immediate termination policy towards positive drug and alcohol test results for employees covered by this policy.

An employee will be subject to the zero tolerance termination action if:

- a. the employee tests positive for a drug or drugs;
- results from an alcohol test indicate a blood alcohol level of 0.04 or greater; or
- c. the employee has engaged in prohibited conduct as outlined in Section V.

All employees regardless of disciplinary action taken will be advised of resources available to the employee in evaluating or resolving problems associated with drug use or alcohol misuse.

B. Alcohol Concentration of 0.02 but less than 0.04

Employees having a breath alcohol concentration of at least 0.02 but less than 0.04, shall be removed from duty requiring the driving of a commercial vehicle for at least 24 hours. In addition, appropriate discipline measures will take place.

XI. EMPLOYEE ASSISTANCE PROGRAM/VOLUNTARY REFERRAL

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

Sick leave, vacation leave or leave of absence without pay may be granted for treatment and rehabilitation as in other illnesses. Insurance coverage for treatment will be provided to the extent of individual coverage. Confidentiality of information will be maintained as much as possible at all times.