

**CITY OF WHITE SALMON, WASHINGTON
RESOLUTION NO. 2014-01-377**

**A RESOLUTION OF THE CITY OF WHITE SALMON, WASHINGTON
REGARDING THE MATTER OF ACCEPTANCE OF A REVISED PERSONNEL
POLICY FOR THE CITY OF WHITE SALMON.**

WHEREAS, the city has in place a personnel policy that in need of updates; and

WHEREAS, management has collaborated with the Union in regards to the revision of the personnel policy; and

WHEREAS, the City Council finds the adoption of this resolution to be in the best interest of all city employees;


NOW THEREFORE BE IT RESOLVED, the City Council for the City of White Salmon hereby adopts the following policies as described in Exhibit "A", attached hereto and incorporated by reference, for the benefit of employees and managers.

APPROVED AND PASSED by the City Council of the City of White Salmon, Washington at its regular meeting this 15th day of January 2014.



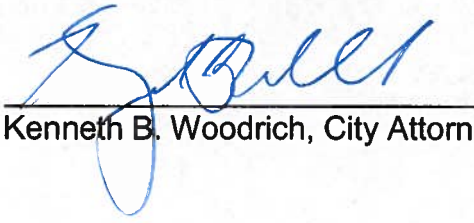
David Poucher, Mayor

ATTEST:



Leana Johnson, Clerk/Treasurer

APPROVED AS TO FORM:



Kenneth B. Woodrich, City Attorney

Exhibit "A"

City of White Salmon, Washington



PERSONNEL

POLICIES

PERSONNEL POLICIES ~ RECEIPT OF PERSONNEL POLICIES

All employees shall read the following; then sign, date and return the form to City Clerk. The form will be placed in the employee's personnel file. Enclosed are the City of White Salmon's personnel policies. It is your responsibility to read these policies, as they will acquaint you with your employee benefits, our personnel practices and policies, and some organizational philosophy.

These policies do not create an employment contract nor a guarantee of employment for any specific duration between the City and its employees. These policies are general guidelines and do not constitute promises of specific treatment. 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 at any time, with or without cause and with or without notice.

These personnel policies may contain specific provisions that differ from the specific provisions of collective bargaining agreements. Where those differences occur, the language of the collective bargaining agreement will take precedence for those employees covered by the agreement. Where the Personnel Policies are more specific, the language in these policies will take precedence for those employees covered by a CBA.

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 and Council, with or without notice. You will receive a copy of any new or revised policies.

If you have any questions about these policies or any other policies of the City, please feel free to ask your supervisor, Department Head, City Administrator or the Mayor.

I have read these Personnel Policies and understand them.

Employee Signature _____

Employee Printed Name _____

Date _____

City of White Salmon, Washington

PERSONNEL POLICIES

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POLICIES

City of White Salmon, Washington
PERSONNEL POLICY

PURPOSE AND SCOPE

0.1 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 describe what the City provides you in terms of compensation, benefits and other support.

It is our belief that when personnel policies are known and communicated to all, the choices for greater job satisfaction increase. We encourage you to read these policies. If you have any questions, please ask your department director, City Administrator or the Mayor. As you have ideas or suggestions for improvement, please discuss the same with your department director, City Administrator or the Mayor.

Policies of the City shall not create any right, contract, employment agreement or expectation on the part of any employee to continued employment. Any deviation from a City Policy shall not, in itself, render any City action invalid, void or avoidable, nor shall such deviation constitute evidence of negligence. The City may deviate from policy when to do so serves the public interest or would avoid hardship as the City management may determine. The City reserves the right to amend these policies at any time, with or without notice.

0.2 SCOPE OF POLICIES

These personnel policies apply to all City employees. In cases where the specific provisions of these policies conflict with any City ordinance, Civil Service rules and regulations, the specific provisions of a collective bargaining agreement, or state or federal law, the terms of that law or agreement prevail. In all other cases, these policies shall prevail.

0.3 POLICY IMPLEMENTATION

The Mayor or the City Administrator is responsible for the implementation and administration of these policies and procedures. This includes posting the policy on the City bulletin board, making the policy available to any employee upon request, and providing the policy to all newly hired employees. All of these postings and availabilities of the policies can be satisfied by the City management making them available by email or posting on the City's website. Department Heads, City Administrator or Mayor are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

Violations of these policies and procedures may result in disciplinary action, up to and including discharge or termination.

1. GENERAL PROVISIONS

1.1 NON-DISCRIMINATION

The City of White Salmon will comply with the spirit and the letter of the Civil Rights Act of 1964 (as amended), the Age Discrimination in Employment Act of 1967 (as amended), the Equal Pay Act of 1963 (as amended), and other applicable legislation and court rulings pertaining to prohibition of discrimination concerning union membership, race, color, religion, sex, age, marital status, sexual orientation, national origin, genetic information (Title II of the Genetic Information Nondiscrimination Act of 2008) or disability that does not prevent proper performance of the job (bona fide occupational qualification) in employment with the City.

1.2 SAVINGS CLAUSE

The provisions of these policies are declared to be severable (to stand alone), and if any policy, section, sentence, clause, phrase or word contained in these policies shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining policies, sections, sentences, clauses, phrases and words of these policies and regulations, but they shall remain in effect. It is the intent that these policies and regulations shall stand notwithstanding the invalidity of any part.

1.3 AMENDMENTS TO POLICIES

If it becomes evident that a change in these policies and regulations, in part or in whole, is necessary for the proper administration of the City's personnel program, the Department Heads shall present, in writing, the proposed amendment(s) to the City Administrator who may, in his or her discretion, present them to the Mayor and City Council for approval or rejection. The City Administrator may initiate proposed amendment(s). Changes in these policies and regulations shall require the approval of the majority of the City Council. In the event that any changes are made in these policies and regulations under the above procedure, employees shall receive written notification of these changes prior to the time in which the changes become effective, such that employees shall understand the nature and the consequences of the changes.

1.4 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City is an equal employment opportunity employer. The City employs, retains, promotes, terminates and treats all employees and job applicants on the basis of job-related qualifications and competence. These policies and employment practices shall be applied without regard to any individual's race, color, religion, sex, age, marital status, sexual orientation, national origin, pregnancy, political ideology, genetic information (Title II of the Genetic Information Nondiscrimination Act (GINA) or disability that does not prevent proper performance of the job (bona fide occupational qualification).

1.5 DISABILITY DISCRIMINATION PROHIBITED

The City will not discriminate against qualified applicants or employees with a sensory, physical or mental disability, unless the disability prevents proper performance of any essential functions of the job and cannot be reasonably accommodated without creating undue hardship to the City taking into account the size of the City, its budgetary limitations, etc. The City will reasonably

accommodate qualified individuals with disabilities unless such accommodation is a hardship on the City.

1.6 ANTI-HARASSMENT POLICY

It is the City's policy to foster and maintain a work environment that is free from discrimination, harassment, and intimidation. Toward this end, the City will not tolerate harassment of any kind by any elected officials, or employees toward co-workers, elected officials or members of the public. All City employees and elected officials are expected to show respect for each other and the public at all times, despite individual differences.

Harassment is defined as verbal and/or physical conduct that demeans or shows hostility or aversion toward another employee, elected official or members of the public. Examples of prohibited conduct include, but are not limited to, slurs or demeaning comments, inappropriate jokes, nonverbal conduct, such as staring, glaring and hand gestures, showing, emailing or hanging inappropriate photos or illustrations and hazing, whether done to employees or members of the public relating to race, ethnic background, gender, religion, age, or disability. **See Discrimination Complaint Procedure, Policy 8.2 for guidance on what to do if you experience harassment.**

1.7 SEXUAL HARASSMENT PROHIBITED

Sexual harassment is unacceptable conduct that takes various forms and is a violation of Section 703 of Title VII of the Civil Rights Act of 1964. Sexual harassment is any unwelcome sexual conduct. Unwelcome sexual conduct constitutes sexual harassment when submission to such conduct is made, whether explicitly or implicitly, a term or condition of an individual's employment, pay, promotion, or job assignment. Sexual harassment may also occur when submission to or rejection by an employee of such unwelcome sexual conduct is used as the basis for employment decisions affecting the employee. In addition, sexual harassment may constitute any unwelcome sexual conduct that unreasonably interferes with an individual's job performance or creates an intimidating, hostile, or offensive working environment, such that the same becomes a term or condition of employment. Department Heads and supervisors are expected to take all steps that are necessary to prevent sexual harassment. Department Heads are responsible for clearly and regularly communicating to subordinates the City's strong policy of disapproval of any form of sexual harassment. All employees are expected to conduct themselves in a manner that would preclude harassment of any nature.

Employees engaging in improper harassment are subject to discipline, up to and including discharge or termination. **See Discrimination Complaint procedure, Section 8.2 of this policy, for guidance on what to do if you experience sexual harassment.**

1.8 EMPLOYMENT REFERENCES

Only the Mayor, City Administrator or Department Head will provide employment references on current or former City employees. Other employees shall refer requests for references to the appropriate Department Head or the City Administrator. References will be limited to verification of employment and salary unless the employee has completed a written waiver and release.

2. EMPLOYMENT

2.1 TYPES OF EMPLOYMENT

The City may determine to have the following types of employment:

Regular Full-Time Employee -- An employee who has been employed to work on a full-time (40 hours per week) and continuing basis and who has successfully served his or her initial probationary period with the City. All employees at the City of White Salmon can be terminated at-will, with or without notice, unless they are subject to a collective bargaining agreement or civil service rule that states otherwise.

Introductory Employee -- An employee who has been employed to work on a full-time (40 hours per week) and continuing basis and who is working towards, but has not completed, his or her introductory period in the position to which he or she has been employed. An Introductory Employee's period shall last a minimum of six (6) complete months of actual service from the date of employment but in the case of police officers the introductory period shall be at least twelve (12) months from the date of successful completion of the basic academy or twelve (12) months from hiring if a lateral hire. All employees at the City of White Salmon can be terminated at-will, with or without notice, unless they are subject to a collective bargaining agreement or civil service rule that states otherwise.

Regular Part-time Employee -- An employee who has been employed to work less than full-time (40 hours per week), but on a regular and continuing basis. All employees at the City of White Salmon can be terminated at-will, with or without notice, unless they are subject to a collective bargaining agreement or civil service rule, that states otherwise. Regular Part-time employees are only eligible for pro rata benefits as determined by management.

Temporary Full-Time Employee --An employee who is employed to work full-time (40 hours per week) on a temporary basis in order to provide manpower to fulfill a seasonal need, to undertake a special project or projects, to fill a position of an employee on leave of absence, to prevent interference with the provision of public business/services or inconvenience to the public, to fill a position of an employee on extended medical leave, to fill a position of an employee on extended annual/vacation leave, etc. All temporary personnel shall be considered Introductory Employees during the full period of their employment. Temporary employees are not eligible for any City benefits.

Temporary Part-Time Employee -- An employee who is employed to work part-time on a temporary basis in order to provide manpower to fulfill a seasonal need, to undertake a specific project, or provide additional staffing for a seasonal operation or activity conducted by the City. All temporary, part-time staff shall be considered Introductory Employees during the full period of their employment. Temporary, Part-Time employees are not eligible for any City benefits.

2.2 AGE REQUIREMENT

All employees must be eighteen (18) years of age or older on the date they are employed to a position in the city service, unless the position is a summer temporary position for which new hires must at least be sixteen (16) years of age or older. Commissioned police officers must successfully complete the Washington State Criminal Justice Training Academy and otherwise meet the requirements as established in the city's Civil Service Rules and Regulations. Driving
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Department employees shall be subject to a background check, drug and alcohol test, and any other tests determined by the City management. If any of these are unsatisfactory as determined by the City management, the applicant shall be disqualified. Records of applicants will be investigated and reviewed to determine their status and validity as a condition of employment. Applicants with poor driving records, as determined by the City management, may be disqualified from employment with the City in positions requiring any driving.

2.3 RESIDENCE REQUIREMENT

Although employees need not reside within the jurisdictional limits of the City of White Salmon during their period of employment, an employee shall live in a fifteen (15) mile radius from the City of White Salmon jurisdictional limits unless further restricted by departmental policy. This is so that they are able to report to work when reasonably necessary in a timely fashion according to the work schedule as set forth by the Department Head. Exceptions for employees that do not work standby or on-call will be considered on a case-by-case base and authorization must be in writing from the Department Head. If an employee's job classification changes for any reason Management holds the right to revoke any authorization that would impede compliance with this policy. Current employees, when this policy is adopted, shall be grandfathered.

2.4 EMPLOYMENT OF RELATIVES (NEPOTISM)

The immediate family of current city employees, the Mayor and City Council members will not be employed by the City where:

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

Change in Circumstances: If two employees marry, become related or enter into a state certified domestic partnership relationship, and in the City management's judgment, the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to stay with the City, unless reasonable accommodations, as determined by the Mayor or City Administrator, 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 are certified as a state domestic partnership with each other. If no decision is made during this time, the City reserves the right to terminate one or both employees. If employees are living together then one or the other shall be terminated if the above criteria may occur except as determined by the City Administrator or Mayor.

2.5 NOTIFICATION OF VACANCIES

In the event of City management's determination of the need to hire for a position, the head of the department in which the employment is to be made shall notify the City Administrator in writing regarding the position to which the employment is to be made, the number of the positions open, and the reason(s) such employment is necessitated. All requisitions for personnel are subject to approval by the Mayor prior to beginning the employment process. The position may then be posted and/or advertised only after the City Administrator and the Mayor have approved the request. (For union job classification refer to the CBA for addition compliance requirements).

