

# **CITY OF CHEWELAH**

## **PERSONNEL POLICY MANUAL**



## **ABOUT THIS EMPLOYEE HANDBOOK**

### **THIS HANDBOOK IS NOT A CONTRACT OF EMPLOYMENT!**

This handbook is intended to provide you with general information about City of Chewelah policies, procedures, practices and benefits. We hope that it will be a helpful resource for you in the course of your employment and ask that you take time to read it and become familiar with its contents. It should be kept throughout your employment with the City of Chewelah. It is not possible for any handbook to cover all events or circumstances that can arise.

This handbook is not intended, and should not be construed, as a promise of specific treatment in any specific circumstance or as a guarantee of employment for any particular time. Employment at the City of Chewelah is “at will”. This means that either you or the City of Chewelah can terminate the employment relationship at any time, with or without notice or cause.

**The policies, procedures, practices and benefits described in this handbook shall apply to all employees of the City of Chewelah except where otherwise noted herein or unless they conflict with provisions of any binding collective bargaining agreement, civil service rule or law.**

All policies, procedures, practices, and benefits in this handbook become effective January 1, 2014. Of course, circumstances may occur that will require the policies, procedures, practices, and benefits described in this handbook to change from time to time. Except for the at-will employment relationship, which can be altered only by a written agreement signed by the Mayor, the City of Chewelah reserves the right to modify, amend, supplement, or rescind any or all provisions of this handbook as it deems appropriate at its sole and absolute discretion and without prior notice.

All interpretations of and changes to the policies, procedures, practices, or benefits in this handbook can be made only by the City Council.

This document should not be construed or relied upon by anyone as a legal document, covenant or contract of any kind.

This manual describes conditions and procedures regarding discipline and termination of employment. Although the City of Chewelah may follow these conditions and procedures, the City of Chewelah retains the right to deviate from them as it deems necessary at its sole discretion.

If you have questions about any part of this handbook, please feel free to contact the CITY ADMINISTRATOR at any time.

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# 1. CHAPTER: GENERAL

## 1. PURPOSE/SCOPE

- a. This manual is a general informational guide to the City's current employment policies. The City reserves the right to amend or supplement any of the provisions of this manual as the City deems appropriate and necessary. The City also reserves the right to deviate from these policies when deemed appropriate in order to achieve its primary mission of providing orderly and cost-efficient services to its citizens.
- b. These personnel policies shall apply to all City employees. They shall not apply to elected officials and independent contractors. In the event of conflict between any provision of this manual and any provision of applicable Civil Service rules and regulations, collective bargaining agreements and/or individual employee contracts, the provisions of the Civil Service rules and/or those agreements/contracts shall govern. In all other cases, these policies shall govern.

## 2. EQUAL EMPLOYMENT OPPORTUNITY

- a. The City is an equal opportunity employer. The City employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of merit, qualifications and competence. This policy shall be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, sexual orientation, disability, veteran status or any other status protected by law.
- b. The City will not discriminate against applicants or employees with a sensory, physical or mental impairment, and shall provide reasonable accommodation unless the impairment cannot be reasonably accommodated and prevents proper performance of an essential element of the job. It is the employee's responsibility to notify the City if he/she suffers from a disability that prevents him/her from performing essential job functions without reasonable accommodations. It is the duty of the employee to provide medical documentation of any claimed disability and medical justification for any requested accommodation. Any complaints an applicant or employee may have alleging discrimination due to disability should be directed to the City Administrator.

## 3. SEXUAL AND OTHER HARASSMENT

- a. The City is committed to ensuring that the practices and conduct of all its employees comply with the requirements of federal and state laws against employment discrimination. To that end, the City expects all employees to work in a manner that respects the feelings and dignity of their co-workers. It is the policy of the City that all employees have the right to work in an environment free from harassment based upon their race, color, religion, gender, national origin, age, marital status, veterans' status, sexual orientation, disability, or any other protected status or characteristic. Any such harassment of employees in the workplace will not be tolerated by the City.

- 1) For the purpose of this policy, “sexual harassment” is unwelcome behavior of a sexual nature that affects terms and conditions of employment. Sexual harassment includes (1) sexual advances and other verbal and physical conduct where submission to the advances or conduct is made a term or condition of employment or is used as the basis for employment or is used as the basis for employment decisions and (2) unwelcome verbal or physical conduct of a sexual nature that interferes with an employee’s work or creates a hostile, intimidating, or offensive work environment.
- b.** Some examples of behavior that could constitute or contribute to sexual harassment include but are not limited to:
- 1) Unwelcome or unwanted flirtations, propositions, or advances. This includes patting, pinching, brushing up against, hugging, cornering, kissing, fondling, putting one’s arms around another, or any other similar physical contact considered unacceptable by another individual.
  - 2) Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequences concerning an individual’s employment.
  - 3) Verbal abuse or kidding that is sexually oriented and reasonably considered unacceptable. This includes comments about an individual’s body or appearance when such comments go beyond an isolated innocuous compliment; off-color jokes or offensive language; or any other tasteless, sexually oriented comments, innuendoes, or offensive actions, including leering, whistling, or gesturing.
  - 4) Participation in fostering a work environment that is generally intimidating, hostile, or offensive because of unwelcome or unwanted sexually oriented conversation, office décor, suggestions, requests, demands, physical contacts, or attention.
- c.** For the purpose of this policy, “other harassment” (nonsexual) is defined as verbal or physical conduct that is unwelcome and denigrates or shows hostility or aversion toward an individual because of such individual’s protected status or characteristics such as his/her race, color, religion, gender, national origin, age, marital status, sexual orientation, or disability that:
- 1) Has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
  - 2) Has the purpose or effect of unreasonably interfering with an individual’s work performance; or
  - 3) Otherwise adversely affects an individual’s employment opportunities.
- d.** Some examples of behavior that could constitute harassment include but are not limited to: using epithets, slurs, or negative stereotypes; threatening, intimidating, or engaging in hostile acts that relate to protected status or characteristics such as those referred to above; jokes or pranks that refer to or denigrate a protected status; or placing on walls, bulletin boards, or elsewhere on the work premises or circulating in the workplace

written or graphic material that denigrates or shows hostility or aversion toward a person or group because of a protected characteristic.

