

CITY OF POULSBO

P E R S O N N E L H A N D B O O K



Adopted by:
Resolution Number 2015-17
December 2, 2015

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CHAPTER 1 PURPOSE AND SCOPE

1.1 INTRODUCTION

These personnel policies serve as a general guide to the City's current employment practices and procedures. As such, we hope they will help you better understand how the City operates and what is expected of you as an employee. These policies also provide you with information on employee benefits, vacation and other policies that apply to any employee who is not covered by a current collective bargaining agreement.

The City places the highest value on our employees and their well being. It is our belief that when consistent personnel policies are known and communicated to all, the opportunity for greater job satisfaction increases. We encourage you to read these policies. If you have any questions, please ask Human Resources, your supervisor or department head. If you have ideas or suggestions for improvement, please do the same.

1.2 INTENT OF POLICIES

These policies are not intended to be a contract, expressed or implied, or any type of promise or guarantee of specific treatment upon which you may rely. These policies are not intended to be a guarantee of employment for any specific duration. Although we hope that your employment relationship with us will be long term, we recognize that things may not always work out as hoped, and either of us may decide to terminate the employment relationship. Unless specific rights are granted to you by an employment contract, collective bargaining agreement, or civil service rule, all employees of the City are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice. Please understand that no supervisor, manager or representative of the City other than the Mayor has the authority to enter into any written agreement with you for employment for any specified period or to make any written or verbal commitments contrary to the foregoing.

1.3 SCOPE OF POLICIES

These personnel policies apply to all City employees. In cases where these policies conflict with any City ordinance, Civil Service rules and regulations, the provisions of a collective bargaining agreement, state or federal law, the terms of that law or agreement prevail. In all other cases, these policies apply. While these policies primarily explain personnel matters affecting City employees, rules regarding conduct, professionalism, confidentiality and other prohibitions against discrimination in the workplace apply to all City volunteers, consultants, contractors, and elected officials as well.

1.4 CHANGING THE POLICIES

As the need arises, the Mayor may modify these policies with a review and approval by the City Council, except that only the City Council, by resolution, can enact any changes in compensation or benefit levels. The Mayor may deviate from these policies in individual situations in order to achieve the primary mission of serving the City's citizens. Employees may request specific or temporary deviations to the application of these policies by submitting requests to human resources, their supervisor or department head.

1.5 DEFINITIONS

Department Head: An employee who is responsible for directing one or more departments.

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

At-Will Employee: An employee who serves at the pleasure of the Mayor and may be dismissed at any time for any reason (that is not illegal under state or federal law). At-will employees can resign at any time for any reason.

Regular Full-Time Employee: An employee who has successfully completed a probationary period as defined in these policies and who regularly works a minimum of forty (40) hours a week.

Regular Part-Time Employee: An employee who has successfully completed a probationary period as defined in these policies and who regularly works less than forty (40) hours a week.

Temporary Employee: A person who fills a temporary need for staff due to special projects, abnormal workloads, substitution for regular employees while on leave and for emergencies. A temporary employee is not eligible for City benefits. Three categories of temporary employees include:

Casual Laborer/Seasonal Employee: An employee hired for a job associated with a certain season of the year, not to exceed five months in any calendar year.

Casual Laborer/Special Project: An employee hired to work on a specific project.

Casual Laborer/Substitute: An employee hired to substitute during the absence of a regular employee due to scheduled leave.

Probationary Employee: An employee who has not yet completed his/her probationary period in a regular position and who has not been certified to regular employment status. A probationary employee does not have access to grievance rights

if employed in a union position, or appeal rights if employed in a position protected by civil service. A probationary employee is hired for a trial period to determine if they are fully qualified and may be released from that position if they do not perform satisfactorily.

CHAPTER 2 GENERAL POLICIES AND PRACTICES

2.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City is an equal employment opportunity employer. This means that the City does not discriminate against any applicant, employee, or volunteer on the basis of protected class status. All applicants, employees, and volunteers will be recruited, selected, trained, promoted, compensated, and if appropriate, disciplined or terminated without regard to race, color, religion or creed, ethnicity, national origin, sex, age (over 40), marital status, pregnancy or maternity, sexual orientation or gender identity, veteran status, use of a guide or service animal, genetic information, or the presence of any sensory, mental, or physical disability (unless based on a bona fide occupational qualification).

Unlawful discrimination occurs when the City bases a decision it has made about an applicant/volunteer/employee on the person's protected class status (e.g., race, religion, sex), rather than the person's qualifications, conduct, performance, or other lawful reasons. Your protected class status will not be the basis for any decision the City makes about you.

See Policy No. 2.8, below, for the procedure to follow if you believe you have been the victim of unlawful discrimination.

2.2 REASONABLE ACCOMMODATION FOR DISABILITIES

The City complies fully with its duty to provide a reasonable accommodation to allow employees/volunteers with physical, sensory, or mental disabilities to perform the essential functions of his/her job. A reasonable accommodation is one that the City can reasonably provide, given its resources and obligations, that does not create an undue burden, significantly impair City services or create safety concerns. In some instances, depending on the job assignment of the employee, an essential function of the job will require that the employee maintain a consistent attendance record with minimal instances of absences or incidents of tardiness.

While the City may not make pre-employment inquiry as to whether an applicant has a physical, mental, or sensory impairment, whether temporary or permanent, it may inquire into an applicant's ability to perform the job-related functions, with or without reasonable accommodation.

2.3 REASONABLE ACCOMMODATION FOR RELIGIOUS BELIEFS OR PRACTICES

The City complies fully with its duty to provide a reasonable accommodation of an employee's sincerely-held religious beliefs, unless the City believes such an accommodation would create an undue hardship or is contrary to the City's commitment

to diversity. Accommodation requests may involve requests for a certain work schedule or a particular day off for religious observance, or to dress or attire oneself in a way that varies from any dress code adopted by the City.

2.4 PROCEDURE TO REQUEST REASONABLE ACCOMMODATION

Any applicant/volunteer/employee who seeks reasonable accommodation for a disability or a sincerely held religious belief and practice should report this request to the Human Resources Manager. If you do not feel comfortable making the request to the Human Resources Manager, you should make the request to the Mayor instead.

A request for reasonable accommodation will trigger the interactive process. The interactive process may involve communications between you, the City, and either your medical providers (disability) or clergy (religion) to obtain information on your limitations, the duration of the limitations, and what accommodations can reasonably be offered you. You may be required to sign releases or disclosures that will allow your medical providers to communicate with the City regarding a medical condition for which you are seeking reasonable accommodation.

The City will decide whether any accommodation can be reasonably offered after obtaining relevant information from you, your supervisors, and your medical providers or clergy.

Personal information that you submit about your disability will be kept confidential, except for cases where (i) your supervisor needs to be informed of work restrictions or necessary accommodations, (ii) first aid or safety personnel need to be informed in order to provide emergency treatment, or (iii) government officials need to be informed in compliance with the Americans with Disabilities Act or other laws. In such cases, personal information is only released to the minimum extent necessary and you are assured that your information will be used in ways that are consistent with applicable laws.

See Policy No. 2.8, below, for the procedure to follow if you believe you have been denied reasonable accommodation.

2.5 LIFE THREATENING/COMMUNICABLE DISEASES

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

2.6 ANTI-HARASSMENT POLICY

It is the policy of the City to provide a work environment for its employees that is free from unlawful harassment based upon their race, color, religion, gender, national origin, age, marital status, sexual orientation, veteran's status, presence of a disability or the presence of any other protected status or characteristic. Unlawful harassment negatively affects morale, motivation, and job performance. The City is committed to ensuring that the practices and conduct of all its employees/volunteers comply with the requirements of federal and state laws against harassment. To that end, the City expects all employees/volunteers to work in a manner that respects the feelings and dignity of their co-workers.

Definitions:

Unlawful harassment occurs when conduct is directed at protected class status (e.g., race, religion, age) that is unwelcome, offensive to a reasonable person, and sufficiently severe and pervasive to negatively affect an employee's work environment. Conduct may include jokes, remarks, comments, pictures, and images that are spoken to, shared with, or made in the presence of other employees. Unlawful harassment can come from a supervisory employee, a colleague, or a person outside the workplace.

Sexual harassment is a form of unlawful harassment, and means behavior of a sexual nature that is unwelcome, offensive to a reasonable person, and sufficiently severe and pervasive to negatively affect an employee's work environment. These may include, but are not limited to, sexual advances and other verbal or physical advances or conduct made when: (a) submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment; (b) submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individuals; or (c) such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to:

- Unwelcome or unwanted flirtations, propositions, or advances. These include patting, pinching, brushing up against, hugging, cornering, blocking, kissing, fondling, putting one's arms around another, or any other similar physical contact considered unacceptable by another individual.
- Verbal behavior such as comments, suggestions, jokes, innuendos, or derogatory remarks based on sex;
- Visual harassment such as leering, whistling, gesturing or posting sexually suggestive or derogatory pictures, cartoons or drawings, including at one's work station.
- Pressure for sexual favors. This includes subtle or blatant expectations,

pressures, or requests for any type of sexual favor accompanied by implied or stated promise of preferential treatment or negative consequences concerning an individual's employment (such as an employee's performance evaluation, work assignment, advancement, or training opportunities).

Definition of unlawful harassment (nonsexual):

Other harassment (nonsexual) is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of such individual's protected status or characteristics such as his/her race, color, religions, gender, national origin, age marital status, veteran's status, sexual orientation or disability that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects the individual's employment opportunities.

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

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

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

See Policy No. 2.8, below, for the procedure to follow if you believe you have been the victim of unlawful harassment.

2.7 POLICY AGAINST UNLAWFUL RETALIATION

The City does not tolerate unlawful retaliation against employees or volunteers who engage in protected activities. Retaliation occurs when an employee/ volunteer suffers employment-related adverse consequences as a result of his/her protected activity.

Protected activities include, but are not limited to, the following activities:

- Reporting unlawful discrimination, harassment, or retaliation,
- Cooperating in an internal investigation regarding discrimination, harassment, or retaliation,
- Testifying in a legal proceeding regarding discrimination, harassment, or retaliation,
- Requesting reasonable accommodation for a disability or sincerely held religious belief or practice,
- Reporting workplace safety issues,
- Reporting financial irregularities,
- Reporting criminal misconduct,
- Filing a worker's compensation claim, or
- Serving on a jury.

Employees/volunteers do not receive protection for actions taken in bad faith. Bad faith occurs when the employee/volunteer provides false information with knowledge that the information provided is false.

Adverse employment-related consequences include, but are not limited to, the following:

- Termination of employment,
- Demotion in position, responsibilities, or pay,
- Suspension,
- Other disciplinary action,
- Reassignment to a less desirable position with less desirable duties,
- Shunning or isolating, or
- Harassment.

All supervisory employees are assigned responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, taking immediate and appropriate corrective action if they witness inappropriate behavior, and notifying the Human Resources Manager if they receive a retaliation complaint. A supervisor's failure to carry out these responsibilities may result in discipline.

See Policy No. 2.8, below, for the procedure to follow if you believe you have been the victim of unlawful retaliation.

2.8 UNLAWFUL DISCRIMINATION, HARASSMENT, AND RETALIATION COMPLAINT PROCEDURE

It is the City of Poulsbo's goal to provide its employees/volunteers with a professional and productive working environment. However, the City cannot address employees'/volunteers' concerns if they are not brought to its attention.

Employees/volunteers are strongly urged to report all instances of perceived unlawful discrimination, harassment, and retaliation as soon as possible. Supervisors are required to report any complaints of unlawful discrimination, harassment, and retaliation that come to their attention, regardless of whether the supervisor believes the complaint has merit.

The following procedure outlines the steps to follow if you believe you have experienced unlawful discrimination, harassment or retaliation.