2.6 POSTING OF VACANCIES

Notices for vacancies in positions shall be posted on the city hall bulletin board and may be posted on the City's web site as well as advertised in the news media. Such vacancy announcements shall be posted and/or advertised for the duration of the period within which a position remains open to applicants except when such announcements are rescinded by the City Administrator or Mayor. (For union job classification refer to the CBA for addition compliance requirements).

2.7 RECRUITMENT

In the event of a vacant position, the City reserves the right to fill the position from within the organization by direct appointment, recruit for the position through an application process limited to current City employees, or conduct a recruitment through an application process open to the public. Recruitment standards contained in Civil Service regulations or a Collective Bargaining Agreement shall apply to civil service and/or union employees.

When recruitment is open to the public, individuals shall be recruited from a geographic area as wide as necessary to assure obtaining well qualified persons for the position. Recruitment may include the following, but does not have to include all of the following in every instance:

- 1) Placement of advertisements in local and area newspapers, technical and professional journals, etc.;
- 2) Notification of local and area state employment service offices; and/or
- 3) Notification of local and area vocational-technical schools, colleges, and other training/educational agencies.

2.8 ACCEPTANCE OF APPLICATIONS

All vacant positions advertised for or with the City, with the exception of Civil Service positions, shall have formal opening/closing dates, the period to be part of all formal notices and based on such factors as volume of applications typically received for the position, time factors, etc. In the event that either an insufficient number of applications are received or none of the applications received are deemed qualified by the City management for the position, the position may be re-opened for an additional period or the City may delay or cease the posting and/or public advertisement. All applications received for a position during the open period shall be reviewed by management and if management determines the applications to be fully and accurately complied with then management will consider the application for the position. No application for an advertised position will be considered if it is received subsequent to the date on which the **Adopted January 15, 2014, City of White Salmon Resolution No. 2014-01-377 Page 12 of 61**

position closes.

2.9 INTERVIEW

Applications that have been accepted for a position will be screened and a group of finalists selected by the City management. Finalists may be required to have an interview with the Mayor or the City Administrator, oral board, or a staff member as directed by the City Administrator. However, if one finalist is interviewed, all finalists as determined by the City Administrator, will be interviewed. The purpose of such interview is to explain the nature of the position for which the applicant has applied and to aid in determining the qualifications of the applicant to fill the position, based on a review of the employment application and the questioning of the applicant. The City reserves the right to conduct criminal, drug and/or alcohol, driving and any other professional background checks on all finalists offered positions of employment with the City as a condition of employment and in accordance with applicable law.

2.10 EXAMINATIONS

Where applicable, all applicants for a position may be required to take an examination in reference to the position applied for. All examinations shall be of such a nature that they test the relative capacity and fitness of the persons examined to successfully perform the essential duties of the position to which they seek employment.

Examinations for entrance into City employment, for transfer, or for promotion may include (but are not necessarily limited to) the following subject to management's determinations:

- 1) Written Test-This shall be a written examination designed to show the familiarity of an applicant with the knowledge needed in the position to which he or she seeks employment, and the range of general information possessed by the applicant (where applicable).
- 2) Performance Test-This shall include such test of performance as will determine the skill of an applicant in successfully performing the work involved in the position to which the applicant seeks employment.
- 3) Aptitude Test-Such tests shall be designed to determine general adaptability and to ascertain special traits and aptitudes of an applicant.
- 4) Unassembled Test-A review of credentials and references. All examinations shall be monitored by the appropriate Department Head, City Administrator and/or the Mayor.

2.11 BASIS FOR HIRING

The City will hire on the basis of ability, merit, qualifications and competence, without regard to race, color, religion, sex, age, marital status, sexual orientation, national origin, genetic information (Title II of the Genetic Information Nondiscrimination Act of 2008) or disability that does not prevent proper performance of the job (bon-a-fide occupational qualification) or political philosophy. (Also see Chapter 1 of this policy.)

2.12 APPOINTMENT

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Once a decision has been made on an individual to be appointed to the vacant position, the appropriate Department Head shall recommend the individual to the City Administrator for consideration, without the prior approval of the Mayor. In cases of vacant Department Head positions, with the exception of the Clerk-Treasurer, the City Administrator may appoint subject to confirming approval of the Mayor. The City Clerk-Treasurer shall be directly appointed by the Mayor.

2.13 CIVIL SERVICE AND COLLECTIVE BARGAINING

In cases where these policies and regulations conflict with the City of White Salmon's Police Civil Service Rules and Regulations for those employees under Civil Service, the latter rules shall control. In cases where these policies and regulations conflict with the specific provisions of collective bargaining agreements for union employees, the latter rules shall control. However, in cases where the City's Civil Service Rules and Regulations or provisions of the collective bargaining agreements are non-specific, vague or silent to an issue, these personnel policies and regulations shall control.

2.14 LAYOFF

The Mayor or City Administrator have the right to lay off employees for lack of work, budgetary restrictions, reorganization or other changes that have occurred and in the Mayor or City Administrator's judgment necessitate modifications to the staffing needs of the City. In determining who is to be laid off, consideration will be given to an individual's performance, education, training, experience, disciplinary record and ability to meet the qualifications required for the remaining jobs as determined by City management. If the position is subject to a collective bargaining agreement or civil service rule then those provisions shall prevail.

2.15 RESIGNATION

An employee must provide a minimum of four (4) weeks' notice of resignation for Department Heads and a minimum of two (2) weeks' notice of resignation for all other employees. The City Administrator or Mayor may waive this time limit. The City has the right to decline to pay vacation leave and sick leave if the employee fails to provide the minimum notice. This notice must be in writing to ensure receipt.

3. EMPLOYEE ACTIVITIES

3.1 PECUNIARY INTEREST

No City officer and/or employee shall benefit directly or indirectly by a contract that was made by that officer and/or employee, under the supervision of that officer and/or employee, or for the benefit of his/her office. An officer and/or employee shall not accept compensation, gratuity, or a reward in connection with the acceptance of any contract from any person that would benefit from such contract.

The only exceptions are set forth in RCW 42.23 and include the following: (1) the furnishing of electrical, water or other utilities by a municipality engaged in the business of providing these services; (2) the designation of public depositories for municipal funds; (3) the publication of legal notices required by law to be published by a municipality; (4) the letting of any contract with the officer and/or employee or the officer and/or employee's business that is for a total amount not exceeding one thousand five hundred dollars in a calendar month, (this exception does not apply to a sale or lease by the municipality as the seller or lessor or a contract for legal services, except for reimbursement of expenditures) and the City must maintain a list of all contracts that are awarded that meet this criteria and make the list available to the public for copying and inspection.

An officer and/or employee may not vote in the authorization, approval, or ratification of a contract wherein he/she will be benefited even though one of the above exceptions applies. The interest of the officer and/or employee must be disclosed to the governing body of the City and noted in the official minutes before entering into the contract.

3.2 OUTSIDE EMPLOYMENT

An employee may engage in additional employment outside his or her official hours of duty provided the employee notifies the employee's Department Head, City Administrator and Mayor in writing and provided the proposed employment is not incompatible with the employee's job function as determined by the City Administrator and Mayor. If at any time, the Department Head, City Administrator or Mayor believes that the outside employment is interfering with the employee's job performance with the City, management has the right to require the employee give up the other employment. If the request is not complied with, management may take disciplinary action as he or she deems appropriate to the situation, up to and including discharge or termination.

3.3 HOURS OF WORK

The City relies on work periods consistent with the Federal Fair Labor Standards Act ("FLSA") and Washington wage and hour law, and establishes regular hours of work for employees which may differ depending on the nature of the work such as regular non FLSA 7 (k) employees inclusive of clerks, certain public works and other similar employees. The City establishes different work periods and regular hours of work for FLSA 7 (k) employees such as police officers.

Work Period. The work period for City employees depends on the type of employees as indicated above. For regular non FLSA 7 (k) employees the work period is a seven (7) day

period beginning on Monday at 12:01 a.m. and continuing to Sunday at 12:00 a.m. (midnight). For FLSA 7 (k) employees like police officers the work period will be consistent with FLSA 7 (k) scheduling. However, the City retains the right to change employees' schedules, hours and days, from time to time, to meet Department and City needs.

Limitation on Work Period. This policy does not apply to executive, professional, administrative, and any other employees who are exempt from the FLSA and comparable state law provisions. The City Clerk/Treasurer maintains the list of City positions exempt from overtime under the FLSA and state law.

Working Hours. The normal daily working hours for full-time employees, except those assigned to the Public Works Department and the Police Department, are eight (8) hours, from 8:00 a.m. to 5:00 p.m., with an unpaid one hour lunch period. Public Works employees' normal daily working hours are eight (8) hours, from 8:00 a.m. to 4:30 p.m. with an unpaid half-hour lunch period. However, the City has the right to schedule Public Works employees to work ten (10) hours when management determines such schedules are in the best interests of the City and the services needed for the public. For a seven (7) day work period, eight (8) or ten (10) hour work days, work performed in excess of forty (40) hours will result in overtime. Police Department employees' working hours are established by the Chief of Police in accordance with the current collective bargaining agreement. As an example, for police officers, in the case of an eight- (8) or ten (10) day work shift, forty (40) hour work week period, work performed in excess of forty (40) hours will result in overtime. Twelve (12) hour day shifts, eighty (80) hour work week period, work performed in excess of eighty (80) hours will result in overtime. However, in no case shall compensation be paid twice for the same hours worked. If an employee is paid at time and one-half (or higher) his/her regular rate of pay, on a specific day (such as a holiday and/or as specified by an employment contract) the hours paid out at time and one-half cannot be counted again towards establishing the overtime threshold. The City retains the right to change employees' schedules, hours and days, from time to time, to meet Department and City needs. All city employees shall be obligated to perform their services at any off-duty time upon emergency call from heads of departments or the City Administrator and shall be compensated as provided in the salary section of these policies and regulations.

3.4 BREAKS

Rest and lunch breaks shall be administered by the Department Heads, unless further regulated by department policies, and will be established according to the necessities of the department's work activities. In no case shall rest or lunch breaks be scheduled in such a manner as to disrupt a department's activities. Rest breaks shall not exceed two (2) per day of fifteen (15) minutes in length. Lunch breaks shall not exceed one per day of one hour in length. A department shall observe a one hour minimum lunch break at no pay unless that department is not required to have official business hours as directed by the City Council. For those departments without official business hours, no less than one-half hour at no-pay will be taken for lunch break. Nonexempt employees shall receive a rest period of fifteen minutes every four hours. Employees lunch period can be one hour in length but shall commence no less than two hours or more than five hours after the employee starts their shift.

3.5 OVERTIME

To establish policy guidelines for the recording, utilization, and auditing of overtime performed by employees of the City, the following policy is provided:

1. **FLSA and RCW 49.46.130:** This policy shall be administered consistent with the provisions of RCW 49.46.130 and the Federal Fair Labor Standards Act (FLSA) pertaining to the minimum rate of compensation for employment in excess of an established work period, excluding exempted positions.
2. **FLSA and WAC 296-428-560:** Under the provisions of the FLSA and WAC 296-128-560, compensatory time may be granted in lieu of overtime pay as agreed upon by the employer and the individual employee at the request of the employee, but may not be imposed by the employer in lieu of overtime pay upon any non-exempt employee who has not so requested such compensating time off.
3. **The City's responsibility** for payment of overtime and the granting of compensatory time is as follows:
 - a) The City is not obligated by statute to grant all employee requests for compensatory time off instead of overtime pay.
 - b) The City is required to compensate non-exempt employees for overtime at the rate of one and one-half times the regular rate of pay for hours worked in excess of the number of hours allowed per work week as designated under the Fair Labor Standards Act.
 - c) Upon request of the employee, the City may grant compensatory time off in lieu of overtime at its discretion at the rate of one and one-half hours per one hour of overtime worked.
 - d) Compensatory time off may be accumulated to a maximum of forty (40) hours to be used at a later time upon mutual agreement and within the same year as accumulated.
 - e) Exempt employees will receive management leave on a one hour to one hour rate for hours worked in excess of forty-five (45) hours in a workweek. Management leave off may be accumulated to a maximum of forty (40) hours to be used at a later time upon mutual agreement and within the same year as accumulated. Upon separation of employment, for any reason, management leave will not be reimbursed.
4. **Overtime.** Overtime shall be defined as all work performed in excess of the maximum hours permitted under the FLSA work week or as determined by existing applicable collective bargaining agreement. For a seven (7) day work period, eight (8) or ten (10) hour work days, work performed in excess of forty (40) hours will result in overtime. Overtime shall be paid at a rate of one and one-half times the non-exempt employee's straight time hourly rate plus any CBA mandated premium pays like longevity. No exempt employee will be paid overtime.

non-worked but paid for time shall not count as hours worked toward overtime unless the CBA specified otherwise. For police officers, in the case of an eight (8) or (ten 10) workday shift period the overtime threshold is Forty (40) hours in a seven (7) day workweek, twelve- (12) hour work week shifts, the overtime threshold shall be eighty (80) in a fourteen (14) day workweek.