- e. **Complaint Process.** An employee who feels harassed should immediately tell the offending individual how they feel and ask them to stop. If that does not work or if the employee is uncomfortable confronting the offending individual, the employee should report the incident promptly. A complaint can be made verbally or in writing to the employee's Supervisor or the employee's Department Head. In addition or in the alternative, as the employee may wish, the complaint may be brought to the attention of the City Administrator or Mayor.
- f. A complaint form available from City Hall may be used to file a written complaint hereunder. A harassment complaint will be handled as follows:
  - 1) Every complaint is to be reported promptly to the City Administrator or the Mayor either by the complainant or by the person receiving the complaint.
  - 2) The complaint will be promptly investigated, normally by the City Administrator or the Mayor. However, choice of investigator, level of formality, and the procedures used in the investigation may vary, depending upon the nature of the allegations and full circumstances of the situation, including the context in which the alleged incident(s) occurred.
  - 3) Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the City's need to undertake a full investigation.
  - 4) There shall be no retaliation by the City, its officers, elected officials, supervisors, or other employees toward any employee bringing a complaint in good faith or cooperating with the investigation of a harassment complaint.
  - 5) Where the investigation confirms the allegations, the City will take prompt corrective action and, where appropriate, discipline the offending individual. Discipline may include verbal and written reprimands, professional counseling, reassignment, or other appropriate action, up to and including termination. The affected individuals will be informed of the outcome of the investigation to the extent practical.
  - 6) There may be instances in which an employee reporting harassment seeks only to discuss the matter informally and does not wish to undertake an investigation or to take further steps. In such situations, the City may arrange some informal mechanism for resolving the issues. However, an individual reporting harassment should be aware that the City may decide that it must take action to address the harassment beyond informal means.
- g. The City Administrator shall be responsible for disseminating information on the City's Policy Against Workplace Harassment, for developing training programs and guidelines for preventing sexual or other forms of harassment, and for investigating and resolving allegations of harassment.
- h. All officers, supervisors, and managers (generally, "supervisors") are assigned responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action if they witness inappropriate behavior or receive a complaint. Supervisors must be open and maintain

channels of communication to permit employees to raise concerns of sexual or other workplace harassment without fear of retaliation, stop any observed harassment, and treat harassment matters with sensitivity, confidentiality, and objectivity. A Supervisor's failure to carry out these responsibilities may result in disciplinary action up to and including discharge.

#### **4. WORKPLACE VIOLENCE PREVENTION**

- a.** The City is committed to providing a safe workplace for its employees, guests, contractors, vendors and the public. Therefore, in an effort to help prevent or reduce the possibility of violence here in our workplace, the City has implemented this policy on workplace violence for its employees.
- b.** *Workplace Violence Prohibition.* The City strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct associated in or around the workplace, or otherwise related to employment:
  - 1) Bullying or threatening injury or damage against a person or property.
  - 2) Fighting or threatening to fight with another person.
    - (a)** Threatening to use, or in the possession, custody, storage, or control of a weapon (an instrument or device of any kind which may be used to inflict bodily harm or injury, or to establish fear simply due to its presence on the scene) on City premises or while representing the City unless the person is engaged in official law enforcement business.
  - 3) Abusing or injuring another person.
  - 4) Abusing or damaging property.
  - 5) Using obscene or abusive language or gestures in a threatening manner.
  - 6) Raising voices in a threatening manner.
  - 7) (Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited.)
- c.** *"City Premises" Definition.* The term "premises" means all areas within the ownership and/or control of the City, including, but not limited to, buildings, offices, work areas, lounges, parking lots, desks, cabinets, lockers, storage areas, and any other City owned property on which employees may work. The City reserves the right to search all facility "premises" when the facility management determines that such a search is a reasonable and necessary precaution for workplace safety.
- d.** *Reporting Violent Conduct.* Any workplace violence incidents or incidents indicating a potential for violence are to be reported by an employee to the Supervisor and/or Department Head as soon as possible. Incident reports are to be completed, as appropriate. If the City determines that an employee has violated this policy, the employee will be subject to immediate discipline, up to and including discharge. Concerns with members of the public or other parties shall be handled by the City as it determines under its policies and procedures.



- e. Employees are encouraged to report the existence of restraining orders and protection orders. Also in emergency situations, employees should call law enforcement directly.
- f. *Imminent Danger/Violence Incident Procedure.* Any employee who reasonably believes that a situation with an aggressive employee, resident, guest, contractor, vendor, or other party (e.g., any person who uses obscene or abusive language or gestures, makes threats or acts in a violent or threatening manner) may immediately become violent, putting the employee or others in imminent danger, the employee should promptly leave the work area and report to his/her Supervisor (and/or the City Administrator). No disciplinary action shall be taken against any employee who leaves a work area when the employee has a reasonable belief that an emerging situation with an aggressive person is likely to turn violent at that time. The Supervisor should take immediate action (e.g., call 911). The timing and circumstances of possible return by the employee to the area should be coordinated by the employee with facility management. The employee, Supervisor and/or Department Head will follow City procedures in response to such events, including incident reporting and appropriate action deemed necessary by facility management.
- g. *Security Precautions.* All City security policies and rules must be adhered to at all times. To prevent inappropriate outside access, facility solicitation and access rules must be strictly followed. It is especially important that building security rules and procedures are specifically enforced at all times (e.g., doors locked after hours). Failure to comply with these requirements may lead to disciplinary action, up to and including discharge.

## 5. **EMPLOYMENT STATUS DEFINITIONS**

- a. *Department Head or Supervisor:* An employee who has responsibility for directing one or more employees.
- b. *Regular Full-Time Employee:* An employee filling a position which requires at least 40 hours per week, and which position is designated in the annual budget and which has an unknown expiration date.
- c. *Regular Part-time Employee:* A regular employee filling a position requiring 30 or more but less than 40 hours per week, which position is designated in the annual budget and which has an unknown expiration date.
- d. *Exempt Employee:* An employee who is exempt from the minimum wage, overtime and timecard provisions of the wage and hour laws. Exempt employees include certain supervisory, administrative, and professional employees who are paid on a salary basis.
- e. *Non-exempt Employee:* An employee who is not exempt from the minimum wage, overtime and timecard provisions of the wage and hour laws. Such employees may receive an hourly wage or a salary.

- f. *Seasonal Employee*: An employee, either full or part-time, filling a position requiring work only during particular seasons of the year.
- g. *Temporary Employee*: An employee filling a position with a known or estimated expiration date.
- h. *Project Employee*: An employee hired to complete a particular project.
- i. *Emergency Employee*: An employee hired during a designated emergency and whose employment corresponds to the duration of that emergency. Designated emergencies are only emergencies declared by the City Council. Emergency employees may be hired immediately and are subject to the same personnel policies as regular City employees, unless exceptions are stated.
- j. *Volunteer*: A person who performs any assigned or authorized duties for the City as stipulated by written agreement for no pay although he or she may be granted reimbursement for actual expenses necessarily incurred in performing his/her assigned or authorized duties. A volunteer works under the direction of a Department Head or authorized designee.
- k. *Volunteer Firefighter*: Any firefighter who has been appointed a member of the Volunteer Fire Department of the City and is thus authorized to perform duties in accordance with the rules and regulations of the Department for no pay although volunteer firefighters may be granted stipends for attendance of fire calls, meetings and training exercises. They may also be granted reimbursement for actual expenses necessarily incurred in performing their assigned or authorized duties.

**6. EMPLOYEE PERSONNEL RECORDS**

- a. A personnel file for each employee is maintained by the City Administrator or his/her designee, and access is generally limited to the employee's immediate Supervisor, Department Head, City Administrator, and the Mayor. This does not include temporary supervisor. An employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information.
- b. An employee has the right to view his/her personnel file. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the City denies the employee's request to remove the information, the employee may file a written rebuttal statement to be placed in his/her file.
- c. Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, information from an employee's personnel file will not be released to the public, without a written request for specific information. All medical files will be kept separate from personnel files, and will also be kept confidential.

**7.        REFERENCES**

- a.** The City does not give references, other than to confirm the dates of employment and wage history, without the express written consent of the employee.
- b.** Only the City Administrator may provide employment references on current or former regular City employees.
- c.** Department Heads may give references on temporary/seasonal employees and volunteers.