For complaints of unlawful harassment, the matter may be brought first to the attention of the offender(s). The employee/volunteer who feels harassed can tell the offender(s) that the conduct is unwelcome, is inappropriate, and needs to stop immediately. The employee/volunteer may find this option unacceptable due to specific circumstance and may report the harassment as set forth below. If the employee/volunteer has addressed the matter with the offender(s) and such communication is not successful in stopping the harassment, the employee/volunteer should proceed to report the matter as set forth below.

Any employee/volunteer who feels that he/she has been the victim of unlawful discrimination, harassment, or retaliation in violation of this policy should report this concern to the Human Resources Manager. If you believe that the Human Resources Manager is involved in the violation, or otherwise does not feel comfortable reporting to this person, the employee/volunteer should report this concern to the Mayor.

The City will look into the merits of any allegation reported to it. As discussed below, this may include an investigation by a qualified investigator who is either an employee or a professional employed outside of the City.

If the allegation is found to have merit, the City will take prompt action to correct the unlawful conduct and remedy any violations that have occurred. Such corrective action may include disciplinary action against those employees found to have violated policy.

No employee/volunteer will suffer retaliation for making a good faith discrimination, harassment, or retaliation complaint, or for cooperating in good faith in the investigation of the complaint.

2.9 ANTI-DISRUPTION POLICY

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

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

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

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

Employees are also expected to conduct themselves professionally at all times. The City will not tolerate abusive language, foul language, discourteous or insulting conduct,

threats of any kind, violence or intimidation. Such conduct will result in disciplinary action, up to and including termination.

2.10 EMPLOYEE PERSONNEL RECORDS

A personnel file for each employee is kept in the Human Resource Manager's office. An employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information. Medical information about employees is contained in a separate confidential file.

Employees have the right to review their files. An employee wishing to review their personnel file should contact the Human Resources Manager to schedule an agreed upon time to do so. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the City denies the employee's request to remove the information, employees may file a written rebuttal statement to be placed in their file.

Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, without a written request for specific information. If a written request is submitted, the employee will be advised of the request and given an opportunity to object or, in the case of a public records request, given the opportunity to seek protective relief from a court, prior to release of the information.

Unless specific provisions of an applicable labor agreement state otherwise, all personnel information, including disciplinary actions, evaluations, performance review plans and other documents reflecting on performance will be maintained in the employee's file for the duration of their employment, and for the statutory retention period post employment.

2.11 EMPLOYMENT REFERENCES

The City will provide candid employment references subject to the immunity provided the City under RCW 4.24.730. All potential employers seeking information from a supervisory employee will be provided with accurate information regarding the employee's ability to perform his or her job, compliance with these policies or information on the skill or diligence the employee applied to their work. A note will then be placed in the employee, or former employee's file, documenting who contacted them, the date of the contact and a brief explanation as to the information provided. This document will then be placed in the employee's personnel file and retained for a period of two years.

Only supervisors who actually prepare employment evaluations or a department head or the Mayor will provide employment references on current or former City employees.

Other employees shall refer requests for references to the appropriate supervisor, department head or the Mayor.

CHAPTER 3 RECRUITING AND HIRING

3.1 RECRUITING

Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence, without regard to protected class status.

Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace, the City's official application. With the exception of casual laborer positions, applications and/or resumes will only be accepted when there is an advertised position opening.

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

3.2 HIRING

When a position becomes vacant and prior to any posting or advertisement of the vacancy, the department head shall review the position, its job description and the need for such a position. The department head will submit a request to fill the position to the Mayor. The position will be posted and/or advertised only after the Mayor has approved the request.

The City may administer pre-employment examinations or skills testing to measure the qualifications and ability of applicants, as determined necessary by the City. The City may contract with any agency or individual to prepare and/or administer examinations or skills testing. The City may also conduct certain background checks as allowed by law or as a department deems appropriate to meet its security needs. Examples of such checks include:

- a) Pre-employment medical exams
- b) Pre-employment drug screens
- c) Criminal history checks (requiring disclosure statement and fingerprints)
- d) Credit history checks
- e) Driving abstracts
- f) Polygraphs (law enforcement only)
- g) Proof of ability to work in the United States

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

Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least 18 years old and will be required to present a valid Washington State driver's license with any necessary endorsements. Driving records of applicants may be checked. Applicants with poor driving records, as determined by the City, may be disqualified for employment with the City in positions requiring driving.

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

A candidate may be disqualified from consideration if: (1) found physically unable to perform the duties of the position and the individual's condition cannot reasonably be accommodated in the workplace; (2) the candidate refuses to submit to a medical examination or complete medical history forms; or (3) if the exam reveals the current illegal use of controlled substances.

3.3 TEMPORARY EMPLOYEES

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

Compensation/Benefits: Temporary employees are eligible for overtime pay as required by law. Temporary employees normally do not receive retirement, vacation, sick leave, health insurance, holidays, longevity, or any other benefits during their employment.

Temporary employees pay contributions to the Social Security system, as does the City on their behalf. Temporary employees will normally not be placed on the state PERS retirement system, unless the individual meets PERS eligibility criteria.

3.4 PROBATIONARY PERIOD

Upon hire or appointment, all employees enter a probationary period that is considered an integral part of the selection and evaluation process. The probationary period is

designed to give the employee time to learn the job and to give the supervisor time to evaluate whether the match between the employee and the job is appropriate.

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

Once the probationary period is successfully completed, the employee may be certified to regular employment status. Unless a collective bargaining agreement, civil service rule, or written employment contract provides otherwise, satisfactory completion of the probationary period does not modify an employee's at will status, create an employment contract or guarantee employment with the City for a specified duration.

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

3.5 EMPLOYMENT OF RELATIVES (NEPOTISM)

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

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

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

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

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

For purposes of this policy, "family members" are defined as a spouse, domestic partner child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law, "step" relation or any member of the employee's household. The City of Poulsbo will use sound judgment in the placement of family members in accordance with the guidelines outlined above.

3.6 PROMOTIONS

The City encourages promotion from within the organization whenever possible. All openings will be posted so that employees may become aware of opportunities and apply for positions in which they are interested and qualified.

Before advertising a position to the general public, the Mayor may choose to circulate a promotional opportunity within the City.

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

All openings will be posted on the City bulletin boards. To be considered for promotion, an employee must meet the qualifications for the vacant position.

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

CHAPTER 4 HOURS AND ATTENDANCE

4.1 WORKING HOURS

The City's standard work week is Monday through Friday from 8:00 AM to 4:30 PM with a one-half hour unpaid lunch period. Due to the nature of the City's operations, longer hours may be necessary in some instances.

A normal working schedule for non-exempt regular, full-time employees consists of forty (40) hours each work week. Alternate work schedules may be established by the City to meet job assignments and provide necessary City services. See Section 4.3 - Alternate Work Periods. Each employee's department head will advise the employee regarding his/her specific working hours.

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

4.2 HOURS OF WORK AND OVERTIME

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

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

Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than 40 hours during a work week. All overtime must be authorized in advance by the employee's supervisor. Overtime pay is calculated at one and one-half times the employee's regular rate of pay for all time worked beyond 40 hours during a work week. Compensatory time off in lieu of overtime pay is only available upon the employee's request to the City and will only be granted up to a maximum accrual of 80 hours. If the employee's compensation time off exceeds this maximum accrual, the employee will be automatically paid overtime and will be asked to work with their supervisor to schedule time off using the compensatory hours within the next three months.

Exempt employees are not covered by the FLSA or Washington Minimum Wage Act overtime provisions and do not receive either overtime pay or compensatory time off. An exempt employee is paid to perform a job which may not necessarily be completed in a normal work week, meaning the demands of their job may require extra hours of work, attendance at night meetings or conferences and additional supervisory responsibilities.

In recognition of the extra time demands of certain exempt positions, exempt employees are not required to strictly adhere to the normal work schedules as are hourly employees; however, if flexible attendance interferes with department operations, or the work of subordinates, this will be dealt with as a performance issue. If exempt employees are absent from the workplace for a period of three or more hours, they are also required to track these hours so the appropriate deductions may be taken from personal leave, vacation or sick leave, as appropriate.

4.3 ALTERNATIVE WORK PERIODS

The City recognizes that there may be advantages to both City operations and to employees in utilizing a work period that differs from the standard regular work period. However, the level of customer service for both internal and external customers is of primary importance in determining appropriate alternative work periods. Issues such as cost factors, productivity and operational requirements must also be considered. Use of alternative work periods is at the discretion of the City and may be denied, revised or discontinued at any time based on the operational needs of the City or another reason.

There is a specific definition of “alternative work period” that varies from the standard regular work period that must be followed in order to utilize alternative work periods without violating provisions of state and federal wage and hour laws. This definition allows 40 hours of work within a seven consecutive 24-hour day period. The work week may begin and end on any day, however, no more than 40 hours can be worked without overtime obligations in any 168-hour work week period. Caution must be used in developing the schedule to insure overtime obligations are not incurred. The implementation of this policy is subject to the following guidelines.

The alternative work period begins after the first four hours of work on the work start day and ends after the first four hours of work on the same day the following week. Example after the first four hours of work on Friday (work start day) and ends after the first four hours of work on the following Friday. The work week can begin on any day of the week—but the corresponding day in the next week must be the day off.

Employees work eight-hour days for the work start day with those hours split evenly between two work weeks. The next start day is a day off. For example, if the work start day is Friday, employees will work eight-hours the first Friday nine-hour days Monday through Thursday, and the next Friday is a day off.

A standard eight-hour, five day period (five/40), or ten-hour four day (four/40) schedule is consistent with the regular work period and does not apply to these guidelines.

The schedule is “inflexible” and employees cannot substitute another day off for the regular day off. An alternative work period shall be considered a regularly assigned work period and is not subject to adjustments. It may be determined that returning to a regular work period will be necessary and will be approved by the Department head.

Employees will be charged vacation leave and sick leave at the rate of total hours scheduled to work in the alternative work day, not to exceed 40 hours per work week. Employees assigned to an alternative work period will be paid eight hours for each paid holiday and must charge the remaining hours in the alternative work day to vacation, compensatory time or leave without pay to total 40 hours in the work week.

Paid holidays falling on an employee's regularly scheduled day off will be taken on the preceding or following work day as determined by the supervisor.

Approved alternative work periods, and any subsequent adjustments, will be documented and signed by the employee and supervisor and approved by the Department Head. Human Resources will be responsible for reviewing all approved alternative work periods and may require revisions to ensure compliance with federal and state wage and hour laws. A copy will be filed in the employee's payroll files.

Departments will be individually responsible to accurately maintain appropriate records and document alternative work schedules, as well as ensure no unpaid overtime liability occurs as a result of alternative work schedules. Work hours over the 40 hours in any alternative work period will be paid at the regular overtime rate of one and one-half times the regular hourly rate.

The availability of individually assigned alternative work periods is subject to change and the policy may be modified by the Mayor, in his or her discretion.

4.4 COMPENSATORY TIME

Non-exempt employees entitled to overtime pay may request compensatory time off instead of cash payment. This is approved on a case-by-case basis by the employee's department head. The City is not required to grant compensatory time instead of overtime pay. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. Maximum accrual of compensatory time shall be limited to eighty (80) hours. After maximum accrual, overtime compensation shall be paid.

Employees may use compensatory time within a reasonable time period after making a request to their department head, unless doing so would unduly disrupt City operations. Compensatory time should be used for short term absences from work during times mutually agreed to by the employee and his/her department head. Accumulation of compensatory time to be used as a substitute for extended vacation time off is not normally permitted.