5. **Compensatory Time:** Compensatory time is defined as time off granted to a non-exempt employee in compensation for hours worked in excess of the employee's regularly scheduled work week. Compensatory time will be credited to the employee at one and one half hours to one hour of overtime worked. The employee may decide whether to accept Compensatory time or get paid overtime, however, accumulated Compensatory time can only be used when approved by the employee's Department Head. If the employee does not use their compensatory time, then the City will pay the employee for those hours at the end of each calendar year.
6. **Employee:** In the context of this policy, the term employee refers to those employees identified by RCW 49.46.130 who are eligible for overtime compensation, and excludes exempt employees.
7. **Employer:** The term employer refers to supervisory personnel with the authority to authorize the use of overtime.
8. **Department Heads:**
 - a) It shall be the responsibility of each Department Head to administer fairly the provisions of this policy within their respective departments.
 - b) Department Heads are the authorized authority for the approval of overtime requests.
 - c) Department Heads shall ensure that all overtime and compensatory time earned and used is recorded on the employee's time card as it occurs.
 - d) Department Heads will exercise extreme discretion in the utilization of overtime within their departments. Temporary adjustments in working hours or realignment of duties within the department shall be considered as alternatives to the use of overtime. Overtime shall be considered necessary only in emergencies, wherein additional effort is needed to complete a task that is critical in nature.
9. **Individual Employee:**
 - a) It is the responsibility of the individual employee to request compensatory time in lieu of overtime, if so desired. Additionally, it is the responsibility of the employee to ensure that accrued compensatory time is used as set forth by this policy.
 - b) It is also the responsibility of the individual employee to obtain prior approval from his or her Department Head BEFORE working any overtime hours. Failure to obtain prior approval before working overtime hours will result in discipline, up to and including discharge or termination.

10. **Payroll Officer:**

- a) The payroll officer shall ensure that a permanent record of overtime/compensatory time accrued and used is kept on all employees based on information provided by Department Heads, and that the proper financial transactions are completed at the end of each pay period.
- b) Upon discharge or termination, the payroll officer shall ensure that eligible employees are given credit for all overtime accrued and all unused compensatory time within the limitations established by this policy.
- c) The payroll officer shall conduct a semi-annual audit of the overtime/compensatory time record of each employee through a comparison of payroll office records and individual departmental records.

3.6 CALL BACK

When a non-exempt employee is called into work during his/her normal off-duty time by his/her supervisor, Department Head and/or City Administrator, without having been previously scheduled, a minimum of two (2) hours overtime pay shall be paid, and a minimum of two hours of work will be performed unless released by the supervisor, Department Head, Mayor or City Administrator. If the employee is called into work prior to the start of their shift, the overtime pay shall be paid from the time of the call-out until the start of the shift when that time is less than two hours.

3.7 ON CALL TIME

On call time provisions for represented union and police department personnel shall be administered in accordance with the collective bargaining agreement(s) currently in effect.

3.8 STAND BY (PUBLIC WORKS CREW ONLY)

On Saturdays, Sundays, and holidays, Public Works personnel will be assigned weekend standby duty to perform necessary Public Works services. Normal weekend standby time is from 4:00 p.m. Friday to 7:00 a.m. the following Monday. Holiday weekend standby time is from 4:00 p.m. the last workday prior to the Holiday weekend to 7:00 a.m. the first beginning workday of the proceeding workweek following the Holiday weekend. Standby personnel are required to be within the local area with a City beeper and/or a City mobile phone, and will receive \$2.05 (or as specified by CBA) per hour for each hour of standby duty assigned to perform. Stand by scheduled personnel will work two (2) hours on each day of standby to perform standard maintenance duties and will be paid their regular rate of pay unless the employee has worked at least forty (40) hours in the applicable work period. In the case of a non-exempt employee working more than forty (40) hours in a work period, the overtime rate will apply. If emergency response to a problem is necessary and the employee is called back outside the scheduled hours for conducting standard maintenance duties, then the overtime rate for a minimum of two (2) hours is applicable for non-exempt employees. All other call back provisions are defined in Section 4.15 will apply.

3.9 USE OF CITY EQUIPMENT

City owned equipment and vehicles are to be used for City business or projects only. If an employee is required by the nature of his or her position with the City to be available on a regular basis for emergency call-back duty during hours other than those he or she usually works, the Department Head may assign the employee a City vehicle for the purposes of transporting the employee to and from work. During non-duty hours, an assigned vehicle shall be used solely for City business and/or that transportation purpose. The Mayor or City Administrator may cancel the assignment of City vehicles for non-City business and/or non-duty transportation at their discretion.

If a City employee is required to operate a vehicle as part of his or her job duties, maintaining a valid driver's license is an essential requirement of continued employment. If an employee loses his or her driver's license for any reason, that employee is subject to discharge or termination.

3.10 TELECOMMUNICATION, COMPUTER, POSTAGE, AND COPY EQUIPMENT

3.10.1 Mobile / Cellular Telephones.

Mobile and/or cellular telephone devices are provided by the City as determined by management, to designated employees and departments to support City services. Mobile and/or cellular telephones may be used as determined by management. Mobile and/or cellular telephone devices must be in hands-free mode while operating a moving vehicle. Others can overhear cellular transmissions and discretion is to be used when discussing confidential information. Employees are responsible for taking reasonable precautions to prevent unauthorized use and theft of cellular equipment.

Very Limited Personal Use May Be Allowed. Employees may make occasional and very infrequent personal use of the following types of equipment in the event of urgent personal needs if the use does not interfere with the performance of official duties: Employees may use mobile and/or cellular telephones for occasional and very infrequent personal use if they do so on their own time, and if it does not interfere with the performance of official duties; provided, however, there is **no right to privacy**. Employees have **no right to privacy** with respect to the use of mobile and/or cellular telephones and electronic devices. This includes any and all voicemails, social media messaging, emails, text messages, call history and/or any other information stored on a mobile and/or cellular telephone and/or electronic devices, regardless of whether stored in the device or in remote sites and/or with remote services. Use of electronic media for blogging, jokes, gambling, games, Facebook, MySpace, Twitter, or any discriminatory, derogatory, sexual, or otherwise inappropriate remarks is strictly prohibited. The City has the right to inspect any and all mobile, cellular and/or electronic devices used by employees for such information at any time and without notice. This does not apply to communications between legal counsel and City management pertaining to attorney client privileged and confidential information. Any violation of this mobile and/or cellular phone and/or electronic devices policy may result in disciplinary action, up to and including termination.

3.10.2 Electronic Media

No Right to Privacy. Employees have **no right to privacy** with respect to the use of City computers. This includes any and all E-mail correspondence sent to or from City computers along with any and all websites visited. The City has the right to inspect any and all City
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computers and computer systems, including email accounts and computer use histories, at any time and without notice. This does not apply to communications between legal counsel and City management pertaining to attorney client privileged and confidential information.

Prohibited Activities. In order to protect the City's computer system from viruses and ensure that the software used is compatible with the City's computers, only software purchased or approved by the City shall be installed on City computers. Before installing any software not provided by the City, employees must receive prior approval from their Department Director. Games and other non-business related software shall not be installed on City computers or used during City work time.

Software is protected from unauthorized duplication by law. The City respects the legal rights of software developers and expects employees to do the same. No employee shall duplicate software, or otherwise use software other than in accordance with the terms of its license. Software that has been duplicated without authorization shall not be installed on City computers.

All City-supported Internet/intranet use is the property of the City and shall only be used for official City business purposes. E-Mail, as well as voice mail, shall be used only for City business. E-mail and Internet/intranet access shall not be used to solicit for commercial ventures, religious or political causes, outside organizations or other non-job-related purposes. All electronic media communications must be professional and business-like in tone. Use of electronic media for blogging, jokes, gambling, games, Facebook, MySpace, Twitter, or discriminatory, derogatory, sexual, or otherwise inappropriate remarks is strictly prohibited. Management has the right to access all electronic media. E-mail and/or voice mail communications are not private. This does not apply to communications between legal counsel and City management pertaining to attorney client privileged and confidential information.

Any violation of this electronic media policy may result in disciplinary action, up to and including termination.

Prohibited uses of Computer, E-mail and Internet. Prohibited uses of computer, E-mail and Internet include, but are not limited to, the following:

- (1) Commercial Use – any form of commercial use is prohibited.
- (2) Copyright Violations – any use that violates copyright laws is prohibited.
- (3) Harassment – any use resulting in harassment of employees, vendors, customers, and others is prohibited.
- (4) Identity Misrepresentation – any use of aliases or anonymity is prohibited and any misrepresentation of an employee's job title, job description, or position in the City is prohibited.
- (5) Inappropriate Subject Matter – racism, sexism, and other such inappropriate behavior are not tolerated within the City's operations and any use promoting or exhibiting such behavior is prohibited.
- (6) Misinformation and Confidential Information – any communication of untrue, misrepresented or confidential information regarding City Business is prohibited.
- (7) Non-Business Related Information – any file transfer, downloading, or any other method of obtaining or retrieving information that is not related to the City's business is prohibited. This specifically includes, but is not limited to, information or files from entertainment sites or any sites containing or promoting pornography.

- (8) Political Use – any use for political purposes is prohibited.
- (9) Solicitations – any use to promote or solicit the purchase or sale of property or services not related to the City’s business is prohibited.
- (10) Chat Rooms – any communications within forums operating as “chat rooms.”
- (11) Use by Others – any use by anyone other than an authorized employee.

Employees found in violation of any of the provisions of this policy may be subject to disciplinary action up to and including termination of employment.

3.10.3 Other Prohibited Personal Use.

The use of City-paid postage for personal correspondence is prohibited. Employees shall not use City equipment to send personal faxes or make personal copies. Employees using the machines must restrict such use to City business. However, the employees may use such equipment as provided for by city ordinances or resolutions for other citizens on their own time and in accordance with applicable policies.

3.11 POLITICAL ACTIVITIES

All political activities are regulated by RCW 42.17.130. City employees may participate in political or partisan activities of their choosing provided that City resources, equipment and property shall not be utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees shall not campaign on City property, City time or in a City uniform, and while representing the City in any way. Employees shall not allow others to use City facilities and funds for political activities. Any City Employee who meets with or may be observed by the public or otherwise represent the City to the public, while performing his/her regular duties, shall not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on any City property and any City time, for a contribution for a political cause or candidate. Except as noted in this policy, City employees are otherwise free to exercise their constitutional First Amendment rights.

3.12 ATTIRE

The designation of acceptable attire for an employee shall be made by the employee’s Department Head, and shall be based on what is reasonably appropriate to the work environment and the job responsibilities of the employee. However, in no instance shall an employee be allowed to be attired in any manner which unreasonably disrupts city operations or presents a safety hazard to either the employee or his or her co-workers. Public Works employees are required to wear uniforms provided by the City. Police officers are required to wear uniforms provided by the City. Any issues regarding acceptable attire shall be determined by the City Administrator.

3.13 EMERGENCY CALL BACK DUTY

In the event of a natural disaster or other emergency as determined by City management where the presence of an employee is deemed necessary during hours other than his or her normal hours of duty, the mayor, City Administrator, Department Head, or chief of police may, through the chain of command, require an employee to report to duty upon a request of the above-named individuals. Failure to report promptly under an emergency situation shall constitute

insubordination and may result in disciplinary action including discharge or termination. Payment for any overtime worked on such emergency call-back duty shall be subject to the salary plan section of these personnel policies and regulations or the provisions of the collective bargaining agreement for union personnel, whichever is the most specific.

3.14 USE OF CREDIT CARDS FOR PURCHASES

The City of White Salmon may provide a credit card for use by City employees only for official government purchases, acquisitions and authorized travel. The purchasing card is to be used when a purchase order cannot be used and a charge account is not available. **It will be issued and enforced according to the Credit Card Policy.**

Any individual who violates this policy or related policies shall have his or her credit card confiscated by the City and shall no longer be entitled to use or possess a City credit card. Any abuse of City-provided credit cards shall subject the employee to discipline, including immediate discharge or termination.

3.15 SMOKING POLICY

The City of White Salmon complies with all applicable federal, state, and local regulations regarding smoking in the workplace and to provide a work environment that promotes productivity and the well being of its employees.

- (1) The City of White Salmon recognizes that use of tobacco in the workplace can adversely affect employees.
- (2) Smoking is prohibited inside all City of White Salmon facilities, including City-owned buildings, vehicles, and offices or other facilities rented or leased by the City, including individual employee offices. The smoking policy applies to all employees during working time and to customers and visitors while on the City of White Salmon premises.
- (3) Smoking is only allowed in designated outside areas that are at least 25 feet from any and all building entrances and exits, windows that open, and ventilation intakes. Employees shall exercise courtesy and to respect the needs and sensitivities of coworkers with regard to the smoking policy. Smokers have a special obligation to keep smoking areas litter-free and not to abuse break and work policies. Complaints about smoking issues shall be resolved at the lowest level possible, but may be processed through the City of White Salmon grievance procedure.

4. EMPLOYEE BENEFITS

Employee benefits provided for in a collective bargaining agreement shall control in regards to union employees and where in conflict with those set forth in this section. Regardless of whether benefits are more liberal as specified in these policies, only the benefits as set forth in the collective bargaining agreement shall be applicable to union employees.

4.1 EMPLOYEE TRAINING POLICY

Purpose. The City endeavors, subject to budgetary limits, to offer training to increase an employee's skill, knowledge, and ability, as it is directly related to City employment. The City may also contribute toward an employee's obtaining or maintaining required licenses and certifications, as determined from time to time by City management. Opportunities may include, but are not limited to: on-the-job training, in-house training, and/or workshops and seminars sponsored by other agencies or organizations.