## **2. CHAPTER: HOURS AND ATTENDANCE**

### **1. WORKING HOURS**

- a.** All regular full-time employees will work a forty (40) hour workweek as specified by their Department Head and approved by the City Administrator. Possible work schedules include 5 (8's) and 4 (10's).
- b.** A normal working schedule for regular full-time employees consists of forty (40) hours each work week. Different work schedules may be established by the City to meet job assignments and to provide necessary City services. The standard work week for the Public Works and Electric Departments is Monday through Friday from 7:30 a.m. to 4:00 p.m. with a 30-minute unpaid lunch break. Each Department Head will advise his/her employees regarding their specific working hours.
- c.** Regular work schedules may be modified by the City with a minimum of a seventy-two (72) hour notice to affected employees.
- d.** All part-time, seasonal, temporary, project and emergency employees will work hours as specified by their Department Heads and/or the City Administrator.

### **2. HOURS OF WORK AND OVERTIME**

- a.** All City positions are designated as either “exempt” or “non-exempt” according to the Fair Labor Standards Act (“FLSA”) regulations.
- b.** Exempt employees are not covered by the FLSA overtime provisions and do not receive overtime pay.
- c.** The established work period is forty (40) hours within a (7) seven-day week, 12:00 AM Sunday through 12:00 PM Saturday.
  - 1)** Non-exempt employees are entitled to overtime pay as follows: Regular full-time employees for all hours reported beyond their established workday with the exception of shift differential and on-call hours. Reported hours include holiday, personal holiday, sick, vacation, bereavement, jury duty and compensatory time used.
  - 2)** All other non-exempt employees for all hours worked beyond forty (40) hours in a work week, as provided by law.
- d.** All overtime must be approved by the employee’s Department Head or the City Administrator.
- e.** Overtime pay is calculated at one and one-half times the employee’s regular rate of pay.

**3. COMPENSATORY TIME**

- a. Regular full-time employees entitled to overtime pay may elect to accrue compensatory time in lieu of payment for overtime pay. This is approved on a case-by-case basis by the Department Head or the City Administrator. If the compensatory accrual option is exercised, the employee is credited with one and one-half times the hours worked as overtime. Maximum accruals of compensatory time shall be limited to forty (40) hours. Any compensatory time accumulated over 40 hours will be paid out at the employee's regular rate of pay.
- b. Exempt employees are not eligible to accrue or use compensatory time.
- c. Employees may use compensatory time within a reasonable time period after making a request to their Department Head, unless doing so would unduly disrupt City operations. Compensatory time should be used for short term absences from work during times mutually agreed upon by the employee and his/her Department Head. Accumulation of compensatory time to be used as a substitute for extended vacation time off is not normally permitted.

**4. ATTENDANCE**

- a. Punctual and consistent attendance is an essential function of every employee's job and a condition of continued employment.
- b. Employees unable to work or unable to report to work on time should notify their Supervisor or his/her designee as soon as possible, ordinarily before the workday begins or within thirty (30) minutes of the employee's usual starting time. If an absence continues beyond one day, the employee is responsible for reporting in each day. If the Supervisor is unavailable, the employee may leave a message with the City Administrator, stating the reason for being late or unable to report to work.
- c. An employee who is absent without authorization or notification is subject to disciplinary action, including possible termination.

**5. BREAKS AND MEAL PERIODS**

- a. Employees may take one (1) fifteen-minute break for every four hours worked. The Department Supervisor is responsible for governing these breaks. All breaks shall be arranged so that they do not interfere with City business or service to the public. Where the nature of the work permits intermittent rest periods equivalent to fifteen minutes every four hours, scheduled rest periods are not required. Break periods cannot be accrued or waived. If an employee believes that he/she is not receiving adequate periods during his/her work day, the employee should advise his/her Supervisor or the City Administrator.

- b. Meal periods shall be scheduled by the employee's Department Head. The scheduling of meal periods may vary depending on the department workload. Meal periods are unpaid and vary in length according to the department.

## 6. LACTATION BREAKS

- a. Recognizing that breast milk promotes optimum growth and development of infants, the City accommodates mothers who choose to continue breastfeeding and avoid the use of infant formula after returning to work.
- b. The City provides a reasonable break time for an employee to lactate for her nursing child for one year after the child's birth each time such employee has the need to express milk.
- c. The City provides a private room or space, other than a toilet stall, close to an employee's work area to express breast milk. If possible, the private space will include an electrical outlet for the use of an electric breast pump. If possible, Supervisors will ensure that employees are aware of these workplace accommodations prior to maternity leave.
- d. If an employee expresses milk during a break that would otherwise be paid, then she will be paid for that time. If the employee takes an additional break in order to express milk, the break will be unpaid. Supervisors are encouraged to be flexible in scheduling breaks to accommodate milk expression.

## 7. ON-CALL/CALL BACK

- a. All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. A refusal to respond to a call back may be grounds for immediate disciplinary action, including possible termination.
- b. Response time should be no more than twenty-five minutes. **EXCEPTION: The response time for those employees hired before May 7, 2014 should be no more than forty (40) minutes.**
- c. To assure continuity of utility service, the Electric and Public Works Departments shall assign on-call duty to one person from each department for all non-working hours. The City Administrator may require other and/or additional on-call duty as deemed necessary from time to time.
- d. Schedules and procedures for on-call duty shall be made at the beginning of the calendar year by each Department Supervisor, taking into consideration vacation schedules and assigning on-call duty only to those not on vacation. Any change in the schedule must be approved by the Department Supervisor.
- e. Employees who are assigned on-call duty shall remain within communicable distance of the City of Chewelah dispatching system. It shall be the responsibility of the employee to make sure that he/she remains within the distance. Any questionable areas of

reception (such as but not limited to structures, terrain, mountains, or valleys) should be identified and avoided.

- f. Employees on on-call duty must be physically and mentally capable of working if called into work as outlined in this policy manual.
- g. Employees on on-call duty shall receive \$1.90 per hour for hours on-call. Employees called back to work, excluding hold over and early reporting contiguous with the start or end of a regular shift, will be paid a minimum of two (2) hours at time and one-half (1 ½) their regular hourly rate. Call back pay applies only to those times when an employee is required to return to the worksite, not for situations that are resolved on another basis.
- h. Exempt employees are not eligible for on-call or call-back pay.
- i. Complaints shall be handled in accordance with Chapter 11.15 of this manual. Discipline shall be in accordance with Chapter 12 of this manual.

## **8. TIME REPORTING/PAYROLL RECORDS**

- a. The official payroll records are kept by the Clerk/Treasurer. Each employee is responsible for completing his/her own timesheet as required. Reported times should be rounded off to the nearest 15-minute increments. The Department Head is responsible for ensuring that the timesheets are maintained and submitted to the Clerk/Treasurer on a monthly basis, noting hours worked and leaves taken. The City Administrator shall sign work records for Department Heads.