4.5 ATTENDANCE

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

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

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

Tardiness and absenteeism may result in termination depending on the frequency and duration of the absences. Absenteeism includes the frequent absence from work during a scheduled shift and also includes failure to report to work, failure to notify a supervisor of a planned absence, failure to report to work on time, leaving work before the end of the shift or unexcused absences from the work area during the day. The level of potential discipline will depend upon the degree of Absenteeism:

- a) Occasional Absences: Absences that occur infrequently and are of a short duration.
- b) Excessive Absenteeism: Absences that occur frequently for valid or invalid reasons. Use of sick leave twelve (12) or more days per year (assuming an 8 hour work day) and/or occurring in an established pattern such as the day before or after days off, holidays, scheduled annual leave, or weekends. Such absences, depending on the circumstances, may be grounds for disciplinary action including termination.
- c) Chronic Absenteeism: Absences that occur repeatedly for valid or invalid reasons. Use of sick leave of eighteen (18) or more days (assuming an 8 hour work day) per year. Such absences, depending on the circumstances, may be grounds for disciplinary action including termination.

Supervisors and managers are encouraged to enforce consistent and fair attendance/absenteeism standards within their work groups which are consistent with the Attendance, Punctuality and Absenteeism policy.

The following will not be counted in evaluating absenteeism:

- a) Absences covered by the federal Family Medical Leave Act (FMLA) and the Washington Family Leave Act ((FLA).

- b) Absences that are approved as reasonable accommodations under the federal Americans with Disabilities Act, Title VII, and the Washington Law Against Discrimination.
- c) Absences that are approved under Washington's domestic violence/sexual abuse/stalking leave law or Washington's religious holiday leave law.
- d) Absences that are approved under USERRA or other federal or state military leave laws.

Employees should document the reasons for any absence that may trigger protections under the above-identified provisions.

4.6 REPORTING WORK HOURS

Employees are responsible for recording their work hours. This includes recording the time taken off and for each request a designation of any accrued leave that applies, such as compensatory time, vacation, personal and family leave, etc.

An employee's signature on his/her time sheet constitutes his/her verification that the time reported as worked or paid leave taken away from work was in accordance with the policies of the City and that all time has been recorded accurately. Employees are required to report all of their time worked. Employees must obtain approval for all overtime or other adjustments to the employee's assigned work schedule. Failure to obtain approval of overtime hours or other modifications to the employee's assigned work schedule may result in employee discipline, up to and including termination.

4.7 UNUSUAL WEATHER CONDITIONS

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

Emergency Operations Center. If the City or City services are affected by natural disaster, all City employees are required to work as part of the Emergency Operations Center and if called into service, will be paid their usual or applicable rate of pay. See also, Section 4.9 Call Back.

City Hall open to the public and employees. An employee who is unable to get to work on time or receives permission to leave work early because of unusual weather conditions may charge the time missed to vacation, floating holiday, personal leave, compensatory time or leave without pay. The employee shall advise the supervisor by phone as in any other case of late arrival or absence.

City Hall closed to the public but open to employees. If City Hall is closed to the public during inclement weather, but does not close or suspend the facilities for City employees, those employees reporting for work will be paid at their normal or applicable

rate of pay. For those employees who choose not to work because it may be difficult for them to come to or remain at work, these employees have the option of contacting their supervisor and requesting leave time for the period of time they will be unable to report for work. Any such leave must be approved by their supervisor.

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

4.8 BREAKS AND MEAL PERIODS

Employees may take one (1) paid fifteen-minute break for every four hours worked. All breaks shall be arranged so that they do not interfere with City business or service to the public as determined by the supervisor. Meal periods shall be scheduled by the employee's supervisor. The scheduling of meal periods may vary depending on department workload. Meal periods are unpaid and usually one-half hour in length. Unless superseded by an applicable collective bargaining agreement, all rest periods and meal periods shall comply with the requirements of WAC 296-126-092.

4.9 CALL BACK

All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. A refusal to respond to a call back is grounds for immediate disciplinary action, including possible termination. Employees called back to duty will be paid their appropriate rate of pay for hours worked (the overtime rate for hours worked over the applicable overtime threshold).

During an emergency, disaster, or catastrophic event, which places life or property in jeopardy, employees may be assigned to any disaster service activity that promotes the protection of the public health and safety. Assignment might require serving at a location, at times and/or under conditions that significantly differ from employee's normal work assignments; this may include assignments to perform work outside of the bargaining unit. As an employee of the City, the employee may be directed to perform a role other than their regular job, by a superior or an emergency service provider. An employee may be called on to perform services as an Emergency Worker as defined in RCW 38.52.010(4), subject to the provisions of RCW Chapter 38.52. Employees will be paid their usual or applicable rate of pay.

4.10 PAYROLL RECORDS

The official payroll records are kept by the Finance Department. Each department head shall approve a time sheet at the end of each work period for each employee within their department, noting hours worked, leave taken and overtime worked. The Mayor, or his/her designee, shall approve the time sheets for department heads. The City is

prohibited by Article 8, Section 7, of the Washington State Constitution from lending public funds; therefore, no salary advances are authorized.

CHAPTER 5 COMPENSATION

5.1 SALARY CLASSIFICATION AND GRADES

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

5.2 EMPLOYEE PAY RATES

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

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

The Mayor may propose and the City Council may grant an across-the-board pay adjustment (cost-of-living increase). Represented employees' increases will be determined by their individual labor contract. Such adjustment will not change an employee's pay anniversary date.

Any employee promoted to a position in a higher classification and salary range shall receive the next highest available pay step in the new range.

5.3 LONGEVITY PAY

Regular employees will be paid longevity pay as specified in the salary and wage resolution each year. Temporary employees are not eligible to receive longevity pay.

5.4 PAYDAYS

City employees are paid semi-monthly on the 6th and 21st days of each month. The first pay period is from the 1st - 15th of the month with payroll on the 21st of the month. The second pay period is from the 16th – the end of the month with payroll on the 6th of the following month. If a regularly scheduled payday falls on Saturday, Sunday or a holiday Monday, payroll will be issued on Friday.

5.5 DESIGNATED WORK WEEK

For non-exempt, non-emergency personnel not working an alternative work schedule who are covered by federal and state overtime laws, the designated work week is 40 hours within a seven (7) day work period. The work period begins Sunday at midnight and shall end the following Sunday at 11:59 PM.

5.6 DEDUCTIONS

Some regular deductions from the employee's earnings are required by law; other deductions are specifically authorized by the employee. The City will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee, or by applicable union contract or by statute. City employees who incur personal expenses which are billed to the City, such as through cell phone programs, are required to sign a written agreement authorizing deductions from employee pay for any amounts the employee fails to pay on a timely basis, including any payments due prior to, or coming after, issuance of the employee's final paycheck.

5.7 TRAVEL AWAY FROM THE CITY

All travel away from the City must be approved in advance by the employee's supervisor or department head. If private automobiles are used, employees will be reimbursed at the IRS rate of reimbursement per mile.

5.8 BUSINESS/TRAVEL EXPENSE REIMBURSEMENT

City employees will be eligible for reimbursement for reasonable and customary expenses actually incurred in connection with the business of the City. All travel reimbursements will be in compliance with the City's "Employee Expenses and Reimbursements" policy.

5.9 COMPENSATION UPON TERMINATION

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

- a) Regular wages for all hours worked up to the time of termination which have not already been paid.
- b) Any overtime or holiday pay due.
- c) A lump sum payment for any accrued but unused vacation (with a maximum payout of 240 hours) and any unpaid compensatory time. There is no cash out for personal leave or a floating holiday. If an employee is terminated for misconduct involving theft or dishonesty, the employee will not be entitled to be paid for accrued vacation leave.

- d) Employees hired on or after January 1, 2013, shall receive a lump sum payment at the employee's regular wage for twenty-five percent (25%) of accumulated sick leave up to twelve hundred (1200) hours. Employees hired on or before December 31, 2012, shall receive a lump sum payment at the employee's regular wage for fifty percent (50%) of any accumulated sick leave up to 1200 hours (with a maximum payout of 600 hours). Sick leave cash outs shall only occur when the termination is voluntary and if the employee has complied with the two (2) week notice requirement given to the City, unless waived by the Mayor.
- e) Pro-rated longevity pay due.
- f) Subtracted from a-e will be any deductions for unpaid personal expenses or expenses due to the failure to return City property as required prior to the date of termination.

CHAPTER 6 PERFORMANCE EVALUATIONS AND TRAINING

6.1 PERFORMANCE EVALUATIONS

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

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

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

6.2 TRAINING POLICY

The City seeks, within the limits of available resources, to offer training to increase an employee's skills, knowledge and abilities directly related to City employment to obtain or maintain required licenses and certifications and to develop staff resources. Opportunities may include, but are not limited to, on-the-job training, in-house workshops and seminars sponsored by other agencies or organizations. Tuition reimbursement may be available for pre-approved professional development classes as described in the Training and Tuition Reimbursement policies.

CHAPTER 7 BENEFITS

7.1 RETIREMENT BENEFITS

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

All full-time regular uniformed employees in the police department are covered by the Law Enforcement Officers' and Firefighters' Retirement System (LEOFF). Benefit levels and contribution rates are set by the State of Washington. All regular full-time and eligible part-time non-uniformed employees and full-time provisional police officers are covered under the Public Employees Retirement System (PERS). Benefit levels and contribution rates are set by the State of Washington.

The City is a member of deferred compensation plans which allow employees to make deferred deposits up to certain dollar limits defined by the IRS.

7.2 DISABILITY BENEFITS (WORKERS COMPENSATION)

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

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

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

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

If an employee has elected to supplement the Labor & Industries payments with any paid leave (i.e. see #2 and #3 in the paragraph above), the employee must endorse the check over to the City to reimburse the City for the advanced wages that were paid during the absence. EMPLOYEES MAY NOT CASH ANY CHECK. The check should be receipted by the Finance Department.

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

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

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

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

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

The City also continues to pay for the employer's portion of health insurance premiums, provided that the employee continues to pay their share of premiums, if any. After six

(6) months, the employee's benefits will cease unless the Mayor makes an exception based on the criteria stated in the Personnel Manual. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time he/she receives workers' compensation benefits pursuant to COBRA.

If the on-the-job injury or illness falls into the category as a serious health condition that makes you unable to perform the essential functions of your job, the employee will be notified, to the extent allowed by applicable law, that FMLA benefits will run concurrently with L&I absences.

7.3 TEMPORARY LIGHT DUTY POLICY FOR WORK-RELATED INJURIES

This section applies only to Workers' Compensation Program. To help reduce workers' compensation and other related costs, and to assist employees who are incapacitated in their return to work, the City may, at its sole discretion, offer temporary light-duty job assignments to employees with temporary work-related restrictions due to a work-related illness or injury. Employees who wish to return to work with temporary restrictions due to work related injuries or illnesses should, if desired, contact their supervisors about light-duty assignments.

Light-duty assignments are temporary job assignments for employees injured or otherwise incapacitated. Nothing herein shall be interpreted to require the City to "make work". Light duty assignments will continue for only so long as the city determines that meaningful work exists. Such light-duty assignments are temporary assignments only, are not vacant or regular positions within the City's workforce, and are not available to employees on a permanent basis under any circumstances. The availability of such light-duty assignments depends on the employee's restrictions and the business needs of the City. The existence of this light duty policy does not in any way guarantee that light duty will be available at any given time, or for any particular employee who requests it. The City will consider whether the employee has been in compliance with the City's Attendance policy prior to an injury and has at least a satisfactory rating.

If at any point an employee is medically determined to have sustained permanent restrictions, the creation or continuation of a temporary light duty assignment will not be considered. In that event, the City will review the employee's situation separately, to determine the appropriate steps to be taken, if any, under the Americans With Disabilities Act, Washington Law Against Discrimination other applicable law, and other relevant City policies.

If a light duty assignment is available, an employee will be permitted to work in a light duty assignment only after the City receives a written statement from employee's treating health care provider indicating the employee is fit for the duty assigned, the anticipated duration of the limitation and the prognosis for recovery. In general, the City will review the status of the temporary light duty assignment with the affected employee at least every 30 days in light of the City's business needs and the employee's condition, to determine if continuation of the assignment is appropriate. In no event shall a light duty assignment exceed the amount of light duty work available or

six (6) months. A medical release will be required prior to an employee returning to full duty status.