On a case by case, non-precedent setting basis, the City, in its sole discretion will contribute towards tuition for training as follows:

Eligibility. Full-time employees of the City of White Salmon are eligible for reimbursement or contribution towards training and/or tuition by the City subject to prior approval by City management. To be eligible the employee must have completed any introductory period(s) and/or must not have any disciplinary records in their personnel file.

Approved Training Course. Only courses from City recognized groups or associations, or job related technical training institutes or centers are eligible. The training course or seminar must be clearly demonstrative as beneficial to the employee's job related tasks as determined by management. Employee must obtain prior approval of the City Administrator's before attendance of classes during their regular work schedule. Denials may be appealed to the Mayor.

Procedure. The employee shall submit the following at least one (1) month before the first day of course work:

1. An official list of the course requirements
2. Enrollment form, tuition invoice or other identifiable forms itemizing costs of attendance at the training course or seminar; and
3. A brief written explanation of the course subject to reimbursement and how the course benefits the employee's job performance.

This information shall be submitted to the Department Head for his/her evaluation and recommendation to the City Administrator. Prior approval of the City Administrator is necessary before any employee attends any training seminar. The City, in its sole discretion, will determine whether and how much to pay towards a training program or reimburse any individual.

Final Regulations. If the training seminar received prior approval by the City

Administrator, the employee shall submit an expense voucher within three working days following his/her return to work following attendance at the course or seminar for reimbursement of travel expenses related to attending the course or seminar. If the employee voluntarily terminates his/her employment with the City of White Salmon within twenty-four (24) months following payment or contribution towards tuition by the City, the employee may be held liable for any reimbursed tuition and that amount may be deducted from his/her final payroll check as determined by City management.

4.2 PAY DAYS

Pay Periods. The pay days for regular employees will be established as twice a month on the 5th and 20th of each calendar month. However, if a pay day falls on the weekend or on a holiday, pay checks will be handed out on the last working day before holiday or weekend. Timecards will be submitted by 10:00 a.m. on 16th and 1st of every month. Timecards that are not submitted as outlined in this policy will not be processed until the following pay period.

4.3 COMPENSATION

Compensation for Union employees shall be fixed by the terms of the applicable collective bargaining agreement. Compensation for all other City employees shall be fixed by resolution. Employees shall be paid at the rates prescribed for the classification in which they are employed. Employees working on a part-time basis shall receive that portion of the salary assigned to their class to be determined by the actual time they work. All calculations shall be determined by City management.

4.4 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, all of which are subject to approval annually by the City Council.

4.5 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 of pay 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. The determination on where an employee starts shall be at the sole discretion of City management.

Pay increases are contingent on satisfactory performance. If an employee's performance is consistently unsatisfactory, the Mayor or City Administrator may defer a scheduled pay increase for a stipulated period of time or until the employee's job performance is satisfactory. (See Chapter 5, Performance Review, of this policy.)

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

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 which results in a pay increase.

4.6 TEMPORARY ASSIGNMENT TO A HIGHER CLASSIFICATION

1. A current employee assigned by City management, to a higher classification with a higher rate of pay in an “acting” appointment status will be compensated at the next higher step in the higher range that results in an increase in pay.
2. An employee, when approached to be assigned to a higher classification, has the right to refuse to accept the temporary higher classification without affecting the employee’s relationship with the city.
3. If the employee is promoted to the higher class with regular appointment status, all policies apply from the date of promotion.
4. Employees will not receive a higher rate of pay when cross training in a higher classification position. Time spent in cross training may vary depending on the employee and complexity of the job. Cross training will be conducted in two week increments with a three-week break between addition cross training.

4.7 PAY ON DISCHARGE OR TERMINATION

An employee who terminates employment for any reason will receive his or her final check within seventy-two (72) hours from final separation, provided they have returned all city issued property (uniform, cell phone, credit card, keys, etc), and is subject to deductions as set forth in these personnel policies or, in applicable collective bargaining agreement.

4.8 PAY RECORDS

The payroll officer shall keep adequate records of all persons employed, their pay scale, and time worked, accrued vacation leave, accrued sick leave, all absences for vacation leave, and all absences for sick leave and accrued overtime. Such records shall be available at all reasonable times for inspection by City management and the employee to which the records pertain.

4.9 HOLIDAYS

Except as otherwise provided by this section, all full-time city employees shall receive credit for eight (8) hours holiday time not worked as follows:

New Year’s Day, January 1;
Martin Luther King Jr.’s Birthday, the third Monday in January;
Presidents Day, the third Monday in February;
Memorial Day, the last Monday in May;
Independence Day, July 4;
Labor Day, the first Monday in September;
Veterans Day, November 11;
Thanksgiving Day, the fourth Thursday in November and the day after
Thanksgiving;

Christmas Day, December 25;

Employee's Personal Holiday, to be taken at Employees choice subject to approval by supervisor.

A Second Employee's Personal Holiday is granted for employees upon the start of their sixth (6th) year of service. Department Head and/or City Administrator prior approval is necessary for when to take holiday.

Whenever any of these holidays fall on a Saturday, then the previous Friday shall be designated as the holiday. Whenever any of these holidays falls on a Sunday, the following Monday shall be designated as the holiday. For Police Officers the actual holiday shall be the designated as the holiday.

When required to work on an official holiday, non-exempt city employees shall receive double time and one-half of the equivalent time off with pay or be compensated at the rate of double time and one-half of the employee's regular rate of pay. The Employee's Personal Holiday day is not accruable and must be used by the employee within the calendar year earned or will be lost.

Holiday provisions for union personnel shall be administered in accordance with the collective bargaining agreement(s).

4.10 ANNUAL LEAVE

Annual leave shall be earned and accrued from the most recent day of employment under the conditions hereinafter stated. Employees shall be permitted to use annual leave in units of hours or weeks subject to prior approval of the Department Heads and/or the City Administrator. Employees shall accumulate annual leave in the following manner:

| Leave Category | Per Month | Hours | Per Year |
|---|------------------|--------------|-----------------------------------|
| <i>0 to end of 5th year</i> | 1 Day | 8 | 12 Days (4.0 hrs per pay period) |
| Start of 6 th to end of 10 th year | 1.25 Days | 10 | 15 Days (5.0 hrs per pay period) |
| Start of 11 th to end of 20 th year | 1.67 Days | 13.34 | 20 Days (6.67 hrs per pay period) |
| Start of 21 st year and Above | 2.08 Days | 16.68 | 25 Days (8.34 hrs per pay period) |

Regular part-time employees who are regularly scheduled to work more than twenty (20) hours per week shall accrue annual leave on a pro rata basis based on their percentage of full-time employment as determined by City management. Temporary and seasonal employees shall not receive annual leave credit, unless approved by the City Council.

Introductory employees and fulltime employees shall accumulate annual leave per pay period as specified in this policy. Department Heads and/or the City Administrator may authorize a higher accrual rate to new employees commiserate with their work history. Introductory employees shall not be permitted to use any annual leave credit accumulated during their introductory period. Any leave which may be taken in excess of an employee's accrued annual leave credit will be considered leave without pay and may result in a deduction of pay. All leave is subject to prior approval by the Department Head and/or City Administrator

Employee maximum annual leave accruals are subject to the following schedule:

| | |
|------------------------------|-------------------------|
| 1 – 10 years of service | not more than 160 hours |
| 11-15 years of service | not more than 200 hours |
| 16 years service and greater | not more than 240 hours |

Once an employee reaches the applicable accrual cap, no further hours will be permitted to accrue until the employee has used some of the accrued vacation hours. In cases where City operations have made it impractical for an employee to use annual leave, the Mayor or City Administrator may make a limited exception to the cap on accrual.

Upon involuntary discharge or termination or voluntary separation regular full-time employees shall be compensated for all accumulated unused annual leave. Employees separating voluntarily must also adhere to the minimum notice requirements set forth in Section 2.15 of these personnel policies. Introductory employees shall not be compensated for accumulated unused annual leave upon discharge or termination.

4.11 ANNUAL LEAVE REQUESTS AND SCHEDULING:

The following policies shall apply to the scheduling of vacations:

1. Vacation requests and scheduling are required to be submitted by April 1st of each calendar year subject to the approval of the Department Head.
2. Vacation may be requested any time during the year provided the absence of the employee will not place an undue hardship on the department as determined by the Department Head and/or City Administrator. Where vacation requests conflict, an earlier request shall have priority over a later request. Employees are encouraged to work together to avoid scheduling conflicts.
3. The needs of the department shall take precedence over vacation scheduling.
4. Requests for vacation or changes of vacation scheduling shall be submitted two weeks in advance when possible and will be subject to prior approval by the Department Head and/or City Administrator.
5. Vacation shall not be advanced to an employee.

4.12 SICK LEAVE

All full-time employees shall be entitled to sick leave with pay for absences resulting from illness, injuries, accidents, or physical incapacitation occurring off the job under the conditions hereinafter stated.

Regular full-time employees shall earn eight (8) hours of sick leave for each full month of service. Temporary, seasonal, or part-time employees shall not receive sick leave credit unless approved by the City Council. The maximum on the amount of sick leave that an employee can accumulate is one thousand (1,000) hours.

When an employee retires from service at the City, the City Council shall, with notice to the employee, compensate the employee for twenty five percent (25%) of the accrued unused sick leave at the employee's last recorded pay rate. Any absence for a fraction or part of a day which is chargeable to sick leave shall be charged in increments of not less than one half hour.

When using three (3) or more consecutive days of sick leave or less than three (3) consecutive days if City management suspects abuse, employees shall submit a doctor's certificate satisfactory to City management before receiving compensation for the sick leave.

To be eligible for paid sick leave, an employee has a responsibility to notify his or her immediate supervisor, Department Head and/or City Administrator at least one-half hour prior to the beginning of their scheduled start time of the absence and the reasons therefore. Failure to report within one-half hour after the beginning of the working period constitutes absence without leave and may result in disciplinary action including loss of pay or other action as provided by these policies, up to and including discharge or termination. An employee who improperly claims sick leave will be subject to disciplinary action including loss of pay or other action as provided for by these policies, up to and including discharge or termination.

An employee who is terminated with cause from employment at the City shall not be compensated for accumulated unused sick leave.

4.13 SHARED LEAVE PROGRAM

The Mayor or City Administrator may authorize employees to donate their accrued vacation/sick leave to another City employee who is suffering from or who has an immediate family member suffering from an extraordinary or severe illness, injury, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his/her employment. Immediate family consists of an employee's spouse, child, parent, brother, sister, mother-in-law, father-in-law, grandparent, or grandchild. The following conditions apply:

1. To be eligible to donate vacation/sick leave, the employee who donates leave must have more than ten (10) days (more than 80 hours) of accrued leave before donating. In no event shall a leave transfer result in the donor employee reducing his/her vacation leave and sick leave balance to less than ten (10) days (less than 80 hours). Transfer of leave will be in increments of one day (8 hours) of leave. All donations of leave are strictly voluntary.
2. The employee receiving donated leave shall have exhausted all his/her accumulated vacation and sick leave. 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.

4.14 WORKERS COMPENSATION

All employees, except L.E.O.F.F. I employees of the city hired prior to October 1, 1977, are covered by State Worker's Compensation, a program of industrial insurance to protect workers, their families and dependents from loss due to an industrial accident or illness. The program provides for payment of medical bills, physical and vocational rehabilitation, and financial compensation while the worker is disabled, either temporarily or permanently and is unable to

work. It also provides for lump sum payments for particularly serious injuries such as the loss of a finger, eye, foot, etc. and assures death benefits and compensation to the worker's family or dependents in the event the injury is fatal. The benefits and provisions addressed in this policy are subject to the limitations in the Washington State Worker's Compensation laws and shall be administered subject to those laws. Full-time L.E.O.F.F. I employees are provided such coverage under the L.E.O.F.F. I system as defined by RCW Chapter 41.26.

Any employee involved in an industrial injury or an occupational illness as defined by the Washington State Worker's Compensation law, shall report the incident to his/her immediate supervisor or Department Head or the City Administrator within twenty four (24) hours of the incident. The affected employee shall also file an application for Worker's Compensation benefits in accordance with applicable laws, regulations or these policies. Failure to report an incident within twenty four (24) hours will result in forfeiture of claim.

Employees do not continue to accrue leave benefits while on leave due to an on-the-job injury or illness.

4.15 FUNERAL LEAVE

Regular full-time employees will be granted paid funeral leave for members of their immediate family. Immediate family consists of an employee's spouse, child, parent, brother, sister, mother-in-law, father-in-law, grandparent, or grandchild. Such leave shall not exceed four working days per calendar year. The employee will notify the Department Head or City Administrator prior to taking funeral leave. Employees may use accumulated sick leave and/or vacation hours to extend funeral leave as needed subject to prior approval by the Department Head and/or the City Administrator.

4.16 HEALTH INSURANCE

Each full-time employee and their dependents are eligible for group health and term life coverage as determined, from time to time (usually annually) by the Council and the insurance carrier. This plan covers limited hospital, doctor and medical charges for the employee and for qualified dependents. The benefits also include a term life insurance policy for the employee.

The health insurance options may change from year to year depending on changes in premiums and other changes in the health care industry. The final decision regarding which health insurance options will be implemented will be determined by the City Council. The City's insurance broker or insurance companies will provide information and options to the City Council.