### **3. CHAPTER: RECRUITING AND HIRING**

#### **1. RECRUITING**

- a.** Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence, without regard to race, color, religion, national origin, sex, marital status, pregnancy, disability, age or any other basis protected by law.
- b.** Applications will only be taken when solicited by the City, and may be obtained at City Hall during working hours.
- c.** Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace, the City's official application.
- d.** Any applicant supplying false or misleading information is subject to immediate termination, if hired.
- e.** Applications will be kept on file in the Administration office for three (3) years.
- f.** A vacancy in City employment may be filled from within, provided qualified persons are available, and in this instance the vacancy may be filled without advertisement.
- g.** Police Department recruiting will follow the City's Civil Service Guidelines.

#### **2. HIRING**

- a.** When a position becomes vacant and prior to any posting or advertisement of the vacancy, the Department Head shall review the position, its job description and the need for such a position.
- b.** Residency within the City shall not be a condition of initial appointment or continued employment; provided, however, that an employee's selection of residence shall not interfere with the daily performance of his/her duties and responsibilities. Residency requirements for the position of City Administrator will be negotiated at time of initial employment.
- c.** Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least eighteen (18) years of age and will be required to present a valid Washington State driver's license with any necessary endorsements. Driving records of applicants will be checked. Applicants with poor driving records, as determined by the City, may be disqualified for employment with the City in positions requiring driving.
- d.** The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. The City may contract with any competent agency or individual to prepare and/or administer examinations, which will be paid for by the City.



- e. After a conditional offer of employment has been made and prior to the commencement of employment, the City may require persons selected for employment to successfully pass a medical examination, which may include testing for alcohol and controlled substance, and which will be paid for by the City. The purpose of the examination is to determine if the individual is physically able to perform the job and to ensure his/her physical condition will not endanger the health, safety, or well-being of other employees or the public. The offer of employment may be conditioned on the results of the examination.
- f. A candidate may be disqualified from consideration if (1) found physically unable to perform the duties of the position and the individual's condition cannot be reasonably accommodated in the workplace; or (2) the candidate refuses to submit to a medical examination or to complete medical history forms; or (3) if the exam reveals the use of alcohol and/or controlled substance.
- g. A background investigation will be performed on all new or prospective hires. Failure to pass a background investigation may result in the offer of employment being rescinded.
- h. In cases where advertisement is necessary, the vacancy will be advertised for two consecutive weeks before filling the vacancy.
- i. Advertisement shall be necessary for all regular full-time positions only, unless the vacancy is filled from existing employees of the City.
- j. Applicants shall be interviewed by the Department Supervisor and the City Administrator.
- k. Appointive officials shall be interviewed by the Mayor and at least one City Councilmember.
- l. Selection procedures of subsidized employees must comply with the rules and regulations of the agency subsidizing the position.

### **3. TEMPORARY/SEASONAL/PROJECT/EMERGENCY EMPLOYEES**

- a. Temporary/seasonal/project/emergency employees may be hired without competitive recruitment or examination.
- b. Temporary/seasonal/project employees may not work more than sixty-nine (69) hours per month for more than four months in a twelve-month period.
- c. Temporary/seasonal/project/emergency employees are eligible for overtime pay as required by law. Temporary/seasonal/project/emergency employees are not eligible and do not receive retirement, vacation, sick leave, holiday pay, health insurance or any other benefits during their employment.

#### **4. TRIAL PERIOD**

- a.** All newly hired employees or former employees who have been rehired, or employees promoted to a new classification, enter a trial period which is considered an integral part of the selection and evaluation to demonstrate suitability for the position through actual work performance.
- b.** The normal trial period is six (6) months from the employee's date of hire, rehire, promotion, or transfer; however, longer periods may be established for positions requiring technical, professional, specialized, unusual or unique skills or qualifications.
- c.** The trial date period for a police officer is one (1) year, or as otherwise required by Civil Service Rules and Regulations.
- d.** An employee's trial period may be extended for up to an additional six (6) months (when needed due to circumstances such as extended illness or a need to continue to evaluate marginal performance), to properly evaluate the employee's performance. The trial period will not be shortened for any reason.
- e.** Trial employees accrue and are entitled to use vacation and sick leave.
- f.** During the trial period, the employee may be terminated at any time.
- g.** When a Department Head determines an employee has satisfactorily completed the trial period, the Department Head shall prepare a written performance evaluation, which will be reviewed by the City Administrator. If the trial period is satisfactorily completed, the employee may be certified to regular employment status. The successful completion of a trial period does not impact the employee's "at will" status, unless a collective bargaining agreement or civil service rules state otherwise.

#### **5. EMPLOYEE OF RELATIVES (NEPOTISM)**

- a.** Employee's relatives will not be employed by the City under any of the following circumstances:
  - 1) Where one of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;
  - 2) Where one party would be responsible for auditing the work of the other;
  - 3) Where both parties would report to the same immediate Supervisor;
  - 4) Where other circumstances 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;  
or
  - 5) Where one of the parties is a policy level official of the City
- b.** "Relatives" for this purpose includes an employee's parent or step parent, child or step child, adopted or foster child, daughter-in-law or son-in-law, grandchild, niece or nephew, aunt or uncle, first cousin, grandparent, father-in-law or mother-in-law, spouse,

sibling, step sister or step brother, as well as any person cohabiting with another employee.

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

## **6. PROMOTIONS AND TRANSFERS**

- a. The City encourages current City employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on the Department Head's recommendation, work force requirements, performance evaluations, job descriptions and related City requirements.
- b. Regular employees are eligible for promotion, transfer or voluntary demotion. To be considered for another position, the employee must have satisfactorily completed his/her trial period and possess the qualifications for the vacant position, unless such requirements are waived by the Mayor in the best interest of the City.

## **4. CHAPTER: COMPENSATION**

### **1. SALARY CLASSIFICATION AND GRADES**

- a. Each job title within the City is classified into one of the City's classifications for wage purposes, based on job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision required for the specific job title. Each classification is designated a particular wage in accordance with the City's salary and wage schedule, which is approved annually by the City Council.

### **2. EMPLOYEE PAY RATES**

- a. Employees are paid within the limits of the wage range to which their positions are assigned.
- b. Usually, new employees will start their employment at the lowest wage rate for their classification. However, a new employee may be employed at a higher rate than the minimum when the employee's experience, training or proven capabilities warrant, or when prevailing market conditions require a starting rate greater than the minimum.
- c. Pay increases are contingent upon satisfactory performance. If an employee's performance is consistently unsatisfactory, the Department Head may defer a scheduled pay increase for a stipulated period of time or until the employee's job performance is satisfactory.
- d. The Mayor may propose and the City Council may grant an across the board pay adjustment (cost-of-living increase) from time to time, raising the wages 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.

### **3. LONGEVITY**

- a. City employees having five (5) plus years of service will qualify for longevity pay according to the following guidelines:
  - 1) Only regular full-time employees qualify.
  - 2) Employees become eligible for each level of payment when he/she vests, using the first day of the month of hire as the anniversary date.
  - 3) Longevity pay is calculated on the employee's base pay and does not become a part of the base pay.
  - 4) The rate of pay is set forth as follows:
    - @ 5 years of service 3% of base pay
    - @ 10 years of service 4% of base pay
    - @ 15 years of service 5% of base pay
    - @ 20 years of service 6% of base pay
    - @ 25 years of service 7% of base pay

- @ 30 years of service 8% of base pay
- @ 35 years of service 9% of base pay
- @ 40 years of service 10% of base pay

**4. PAYDAYS**

- a. City employees are paid monthly on the last working day each month. A payroll draw is offered on the 15<sup>th</sup> of each month. Regular full-time employees may sign up for this option with the Clerk/Treasurer. Such requests must be made by the 5<sup>th</sup> of any month on a one time or recurring basis for up to 40% of the employee’s regular gross pay (based on a 160-hour month) and in increments of \$50. If a regularly scheduled payday falls on a Saturday, Sunday or a holiday, the paychecks will be distributed on the working day prior to the weekend or holiday.