If a light-duty assignment is offered by the employer and approved by the employee's physician, an employee's refusal to accept the offer of light-duty may affect the employee's right to workers' compensation benefits under applicable law, and the employee may be subject to termination. However, if the employee's injury or illness qualifies as a serious health condition for purposes of the Family and Medical Leave Act, such refusal to accept light duty will not impact the employee's rights under the Act.

Nothing herein shall be interpreted to prohibit the employer from terminating an employee who has no prognosis for return to work within the foreseeable future or within a reasonable period of time given the business needs of the city.

7.4 HEALTH INSURANCE BENEFITS

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

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

Regular part-time and temporary employees are not generally eligible for insurance coverage.

7.5 CONTINUATION OF INSURANCE COVERAGE

Workers Compensation Leave: An employee receiving Workers Compensation benefits and who has applied for and been approved for Family Medical Leave will be eligible for continuation of the employee's medical coverage, consistent with the employer/employee contributions in effect prior to approval of the employee's Family Medical Leave. Once the 12 weeks of Family Medical Leave are exhausted, an employee may apply for continued medical coverage for a period of an additional 12 weeks, if the employee is able to demonstrate they are likely to return to their prior position at the end of any extended leave period. After six (6) months have elapsed and the employee remains on leave status, the employee's benefits shall cease unless the Mayor makes an exception based on the criteria stated in Section 1.4 of these policies. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time he/she is on an approved leave of absence from their employment.

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

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

7.6 UNEMPLOYMENT COMPENSATION

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

Unemployment benefits are generally denied if an employee is terminated for willful misconduct or voluntarily resigns. Under Washington's Employment Security Act, an employee's intentional violation of an employer's rule which harms the employer's interest can be considered willful misconduct.

CHAPTER 8 LEAVES

8.1 VACATION LEAVE

Each non-exempt regular full-time employee is entitled to vacation leave as required by the union contract or as follows:

Years of Employment	Vacation Hours Earned
0-2 years	8 hours/month
3-4 years	9.33 hours/month
5-7 years	10.67 hours/month
8-10 years	12 hours/month
11-12 years	13 hours/month
13-14 years	14.5 hours/month
15+ years	16 hours/month

Exempt full-time employees are entitled to vacation leave of 200 hours per year. See Exempt Employees Vacation Allocation policy.

Regular part-time employees will receive vacation on a pro-rata basis. Temporary employees are not eligible for vacation benefits. Employees do not accrue vacation benefits during a leave without pay.

Each department is responsible for scheduling its employees' vacations without undue disruption of department operations. Leave requests shall be submitted at least three (3) working days prior to taking vacation leave. Department heads may grant exceptions to this requirement on a case-by-case basis, so long as department operations are not detrimentally impacted.

The maximum number of vacation hours which may be carried over from one calendar year to the next is 240 hours. In cases where City operations have made it impractical for an employee to use vacation time, the Mayor may authorize additional carryover.

Upon termination for any reason other than employee misconduct involving dishonesty or theft, any accrued but unused vacation leave (with a maximum payout of 240 hours) will be paid on the next regularly scheduled payday. If an employee is terminated for

misconduct involving dishonesty or theft, the employee will not be entitled to be paid for accrued vacation leave.

Employees may be permitted to cash out up to five (5) days of accrued vacation on an emergency basis at the discretion of the Mayor. Employees must have a minimum bank of 80 hours of combined vacation and compensatory time at the time the request is made. Emergency shall be defined as sickness or death in an employee's immediate family, financial emergency or other unforeseen hardship. The Mayor may approve such cash-outs when he/she may do so without impairing the effectiveness of the service required of the City.

8.2 SICK LEAVE

All full-time regular employees accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment. Regular part-time employees accrue sick leave benefits on a pro-rata basis according to hours worked.

Employees accrue but may not use sick leave during their first 30 days of employment. Temporary employees do not earn sick leave benefits. Employees do not accrue sick leave benefits during a leave without pay.

Upon termination, 50% of accrued but unused sick leave will be paid on the next regularly scheduled payday. Maximum sick leave accrual for cash out is 1,200 hours (1,200 x 50% = 600 hours at current rate of pay). If an employee is terminated for misconduct, however, the employee will not be entitled to any percentage of his or her accrued but unused sick leave.

"Misconduct" means some form of wrongdoing. Usually it will involve deliberate wrongdoing, but there may be circumstances where an employee acts so carelessly that it amounts to misconduct (i.e. negligence or recklessness).

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

- (a) Incapacitation preventing the performance of regularly assigned duties or other duties as assigned by the supervisor as the result of illness or injury;
- (b) The need to care for the employee's immediate family, to include minor children living with the employee, adult children with disabilities, spouses, registered domestic partners, parents, parents-in-law and grandparents where the employee's care is medically necessary;
- (c) Medical or dental appointments for the employee or dependent child, provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day;
- (d) Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;

- (e) Use of a prescription drug which impairs job performance or safety;
- (f) Bereavement/funeral leave for a death in the immediate family, to be authorized by the department head. Immediate family includes parents, parents-in-law, children, spouses, registered domestic partners, grandparents, siblings, nephews and nieces.

A doctor's certificate may be required when an employee is absent for a period in excess of three (3) days. The City may require the opinion of a second doctor at the City's expense to determine whether the employee suffers from a chronic physical or mental condition which impairs his/her ability to perform the job. Employees who are habitually absent due to illness or disability, and who are not taking time off as protected by FMLA, may be terminated if their disability cannot be reasonably accommodated and/or when the employee's absenteeism or condition prevents the orderly and efficient provision of services to the citizens of the City or presents a safety concern.

Employees who use all their accumulated sick leave and require more time off work due to illness or injury may, with their department head's prior approval, request a leave without pay. See Section 8.4 Leave Without Pay Policy.

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

Conversion of Accumulated Sick Leave Policy

Each January eligible employees may elect to convert excess sick leave to monetary compensation paid during the last pay period in February. To be eligible (1) Full-time employees must have in excess of 1,000 hours of unused sick leave and part-time employees must have in excess of a yearly calculated pro-rata share of 1,000 hours at the end of the previous calendar year, and (2) an employee must complete the "Application for Sick Leave Conversion" form, obtain the proper authorizations, and return the application to the Finance Department by January 31st.

The number of sick leave hours which an eligible employee may convert shall be determined by (1) taking the number of sick leave hours earned during the previous calendar year, and (2) subtract the number of sick leave hours used by the employee during the previous calendar year. The result, if positive, shall constitute excess leave and represents the number of sick leave hours which may be converted. Additionally, this action must not reduce the sick leave balance below 1,000 hours. For example: Determine the sick leave earned from January – December of the previous year (96 hours) then subtract the sick leave taken from January – December of the previous year (16 hours) equals the number of eligible hours for excess sick leave conversion (80 hours).

Sick leave hours that are eligible for conversion shall be converted at the rate of fifty percent (50%) of an employee's hourly rate of compensation for each hour of eligible

sick leave. All sick leave hours converted pursuant to this policy shall be deducted from the employee's accumulated sick leave balance.

8.3 PERSONAL LEAVE

Full-time employees who have been employed by the City for one year or more shall be granted two days of personal leave each January 1 of continued employment. The following conditions need to be met for scheduling use of personal leave:

- a) The employee has given three (3) calendar days' notice to the department head, or the employee and department head mutually agree on an earlier date;
- b) The number of employees selecting a particular day or days off does not prevent the City from providing continued public service within any department, section or work crew; and
- c) The personal leave must be taken during the calendar year or entitlement to the leave will lapse.

Employees will not be paid for any unused personal leave upon leaving the City for any reason.

8.4 LEAVE WITHOUT PAY

The Mayor, at his/her sole discretion, 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 situations for which leave without pay may be granted include time off work for personal reasons, such as a prolonged illness, parenting, caring for an ill relative or pursuing an education. Please refer to the Family Medical Leave Information in Section 8.10.

8.5 JURY AND WITNESS LEAVE

Jury Duty. The City provides all employees leave for the full period of jury duty service. Regular full-time and part-time employees receive paid jury duty leave each time they are called for jury service. Payment provided by the courts during periods of paid jury duty leave must be paid over to the City, excluding expense reimbursements such as mileage. You must provide your supervisor with a copy of the jury duty summons as soon as possible after receiving it. Upon completion of jury duty, you are required to provide your supervisor with proof of jury service. The City may request that the employee seek a deferral of the time of service if the employee's absence would impose an undue hardship on the City during the time period in question.

Witness Duty. All employees summoned to testify in court shall be permitted time off for the period they are required to serve under subpoena as a witness. An employee who is not a party to a lawsuit, or administrative action, and is subpoenaed to appear by a court or administrative agency of competent jurisdiction, shall be placed on

administrative leave status, while testifying and for reasonable travel and waiting time associated with that court appearance. Unless the testimony is specifically requested by the City as part of the City's defense in a litigated or administrative matter, the employee's leave can be covered by any accrued leave (i.e. vacation or personal leave) or will be considered an excused absence as an unpaid administrative leave. Court appearances that are not requested by the City as part of the performance of an employee's job duties for the benefit of the City, and travel time and waiting time associated with that appearance, shall not be considered working time for the purposes of calculating overtime under the Fair Labor Standards Act or Washington Minimum Wage Act.

8.6 ADMINISTRATIVE LEAVE

On a case-by-case basis, the City may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used in the best interests of the City (as determined by the Mayor) during the pendency of an investigation or other administrative proceeding.

Employees may be eligible to request an extended leave of absence or administrative leave for reasons other than their own medical condition or care of a family member under Family Medical Leave. An extended leave is a leave which is expected to last more than six weeks and the Mayor's approval may be contingent on the City's ability to assign job duties during the employees absence. If leave is approved, no additional accrued leave benefits will apply to the period of administrative leave.

8.7 DOMESTIC VIOLENCE/SEXUAL ASSAULT LEAVE

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

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

- (a) To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault, or stalking;
- (b) To seek health care treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such health care treatment for a family member;

- (c) To obtain (or assist a family member in obtaining) services from a domestic violence shelter, rape crisis center, or other social services;
- (d) To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or
- (e) To participate in safety planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member relating to domestic violence, sexual assault, or stalking.

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

8.8 MILITARY LEAVE

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

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

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

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

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

8.9 LEAVE FOR SPOUSES OF MILITARY PERSONNEL (Non-FMLA)

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

An employee who seeks to take family military leave must provide the City with notice of his/her intent to take leave within five business days of receiving official notice that the employee's spouse will be on leave or of an impending call to active duty. The employee may substitute any available accrued leave for any part of this family military leave.

8.10 FAMILY MEDICAL LEAVE

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

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

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

- (a) To care for your child after birth or placement for adoption or foster care.
- (b) To care for your spouse, son, daughter or parent who has a serious health condition.
- (c) For a serious health condition that makes you unable to perform the essential functions of your job.
- (d) For a "qualifying exigency" arising out of the fact that the employee's spouse, child or parent is on active duty or has been notified of an impending call to duty. Employees who have family members in the Regular Armed Forces are eligible for exigency leave during the service member's deployment to a foreign country.

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

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

If FMLA covered leave is taken under (a) – (e) above, the combination of leave taken may not exceed 26 weeks in a single 12-month period.

Leave to care for a child after birth or placement for adoption or foster care must be concluded within 12 months of the birth or placement.

Under some circumstances, FMLA leave may be taken intermittently – which means taking leave in blocks of time, or by reducing your normal weekly or daily work schedule. FMLA leave may be taken intermittently if medically necessary because of a serious health condition. If FMLA leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to City approval.