Employees are encouraged to thoroughly study the health insurance program. The health insurance provider is available to answer questions. It is of utmost importance that each employee becomes quickly familiar with the benefits and requirements of their health program. The program, for example, may require that the Employee provide advance notification to his or her doctor or insurance carrier of non-emergency admissions to the hospital. It is the employee's responsibility to follow all the procedures that may be required by his or her health program. Failure to follow the prescribed procedures may result in the loss or deduction of the Employee's health benefits.

This coverage begins no later than the first billing cycle following the first day after thirty (30) days employment; and coverage ceases upon the first of the month following the date of discharge or termination of employment, unless extension of benefits are elected and paid for by the separated employee.

Health benefits are only offered to regular full-time and introductory employees as determined by the insurance carrier requirements and the City Council's decisions. The city may pay vision and dental insurance premiums on regular full-time and introductory employees, as determined from time to time by the City Council. As of January 1, 2010, the City will pay the health insurance premium for employees not represented by a Union under collective bargaining agreements, and 80% of the health insurance premium for the employee's spouse and/or dependents. The City's payment of employee health insurance premiums and covered benefits are subject to annual adjustment as determined by the City Council. Decisions pertaining to health insurances and benefits are not subject to any grievance procedures.

Health insurance programs, plans, contributions and benefits for represented union and police department personnel shall be administered in accordance with the collective bargaining agreement(s).

4.17 MATERNITY/ PATERNITY LEAVE

- 1. Maternity.** Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery from, are, for all job related purposes, to be considered temporary disabilities. Accrued sick leave must be used for child-bearing or related circumstances (i.e., miscarriage, abortion or recovery there from). If the period of disability extends beyond the employee's accrued sick leave, then the employee must utilize and exhaust annual leave before leave without pay will be granted for the period of the disability caused by the pregnancy as determined by the employee's physician.

The employee will be authorized up to eight (8) weeks of leave upon the birth or placement of a child for adoption or foster care with the employee exhausting sick leave, and then annual leave before taking any portion of the authorized absence as unpaid leave. An additional four (4) weeks of leave may be authorized upon approval of the Department Head and the City Administrator. The conditions of the entire leave of absence shall be agreed upon by the employee and the city. The employee shall notify the city two weeks, if possible, before the anticipated date of departure.

Female employees cannot be denied the opportunity to work during the period of pregnancy subject to concurrence by a qualified physician regarding the employee's ability to perform the essential functions of the job. Proof of the physician's concurrence shall be submitted in writing when requested by the city. Upon return from maternity leave, an employee shall return to her same job or a similar job with at least the same pay. All provisions shall apply equally to married and unmarried women.

- 2. Paternity.** Male employees shall be granted paternity leave in accordance with the applicable provisions outlined in Federal and State law and this policy.

4.18 FAMILY AND MEDICAL LEAVE

City employees are entitled to family leave under both federal and state law. The City will grant family leave as required by law.

Sections:

Purpose
Definitions
Family Medical Leave
Notice of Family Medical Leave
Requirement Certification by Health Care Provider
Both Spouse Employed by City
Restoration of Employment
Employee Benefits Protected
Periodic Reporting and Recertification

Purpose.

The purpose of this family medical leave policy is to implement federal and state laws providing for family and medical leave and to provide restoration of employment and employee benefits protection to employees of the City.

Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this Chapter.

(1) "Child" means an employee's biological, adopted or foster child, a stepchild, or a legal ward, who is either under eighteen years of age or is eighteen years of age or older and incapable of self-care because of a mental or physical disability.

(2) "Continuing treatment" means:

- a. A three-day period of incapacity that involves at least two visits to a health care provider or a regimen of continuing treatment under a health care provider's supervision;
- b. Any period of incapacity due to pregnancy, even if no treatment is obtained, or for prenatal care;
- c. Any period of incapacity due to a chronic condition, even if no treatment is obtained;
- d. Any period of absence to receive multiple treatments for restorative surgery or a serious illness; or
- e. Any permanent or long-term incapacity, even if treatment is not being provided.

(3) "Employee" means a person, other than an independent contractor, who has been

employed by the City for at least twelve months and for at least 1,250 hours during the twelve months immediately preceding the request for family medical leave.

- (4) "Family medical leave" means unpaid leave from employment taken for one or more of the following:
- a. Because of the birth of a child and in order to care for such child;
 - b. Because of placement of a child with the employee for adoption or Washington state administered foster care;
 - c. In order to care for the spouse, child or parent of the employee suffering from a serious health condition;
 - d. Because of a serious health condition that makes the employee unable to perform the essential functions of his or her position; or
 - e. Absences due to alcohol or drug use shall not qualify for family medical leave unless taken for the purpose of treatment.
- (5) "Health care provider" means a physician, osteopath, podiatrist, dentist, clinical psychologist, clinical social worker, optometrist, chiropractor, nurse practitioner, or nurse mid-wife licensed under Washington state law and any health care provider authorized by the employee's group health plan provided through the City.
- (6) "Parent" means a biological parent, adoptive parent or stepparent of an employee, or a person who stood in loco parentis to an employee when the employee was a child.
- (7) "Reduced leave schedule" means a family medical leave schedule that reduces the usual number of hours or days per workweek of an employee.
- (8) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider involving either inpatient care or continuing treatment by a health care provider.

Family Medical Leave.

- (1) An employee is entitled to unpaid family medical leave for one or more of the following:
- a. Because of the birth of a child and in order to care for such child;
 - b. Because of placement of a child with the employee for adoption or Washington state administered foster care;
 - c. In order to care for the spouse, child, or parent of the employee suffering from a serious medical condition; or
 - d. Because of a serious health condition that makes the employee unable to perform

the essential functions of his or her position.

- (2) The right to family medical leave under subsections (1)(a) and (b) of this section shall expire twelve months after the birth or placement of the child: provided, that this policy shall not limit or impair any unpaid leave of absence to which a female employee is otherwise entitled under state law due to sickness or temporary disability because of pregnancy or childbirth.
- (3) Family medical leave because of a birth or placement of a child may be taken on a reduced leave schedule or intermittently with the approval of the employee's Department Head. Family medical leave because of a serious health condition may be taken intermittently or on a reduce leave schedule when medically necessary: provided, that, if such leave is foreseeable based on planned medical treatment, then the employee may be required to transfer temporarily to an available alternative position for which the employee is qualified, if such position has equivalent pay and benefits and better accommodates recurring periods of leave.
- (4) All family medical leave shall be taken concurrently with available paid leave and compensatory time off. The employee shall first use all other accrued leave, both vacation leave and sick leave, and all accrued compensatory time off, to which the employee is otherwise entitled. The remaining balance of family medical leave, if any, shall be unpaid. The total of paid leave and unpaid family medical leave taken under this policy shall not exceed twelve workweeks (480 hours) within a twelve month period, which includes the length of current family medical leave being taken by the employee.

Care of Service Member.

An employee who is the spouse, child, parent or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to a combined total of twenty-six (26) workweeks (960 hours) of family medical leave during a single 12-month period for the purpose of caring for such service member.

Notice of Family Medical Leave.

- (1) An employee planning to take foreseeable family medical leave because of the birth or placement of a child shall provide the employee's Department Head with not less than thirty (30) days notice before the leave is to begin. The notice shall state the dates during which the employee intends to take family medical leave. The employee shall adhere to those dates. If the birth or placement requires family medical leave to begin in less than thirty (30) days, the employee shall provide notice as soon as is practicable, but at least within one working day after the need for leave becomes known to the employee.
- (2) If family medical leave due to planned medical treatment for a serious health condition is foreseeable, then the employee shall provide the employee's Department Head with not less than thirty (30) days notice before the leave is to begin. The notice shall state the dates on which the employee intends to take family medical leave. The employee shall make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employee's department. If planned medical treatment requires family medical leave to begin in less than thirty (30) days, the employee shall provide notice as soon as is

practicable, but at least within one working day after the need for leave becomes known to the employee.

- (3) If an employee fails to give timely advance notice of the foreseeable need for family medical leave, then the City may deny the taking of family medical leave until thirty (30) days after the date the employee provides notice.
- (4) In the event of an absence from work that is taken by an employee without prior notice, the employee shall provide a reason for the absence to the employee's Department Head within two working days after returning to employment. The failure to provide a reason for absence or a reason that qualifies under this policy, will preclude employee protection under this policy.
- (5) An employee shall be notified, in writing, of the Department Head's designation of an absence as family medical leave taken under this policy. Such notice shall be provided within two working days after the reason for the absence is made known to the Department Head. The notice to the employee shall include a description of the employee's obligations under this policy.

Requirement for Certification by Health Care Provider

- (1) The employee shall provide written certification issued by a health care provider regarding the serious health condition of the employee or the employee's spouse, child or parent, or the medical necessity of a reduced leave schedule or intermittent leave. Certification shall contain all relevant medical information as may be applicable, including:
 - a. The date on which the serious health condition commenced;
 - b. The probable duration of the condition;
 - c. The appropriate medical facts within the knowledge of the health care provider regarding the condition;
 - d. A statement that the employee is needed to care for a spouse, child or parent who has a serious health condition and an estimate of the amount of time that such care by the employee is needed;
 - e. A statement that the employee is unable to perform the essential functions of the position of the employee due to a serious health condition;
 - f. The date on which a serious health condition commenced, the probable duration of the condition, and appropriate medical facts regarding the condition; and/or
 - g. A statement of the medical necessity for any reduced leave schedule or intermittent leave, the expected duration of the serious medical condition, the dates on which planned medical treatment is to be given and the duration of such treatment, and the schedule of intermittent leave and reduced leave.

- (2) A Department Head may require, at the City's expense, that the employee obtain the opinion of a second health care provider selected by the City concerning any information required under subsection (1) of this section. If the opinion of the second health care provider differs from the original opinion, the City may require, at the expense of the City, that the employee obtain the opinion of a third health care provider designated or approved jointly by the City and the employee. The opinion of the third health care provider shall be final and binding on both the City and the employee.
- (3) If an employee fails to provide in a timely manner any requested medical certification to substantiate the need for family medical leave due to a serious health condition, family medical leave may be denied until such certificate is submitted.

Both Spouses Employed by City.

If both a husband and wife are employed by the City, they shall be limited to an aggregate total of twelve workweeks of family medical leave during the twelve month period if such leave is taken in order to care for a newborn child, because of placement of a child for adoption or foster care, or in order to care for a parent suffering a serious health condition.

Restoration of Employment.

- (1) Subject to subsection (2) of this section, an employee who takes family medical leave for the intended purpose of the leave shall be entitled, upon return from such leave, to be restored to the same position held by the employee when the leave commenced or to an equivalent position, with equivalent benefits, pay and terms and conditions of employment.
- (2) The City may deny restoration of employment under the following circumstances
 - a. If an employee fails to provide certification of the ability to return to work from the employee's health care provider.
 - b. If the employee would not otherwise have been employed if family medical leave had not been taken.
 - c. If the employee gives unequivocal notice of his or her intent not to return to work.
 - d. If the employee is among the highest paid ten percent of City employees and if:
 - i. Such denial is necessary to prevent substantial and grievous injury to the operations of the City;
 - ii. The key employee is notified of the intent to deny restoration on such basis at the time the City determines that such injury would occur; and
 - iii. In any case in which family medical leave has already commenced, the key employee elects not to immediately return to employment after receiving such notice.

Employee Benefits Protected.

- (1) The taking of family medical leave under this policy shall not result in the loss of any benefit, including seniority or pension rights, accrued before the date on which the leave commenced.
- (2) All policies applied to the classification of City employees to which the employee on leave belongs shall apply to the employee during family medical leave.
- (3) During any period of family medical leave, the City shall maintain coverage for the employee under any group health plan at the level and under the conditions coverage would have been provided if the employee had been continuously employed for the duration of such family medical leave. The portion of the premium for group health plan coverage paid by the employee shall continue to be paid during the period of family medical leave. If premiums are raised or lowered, the portion paid by the employee shall be adjusted. Group health plan coverage shall be terminated for nonpayment by the employee if payment of the employee's portion of the premium is thirty (30) days past due and the employee has been previously provided fifteen (15) days written notice of nonpayment. The employee shall reimburse the City for all group health plan premiums paid by the City if the employee fails to return to employment from family medical leave, unless the failure to return to employment is based upon a new, continuing or recurring serious health condition or is beyond the control of the employee.
- (4) Nothing in this policy shall be construed to require the City to grant benefits to any employee, including continuing accrual of seniority or pension rights, during any period of unpaid family medical leave.

Periodic Reporting and Recertification.

The City shall have the right to require the employee to report periodically on the status and intention of the employee to return to work and to reasonably require subsequent recertification of a serious health condition.

Domestic Violence Leave

- A. Purpose. The purpose of domestic violence leave policy is to implement state laws providing for domestic violence leave and to provide restoration of employment and employee benefits protection to employees of the City.
- B. Definitions. Unless the context clearly requires otherwise, these definitions apply throughout this section:
 - (1) "Domestic violence" means and includes domestic violence, as defined in RCW 26.50.010, "sexual assault" as defined in RCW 70.125.030, and "stalking" as defined in RCW 9A.46.110.
 - (2) "Family member" means a child, spouse, parent, parent-in-law, grandparent, as defined in RCW 49.12.265, or a person with whom the employee has a dating relationship, as defined in RCW 26.50.010.
 - (3) "Intermittent leave" and "reduced leave scheduled" have the same meaning as in

RCW 49.78.020.