**5. DEDUCTIONS**

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

**6. COMPENSATION UPON TERMINATION**

- a. When an employee's employment with the City is terminated, the employee will receive the following compensation:
- 1) Regular and overtime wages for all hours worked up to the time of termination which have not already been paid; and
  - 2) A lump sum payment of any accrued but unused vacation (up to a maximum of 240 hours) and any accumulated but unused compensatory time.
- b. Employees will not be paid for any unused personal holiday hours.
- c. Employees will not be paid for any accrued but unused sick leave.

## **5. CHAPTER: PERFORMANCE EVALUATIONS AND TRAINING**

### **1. PERFORMANCE EVALUATIONS**

- a.** To achieve the City's goal to train, promote and retain the best qualified employee for every job, the City conducts periodic performance evaluations for most positions.
- b.** The City Administrator is responsible for developing and maintaining the City's performance evaluation program.
- c.** Employees are to be evaluated by their Department Heads prior to completion of their trial period and at least once every twelve months thereafter.
- d.** The evaluation is part of an employee's personnel record and may be a factor in determining the employee's conversion to regular status, whether the employee receives a wage increase, or is to be promoted, transferred, demoted, laid off, or terminated.

### **2. TRAINING POLICY**

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

## **6. CHAPTER: BENEFITS**

### **1. RETIREMENT BENEFITS**

- a.** The City makes contributions on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee through FICA payroll deductions.
- b.** All regular uniformed employees in the Police Department are covered by the Law Enforcement Officers' and Firefighters Retirement System (LEOFF). Benefit levels and contribution rates are set by the State of Washington.
- c.** All regular full-time and eligible regular part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). Benefit levels and contribution rates are set by the State of Washington.
- d.** The City has made provision by appropriate legislation allowing any eligible member of its Volunteer Fire Department to enroll under the retirement pension provisions of RCW 41.24. The annual fee, as determined by the State Board for Volunteer Firefighters, shall be split between the City and the firefighter.
- e.** Employees intending to retire should notify their Department Head of their intent to retire at least three (3) months prior to the date of retirement.

### **2. WORKER'S COMPENSATION**

- a.** All employees, except volunteer firefighters, are covered by the State Industrial Insurance Program. This type of insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for work days lost and for any disability resulting from job-related injuries or illnesses. All job-related accidents should be reported immediately to the Supervisor.
- b.** When an employee is absent for one or more days due to an on-the-job accident, he/she is required to file a claim for Worker's Compensation. If the employee files a claim, the City will continue to pay the employee's regular wage, pending receipt of Worker's Compensation benefits. Regular employees may use accumulated sick, vacation or other accrued leave while the claim is being processed.
- c.** When the employee receives the Worker's Compensation benefits, he/she is required to repay to the City the amount covered by Worker's Compensation and previously advanced by the City. This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability so long as accrued leave is available, while ensuring that no employee receives more than he/she would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of leave shall be restored to the employee's account in the following order: donated sick leave, sick leave, vacation, personal holiday, compensatory time.

- d. The City may require an examination, at the City's expense, performed by a physician of its choice, to determine when the employee can return to work and if he/she will be capable of performing the duties and responsibilities of the position, with or without a reasonable accommodation.

### **3. INSURANCE BENEFITS**

- a. Regular employees are eligible to participate in the City's insurance programs in accordance with the terms of those plans. The programs and criteria for eligibility are explained at the time the employee becomes eligible to join. The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable.
- b. Upon mutual agreement between the employee and the City, and in accordance with the terms and conditions of the insurance policy, the City will continue health insurance at the employee's expense during an approved unpaid leave of absence. COBRA continuation rights may apply in the event coverage is not extended through the City.
- c. When an employee is receiving Worker's Compensation benefits, the City may continue to pay the employee's health insurance premiums for one (1) month, after which the employee may choose to use his/her COBRA rights and self-pay insurance premiums.
- d. Upon an employee's termination from City employment, at the employee's option and expense, the employee may elect to continue City health insurance benefits to the extent provided under COBRA. Continuation rights are not available if an employee is terminated for "gross misconduct."
- e. An administrative handling fee over and above the cost of the insurance premium may be charged to the employee or his/her dependents who elect to exercise their COBRA continuation rights.

### **4. UNEMPLOYMENT COMPENSATION**

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



## 7. CHAPTER: LEAVES OF ABSENCE AND TIME OFF

The City has the following types of leave:

- Vacation Leave
  - Executive Leave
- Sick Leave
  - Shared Sick Leave Program
- Leave Without Pay
- Jury and Witness Leave
- Administrative Leave
- Military Leave
- Bereavement Leave
- Domestic Violence Leave
- Maternity/Parenting Leave
- Family and Medical Leave

### 1. VACATION

- a. Unless otherwise provided by union contract or separate employment agreement, each regular full-time employee shall accrue vacation time on the following basis: (apportioned per pay period on a pro rata basis):

→ Year 1	96 hours.....accrue 8.00/month
→ Years 2 – 4	96 hours.....accrue 8.00/month
→ Years 5 – 9	120 hours.....accrue 10.00/month
→ Years 10 – 15	160 hours.....accrue 13.33/month
→ Year 16	168 hours.....accrue 14.00/month
→ Year 17	176 hours.....accrue 14.67/month
→ Year 18	184 hours.....accrue 15.33/month
→ Year 19	192 hours.....accrue 16.00/month
→ Years 20 – 21	200 hours.....accrue 16.67/month
→ Years 22 – 23	208 hours.....accrue 17.33/month
→ Years 24 – 25	216 hours.....accrue 18.00/month
→ Years 26 – 27	224 hours.....accrue 18.67/month
→ Years 28 – 29	232 hours.....accrue 19.33/month
→ Years 30 +	240 hours.....accrue 20.00/month

- b. Regular part-time employees will receive vacation on a pro-rata basis. All other classes of employees are not eligible for any vacation benefits.
- c. All vacations shall be taken at such times as shall be approved by the Department Supervisor under which the employee serves. Vacations shall be scheduled at such times as the Department Supervisor finds most suitable, after considering the wishes of the employee and the requirements of the department. All requests for vacation must be approved prior to taking the requested vacation time.