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

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

You must give at least 30 days' advance notice of your request for leave if the reason for the leave is foreseeable based on an expected birth, placement for adoption or foster care or planned medical treatment. If 30 days' notice is not practicable, you must

give notice as soon as practicable, usually within one or two business days of when the need for leave becomes known to you, but in any event no more than two business days from when the need for leave becomes known to you. If you do not give 30 days' advance notice, and if the need for the leave and the approximate date of the leave were clearly foreseeable by you, your request for leave may be denied until at least 30 days after the date you give us notice.

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

The City requires you provide a medical certification of your fitness for duty to return to work after a medical leave that extends beyond 10 consecutive working days, that involves a mental disability or substance abuse or where the medical condition and your job are such that you may present a serious risk of injury to yourself or others if you are not fit to return to work. The City may require second or third opinions, at the City's option, at City expense.

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

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

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

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

Couples Employed by the City: If both you and your spouse work for the City and you request leave for the birth, adoption or foster care placement of a child, to care for a new child, or to care for a sick parent, the total annual FMLA leave available to you as a couple for those purposes is 12 weeks.

Determining Leave Availability: FMLA leave is available for up to 12 weeks during a 12-month period. For purposes of calculating leave availability, the “12-month” period is a rolling 12-month period measured backwards from the date you use any FMLA leave.

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

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

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

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

8.11 WASHINGTON FAMILY LEAVE ACT (WFLA)

Leave under Washington State’s WFLA and the FMLA are identical in most respects. WFLA leave runs concurrently with FMLA, except that WFLA leave is in addition to pregnancy disability leave (see Section 8.10 “Leave Related to Disability and to Care for

Newborn” above). Another difference is that the City continues contributing toward the employee’s health care premiums when on FMLA leave, whereas the WFLA does not provide for such continuation of employer-paid health benefits. A third difference is that WFLA leave is available to registered domestic partners. The 2009 “Everything but Marriage Act” amended many areas of Washington State law, giving registered domestic partners all of the rights and responsibilities of married couples, to the extent not in conflict with federal law. Therefore, employees in a registered domestic partnership are entitled to the same leave rights under the WFLA to care for a domestic partner with a serious health condition, as for a spouse under this policy. The FMLA does not, however, provide coverage for domestic partner care, and also prohibits designation of non-FMLA qualifying leave as FMLA leave.

8.12 SHARED LEAVE PROGRAM

The department head, with the Mayor’s approval, may authorize employees to donate their accrued vacation 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 which has caused or is likely to cause the employee to take leave without pay. In this context, immediate family member includes parent, spouse, registered domestic partner, and child.

The department head, with the Mayor’s approval, shall determine the amount of shared leave, if any, which an employee may receive under this section. The employee shall be required to provide appropriate medical justification and documentation both of the necessity for the leave and the time which the employee can reasonably be expected to be absent due to the condition. This includes information to verify the likelihood the employee will return to City employment and will be able to perform his or her assigned job duties (with or without a reasonable accommodation) at the end of such leave.

The following conditions apply:

- (a) To be eligible to donate vacation leave, the employee who donates leave must have at least eighty (80) hours of accrued leave after donating. In no event shall a leave transfer result in the donor employee reducing his/her vacation leave balance to less than eighty (80) hours. Transfer of leave will be in increments of eight (8) hours. All donations of leave are strictly voluntary.

Vacation shall be transferred from the donor on a dollar-for-dollar basis. The value of the leave shall be determined at the current hourly wage of the employee receiving the leave donation.

- (b) Prior to requesting shared leave, the employee has abided by the City’s sick leave policy.
- (c) The employee receiving donated leave has depleted, or will shortly deplete, all his/her accumulated vacation, sick leave, compensatory time, holiday time, and/or

other paid leave. The employee must use his/her monthly accrual of all leaves prior to using shared leave.

- (d) An employee shall not receive more than a total of 1048 hours of shared leave through the employee's employment. To the extent possible, shared leave should be used on a consecutive basis.
- (e) While an employee is using shared leave, he or she will continue to receive the same treatment in respect to salary and benefits as the employee would otherwise receive if using vacation or sick leave. The total of salary and benefits an employee using shared leave must not exceed the amount the employee would have received had he/she been in a regular pay status.
- (f) The value of any leave transferred which remains unused shall be returned at its original value to the employee or employees who donated the leave. To the extent administratively feasible, the unused leave shall be returned on a pro rata basis.

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

The use of shared leave will not significantly increase the City's costs, except those costs which would otherwise be incurred in the administration of the program. Applications to donate shared leave and receive shared leave are available from Human Resources.

8.13 HOLIDAYS

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

New Year's Day	January 1
Martin Luther King's Birthday	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Veterans Day	November 11
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Day	December 25
One Floating Holiday	8 Hours at Employee's Choice

The floating holiday must be taken during the calendar year it is earned and cannot be carried over to the next year.

Holidays, including the two (2) personal leave days and the floating holiday, shall be eight (8) hours.

To receive pay for a holiday not worked, an employee must work the scheduled day before or the scheduled day after such holiday unless on paid leave.

Floating Holiday: An employee who has been employed by the City for six (6) months or more may select one floating holiday each calendar year.

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

Non-exempt regular full-time or part-time employees will be paid for the holiday plus one and one-half times their regular rate of pay for any time worked on the holiday. Such time must be pre-authorized by the supervisor.

Temporary employees will be paid at their regular rate of pay for hours worked on a holiday and will be paid overtime if their hours of work exceed 40 hours per work week.

8.14 RELIGIOUS HOLIDAYS

Under Washington law all employees of the City are entitled to up to two unpaid holidays per calendar year for “a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.”

Note that a partial day off will count as a full day toward your yearly allotment of two days. Note also that the law provides for unpaid leave, and there is no provision for substituting paid time off. If you wish to be compensated for the time off, please follow the policies for using accrued vacation leave or compensatory time or other paid time off.

If you seek to take a day off or partial day off under this law, you must submit a written request to your department head, with a copy to the human resources manager, at least two weeks in advance. Untimely requests will only be considered if you can demonstrate that timely notice was not possible under the circumstances.

Your request should include the following information:

- Your name
- The day(s) or partial day(s) that you are requesting off
- A sufficient description of the reason for the leave so that [position] can determine if it is properly granted
- If the request is untimely, the reason why it was not possible to submit the request in a timely manner.

You will normally receive a response within [number of] days of receipt of your request. The request may be denied if:

- It was not submitted in a timely fashion, or
- The reason for the requested leave is not appropriate under the law, or
- You have already exhausted your allotment of days off under the law, or
- You are in a public safety position, such as police, fire, or dispatch, and granting the leave would result in the shift falling below necessary staffing levels, or
- Granting the request would cause an undue hardship

8.15 BENEFITS FOR PART-TIME AND TEMPORARY EMPLOYEES

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

Regular Part-Time Employees: All leaves, including holidays, are accrued at a pro-rated amount. Pro-rated means the ratio between the number of hours in the employee's normal work schedule and forty (40) hours per week. In the event the employee works more than the regularly scheduled amount of time, sick and vacation leave will be adjusted based on the actual hours worked. All other leave will remain at the regularly budgeted prorated amount.

Temporary Employees: Temporary employees do not receive benefits, including leaves, holidays, longevity and insurance.

CHAPTER 9 EMPLOYEE RESPONSIBILITIES AND CONDUCT

9.1 GENERAL CODE OF CONDUCT

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

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

To make the most efficient use of personnel, the City also reserves the right to change your work conditions and the duties originally assigned. If these changes become necessary, we expect your full cooperation.

9.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

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

- (a) Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular or expected part of the employee's job;
- (b) Is conducted during the employee's work hours;
- (c) Utilizes City telephones, computers, supplies, or any other resources, facilities or equipment;
- (d) Is employed with a firm which has contracts with or does business with the City;
or

- (e) Involves the unauthorized distribution of confidential information, including personnel information, information which is to be kept confidential, such as financial information for taxpayers or citizens and information relating to any pending contract negotiations. See 9.3 below.
- (f) May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

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

9.3. CONFIDENTIALITY OF CITY INFORMATION

City employees may receive and have access to personal information regarding its taxpayers, rate payers and other employees and officials or confidential and private personnel information. Employees are obligated to keep this information confidential at all times. All requests for confidential City records or information must be referred to the department head, City Clerk, Mayor or City Attorney. Employees are prohibited from copying or distributing confidential information. This obligation exists during employment and it continues indefinitely after employment with the City ends. Employees who violate this provision shall be subject to discipline up to, and including, termination.

9.4 REPORTING IMPROPER GOVERNMENTAL ACTION

General Policy:

In compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, this policy is created to encourage employees to disclose any improper governmental action taken by City officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the City, with a process provided for speedy dispute resolution.

Key Definitions:

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

- (a) Undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment, and
- (b) In violation of any federal, state or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

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

Retaliatory Action: Any material adverse change in the terms and conditions of an employee’s employment.

Emergency: A circumstance that if not immediately changed may cause damage to persons or property.

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

- (a) Bring the matter to the attention of his/her supervisor, if non-involved, in writing, stating in detail the basis for the employee’s belief that an improper action has occurred. This should be done as soon as the employee becomes aware of the improper action.
- (b) Where the employee believes the improper action involves the supervisor, the employee may raise the issue directly with the department head or Mayor.
- (c) The supervisor, department head or Mayor or their designee, as the case may be, shall promptly investigate the report of improper governmental action. After the investigation is completed within thirty (30) days of the employee’s report, the employee shall be advised of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

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

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

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

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

Procedure for Reporting Concerns of Retaliation:

- (a) Employees must provide a written complaint to their supervisor within thirty (30) days of the occurrence of the alleged retaliatory action. If the supervisor is involved, the notice should go to the department head or Mayor. The written charge shall specify the alleged retaliatory action and the relief requested.
- (b) The supervisor, department head or Mayor, as the case may be, shall investigate the complaint and respond in writing within thirty (30) days of receipt of the written charge.
- (c) After receiving the City's response, the employee may request a hearing before a state administrative law judge (ALJ) to establish that a retaliatory action occurred and to obtain appropriate relief under the law. The request for hearing must be delivered within the earlier of either fifteen (15) days of receipt of the City's response to the charge of retaliatory action or forty-five (45) days of receipt of the charge of retaliation to the supervisor, department head or Mayor for response.
- (d) Within five (5) working days of receipt of a request for hearing the City shall apply to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence in the hearing. The ALJ will issue a final decision not later than forty-five (45) days after the date of the request for hearing, unless an extension is granted.

Policy Implementation: The Mayor is responsible for implementing these policies and procedures. This includes making the policy available to any employee upon request. 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 termination.

9.5 POLITICAL ACTIVITIES

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

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

Except as noted in this policy, City employees are otherwise free to fully exercise their constitutional First Amendment rights.

9.6 SOLICITATIONS

All forms of solicitations are inappropriate in the workplace. They can be an intrusion on employees and citizens and may present a risk to employee safety or to the security of City or employee property. The following restrictions apply:

Persons not employed by the City may not solicit, survey, petition, or distribute literature on City premises at any time. This includes persons soliciting for charities, salespersons, questionnaire surveyors, labor union organizers or any other solicitor or distributor. Exceptions to this rule may be made in special circumstances where the City determines that an exception would serve the best interests of the organization and City employees. An example of an exception might be the United Way campaign or a similar, community-based fund raising effort.

Employees may not directly solicit another employee for any purpose during work time. Reasonable forms of solicitation are permitted during non-work time, such as before or after work or during meal or break periods. An example of a reasonable form of solicitation might be to display the material in the employee lunchroom and kitchen. Directly contacting employees is prohibited. Employees may not distribute literature for any purpose during work time or in work areas or on City property.