(4) "Sick leave and other paid time off" has the same meaning as in RCW 49.12.265.

C. Leave Authorized.

- A. An employee may take reasonable leave from work, intermittent leave, or leave on a reduced leave schedule, without pay, to:
- a. Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence;
 - b. Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, or to attend to health care treatment for a victim who is the employee's family member;
 - c. Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence;
 - d. Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, in which the employee or the employee's family member was a victim of domestic violence; or
 - e. Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence.
- B. An employee who is absent from work pursuant to this policy may elect to use the employee's sick leave and other paid time off, compensatory time, or unpaid leave time.

D. Domestic Violence Leave.

An employee shall provide the employee's Department Head with not less than five (5) days prior notice of the employee's intention to take domestic violence leave. The notice shall state the dates and times the employee intends to take domestic violence leave. When prior notice cannot be given due to an emergency or unforeseen circumstances resulting from domestic violence, the employee shall provide notice to the employee's Department Head no later than the end of the first day that the employee takes such leave.

E. Violence Leave.

- (1) The employees' Department Head may request that the request for domestic violence leave be supported by verification that the employee or employee's family member is a victim of domestic violence and that the leave was taken for one of the purposes allowed under this policy. The employee shall provide verification in a timely manner.

(2) An employee may satisfy verification by providing one or more of the following:

- a. A police report indicating that the employee or employee's family member was a victim of domestic violence;
- b. A court order protecting or separating the employee or employee's family member from the perpetrator of the act of domestic violence, or other evidence from the court or the prosecuting attorney that the employee or employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence;
- c. Documentation that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking, from an advocate for victims of domestic violence; an attorney; a member of the clergy; or a medical or other professional;
- d. An employee's written statement that the employee or the employee's family member is a victim of domestic violence and that leave is for one of the purposes allowed in this policy; or
- e. An employee's written statement, a birth certificate, a court document or similar documentation evidencing a family member relationship.

(3) All information provided by the employee shall remain confidential and may not be disclosed except if disclosure is requested or consented to by an employee, in response to an order of a court or administrative agency, or as otherwise required by federal or state law.

F. Pay, Benefits and Restoration of Employment.

- (1) The taking of domestic violence leave pursuant to this policy shall not result in a loss of any employee or benefits that accrued before the date on which the leave commenced.
- (2) To the extent allowed by law, the employee shall continue to be covered under the employee's health insurance plan during approved domestic violence leave.
- (3) An employee who takes domestic violence leave pursuant to this policy shall be entitled, upon return from such leave, to be restored to the same position held by the employee when the leave commenced or to an equivalent position, with equivalent benefits, pay and terms and conditions of employment: provided, however, that the City may deny restoration of employment if the employee was hired for a specific term or only to perform work on a discrete project, the employment term or project is over, and the employee's employment would not otherwise have continued.

4.19 MILITARY LEAVE

Every employee who is a member of the Washington National Guard or of the U.S. Army, Navy, Air Force, Coast Guard or Marine Corps, or of any organized reserve of the United States, will be granted military leave in accordance with state and federal law. Employees who take military

leave will have whatever rights to reinstatement, seniority, vacation, layoffs, and compensation as are provided by applicable law.

Paid Leave of Twenty One (21) Days Per Year. Under Washington law, a public employee is entitled to a paid military leave of absence for a period not to exceed twenty one (21) working days during each year beginning October 1st and ending the following September 30th. According to guidance from the Attorney General's office, a day is calculated according to the number of days the employee would have worked, but for the military leave. Military leave beyond the twenty one (21) days of paid time off will be unpaid, provided that employees may elect to use accrued vacation, compensatory time or other available paid time off during the period of military leave.

Employees shall notify their Department Head and/or City Administrator as soon as they receive notice of the need to report for military duty, and provide the Department Head and/or City Administrator with a copy of the military orders.

4.20 LEAVE FOR SPOUSES OF MILITARY PERSONNEL

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 fifteen (15) days of unpaid leave while his/her spouse is on leave from deployment, or before and up to deployment. This reason for leave may also be covered under FMLA leave for a qualifying need, 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 twenty (20) hours per week to be eligible for this family military leave.

An employee who seeks to take family military leave must provide the Department Head and/or City Administrator with written notice of his/her intent to take leave within five (5) 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.

4.21 JURY DUTY/WITNESS APPEARANCE

A regular full time status employee summoned for jury duty is granted leave for such duty with the city payment of normal city wage. The employee's Department Head shall be immediately notified, in writing, of summons upon receipt of duty. Both exempt and non-exempt personnel qualify for jury duty pay wage. Any jury fee or other money paid to the employee for service as a juror, except travel expenses, shall be remitted to the City. The employee is required to return to work each day if released from jury duty prior to one hour before the end of normal working hours.

4.22 VOTING

When an employee's work schedule is such that he/she cannot vote prior or subsequent to the normally scheduled working hours, he/she shall be allowed a reasonable period of time off to go

and vote. A reasonable time is up to two hours pursuant to RCW 2.36.165, except that vote-by-mail elections allow ample time to vote outside working hours and no voting allowance will be made in such elections.

4.23 SOCIAL SECURITY

The city conforms to Title II of the Federal Social Security Act, subject to the limitations and requirements placed on both the employer and the employees.

4.24 RETIREMENT SYSTEM

The city conforms to the Washington State Department of Retirement Systems (DRS) subject to the limitations and requirements placed on both the employer and the employees. Employees may also choose to participate in the ICMA Retirement Corporation deferred compensation program if the City Council approves of such programs, year to year. No matching contributions will be made by the City to any deferred compensation programs available to employees, however, employees are highly encouraged to review and participate in programs that supplement retirement income.

4.25 PROMOTIONS

A promotion is an appointment to a position in a classification which has a higher maximum salary rate than the employee's present classification. A promoted employee will receive the nearest higher salary step of the new salary range on the date of the promotion.

5. PERFORMANCE REVIEW

5.1 DEFINITION AND PURPOSE

Performance review is a method by which the performance of employees is evaluated on a formal and regular basis. Such reviews are conducted to maintain and improve the quality of service rendered by the organization. More specifically, performance review is a method of maintaining or improving the performance of individual employees through a structured, interactive program administered by City management. It encourages performance standards such that supervisors, the Department Heads and the City Administrator will address the quality of work, the acceptable performance standards and provide the employee with the opportunity to improve through performance improvement plans. It serves as a positive force in the development of employee morale through encouraging closer Department Head and Supervisor contact and communication with the employees. It serves as a major factor in making promotion, transfer, salary step increases, demotions, suspensions without pay, and dismissal/discharge decisions. It can serve as an indicator of training, organizational, and supervision deficiencies in a department. Finally, it improves the quality of supervision by fostering the objective appraisal of employee performance. However, no employee has the right to a performance review and the failure by the City to conduct performance reviews shall not constitute any type of claim nor any grievance against the City by an employee whose performance was reviewed or by an employee whose performance was not reviewed. Performance reviews shall be conducted at the sole discretion of the City and the fact that performance reviews are conducted does not provide employees with any right to a probationary period or a period of time in which to improve performance prior to discharge or termination. All employees at the City remain at-will employees who can be terminated with or without cause, with or without notice, and regardless of work performance, unless a specific provision in collective bargaining agreement(s) or civil service rule states otherwise.

5.2 PROCEDURES FOR EVALUATIONS

Performance reviews will be conducted on City employees annually, on the employee's anniversary date, and City management will make a reasonable effort to complete a performance review within thirty (30) workdays of the employee's anniversary date, unless circumstances do not allow for this. In which case, the performance review may be done as soon as possible thereafter. No employee review shall be conducted on persons employed in a position for fewer than ninety (90) calendar days. Performance reviews shall be in writing and completed on employee evaluation forms.

The review of an employee shall be conducted by the employee's Department Head and the City Administrator. The first line supervisor will have an opportunity to provide limited input but the final decision shall be carried out by the City Administrator. The evaluation shall be reviewed, prepared and completed in terms of information written in the evaluation form by the Department Head and City Administrator before the evaluation is presented to the employee. Completed and evaluated performance reviews are to be forwarded by the Department Head to the City Administrator in a manner that protects the confidentiality of the evaluations.

The Mayor, City Administrator or Department Head may choose to hold special evaluations of an employee at any time during the year.

5.3 CONSULTATION WITH EMPLOYEES

If a written performance review is conducted by City management, the written performance review of an employee shall be discussed with the employee by the Department Head and/or the City Administrator within thirty (30) business days after it is completed. As part of this discussion, the employee shall be informed by the Department Head and/or the City Administrator about the process of and rationale for conducting performance reviews; the actual ratings given in the respective areas rated; the reasons for the ratings; and, unless the City chooses not to allow the employee to continue employment, the ways in which the employee may address and correct areas of deficiency. In the event that, upon review of an evaluation by the City Administrator, actual ratings are changed, the City Administrator shall meet with the Department Head and the employee to discuss changes made to the review, if deemed necessary.

5.4 DEPARTMENT HEAD/MANAGERIAL STAFF

With respect to Department Heads and members of the City Administrator's staff, performance reviews may be conducted by the City Administrator. If he determines the need for performance reviews, they will be done on the employee's anniversary date and completed no later than thirty (30) business days following the employee's anniversary date, unless circumstances do not allow for this. In which case the performance review shall be done as soon as possible thereafter. The written reviews performed by the City Administrator shall be discussed with Department Heads and administrative staff.

5.5 APPEAL OF RATING BY ALL EMPLOYEES

Should an employee believe that the review ratings were not accurate, the employee may present a grievance to the City Administrator who, in turn, shall conduct a review of the performance review and will present the grievance to the Mayor, for a final determination. No performance review challenge or grievance shall subject to any other forum such as Civil Service, collective bargaining agreement grievance and arbitration procedures, nor arbitration under the provisions of these policies on grievance. (Also, see Employee Grievances, Chapter 7 of this policy)

6. DISCIPLINARY ACTION

6.1 PURPOSE OF DISCIPLINARY ACTION

The provisions of this section are a specific designed disciplinary process set forth for exempt and non-exempt employees to promote equal treatment of all city employees. Therefore, this section will override any exempt employees' contract language that would indicate otherwise. For non-exempt employees this section is designed to enhance the collectively bargained agreement in more detail. Whenever an employee's performance, work habits, conduct, or attitude falls below a desirable level, the Department Head, City Administrator and/or Mayor shall promptly institute disciplinary action with respect to the employee.

6.2 TYPES OF ACTIONS

Disciplinary action may include any of the following;

1. **Oral Warning:** An employee may have a face-to-face verbal warning by the Department Head and/or City Administrator regarding an employee's undesirable performance, problematic work habits, misconduct, violation(s) and bad attitude. The verbal warning will address problem areas and corrective action necessary. Such oral warnings shall be documented by the Department Head and/or City Administrator and may be placed in the employee's official personnel file if such oral warning(s) will later serve as a basis for subsequent disciplinary action pertaining to similar problems.
2. **Written Reprimand:** A written statement by a Department Head and/or City Administrator to the employee, formally reprimanding the employee; detailing the nature of the employee's undesirable performance, problematic work habits, misconduct, violation(s) and bad attitude and the necessary actions to remedy the problem area(s). The Department Head and/or City Administrator shall present the written reprimand to the employee and allow him or her to examine it; shall have the employee sign the reprimand form; shall allow the employee to formally (in writing) respond to the reprimand; and shall forward the reprimand and accompanying response by the employee to the City Administrator for inclusion in the employee's personnel file. The reprimand remains in effect even if the employee refuses to sign it.
3. **Suspension Without Pay:** An employee may be suspended without pay upon the recommendation of the Department Head and/or City Administrator but the suspension without pay is not final until it has been approved by the City Administrator after consultation with the Mayor. The Department Head shall prepare and forward to the City Administrator a written statement outlining the reasons for suspension. The Department Head will permit the employee to review the statement and the employee shall sign the statement signifying an understanding of the reasons and basis for the suspension. The suspension shall remain in effect even if the employee refuses to sign it. If the City Administrator approves the suspension, a written notification will be forwarded to the employee.
4. **Disciplinary Probation:** An employee may be placed on disciplinary probation upon the recommendation of the appropriate Department Head and subject to the approval of

the City Administrator after consultation with the mayor. The Department Head shall forward a written statement to the City Administrator outlining the reasons for and duration of the probation recommended. The employee shall be allowed to review the recommendation, and the employee shall sign it signifying he/she understands the nature of the action. The probation shall remain in effect even if the employee refuses to sign it.

6.3 BASIS OF DISCIPLINARY DECISION

The determination by a Department Head and/or City Administrator as to the severity of the disciplinary action to be taken in any given case (oral warning, written reprimand, suspension without pay or disciplinary probation) shall be in his or her discretion and may depend on the seriousness of the incident as well as the whole pattern of the employee's past performance, discipline and conduct. Nothing in these policies requires the Department Head and/or City Administrator to impose progressive discipline. Nothing in these policies prevents the City from terminating an employee on his or her first offense. Union employees discipline will be determined by the provisions of collective bargaining agreement(s) or civil service rule.