- d. By the first day of each anniversary month of an employee's hire date, an employee may accumulate, and carry over up to a cap of 240 hours. Vacation time earned in excess of said maximum limit shall be used by the first day of the employee's anniversary month, or forfeited, unless the vacation time requested has been denied in writing by the Department Head, City Administrator, and/or the Mayor. If the request for vacation time was denied, the accumulated vacation hours shall be carried over until such time as the Department Head, City Administrator, and/or the Mayor can approve and schedule the employee's vacation time. **It is the responsibility of the employee to monitor his/her vacation balance.**
- e. As provided hereafter, employees will be compensated for a maximum of 240 hours of vacation at time of separation from the City. Accrued vacation in excess of the 240 hours shall be taken prior to separation, or forfeited.
- f. EXECUTIVE: For years 1 through 4 of employment, the City Administrator shall receive 96 hours of vacation on January 1<sup>st</sup> of each year. For new hires, vacation hours will be prorated on a calendar year basis. In years 5 and beyond, the City Administrator shall receive vacation hours per Section 7.1.a, on January 1<sup>st</sup> of each year. The City Administrator shall not accrue more than 240 hours of vacation time. Upon separation from employment, the City Administrator shall be compensated for up to a maximum of 240 hours of earned vacation at the time of separation from the City.

## 2. SICK LEAVE

### \*Definition of "Family Member"

- a. For purposes of this chapter, "family member" means any of the following:
  - 1) A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a defacto parent, regardless of age or dependency status;
  - 2) A biological, adoptive, defacto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
  - 3) A spouse;
  - 4) A registered domestic partner;
  - 5) A grandparent;
  - 6) A grandchild; or
  - 7) A sibling

### \*Paid Sick Leave Accrual/Usage

- b. All regular full-time employees accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment. All other classes of employees shall accrue one hour of paid sick leave for every forty hours "worked" (including overtime) as an employee.
- c. Employees accrue and may use sick leave during their trial periods.

- d. Employees do not accrue sick leave benefits during a leave without pay.
- e. An employee is authorized to use paid sick leave for the following reasons:
  - 1) An absence resulting from an employee’s mental or physical illness, injury, or health condition; to accommodate the employee’s need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee’s need for preventive medical care;
  - 2) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care.
    - (a)
  - 3) When the employee’s place of business has been closed by order of a public official for any health related reason, or when an employee’s child’s school or place of care has been closed for such a reason. “Health related reason” means a serious public health concern that could result in bodily injury or exposure to an infectious agent, biological toxin, or hazardous material. It does not include closures for inclement weather.
  - 4) An employee is authorized to use paid sick leave for absences that qualify for leave under the Domestic Violence Leave Act, Chapter 49.76 RCW.
  - 5) Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
  - 6) Use of a prescription drug, which impairs job performance or safety;
  - 7) Actual periods of temporary disability associated with pregnancy or childbirth;
  - 8) Other reasons approved by the City.

\*Reasonable Notice

- f. If the need for paid sick leave is foreseeable, the employee must provide notice to the City as early as practicable, in advance of the use of paid sick leave. If the need for paid sick leave is unforeseeable, the employee must provide notice as soon as possible before the required start of his or her shift, unless it is not practicable to do so. In the event it is impracticable for an employee to provide notice to the City, a person on the employee’s behalf may provide notice to the City.

\*Scheduling of Appointments

- g. Medical, dental or vision appointments for the employee or an employee’s family member should be scheduled at times which have the least interference with the workday.

\*Verification for Absences Exceeding Three Days

- h. . For absences exceeding three consecutive days an employee is required to work, the City may require verification that an employee’s use of paid sick leave is for an authorized purpose under sections 2.e(1), (2), (3) or (4) of this chapter. The City may

also request the opinion of a second doctor at the City's expense to determine whether the employee suffers from a chronic physical or mental condition which impairs his/her ability to perform the job.

- i.** The City cannot require that the information provided explain the nature of the condition. If the City obtains any health information about an employee or employee's family member, the City will treat such information in a confidential manner consistent with applicable privacy laws.
- j.** The required verification may not result in an unreasonable burden or expense on the employee.
- k.** If the City requires verification, and the employee anticipates that the requirement will result in an unreasonable burden or expense, the employee will be allowed to provide an oral or written explanation to the City which asserts:
  - 1) That the employee's paid sick leave was for an authorized purpose under sections 2.e(1), (2), (3) or (4) of this chapter; and
  - 2) How the City's verification requirement creates an unreasonable burden or expense on the employee.
- l.** The City must consider the employee's explanation. Within ten calendar days of the employee providing an explanation to the City about the existence of an unreasonable burden or expense, the City must make a reasonable effort to identify and provide alternatives for the employee to meet the City's verification requirement in a manner which does not result in an unreasonable burden or expense on the employee.
- m.** If after the City considers the employee's explanation, the City and employee disagree that the City's verification requirement results in an unreasonable burden or expense on the employee;
  - 1) The City and employee may consult with the Washington State Department of Labor & Industries; and
  - 2) The employee may file a complaint with the Washington State Department of Labor & Industries.
- n.** If the City requires verification that the use of paid sick leave is for an authorized purpose under sections 2.e(1), (2) or (3) of this chapter, verification must be provided to the City ten calendar days following the first day upon which the employee uses paid sick leave.
- o.** If the City requires verification that the use of paid sick leave is for an authorized purpose under the Domestic Violence Leave Act, Chapter 49.76 RCW, any such verification requirements must comply with provisions outlined in WAC 296-135-070.
- p.** For use of paid sick leave for purposes authorized under federal, state, or other local laws that permit employers to make medical inquiries, the City may require verification from an employee that complies with such certification requirements.

\*Depletion of Leave

- q. Employees who use all their accumulated sick leave and other paid time off and require more time off work due to illness, disability or injury may, depending on the circumstances, and with the City's prior approval, take shared sick leave, or leave without pay.

\*Cash Outs

- r. On December 31<sup>st</sup> of each year, an employee who has accrued over seven hundred twenty (720) hours of sick leave will be compensated at 25% of the employee's base rate of pay, bringing the total hours accrued down to 720 hours. Employees who terminate employment prior to the conversion date will forfeit the cash pay-out.
- s. Employees are not paid for any accrued but unused sick leave upon leaving City employment except as noted in Section 2(r) of this Chapter.

**3. SHARED SICK LEAVE PROGRAM**

- a. The purpose of shared leave is to permit City employees, at no additional employee cost to the City other than the costs of administering the program, to come to the aid of a fellow City employee who is suffering from or has a family member suffering from an extraordinarily severe illness, injury, impairment, 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. Voluntary participation in the donation of or receiving of sick leave is limited to eligible regular employees who meet the requirements of leave balances as stated in this policy.
- b. For an employee to receive donated leave, the employee must first exhaust all of his/her own accumulated compensatory time, personal holidays, vacation and sick leave.
- c. An employee wishing to receive donated sick leave must submit a Request for Shared Sick Leave Form. The reason an employee is eligible to receive donated sick leave may be kept confidential if the employee chooses not to release that information; however, this may affect his/her ability to receive donations. The employee requesting a donation of sick leave will provide appropriate medical justification and documentation which supports the necessity for the leave and the probable duration of the absence.
- d. Requests to receive shared sick leave must be approved by the Department Head with the concurrence of the City Administrator; however, such leave shall not be unreasonably withheld.
- e. This policy does not apply to short-term or sporadic conditions or illnesses. This would include such things as sporadic, short-term recurrences of chronic allergies or conditions or short-term recurring medical or therapeutic treatments. These examples are illustrative and are not all inclusive. Each case must be examined and decided on its conformity to policy intent and must be handled consistently and equitably.