9.7 NO SMOKING POLICY

For health and safety considerations, the City prohibits smoking by employees in all City facilities, including City-owned buildings, vehicles and offices or other facilities rented or leased by the City, including individual employee offices. Smoking is permitted only in designated areas outside of the City's buildings and away from building doors and entries. Per RCW 70.160.075 smoking is prohibited within twenty-five feet from entrances, exits, windows that open and ventilation intakes that serve an enclosed area where smoking is prohibited.

9.8 PERSONAL POSSESSIONS

The City furnishes desks, closets and/or lockers for security of employee coats, purses and other personal possessions. We do not, however, assume responsibility for any theft or damage to the personal belongings of employees, and we reserve the right to search the space or furnishings provided for employees' use, including desks, lockers and all electronic equipment supplied by the City. The City also reserves the right to search personal belongings brought onto City premises, if necessary to determine if a crime has been committed or a threat to safety has or may occur.

9.9 USE OF CITY EQUIPMENT

Use of City phones for local personal phone calls should be kept to a minimum and long distance personal use is subject to supervisor approval in cases of personal emergencies. Other City equipment, including vehicles, should be used by employees for City business only. An employee's misuse of City services, telephones, City issued or misuse of personal cellular phones on work time, vehicles, equipment or supplies can result in disciplinary action including termination.

Credit Cards: Employee use of City credit cards will be with department head authorization and assigned to employees for specific purposes per the City Credit Card Program. The Finance Department shall implement and administer procedures and processes related to the use of credit cards by City officials and employees. Failure to adhere to these policies or use of a City credit card for personal and/or unauthorized use may subject an employee to discipline, up to and including termination.

9.10 BULLETIN BOARDS

Information of special interest to all employees is posted regularly on the City bulletin boards. Employees may not post any information on these bulletin boards without the authorization of the department head.

9.11 CONTACT WITH THE NEWS MEDIA

The Mayor and department heads shall be responsible for all official contacts with the news media during working hours, including answering of questions from the media. The Mayor and department heads may designate specific employees to give out procedural, factual or historical information on particular subjects.

9.12 SEAT BELT POLICY

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

9.13 DRIVER'S LICENSE REQUIREMENTS

As part of the requirements for certain specific City positions, an employee may be required to hold a valid Washington State Driver's license. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify his/her supervisor and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her supervisor. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including termination.

9.14 SAFETY

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

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

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

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

9.15 SUBSTANCE ABUSE

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

Marijuana — Although marijuana is now legal in Washington State for recreational and medical use, employees who possess or use marijuana during work hours or on City premises, or report to work under the influence of marijuana, will be disciplined for violation of the City's drug free workplace rule. CDL holders who test positive for marijuana use will be removed from service and be disciplined, up to and including termination.

Availability of Rehabilitation or Treatment: The City encourages employees who are concerned about their alcohol or drug use to seek counseling, treatment and rehabilitation before performance problems or discipline rises. Although the decision to seek treatment or a diagnosis and assistance is completely voluntary, the City is fully committed to helping employees who voluntarily come forward to overcome substance abuse problems. In most cases, the expense of treatment may be fully or partially

covered by the employee's medical benefit program. In recognition of the sensitive nature of these matters, all discussions will be kept confidential. Employees who seek advice or treatment before a disciplinary process has begun will be given the option of leave to address their treatment needs.

When Job Performance is Affected: Although the City is concerned with rehabilitation, it must be understood that disciplinary action may be taken when an employee's job performance is impaired because he/she is under the influence of drugs or alcohol on the job. The City may discipline or terminate an employee possessing, consuming, selling or using alcohol or controlled substances (other than legally prescribed) during work hours. The City may also discipline or terminate an employee who reports for duty or works under the influence of alcohol or controlled substances. An employee may be required to submit to alcohol or controlled substance testing when the City has reasonable suspicion that the employee is under the influence of controlled substances or alcohol. Refusal to submit to testing, when requested, may result in immediate disciplinary action, including termination.

Substance Abuse Policy for Operators of Commercial Motor Vehicles: City employees who hold commercial driver's licenses ("CDLs") and who operate commercial motor vehicles while employed by the City are subject to additional rules and regulations imposed by the state and federal government. These regulations require urine drug testing and alcohol breath testing in the following circumstances:

- (a) Pre-employment;
- (b) Reasonable suspicion;
- (c) Post-accident;
- (d) Return to duty testing;
- (e) Random testing.

CDL holders who test positive must be removed from service and are subject to discipline, up to and including termination. CDL holders should consult Chapter 11, the City's Drug and Alcohol Testing CDL policy for the additional details concerning these rules.

Drug-Free Workplace: Based on the federal Drug-Free Workplace Act, the manufacture, distribution, dispensation, possession and use of unlawful drugs (including prescription drugs for which the employee does not have a valid prescription) or alcohol on City premises or during work hours by City employees is strictly prohibited. Employees also must notify the City within five (5) days of any conviction for a drug violation in the workplace. Violation of this policy can result in disciplinary action, including termination. Continued poor performance or failure to successfully complete a rehabilitation program is grounds for termination. (Also see Chapter 9.15)

9.16 WORK RELATED APPEARANCE

The City of Poulsbo's objective in establishing a business dress code is to allow our employees to work comfortably in the workplace. Yet, we still need our employees to project a professional image for our customers, potential employees, and community visitors.

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

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

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

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

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

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

Inappropriate attire for work includes midriff tops; shirts with potentially offensive words, terms, logos, pictures, cartoons, or slogans; halter-tops; tops with bare shoulders; sweatshirts, and t-shirts unless worn under another blouse, shirt, jacket, or dress.

Flip-flops, and slippers are not acceptable in the office. Conservative athletic shoes may be permitted in some departments and closed toe and closed heel shoes are required in some departments. Safety footwear may also be required in some positions.

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

Religious Accommodation: See the Policy 2.3 above if you seek to deviate from the above-identified dress and grooming standards as an accommodation for a sincerely held religious belief or practice.

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

9.17 WORK PLACE VIOLENCE

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

Workplace violence is violence against employers, other employees or members of the public and includes: (1) physical acts of harm or damage against individual's or the City's property, or (2) verbal threats, or vicious statements that are meant to harm or cause another to be intimidated or fear for their safety, or (3) written threats, even in jest, vicious cartoons or notes, and other written conduct that is meant to threaten another or make them fear for their safety, or (4) visual acts that are threatening or intended to convey injury or hostility.

Workplace violence can and must be prevented. To achieve that goal requires the combined efforts of all employees. Employees are encouraged to take the following steps to stop the threat of violence that may impact the workplace;

Refrain from making insulting or derogatory statements to anyone in the workplace;

Take necessary steps to ensure the physical safety of employees;

Report all conduct you believe violates these policies to a supervisor or if needed, to the City's Police Department.

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

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

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

9.18 EMPLOYEE'S DUTY TO REPORT

An employee shall have the duty to promptly report (no later than five business days) to the Mayor or his/her department head, that the employee:

Has been convicted of a crime which could impair the employee's ability to perform his/her assigned duties, impair the public confidence in the employee, result in the loss of a right or privilege necessary to the performance of his/her duties or which otherwise calls into question the employee's fitness for duty; or

Has lost or had suspended a drivers license, certification, or other governmental licensing required for the employee to perform an essential element of his/her job; or

Police Officers: Has been the subject of an entry of a protective order or restraining order which orders that the individual officer be restrained 1) from harassing, stalking, or threatening an intimate partner, and 2) which by its terms explicitly prohibits the use, attempted use or threatened use of physical force against such partner or a minor in the home that would reasonably be expected to cause bodily injuries. *Reference:* Federal Gun Control Act, U.S.C. Chapter 922(g)(8)(B) and (C).

CHAPTER 10

USE OF CITY COMPUTERS, CELL PHONES, E-MAIL, INTERNET, AND OTHER COMMUNICATION RESOURCES

City officials and City employees are obligated to conserve and protect City resources for the benefit of the public interest, rather than their private interests. Responsibility and accountability for the appropriate use of City resources ultimately rests with the individual City official or City employee who uses City Resources¹ or who authorizes such use. The intention of the following policies is to preserve and enhance the integrity of those resources.

The City furnishes computers, printers, cellular phones, copiers and other electronic equipment for use in conducting City business. Because this equipment is for City business, the City maintains the right to review the contents of any files or documents stored on computers and storage devices², including the contents of any electronic mail or electronic communications, web searches or deleted data. City also maintains the right to review cellular phone usage including text messaging on City owned cellular phones.

Other communication resources such as faxes, delivery services and the US Mail are reserved exclusively for City business. Employees should have no expectation of privacy in any communication sent to an employee at the City, regardless of how a communication is addressed. Any fax, mail or other communication or delivery of a personal, private or confidential nature that is not related to an individual's work for the City should be sent to the employee's home address. Any communication addressed to an employee at the City may be opened or reviewed by other duly authorized City personnel. Nothing in this policy shall be interpreted to permit an employee to review files, letters or email outside of their duties unless authorized by their position to do so.

Confidentiality note: all private health care information is subject to certain federal and state confidentiality requirements and these policies shall be interpreted and applied to ensure that only authorized persons may access such confidential information. Those individuals who have been granted access to confidential

¹ **City Resources** include electronic and communications equipment, software, and systems, including but not limited to computers, computer networks, software, copiers, scanners, printers, other computer peripherals, telephones, cellular phones, radios, applications such as the internet, e-mail, office systems, and other equipment or other property or resources under the employee's official control or direction or in his or her custody or to which he or she has access.

² **Storage Devices** are devices used to store electronic data, documents, files, programs, and any other information that is stored or used by computers. These devices include but are not limited to computers, USB memory devices, external drives, CD's, DVD's and floppy disks.

information will be responsible for maintaining the confidentiality of the files, including health care information, they are permitted to access.

10.1 COMPUTER AND NETWORK SECURITY

Access to City computers, network, and applications including City e-mail is controlled by user accounts (logins) which have appropriate security assigned. When an individual is assigned a City user account that individual becomes responsible for the security of that account including all activity to electronically stored information (data) to which that account has been given permission to use. This also includes the use of City e-mail assigned to the user account and the messages produced, sent or received by that account. All users given permission to access data must act in a manner to protect said data from loss, unauthorized alteration, and unauthorized use.

User accounts are assigned to individual City employees, the Mayor, Council members, volunteers, reserves and contractors for their exclusive use. User accounts have passwords assigned to them to provide security to the user account. These passwords are to be kept secret except in the case of authorized shared accounts. Each user is responsible to maintain the secrecy of the passwords for user accounts assigned to them. To maintain password integrity, the following standards must be followed:

- Passwords for accounts assigned to individuals may not be shared with others.
- Passwords must meet the requirements of a strong password³.
- A password must be changed if it is suspected or known that someone else knows the password.
- The Information Technology Department may specify mandatory password standards that may include, but may not be limited to, length, content, and case restrictions, as well as requirements for periodic password change.

It is a violation of policy to allow others to obtain or use a password to a user account assigned to you. If you have knowledge that another person knows your password or is using a user account assigned to you, it is your responsibility to immediately change the password and to report the security breach to the Information Technology Department.

Shared user accounts for specialized purposes, and with limited access to data, may be authorized by the Information Technology Manager. Such shared accounts may also be exempted from password standards and access control requirements if authorized by the Information Technology Manager.

Information Technology Staff and other authorized individuals may, by nature of assigned duties and in support of authorized activities, be exempt from any or all of

³ A Strong Password must contain more than 10 characters in length, have at least one uppercase letter, at least one lowercase letter, and have at least one number or symbol (symbols include ~!@#\$\$%^&*). The password should not be a family members name, pet's name, birthdate, or any user identifiable information like a license plate number, home address, phone number, etc.

these provisions regarding computer accounts. Exceptions shall be authorized by the Mayor and/or Manager of the Information Technology Department.