6.4 PRE-DISCIPLINARY ACTION MEETING

When City management believes disciplinary action might be administered and could result in suspension without pay, demotion, disciplinary probation or discharge or termination (as opposed to a termination/dismissal without cause), management will hold a Pre-Disciplinary Action Meeting. This meeting is not a requirement if the City terminates/dismisses an employee without cause. The objectives of the meeting shall be as follows:

1. To notify the employee of a potential disciplinary problem and to share with the employee any concerns that the city might have about the employee's performance and/or behavior.
2. To ascertain the validity of any allegations that have been made against the employee with respect to his/her performance and/or behavior.
3. To provide an opportunity for the employee to respond to any allegations against him and to clarify any facts or information that has been presented.

This meeting shall be informal and shall be closed to the public (except for a union representative, and/or a legal representative where applicable) and shall be conducted by the appropriate Department Head and/or City Administrator. After having provided an opportunity for the presentation of facts concerning the personnel matter, the Department Head and/or City Administrator shall make a determination based on the facts presented at the meeting. If it is solely the Department Head who conducted the pre disciplinary action meeting then he/she shall notify the employee and City Administrator in writing within three (3) working days as to the disciplinary action(s), if any, that are to be administered.

Under Washington Law, the Mayor has the authority to terminate employees of the city. It is the purpose of these policies to provide for an administrative process whereby the City Administrator serves as the disciplining authority only after consultation with the Mayor. During this consultation, the Mayor may choose to offer his/her consent or denial on the recommended action by the City Administrator or choose to delegate the decision.

6.5 DOCUMENTATION OF DISCIPLINARY ACTIONS

It shall be the responsibility of the Department Head and/or City Administrator to fully document all disciplinary actions taken. Copies of such documents shall be retained as a permanent record in the employee's personnel file except for oral warnings as provided above.

6.6 TERMINATION OF TEMPORARY EMPLOYMENT

Employees who have been employed on a temporary or seasonal basis shall be terminated when the job for which they were hired is completed. Applicants for temporary or seasonal employment shall be informed prior to their employment of the temporary nature of the position, and shall, whenever possible, be given the estimated duration of such position. The Mayor may terminate temporary employees when the situation warrants such action.

6.7 TERMINATION/DISCHARGE

Employees of the City are AT WILL and can be terminated with or without cause and with or without notice at any time. The following are examples of acts that constitute misconduct and are grounds for the TERMINATION/DISCHARGE of an employee from employment with the City of White Salmon:

- (1) Violations of work policies, regulations and amendments thereto;
- (2) Neglect of duty;
- (3) Insubordination;
- (4) Conviction of a crime;
- (5) Gross misconduct;
- (6) Unauthorized use of material or equipment;
- (7) Abuse of sick leave;
- (8) Falsification of reports, records or other documentation;
- (9) Drinking of intoxicants or use of drugs while on duty or coming to work with intoxicants and/or drugs (controlled substances) in an employee's bodily systems (blood, breath and/or urine);
- (10) Recklessness;
- (11) Habitual tardiness or absenteeism;
- (12) Negligent and/or willful damage to Employer property;
- (13) Theft;

- (14) Failure to report to work at the end of an approved leave of absence period or using a leave of absence for reasons other than those for which it was originally granted;
- (15) Failure to report to work after cancellation of leave of absence;
- (16) Failure to maintain a valid Washington drivers license with proper endorsement for job requirement, or any other license or certificate in a position with the city in which a valid license or certificate are requirements of the position;
- (17) Poor performance;
- (18) Poor attitude, disrespect of supervisors, coworkers, or members of the public, uncontrolled anger or hostility towards others, including co-workers, supervisors, and members of the public;
- (19) Failure to prepare accurate reports and secure documents for retrieval;
- (20) Harassment of employees or the public; and/or
- (21) Physical abuse of employees or the public such as striking anyone or threatening to strike someone.

6.8 POST-DISCHARGE OR TERMINATION (NAME CLEARING) HEARING

The City will exert reasonable efforts to maintain privacy concerning the events of a discharge subject to the applicable laws such as Public Records Act and other public disclosure requirements. Where, however, the reasons for an employee's discharge have been made public and are alleged to be inaccurate, the employee may request a "name clearing" hearing to be held by the City Council. The employee has the right for the hearing to be held in Public Open Meeting or in an Executive Session Council Meeting. The employee may choose to have his/her legal counsel present and/or union representation.

6.9 DISABILITY

An employee may be separated from service with the city when he or she can no longer perform the essential functions of the position due to physical or mental impairments that cannot be reasonably accommodated. Reasonable accommodation must take into account undue hardship on the City based on its size, budget and the services the City provides to the public. Action may be initiated by the employee, the employee's legal representative or the City. However in all cases, such action must be supported by medical evidence acceptable to the Mayor and the City Council.

7. EMPLOYEE GRIEVANCES

7.1 DEFINITION AND PURPOSE

A grievance, as recognized by these procedures, shall be defined as a dispute or disagreement as to the interpretation or application of the specific terms and conditions of these policies. These procedures are established to provide prompt review and disposition of grievances presented by employees. This grievance procedure shall not be applicable to Union employees. Union employees shall be subject to the grievance procedures set forth in the collective bargaining agreement(s).

7.2 DEPARTMENTAL LEVEL OF SETTLEMENT

When an employee believes they have a grievance, he or she shall notify in writing his or her Department Head. The written grievance shall explain the nature of the grievance, the facts, the specific provisions of the policies that have allegedly been violated and the remedy requested. The Department Head shall meet and discuss the grievance with the employee as soon as possible but in no event later than ten (10) working days after the Department Head receives the grievance. In the event that the grievance is resolved at this point, it shall be considered settled and no further action will be taken. If the grievance is not settled, the Department Head shall issue a written decision within ten (10) working days of the meeting. Should the employee not be satisfied with the Department Head's written decision, he or she may file a written appeal of the decision to the City Administrator level within ten (10) working days of the Department Head's written decision. The City Administrator level review is addressed in the following section.

7.3 SETTLEMENT BY CITY ADMINISTRATOR

Should the employee not be satisfied with the disposition of the grievance by the Department Head, he or she shall present to the City Administrator within ten (10) working days of receiving the Department Head's decision, a written statement requesting a hearing before the City Administrator and stating the reasons for this request for appeal inclusive of the nature of the grievance, the facts, the specific provisions of the policies that have allegedly been violated, the remedy requested and why the Department Head's decision was not accurate. Upon receiving this statement, the City Administrator shall schedule a hearing, such hearing to be held within ten (10) working days of receipt of the request for appeal by the employee. Upon scheduling the hearing, the City Administrator shall provide the employee with a written notice as to the date, time, and place of the hearing; the manner in which it is to be conducted; and the issue(s) to be decided. The employee shall have the opportunity to withdraw the request for the hearing or to request rescheduling of the hearing for good cause if such request is made prior to the hearing date. If the employee does not appear for the hearing and he or she has not requested rescheduling of the hearing prior to the hearing, the grievance shall be considered settled with the last answer of the Department Head in the matter. The procedures for conduct of the hearing shall include:

1. The opportunity of the employee to be represented by an attorney or other representative of the employee's choice;

2. An opportunity to call and question witnesses and other pertinent parties; and
3. The opportunity to present evidence applicable to the grievance.

The City Administrator shall consider all evidence presented, and shall have the right to call witnesses and request additional evidence as deemed necessary. Upon completion of the hearing, the City Administrator shall present his/her decision in writing to the employee and Department Head within ten (10) working days of the hearing's conclusion. The decision shall include a review of the facts, a statement of the decision and reasons therefore, and the remedies, if any, to be applied in the case. A copy of the decision will be placed in the employee's personnel folder. Should the employee be satisfied with the decision, the grievance shall be considered settled at this point and no further action will be taken.

7.4 SETTLEMENT BY MAYOR

Should the employee not be satisfied with the decision of the City Administrator, he or she may appeal the decision in writing to the Mayor within ten (10) working days of receiving the written decision of the City Administrator. The Mayor shall review all records of the case and shall render a written decision to the employee in the matter within ten (10) working days of receiving the appeal request of the employee. Such written decision shall be final and binding on all parties. A copy of such decision shall be forwarded to the City Administrator, the Department Head and be included in the employee's personnel file.

7.5 DEPARTMENT HEAD/ADMINISTRATIVE STAFF

If a Department Head or a member of the City Administrator's administrative staff (who is non union) has a grievance, he or she may formally and in writing notify the City Administrator as to the nature of the grievance, the facts, the specific provisions of the policies that have allegedly been violated and the remedy requested. Within ten (10) working days of receiving such notification, the City Administrator shall provide the Department Head or administrative staff member with a written decision statement in the matter and the reasons for the decision. Should the Department Head or administrative staff member be satisfied with the disposition of the grievance at this point, the matter will be considered settled and no further action taken. In the event that the Department Head or administrative staff member is not satisfied with the decision of the City Administrator, he or she may appeal the decision to the Mayor as provided in section 7.4 of these personnel policies.

7.6 REPORTING IMPROPER GOVERNMENT 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:

- 1) 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;
- 2) 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; and/or
- 3) Improper governmental action or hostile actions of another employee towards a local government employee that was encouraged by a supervisor, senior manager, or official, but not including personnel actions (hiring, firing, complaints, promotions, reassignment and any other similar actions). In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

Action: Any material course of conduct that adversely changes 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 Government Action: City employees who become aware of improper governmental action shall follow this procedure:

1. Bring the matter to the attention of his/her Department Head, if not involved in the action, in writing, stating in detail the basis for the employee's belief that an improper action has occurred. This shall be done as soon as the employee becomes aware of the improper action.
2. If the employee believes that the City Administrator or designee is involved in the alleged misconduct, the Mayor shall be immediately notified. Alleged misconduct by the Mayor shall be reported to the appropriate government agency, including the State Attorney General, State Auditor or County Prosecuting Attorney (see Attachment "A").
3. Where the employee believes the improper action involves the Department Head, the employee may raise the issue directly with the City Administrator.
4. The Mayor or the City Administrator or their designee, as the case may be, shall promptly investigate the report of improper government action. After the investigation is completed (within thirty (30) days of the employee's report where retaliatory conduct is alleged), the employee shall be advised of the results of the investigation, except that personnel actions taken as a result of the investigation shall 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 government action occurred, or that insufficient action was taken by the City to address the improper action or that for other reasons the improper action is likely to recur. Employees may contact the Klickitat County Prosecuting Attorney directly prior to going through the internal reporting procedure described in this policy.

A list of City and State enforcement agencies for reporting improper governmental action is included in Attachment A of these personnel policies.

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

Procedure for Seeking Relief against Retaliation:

1. Employees must provide a written charge to the Department Head within thirty (30) days of the occurrence of the alleged retaliatory action. If the Department Head is involved, the notice shall go to the City Administrator or the Mayor. The written charge shall specify the alleged retaliatory action and the relief requested.
2. The Department Head, Mayor or the City Administrator, as the case may be, shall investigate the complaint and respond in writing within thirty (30) days of receipt of the written charge.
3. After receiving the City's response, the employee may request a hearing before a State Administrative Law Judge (ALJ) to establish that a retaliatory action occurred and to obtain appropriate relief under the law. The request for hearing shall be delivered within the earlier of either fifteen (15) days of receipt of the City's response to the charge of retaliatory action or forty-five (45) days of receipt of the charge of retaliation to the Mayor or the City Administrator for response.
4. Within five (5) working days of receipt of a request for hearing the City shall apply to the State Office of Administrative Hearing's for an adjudicative proceeding before an ALJ. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence in the hearing. The ALJ shall issue a final decision not later than forty-five (45) days after the date of the request for hearing, unless an extension is granted or unless circumstances prevent the ALJ from issuing his/her decision within this time frame, in which case, the ALJ shall issue his/her final decision by the end of the extension or as soon as possible, as the case may be.

8. DISCRIMINATION COMPLAINTS

8.1 DEFINITION AND PURPOSE

The City of White Salmon does not discriminate in admission of or access to, or treatment or employment in, any of its programs, services and activities. Discrimination for the purposes of these provisions shall be defined as any violation of applicable local, state and/or federal laws which prohibit discrimination on the basis of race, color, religion, gender, national origin, age or disability. The use of the procedures contained herein are designed to provide a means for the review and disposition of cases presented by individuals (members of protected minority groups and/or employees) against the City under the provisions of applicable local, state or federal legislation. These procedures are established to ensure the prompt review, impartial consideration, and equitable disposition of cases presented by any individual, as outlined herein. The person filing a complaint will be free from restraint, coercion, discrimination, or reprisal growing out of the filing of such a complaint.

8.2 FILING OF A COMPLAINT OF DISCRIMINATION

Should any person (being a member of a protected minority group and/or an employee) deem it necessary and appropriate to file a complaint of discrimination, based upon race, color, religion, gender, national origin, age or disability; against any employee (or group of employees) of the City staff (or any activities of the City in conjunction with programs and /or services of the City); he or she shall present to the City Administrator, a written statement (using the form as provided by the City Administrator) requesting an investigation into the complaint. A formal investigation of a complaint of discrimination may be initiated without a written statement, but an effort will be made to have the complainant provide the City Administrator with a signed, sworn and notarized statement. Before an investigation begins, the accused employee(s) will be notified, in writing, with respect to the nature of the complaint; in cases of complaints against activities, services or programs of the City, the appropriate Department Head(s) or members of the administrative staff shall be notified in writing.

Upon receipt of the complaining individual's statement, the City Administrator (or designee) shall make a prompt and full investigation of each complaint.