- f. Administration will notify employee of an approved request.
- g. Any regular employee interested in donating sick leave must complete a Donation of Shared Sick Leave Form. Donations must be in 8-hour increments. All donations of leave are strictly voluntary and confidential. No employee shall be coerced, threatened, intimidated, or financially induced into donating sick leave. Donations of sick time may not bring the donor's sick time balance below 160 hours. An employee may donate a maximum of 40 sick hours in any calendar year.
- h. Leave is donated on an hour for hour basis with no relation to actual earnings of either the donor or the recipient. Donated leave shall be utilized, as needed, in the order of receipt by the Clerk/Treasurer (first in, first out). An employee will not receive more than 240 hours of shared sick leave in any 12-month period. The 12-month period is defined as a 'rolling' twelve-month period measured backward from the date an employee uses shared leave. To the extent possible, shared leave should be used on a consecutive basis and should run concurrently with the Family Medical Leave Act (FMLA). An employee who is entitled to FMLA benefits will be required to complete FMLA forms.
- i. While an employee is on shared sick leave, he or she will continue to be classified as a City employee and shall receive the same treatment with respect to salary, wages, and employee benefits as the employee would normally receive if using accrued sick/vacation/personal holiday/compensatory hours, except that the shared hours received are not eligible for retirement benefits (with the exception of LEOFF II employees). All such current accruals shall also be depleted prior to any continuing use of donated hours.
- j. Employees receiving shared leave may not use the donated leave for any purpose other than that as defined in their request for shared leave.

#### **4. LEAVE WITHOUT PAY**

- a. The Mayor may grant leaves of absence without pay from work not covered by any other type of leave or if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off for personal reasons, such as prolonged illness, parenting, caring for an ill relative, pursuing an education, or fulfilling a military obligation in excess of twenty-one (21) days per year.
- b. Only regular full-time and regular part-time employees who have satisfactorily completed their trial period are eligible for leave without pay. The following requirements may apply:
  - 1) Leave may be granted to an employee for a period of up to thirty (30) days upon the approval of the Mayor. Further extensions are at the discretion of the Mayor. Accrued compensatory time, personal holidays, and vacation leave must be exhausted prior to taking any leave without pay.
  - 2) An employee's benefits are suspended during the period of unpaid leave until the employee returns to work. Vacation, sick leave and/or any other benefits do not

accrue while an employee is on leave without pay.

- 3) In certain circumstances, self-payment of benefits may apply. See Chapter 6.3 on Insurance Benefits.
- 4) An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned. An employee returning from a temporary disability may, at the City's option, return to the same position or similar position at a comparable rate of pay.
- 5) If the leave without pay is due to an illness, the City may require a doctor's certificate stating that the employee is capable of returning to work and performing the work duties and responsibilities of the employee's position.

## **5. JURY AND WITNESS LEAVE**

- a. Employees may be granted time off with pay to serve on a jury or as a court witness. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from duty.
- b. An employee granted such leave shall reimburse the City for any compensation received from such duties, excluding reimbursement for transportation and meals while serving as a juror or witness.

## **6. ADMINISTRATIVE LEAVE**

- a. On a case-by-case basis, the City may place an employee on administrative leave with pay for an indefinite period of time, as determined by the Mayor to be in the best interest of the City while awaiting the outcome of an investigation or other administrative proceeding.

## **7. MILITARY LEAVE**

- a. Employees who are members of the National Guard or federal reserve military units may be absent from their duties, with pay, for a period of up to twenty-one (21) days per calendar year when they are performing ordered military training and while going to and from that duty. An employee must provide his/her Department Head with copies of his/her military orders as soon as possible after he/she receives those orders. Reinstatement upon return from military service is determined in accordance with applicable federal and state law.

### **b. MILITARY FAMILY LEAVE**

- 1) The Military Family Leave Act was created in order to support the families of military personnel serving in military conflicts and to assure that these families are able to spend time together after being notified of an impending call or order to active duty and before deployment and during a military member's leave from deployment.
- 2) During a period of military conflict, an employee who works an average of twenty or

more hours per week and who is the spouse of a member of the Armed Forces, National Guard or Reserves who has been notified of an impending call or order to active duty or has been deployed is entitled to 15 days of unpaid leave per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment or when the military spouse is on leave from deployment.

(a) “Spouse” for this purpose is defined as a husband or wife or state registered domestic partner.

- 3) An employee who seeks to take military family leave must provide the City with notice of his/her intent to take leave within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment.
- 4) Employees “may elect” to substitute any accrued leave as part of the military family leave. The use of paid leave is at the option of the employee.
- 5) An employee who takes leave under this policy is entitled to be restored to a position of employment in the same manner as an employee entitled to leave under RCW 49.78.280 and to continue benefits, as specified in RCW 49.78.290.

## **8. BEREAVEMENT LEAVE**

- a. In the event of death of an employee’s spouse, child, mother, father, registered domestic partner, sister, brother, grandchild, grandparent, father-in-law, mother-in-law, sister-in-law, or brother-in-law, the employee shall be granted three (3) days bereavement leave in order to make household adjustments or attend funeral services. Additional days, if needed and to be determined by the City Administrator may be deducted from sick leave. In the event of death of an employee’s cousin, aunt, uncle, niece, or nephew, the employee shall be granted one (1) day bereavement leave in order to make household adjustments or attend funeral services. Two (2) additional days, if needed and to be determined by the City Administrator, may be deducted from sick leave.

## **9. DOMESTIC VIOLENCE/SEXUAL ASSAULT/STALKING LEAVE**

- a. Leave is available to employees who are victims of domestic violence, sexual assault, or stalking, or who have a family member who is a victim of such abuse. For this purpose, “Family Member” means any individual whose relationship to the employee can be classified as a child, spouse, state registered domestic partner, parent, parent-in-law, grandparent or person with whom the employee has a dating relationship.
- b. An eligible employee may take “reasonable” leave, including leave on an intermittent or reduced-schedule basis, to engage in specified remedial activities relating to the abuse, including: participating in legal proceedings; seeking medical treatment or mental health counseling; obtaining social services; or taking other actions to increase the safety of the employee and his/her family members.
- c. The employee must give the City advance notice of his/her intent to take leave under this policy. If advance notice cannot be given due to an emergency or unforeseen circumstance, notice must be provided no later than the end of the first day leave is



taken.

- d. The City may request verification that the employee or his/her family member is a victim of abuse, and that the leave is for one of the covered remedial activities. Verification is satisfied by one or more of the following: (1) a police report indicating the employee or family member was a victim of abuse; (2) a court order protecting the employee or family member; (3) documentation from an attorney, clergy member, medical provider, or other professional from whom assistance was sought; or (4) the employee's own written statement that he/she or a family member is a victim and needs the leave to seek assistance.
- e. The City will maintain the confidentiality of all information provided by the employee under this policy, including the fact that the employee or employee's family member is a victim of abuse, that the employee has requested or obtained leave under this policy, and any written or oral statement, documentation, record, or corroborating evidence provided by the employee. Information given by the employee may be disclosed by the City only if:
  - 1) Requested or consented to by the employee; or
  - 2) Ordered by a court or administrative agency; or
  - 3) As otherwise required by applicable federal or state law
- f. The employee may elect to use sick leave, compensatory, or other paid time off, or may take unpaid leave. To the extent allowed by law (for example, by the applicable benefits plan), the City will maintain the employee's health care coverage as if the employee had not taken leave.
- g. The employee must be restored to the position he/she held before the leave commenced, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. This right to restoration does not apply if the employee was hired for a specific term or project that has concluded.