Here are some guidelines that are designed to protect the City's computers, network, data, files, and access to the network:

- When stepping away from your computer consider that the greatest risk to a network or computer is leaving an unattended computer logged in. So:
 - When leaving for a short time lock your computer⁴
 - If you are leaving for longer than a 15 minute break, log out of the computer.
 - At the end of the day, log out and shut down your computer.
- Use the network to store your files, documents and such. Items stored locally on your computer are not backed up and security is minimal. To fully protect your work store it on the network.
- Passwords must be maintained securely; improper password disclosure provides the second greatest risk to network security (second only to an unoccupied computer left logged on).
- Caution should be used with files received as attachments to email or on disks. Attachments can contain viruses or other content harmful to individual computers or to the City's network. Some of these files or attachments alter or destroy other files or functions. Some provide a way for outsiders to gain access to a desktop computer or our entire City's computer network - including to privileged or sensitive work products. Still others attach themselves to email messages they generate from the infected computer's address book.
- Attachments or files from an unknown sender or source should not be opened.

Please note that some harmful files can attach themselves to messages from known and trustworthy sources. Consequently, even an attachment from a friend or colleague should be questioned if it is not what that person would normally send, or if the accompanying subject line or text is inconsistent with how the sender would normally communicate. In these instances, please either confirm the attachment with the sender or seek help from the IT Department staff before opening it.

Personal equipment ⁵ will not be allowed on or connected to City computers or network. This equipment can compromise the integrity of the computer, the network, software and data stored on the computer or network that the equipment is attached to.

10.2 COMPUTER USE

City computer systems are made available to improve communications and information exchange with citizens and others and to provide an information and research resource. While the City encourages the use of information network resources to improve

⁴ To lock your computer select the "Windows" and "L" key.

⁵ Personal equipment includes but not limited to printers, scanners, USB memory devices, cellular phones, PDA's and computers not owned by the City of Poulsbo.

communications, certain restrictions are necessary to avoid improprieties and ensure that established standards are met. City computer systems are not to be used for entertainment, or illegal, harassing libelous or obscene purposes during or outside City business hours.

Members of the public and other employees are frequently able to observe our office workstations. The appearance of our employees using office equipment for games, radio, or chat leaves some members of the public with a negative impression of our office productivity and stewardship of government resources. Consequently the following activities are prohibited from use on City computers.

Specifically, City users are not allowed to:

- Listen to and/or watch internet radio, video, and other multimedia for entertainment purposes.
- Play games or other non-business software on City computers or network resources.
- Engage in Blogs, Chats, Instant messaging, Wikis, Facebook, and Twitters for anything other than government related business needs.

To ensure compatibility between computer systems and provide adequate user support, the City has established a standard for software and hardware commonly used and owned by the City. The use of unauthorized, non-standard software or hardware, including personally owned software or hardware, on City computer systems without Information Technology and Department Director approval is prohibited. If non-standard software is approved by the Information Technology Manager and the Department Director for installation, the City shall not be responsible for its operation and/or maintenance. If it is found that this non-standard software effects the operation of the user computer or the network, it will be removed. If non-standard hardware or software, which has not been approved, is discovered during routine maintenance operations, it will be reported to the immediate supervisor of the user to ensure its removal.

Improper installation of software or hardware can damage a computer system or cause it to malfunction. Consequently, all software and hardware is to be installed by Information Technology Department staff.

10.3 ELECTRONIC MAIL (E-MAIL) USE

Electronic mail (“e-mail” hereafter) is an integral part of the City’s communications. It is the policy of the City to encourage the responsible use of e-mail whether internally or externally generated or viewed. This policy is meant to make all users aware of the risks associated with using e-mail and to inform them of the City’s policy regarding such use. This policy applies to the electronic version of the messages and any paper or printed copies of the messages.

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

The City of Poulsbo is a public agency, and use of the City's e-mail system reflects upon the City. The personnel rules and the standards of code of conduct apply to the use of e-mail. E-mail should be businesslike, courteous, and civil. All City policies, including policies prohibiting discrimination and sexual harassment, shall apply to the use of e-mail. E-mail shall not be used for the expression of unlawful or discriminatory ill will or bias against individuals or groups, offensive material such as obscenity, vulgarity, or profanity, or other non-businesslike material. Sexually explicit material, cursing, and name-calling are expressly prohibited. An employee's e-mail use must be reasonable, responsible, and accountable.

If an employee believes that he/she or someone else is a victim of harassment or believe that criminal activity is taking place, the employee should follow these procedures: do not delete the message; do not respond to the message; and notify a supervisor, elected official/department head, Human Resources, or appropriate designee.

E-mail is a form of written communication and must be treated in the same manner as a paper document of the same nature. All e-mail communications are the property of the City of Poulsbo and may be subject to the Public Records Disclosure Act (RCW Ch. 42.17).

Certain e-mail messages are often public records and must meet state records retention requirements. Examples include:

- Policy and Procedures Directives.
- Correspondence or memoranda related to official public business.
- Agenda and minutes of meetings.
- Documents that initiate authorize or complete a business transaction.
- Drafts of documents that are circulated for comment or approval.
- Final reports or recommendations.
- Appointment calendars.
- E-mail distribution lists.
- Other messages sent or received that relate to the transaction of state government business.

E-mail messages that are usually not public records, and may be destroyed when no longer needed include:

- Personal messages and announcements not related to official business.
- Information-only copies or extracts of documents distributed for reference or convenience, such as announcements or bulletins.
- Preliminary drafts.

- Request for information (but not Public Disclosure Requests).
- Transmittal memos.
- E-mails used to schedule meetings that have previously occurred.

Users are responsible for the security of their e-mail account and any e-mail that is sent via a user account. To protect a user account against unauthorized use, the following precautions should be taken:

- Log off from, or lock access to, the City computer before leaving it unattended. If a user account logon is left open, and someone else uses it, it will appear as if the logged on user sent the message and that user will be held accountable.
- Do not give out passwords. Users are responsible for messages sent via their user account. Correspondingly, do not use or tamper with someone else's account without his/her knowledge and consent.

The same consideration and care must be used in e-mail communications regarding official actions or statement on behalf of the City that would be used in other forms of written correspondence. Any outgoing e-mail messages which express an opinion that has not been authorized as the official City position on the subject must include a disclaimer that the opinion is not that of the City of Poulsbo but the employee's own personal opinion.

10.4 INTERNET USE

The Internet is a great storehouse of information and contains resources that can greatly enhance our ability to deliver cost-effective services to our customers. The City encourages exploration of the Internet for legitimate business-related or professional activities.

During the employee's normal work hours, the primary use of the City's Internet account shall be for City business. Personal use of the City's Internet account shall be limited to the employees' non-work hours during the work day. Such usage shall be de minimis⁶. Employees who work within the public's visual site should be cognizant of public perception and should use care and discretion in providing an appropriate image of the City while using the Internet during the City's normal work hours.

In addition, the following uses of the internet are inappropriate and are prohibited at all times

- **Commercial use** – any form of commercial use of the Internet is prohibited.
- **Viewing/Downloading** – information that includes, but is not limited to, entertainment sites or pornographic sites or indecent materials including materials of a bawdy, risqué or course nature, or any other offensive or morally questionable materials.

⁶ too insignificant to be worthy of concern

- **Harassment** - usage for any type of harassment or illegal discrimination including transmission of obscene or harassing messages to any employees, vendors, customers, and others is prohibited.
- **Solicitation** - the purchase or sale of personal items through advertising on the Internet is prohibited.
- **Political** - the use of the Internet for political purposes is prohibited.
- **Aliases** - the use of aliases while using the Internet is prohibited. Anonymous messages are not to be sent. Also, the misrepresentation of an employee's job title, job description, or position in the City is prohibited.
- **Misinformation/Confidential Information** - the release of untrue, distorted, or confidential information regarding City business is prohibited.
- **Gambling**
- **Unethical activity** – usage that could adversely affect the City of Pousbo
- **Network performance** - usage which precludes or hampers the City's network performance
- **Copyright violations** - any use of the Internet that violates copyright laws or software license agreements is prohibited.

10.5 SOCIAL MEDIA⁷

City of Pousbo departments may utilize social media and social network sites to further enhance communications with various stakeholder organizations and citizens in support of City goals and objectives. City officials and City organizations have the ability to publish articles, facilitate discussions and communicate information through various media related to conducting City business. Social media facilitates further discussion of City issues, operations and services by providing members of the public the opportunity to participate in many ways using the Internet. Employees that choose to participate in social networks as a City employee should adhere to the following guidelines.

- City policies, rules, regulations and standards of conduct apply to employees that engage in social networking activities while conducting City business. Use of your City e-mail address and communicating in your official capacity will constitute conducting City business.
- City employees shall notify their supervisor and the IT department if they intend to create a social networking site or service to conduct City business.
- Departments have the option of allowing employees to participate in existing social networking sites as part of their job duties. Department Heads may allow or disallow employee participation in any social networking activities in their departments.
- Protect your privacy, the privacy of citizens, and the information the City holds. Follow all privacy protection laws, i.e., HIPPA, and protect sensitive and confidential City information.

⁷ Social Media is defined as technologies, networks (Facebook, Twitter, etc...), blogs, wikis, and virtual worlds. This definition is not all inclusive, new technologies develop too quickly and to have an all-inclusive list is not realistic.

- Follow all copyright laws, public records laws, retention laws, fair use and financial disclosure laws and any others laws that might apply to the City or your functional area.
- Do not cite vendors, suppliers, clients, citizens, co-workers or other stakeholders without their approval.
- Make it clear that you are speaking for yourself and not on behalf of the City of Poulsbo. If you publish content on any website outside of the City of Poulsbo and it has something to do with the work you do or subjects associated with the City, use a disclaimer such as this: “The postings on this site are my own and don’t necessarily represent the City’s positions or opinions.”
- Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the City’s workplace. Avoid comments or topics that may be considered objectionable or inflammatory.
- If you identify yourself as a City employee, ensure your profile and related content is consistent with how you wish to present yourself to colleagues, citizens and other stakeholders.
- Correct your mistakes, and don’t alter previous posts without indicating that you have done so. Frame any comments or opposing views in a positive manner.
- Add value to the City of Poulsbo through your interaction. Provide worthwhile information and perspective.

Wherever possible, content posted to a City of Poulsbo social media site should contain links directing users back to the City’s official website for in-depth information, forms, documents or online services necessary to conduct business with the City of Poulsbo.

City of Poulsbo social media sites are subject to State of Washington public records laws. Any content maintained in a social media format that is related to City business, including a list of subscribers and posted communication, is a public record. The Department maintaining the site is responsible for responding completely and accurately to any public records request for public records on social media. Content related to City business shall be maintained in an accessible format and so that it can be produced in response to a request. Wherever possible, such sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.

Users and visitors to social media sites shall be notified that the intended purpose of the site is to serve as a mechanism for communication between City departments and members of the public. City of Poulsbo social media site articles and comments containing any of the following forms of content shall not be allowed:

- Comments not topically related to the particular social medium article being commented upon;
- Comments in support of or opposition to political campaigns or ballot measures;
- Profane language or content;
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to

public assistance, national origin, physical or mental disability or sexual orientation;

- Sexual content or links to sexual content;
- Solicitations of commerce;
- Conduct or encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public systems; or
- Content that violates a legal ownership interest of any other party.

These guidelines must be displayed to users or made available by hyperlink. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available

The City reserves the right to restrict or remove any content that is deemed in violation of this social media policy or any applicable law.

10.6 CITY OWNED CELLULAR TELEPHONES

The effective management and application of cellular telephones improves the quality of service delivered to City of Poulsbo citizens, the productivity of the City workforce, and the general cost effectiveness of the City operation. Cellular technology provides assistance with disaster recovery, and offers portable alternatives for immediate communication, enabling time and distance to be managed more effectively.