Upon request for review by the complaining individual, or upon determination by the City Administrator that probable cause exists for the allegations made in the complaint, the City Administrator shall schedule a hearing within ten (10) days of the date of such determination or request for review, before the Mayor and City Council of the City. Upon scheduling the hearing, the City Administrator shall provide all concerned parties with a written notice as to the date, time, and place of the hearing, the manner in which it is to be conducted, and the issue(s) to be decided.

The Mayor and City Council shall consider all evidence presented to it as a result of the City Administrator's investigation as well as evidence submitted at the time of the hearing and shall present their decision in writing within five (5) working days of the hearing's conclusion.

The decision shall include a synopsis of the facts, a statement of the decision and reasons

therefore, and the remedies, if any, to be applied in the case. A copy of the decision and/or subsequent actions will be forwarded to the City Administrator to serve as the basis for action if recommended by the Mayor and City Council. Should the complaining individual be satisfied with the decision of the Mayor and City Council (and subsequent actions/remedies, if any), the matter shall be considered settled at this point and no further action will be taken, other than that specified in the decision of the review by Mayor and City Council.

8.3 COMPLAINTS AGAINST REVIEW OFFICIALS

Should any individual (being a member of a protected minority group or an employee) deem it necessary and appropriate to file a complaint of discrimination against any one (or group) of the reviewing officials outlined within this procedure; he or she may formally request a hearing (on the required form) before the City Council by filing such request with the City Clerk in person. Such statement must be signed, sworn and notarized before a hearing will be scheduled. Under these conditions, the decision of the City Council shall be final and binding and shall be considered as satisfying the City's obligations regarding the consideration of a complaint of discrimination in admission or access to, or treatment or employment in, any of the City's programs, services and/or activities. There shall be no formal right of appeal via the City of White Salmon from such a decision. However, such a decision shall in no way limit any individual's rights for protection under the provisions of applicable local state or federal legislation.

9. PERSONNEL RECORDS

9.1 DEFINITIONS

Personnel Records shall be defined as any record covering a present or previous employee which is maintained by the city, as used in the personnel management/policy-setting process, including any information which has or could have any influence on any personnel action concerning the individual.

9.2 OFFICIAL RECORDS

There shall be only one official set of personnel records for all employees, such set to be maintained in city hall. Department Heads and supervisors may maintain unofficial personnel files on employees and these files may contain duplication of official copies of reports, forms, etc., in the official file. However, all official documentation will be maintained in the central personnel files located in city hall.

9.3 MAINTENANCE OF SECURITY

All official personnel files will be maintained under the direction of the City Administrator. The purpose of such custodial restrictions is for the City to make a reasonable effort to keep official personnel records confidential and to prevent the unauthorized use, modification, disclosure, or destruction of these records subject to applicable laws. These files will be stored in filing cabinets or other filing facilities that shall be locked when not in use or under the supervision of the designee of the City Administrator whose responsibility is to oversee the security of the records.

Departmental files will be maintained under the authority of the Department Head, with reasonable actions taken to properly secure the records.

9.4 ACCESS TO RECORDS

Access to personnel files of employees (whether official or departmental) shall be limited to the following persons:

1. Employees whose official duties require access to the information (such employees and officials to include the Mayor, City Administrator, and specified designees of the City Administrator.)
2. The supervisor(s) of the employee.
3. The employee--subject of the records.
4. The attorneys of the parties in a disputed situation, grievance and/or litigation.

An employee may examine his or her personnel records (whether official or departmental) on request during regular hours of business. Should the employee wish a copy of specific records in his/her file for personal use, they will be made available within a reasonable period from date of request subject to applicable copying charges. In no event shall original documents in the official file be released to the employee or anyone. Review of all official documents in the central file by an employee shall be made in the presence of the designee of the City Administrator assigned to maintenance of the central file. Upon request of an employee to review his/her central personnel file, identification by the employee may be required as deemed necessary by the designee maintaining the files. The employee will be notified by his/her supervisor of items of a disciplinary nature being placed in the employee's personnel file.

9.5 RELEASE OF INFORMATION

Information contained in an employee's personnel records shall be released to an outside individual or agency only by the Mayor, City Administrator, specified designee(s) and/or attorneys for the City. Information will be made available to outside agencies or individuals only with the written, signed authorization of the employee subject to the following provisions, when the requesting agency/individual has submitted a written request formally asking for specified information and stating the reason(s) for the request.

Information may be released to outside agencies/individuals without the written authorization of employee in the below-stated instances:

1. A written request when such information consists of no more than confirming employment (whether present or past) and dates of that employment;
2. On written request, when the City has received satisfactory assurance that the information released shall be used for only statistical research. In such cases, the information shall be released in a form such that the individual(s) cannot be identified;
3. On written request, to another agency or to an instrumentality of any governmental jurisdiction for a civil or criminal law enforcement activity if the activity is authorized by law;
4. Pursuant to a written order of a court of competent jurisdiction;
5. Pursuant to a written request or subpoena for the information issued in connection with a grievance, disciplinary investigation, litigation and any other administrative proceeding; and
6. In accordance with statutes regulating release of public records.

9.6 AMENDMENT OF RECORDS

The employee can ask the employer to review the files for irrelevant or incorrect information and if such information is found as determined by the employer, the employer may remove it. In case

of disagreement, the employee is permitted to file a rebuttal or corrective statement in the personnel record. Former employees also have this right up to two years after discharge in accordance with Washington statutes.

9.7 DISPOSAL OF RECORDS

Upon the discharge or termination of an employee, his/her official personnel records shall be kept for a period of two (2) years from the date of discharge or termination in an active file in the City Hall location where other official personnel files are maintained. After the two-year period has elapsed, the records shall be stored in an inactive capacity but accessible in accordance with records retention statutes.

10. DRUG POLICY

10.1 PROHIBITED SUBSTANCES

Drugs shall be defined as those substances whose dissemination is regulated by law including, but not limited to, narcotics, depressants, stimulants, hallucinogens, cannabis and alcohol. This definition shall include over-the-counter drugs and/or drugs that require a prescription or other written approval from a licensed physician or dentist in their use. The drugs that are controlled substances as defined in **RCW 69.50.010**, a prescription drug for which the employee does have or does not have a current, valid, personal prescription, and which is not authorized or approved for use while operating a motor vehicle or other equipment, and any over-the-counter drug which may impair job performance and safety.

10.2 POLICY

The presence of trace amounts of alcohol and/or over-the-counter drugs as evidenced by a drug or alcohol test, shall be grounds for disciplinary action to the extent that job performance and/or the ability to perform safely is lessened to any appreciable degree inclusive of where the presence of such substance is a violation of an agreed upon treatment and/or return to work agreement.

10.3 PROCEDURES

1. In the event there is reasonable suspicion to believe that an employee's job performance may be impaired by drugs or alcohol, the employee's Department Head shall question the employee with regard to the behavior. The Department Head shall directly observe the employee's behavior and document the behavior in a written memorandum. Indications of impaired behavior include, but are not limited to, the following: staggering or irregular gait, the odor of alcohol on the breath, slurred speech, dilated or constricted pupils, inattentiveness, listlessness, hyperactivity, performance problems, illogical speech and thought processes, poor judgment or unusual or abnormal behavior.
2. When possible and practical, a second managerial employee may also observe the employee to verify that there is reasonable suspicion to believe that drug or alcohol consumption may be involved. A determination shall be made as to whether or not the employee's behavior is impaired to the point of being unable to perform their duties effectively and safely. The employee shall be relieved of his/her duties and placed on a suspension with pay status until a clear determination can be made as to the abuse or non-abuse of drugs or alcohol.
3. If it is concluded that there is reasonable suspicion to believe that drug or alcohol consumption is involved, the Department Head shall have a drug or alcohol test administered. The employee shall give his/her consent to the drug or alcohol test, in writing, before testing is conducted. Failure to execute a written consent to the test, or failure of the employee to take the test, when requested or directed, shall result in disciplinary action including discharge or termination. The city may also have the employee undergo a physical examination at city's expense at the time that the drug or

alcohol test is administered. The test(s) will be conducted within a reasonable time period after the observation of the problem.

4. If the test is negative, the employee shall be counseled by the physician and returned to work, if appropriate to the medical diagnosis; there shall be no loss of pay or benefits. Where appropriate, a signed physician's release may be required by the City before the employee is returned to work. Time lost due to an illness will be charged to sick leave. If the behavior that led to the initial investigation is not due to substance abuse, but continues to hinder job performance, the City may require the employee to undergo further medical evaluation.
5. If the test is positive, the employee may be disciplined up to and including discharge or termination depending upon the circumstances of the situation. Circumstances that would warrant an immediate discharge or termination would include incidents where the employee's impairment resulted in risk of loss of life or injury to self or others, the loss or damage of property, or where the employee's ability to perform his or her work is jeopardized. No supervisor nor Department Head shall have the authority to terminate, all recommendations for discharge or termination must be forwarded to the City Administrator and approved by Mayor.
6. In cases where the employee is not discharged or terminated, the employee may be placed in unpaid rehabilitation leave status. The employee shall be evaluated and a recommended appropriate treatment program shall then be arranged. Where appropriate, the employee shall be referred to a treatment program. Once the inpatient part of the program has been completed, the employee may be re-employed, but only with a written full release from a physician. Where it is prescribed by a physician and/or a treatment program, drug testing may be included as a part of that treatment program. An employee who is returned to work as provided for under this procedure, who fails to comply with any of the terms of an agreed upon treatment and/or return to work agreement, may be discharged or terminated.
7. The City shall utilize both urine and blood test for verification. The "enzyme-immunoassay" (EMIT) and "GS chromatography-mass spectrophotometer" (GS-MS) test method shall be used. In regards to alcohol, the City may use the breathalyzer test. The City shall pay for the costs of all tests and medical examinations carried out under this procedure. The City shall maintain confidentiality of these test results to the extent possible.
8. When appropriate, the City and the employee shall enter into joint agreements that establish the form of treatment and the conditions that will be imposed for the return of the employee to the work place.

10.4 DRUG-FREE WORKPLACE

Based on the federal Drug-Free Workplace Act, the manufacturing, distribution, dispensation, possession and use of unlawful drugs 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 or alcohol violation. Violation of this policy can result in disciplinary action, including discharge or termination. Continued poor performance or failure to successfully complete a rehabilitation program is grounds for discharge or termination.

10.5 SUBSTANCE ABUSE POLICY FOR OPERATORS OF COMMERCIAL MOTOR VEHICLES

City employees who hold commercial driver's licenses ("CDLs") and who operate CDL motor vehicles while employed by the City are subject to additional policies and regulations imposed by the federal government. These regulations require urine drug testing and alcohol breath testing in the following circumstances:

1. Pre-employment;
2. Reasonable suspicion;
3. Post-accident;
4. Return to duty testing; and
5. Random testing.

CDL holders who test positive must be removed from service and are subject to discipline, up to and including discharge or termination. CDL holders shall consult the City's CDL policy for the additional details concerning these policies.

10.6 POLICY ON SUBSTANCE ABUSE

1. The City shall discipline or discharge/terminate any regular employee and/or department member possessing, consuming, controlling, selling or using alcohol, drugs or other controlled substances during work hours. The City may also discipline or discharge/terminate an employee and/or member who exhibits an on-going dependence on alcohol, drugs or other controlled substances which, in the opinion of the Department Head, the Mayor, or the City Administrator impairs the employee's or member's work performance, poses a threat to the public confidence, or is a safety risk to the employee or others. The City is committed to supporting any employee and/or members who undergo treatment and rehabilitation for alcohol or other chemical dependency if they have voluntarily reported such problems and/or dependency. Any employee and/or members who test positive for controlled substances and/or alcohol and has not voluntarily reported such problems and/or dependency prior to reasonable suspicion conduct or behavior being determined by management shall be subject to disciplinary action up to and including discharge/termination.
2. Any employees or members who voluntarily report an alcohol, drug or controlled substance dependency problem will not be subject to retaliation or discrimination.

3. Any regular full-time employees who voluntarily seek treatment may use sick leave to attend a bona fide treatment or counseling program. The City may condition continued employment on the signing of a conditional return to duty agreement with terms and conditions inclusive of periodic re-testing, no further positive testing resulting in immediate discharge or termination, the employee's successful completion of treatment or counseling programs and future avoidance of alcohol, drugs or other controlled substances.
4. All employees and/or members may be required to submit to alcohol, drug or controlled substance testing when the employee's or member's work performance causes a reasonable suspicion that the employee or member is impaired due to current intoxication, drug or controlled substance use, or in cases where employment has been conditioned upon remaining alcohol-, drug- or controlled substance-free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action up to and including discharge or termination.
5. Employees and members using any prescription or over-the-counter drugs which might impair their work performance shall notify their Department Head or duty officer. At the option of the Department Head or duty officer, an employee or member may be reassigned to less hazardous duty or sent back to their station. Regular full-time employees may be placed on sick leave if impaired work performance might pose a threat to the public confidence or to the safety of the employee or others.

ATTACHMENT A

CITY AND STATE ENFORCEMENT AGENCIES FOR REPORTING OF IMPROPER GOVERNMENTAL ACTION

Klickitat County Prosecuting Attorney
205 S Columbus Ave MS-CH 18
Room 106
Goldendale, WA 98620
Phone: 509 773-5838
Fax: 509 773-6696

Washington State Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100
Phone: (360) 753-6200

Washington State Auditor
P.O. Box 40021
Olympia, WA 98504-0370
Phone:
Information – (360) 902-0370
Toll-free Number – (866) 902-3900