The following factors shall be considered in all cellular telephone acquisitions:

- Cellular usage costs compared to alternative communication costs
- Level of employee need and usage
- Departmental authorization of employee use

Cellular phones provided by the City are intended to be used for City business. Except as allowed in this policy, employees are discouraged from using City-owned cellular phones for personal use and must never use them for private business or political purposes. Use of City cellular phones for illegal or unethical purposes or that interferes with or affects the ability of the employee to perform their duties is expressly prohibited.

Text messaging from City issued cell phones should be limited to transitory messages. For example, a transitory message might be: "I just sent you an email that needs immediate attention" or "Please call about an issue we need to discuss". These transitory records are to be retained until no longer needed for agency business.

More than de-minimis personal use of a City-provided cellular phone without written authorization by the Department head is prohibited. When an employee's personal calls cause the monthly plan minutes to be exceeded, the employee must reimburse the City for those minutes. In addition, employees must reimburse the City for all long distance

and roaming charges incurred for personal calls, even if the minutes for these personal calls are under the plan limit. All reimbursements are to be made within 15 days of receipt and reconciliation of the monthly statement.

Employees are required to comply with all state and local laws regarding the use of wireless phones while driving. All employees must use a hands-free device while driving. Whenever possible, employees should not make or receive telephone calls while driving. Employees should let incoming calls go to their voicemail and then find a safe place to pull over and park before initiating a call.

10.7 NO PRIVACY RIGHTS

Electronic files and communications including but not limited to e-mail, and internet use using City resources are not private or confidential. There are no rights to individual privacy when using City resources. Individuals using City resources are subject to having their activities monitored or audited. Use of City resources constitutes consent to monitoring.

The City reserves the right to review, access, and disclose the contents of any files or documents located on a City resource. Additionally, the City maintains the right to monitor the use or content of any City resources without notice to City employees. Individuals using City resources to access the Internet are subject to having their activities monitored or audited.

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

11.1 PURPOSE

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

11.2 APPLICATION

This policy applies to all employees of the City of Poulsbo who are required to have and maintain a Commercial Driver's License in order to perform the duties of the job. Contractors performing functions for the City of Poulsbo 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.

11.3 POLICY

The City of Poulsbo has a significant interest in the health and safety of its employees and the citizens of the City of Poulsbo. In furtherance of that interest, it is the policy of the City of Poulsbo to take those steps necessary to ensure that its 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.

11.4 DEFINITIONS

Accident: 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.

Driver: This term includes all employees whose positions may involve driving a commercial vehicle and that require the possession of a Commercial Driver's License.

Commercial Vehicle: 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.

Drugs: 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.

Safety Sensitive Position: For purposes of this policy, these are positions associated with the driving of 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 Alcoholisms 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.

11.5 PROHIBITED CONDUCT

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

- (a) Alcohol Concentration – An employee may not report for or remain on duty requiring the performance of 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 use 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 using alcohol. An on-call employee who consumes alcohol within four hours of being called in must acknowledge the use of alcohol and may not report for duty.
- (d) Alcohol Use Following an Accident – An employee required to take a post-accident alcohol test may not use alcohol for eight hours following the accident, or until a post-accident alcohol test is given, whichever comes first.
- (e) Use of Drugs – An employee may not report for duty or remain on duty which requires driving a commercial vehicle when the employee has used a drug or drugs, except when the use is pursuant to instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial vehicle. Employees who are taking a prescription or over-the-counter medication that may impair their ability to perform their duties safely and effectively should provide written notice from 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, reasonable suspicion, or follow-up 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.

11.6 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 and/or alcohol test when the City of Pouslbo reasonably suspects that this policy (except the prohibitions against possession, transfer or sale of alcohol) may have been or is presently 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 measure 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 sanctions for refusal to test as provided in this policy.

(d) Random Testing

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

(e) Return to Duty Testing

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

(f) Follow-up Testing

An employee who is referred for assistance related to alcohol misuse and/or use of drugs is subject to unannounced follow-up testing for a period not to exceed 60 months as directed by a Substance Abuse Professional and the City of Poulsbo. The number and frequency of follow-up testing will be determined by the Substance Abuse Professional and the City of Poulsbo, but will not be less than six tests in the first 12 months following the employee's return to duty.

(g) 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.

11.7 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 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;
- 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;
- Engaging in conduct that obstructs the testing process.

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

11.8 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 to the following:

- (a) Positive alcohol or drug tests
- (b) Refusal to be tested

This information may be obtained before the person is employed by the City of Poulsbo. However, if the information has not arrived by the anticipated start date, and if the person has passed a 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 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 an evaluation by a Substance Abuse Professional was made and return to duty testing was administered.

11.9 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.

11.10 CONSEQUENCES OF ENGAGING IN PROHIBITED CONDUCT OR POSITIVE DRUG OR ALCOHOL TESTS

- (a) Discipline

An employee will be subject to appropriate disciplinary action as specified in the City of Poulsbo Personnel Manual, up to and including termination from employment if:

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

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.

The following provisions apply to those employees who are not terminated for their policy violations:

(b) Positive Test Result and/or Engaging in Prohibited Conduct

If an employee tests positive for drugs or has an alcohol test that indicates a blood alcohol level of .04 or greater from a random, reasonable suspicion or post-accident test, or engages in prohibited conduct as outlined in Section 11.5, the employee will be immediately removed from duties requiring the driving of a commercial vehicle. The employee will not be permitted to return to work unless he/she:

- Has been evaluated by a qualified Substance Abuse Professional; and
- If recommended by a Substance Abuse Professional, has properly followed any rehabilitation prescribed, and
- Has a verified negative result on a return-to-duty alcohol (less than 0.02) and/or drug test.

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

(c) 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.

11.11 EMPLOYEE ASSISTANCE PROGRAM/VOLUNTARY REFERRAL

The City of Poulso 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.

CHAPTER 12 DISCIPLINE AND TERMINATIONS

12.1 ACTIONS SUBJECT TO DISCIPLINARY ACTION

The City's success in providing excellent service to our citizens and maintaining good relationships with the community depends on our employees. We have therefore provided for your guidance examples of certain conduct which, if engaged in, would be detrimental to our objective of providing good service and could lead to disciplinary action including termination. All disciplinary decisions and the level of discipline appropriate remain within the discretion of the City management. The following specified conduct may lead to discipline. This list is illustrative but not comprehensive.

- (a) Misrepresentation or withholding of pertinent facts in securing employment.
- (b) Any act of dishonesty during employment that undermines the trust needed to serve as a public employee.
- (c) Unauthorized use or possession of City facilities and/or property.
- (d) Unauthorized use of position with the City for personal gain or advantage.
- (e) Accepting unlawful gratuities or bribes.
- (f) Smoking in any unauthorized posted area or creating of fire hazards in any area.
- (g) Violation of dress standards.
- (h) Violation of City policies.
- (i) Unauthorized recording or alteration of another employee's time record. Both employees may be subject to disciplinary action.
- (j) Failure to report an occurrence causing damage to the City, taxpayer's or public property. Failure to properly secure City facilities or property.
- (k) Loitering after completing day's work which results in the disruption of the City's business or the work effort of other employees.
- (l) Vending, soliciting, or collecting contributions for any purpose whatsoever during working time on the premises without the permission of the supervisor.
- (m) Unauthorized operation or use of machines, tools or equipment to which the employee has not been specifically assigned.

- (n) Habitual lateness for work. Absence without proper notification to immediate supervisor, excessive absenteeism or insufficient reasons for absenteeism. Loitering, goofing off, failing to assist others in a work situation or other poor or disruptive work habits.
- (o) Making malicious, false or derogatory statements that are intended or could reasonably be expected to damage the integrity or reputation of the City or its employees, on or off premises.
- (p) Disorderly conduct, including fighting on the premises or violating the City's workplace policy.
- (q) Rudeness and insubordination, as well as discourteous treatment of co-workers or the public. Use of obscene or offensive language.
- (r) Discrimination of any kind and unlawful retaliation for activities such as a good faith whistleblower complaint or discrimination complaint.
- (s) Intimidation or coercion that violates these policies or impacts relationships with other elected officials.
- (t) Immoral conduct while on duty or engaging in activities off duty that impact the employee's ability to carry out work duties with integrity.
- (u) Intentional falsification of records and/or paperwork required in the transaction of City business.
- (v) Inability, inefficiency, negligence or insubordination, including a refusal or failure to perform assigned work. Concealing defective work. Neglect of duty includes failing to assist others when requested by a supervisor or failure to provide training which is required of the employee by a supervisor.
- (w) Failure to observe safety practices, rules, regulations and instructions. Negligence that results in injury to others. Failure to wear required safety clothing and equipment.
- (x) Failure to promptly report to your immediate supervisor an on-the-job injury or accident.
- (y) Lying, dishonesty or theft, including deliberate destruction, damage or removal of the City's or other's property from the premises, or any job site.
- (z) Possession, use, sale or being under the influence of alcohol and/or any controlled substance while on City business (including standby duty). The only exception to this rule shall be for an employee using or possessing a controlled substance prescribed by a doctor if such employee has given his/her supervisor prior notice of such use and/or possession and such use does not impair safe and/or efficient work performance.

- (aa) Possession of explosives or weapons on the premises or at any job site or when using City vehicles or while personal vehicles are on City property.
- (bb) Conviction of a crime which has a clear connection to the employee's fitness for public service or which may impair the public's confidence.

The City may discipline or terminate employees for other reasons not stated above.

12.2 POSSIBLE DISCIPLINARY ACTIONS

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

- (a) Verbal Reprimand
- (b) Written Reprimand
- (c) Suspension
- (d) Demotion
- (e) Termination

The choice of what discipline to apply in any particular case is solely the City's. Employees who are exempt from overtime laws will not be suspended without pay for disciplinary purposes for periods less than a full work week, unless the infraction involves violation of safety rules of major significance.

12.3 LAYOFF

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

Temporary employees or employees who have not completed their probationary period will be laid off before regular employees are affected. In determining who is to be laid off, consideration will usually be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal, as determined by the City. Employees who are laid off may be eligible to be re-employed, if a vacancy occurs in a position for which they are qualified.

12.4 RESIGNATION

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

CHAPTER 13 COMPLAINT PROCEDURES

13.1 COMPLAINT PROCEDURES

Employees/volunteers who seek to make complaints of unlawful discrimination, harassment, or retaliation should follow the complaint procedure set forth in Policy No. 2.8 above.

Employees/volunteers who seek to make complaints of improper governmental action should follow the complaint procedure set forth in Policy No. 9.4, above.

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

To effectively resolve employee concerns, please provide your supervisor or department head with:

- (a) A description of the problem;
- (b) A specific policy or procedure which the employee believes has been violated or misapplied;
- (c) The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances;
- (d) Details regarding what the employee has done to resolve the complaint;
- (e) The remedy sought by the employee to resolve the complaint.

The City will attempt to resolve these concerns. A response may be prepared in writing or by meeting with the employee. A resolution of the employee's complaint by City management or the Mayor (if the complaint relates to a department head), will be final.

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

RECEIPT OF PERSONNEL HANDBOOK

All employees should read the following, then sign, date and return the form to Human Resources. The form will be placed in your personnel file.

Enclosed are the City of Poulsbo's personnel policies. It is your responsibility to read these policies, as they will acquaint you with your employee benefits, City personnel practices and rules, and some organizational philosophy.

It is important to understand that these policies do not create an employment contract or a guarantee of employment of any specific duration between the City and its employees. Although we hope that your employment relationship with us will be long term, we recognize that at times things do not always work out as hoped, and either of us may decide to terminate the employment relationship.

Unless specific rights are granted to you in employment contracts, civil service rules or elsewhere, all employees of the City are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice.

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 **Mayor or City Council**. You will be notified of any such changes.

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

I hereby consent to deduction from my final paycheck of any amounts advanced to me that remain unearned when my employment with the City ends, including unearned vacation leave.

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

I have read and understand the Personnel Handbook and statements above, have had an opportunity to ask questions, and agree to abide by said policies

Employee Signature

Date