## **10. FAMILY MEDICAL LEAVE ACT (FMLA)**

Although City employees do not qualify for FMLA leave, the City has provided for leave under substantially similar circumstances as set forth below.

- a. **Permitted Uses of Family and Medical Leave:** Regular full-time and regular part-time employees who have been employed by the City for at least 12 months and worked at least 1,250 hours during the previous 12-month period will be granted up to 12 work weeks of leave within any 12-month period for any of the following purposes:
  - 1) Because of the birth of a child to the employee and in order to care for the child;
  - 2) Because of the placement of a child with the employee for adoption or foster care;
  - 3) In order to care for the child, parent, spouse, or state registered domestic partner of the employee with a serious health condition, or;

- 4) Due to a serious health condition which makes the employee unable to perform the essential functions of his/her position, or
- 5) For a “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter or parent is a covered military member (including those in the regular Armed Forces, the National Guard or the Reserves) who is on active duty, or has been notified of an impending call to covered active duty, and who has been or is being deployed to a foreign country. Qualifying exigencies are generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.

The twelve weeks of leave granted by this policy is unpaid leave unless paid leave is utilized pursuant to Chapter 7.10(a)(1).

- b. Family leave under 7.10(a)(1)(2), above must be taken in a block and expires at the end of the 12-month period beginning on the date of such birth or placement.
- c. Family leave under 7.10(a)(1), above is in addition to leave taken due to temporary maternal disability for the birth mother. State law provides certain additional leave rights in connection with pregnancy-related disability and to care for a newborn. Regardless of whether an employee is eligible for FMLA leave, she is entitled to Pregnancy Disability leave for the period of time that she is temporarily disabled because of pregnancy or childbirth. Medical certification may be required to confirm the need for leave. If the employee is eligible for FMLA leave, the Pregnancy Disability leave will run concurrently with FMLA leave. Pregnancy Disability leave is unpaid and health benefits are not automatically continued (unless the employee is also eligible for FMLA leave); however, accrued leave may be used and the employee may continue insurance coverages at her expense.
- d. Spouses or registered domestic partners employed by the City will be jointly entitled to a combined leave of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent with a serious health condition. Each spouse is, however, eligible for the full 12 weeks of leave in the 12-month leave period to care for a child, spouse or registered domestic partner with a serious health condition, or for either employee’s own serious health condition.
- e. The 12-month period is measured backward from the date each employee uses any FMLA leave, except that such measure may not extend back before the date of adoption of this policy.
- f. An eligible employee may also take up to 26 weeks of leave during a single 12-month period to care for an injured servicemember who is the employee’s spouse, parent, child or next of kin. A covered servicemember is a current member of the Armed Forces, including a National Guard or Reserves member, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his/her duties for which the servicemember is undergoing medical

treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list. A covered servicemember may also be a veteran who was a member of the Armed Forces any time during the five years preceding his/her need for medical treatment, recuperation or therapy for a serious injury or illness, where the injury or illness was incurred or aggravated in the line of duty. For purposes of this kind of leave, the 12-month period begins with the first day the employee takes leave. The combined total of leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year.

**g. Serious Health Condition.** A serious health condition is an illness, injury, impairment or physical or mental condition that involves:

- 1) Any period of incapacity or treatment connected with inpatient care (e.g., an overnight stay) in a hospital, hospice or residential medical care facility;
- 2) A period of incapacity of more than three consecutive, full calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a healthcare provider;
- 3) A period of incapacity due to pregnancy or for prenatal care;
- 4) A period of incapacity or treatment due to a chronic serious health condition for a permanent or long-term condition for which treatment may not be effective, or to receive multiple treatments for restorative surgery after an accident or injury or for a condition that would likely result in an incapacity of more than three full consecutive calendar days in the absence of medical treatment (e.g., chemotherapy for cancer or dialysis for kidney disease).

**h. Intermittent or Reduced Work Schedule Leave.** In certain circumstances, eligible employees may take FMLA intermittently (for example, in smaller blocks of time) or by reducing their work schedule. If the FMLA leave is because of the employee's own serious health condition or to care for a family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary. Eligible employees may also take FMLA leave on intermittent or reduced schedule basis when necessary because of a qualifying exigency arising from a family member's military service. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the City's permission. Where intermittent leave or reduced-schedule leave is needed for planned medical treatment, an employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the City's operations. Where an employee needs intermittent or reduced-schedule leave based on planned medical treatment, the City may transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.

**i. Use of Accrued Leave and Long-Term Disability Benefits**

- 1) Employees will be required to utilize all available accrued paid leave during the 12 week leave period provided by these policies under the following conditions:
  - (a) All accrued sick leave will be required to be used for leave granted under 7.10(a)(3)(4) and the portion of the leave granted under 7.10(a)(1) that is due to maternal disability.

- (b) Vacation and comp time will be required to be used for leave granted under 7.10(a)(2)(3)(4) and that portion of the leave under 7.10(a)(1) that is not due to maternal disability.

Except as provided in 7.10(c) above, the total leave which may be used in any 12-month period is 12 weeks, unless the employee has accrued sick leave beyond the 12-week period. The City Administrator may approve use of additional vacation and compensatory leave usage beyond the 12-week period if it is in the best interest of the City to do so.

- 2) Employees on leave pursuant to 7.10(a)(4) above, are required to apply for State Worker's Compensation. Payments for accrued leave (vacation, comp time and sick leave) made by the City will not exceed the difference between the employee's monthly wage and the benefit the employee would have received from the Workers' Compensation payment.

**j. Benefits While on Family/Medical Leave**

- 1) The City will maintain and pay for the employee's health care benefits during the term of the leave.
- 2) If the employee does not return to work, the City will recover any premiums paid on behalf of the employee, unless the employee is prevented from returning to work due to the following reasons:
  - (a) The employee has a continuation or recurrence of a serious health condition;
  - (b) The employee has a new serious health condition; or
  - (c) Other circumstances beyond the control of the employee
- 3) The employee will continue to accrue leave and seniority benefits while on paid leave. No leave benefits will accrue while on unpaid leave. Seniority for the purposes of salary or longevity benefits will continue to accrue while on paid leave and for the first 30 days while on unpaid leave.

**k. Certification of A Serious Health Care Condition**

- 1) Employees seeking approval for leave under 7.10(a)(3)(4), above are required to provide the City with a certification from the employee's (or family member's) health care provider. Certification will include:
  - (a) The date on which the condition commenced;
  - (b) The probable duration of the condition;
  - (c) Appropriate medical facts regarding the condition to determine if it is FMLA-qualifying;
  - (d) In the case of care for a family member, an estimate of the time the employee will be needed to care for the family member;
  - (e) In the case of medical leave for the employee, a statement that the employee is unable to perform the functions of his/her position; and
  - (f) In the case of requested intermittent leave for planned medical treatment, the dates on which the treatment is expected to be given and the duration of the treatment.

- 2) The City may, at its expense, obtain a second opinion from a health care provider not utilized on a regular basis by the City. In the event there is a conflict between the two opinions, a third opinion may be requested of a health care provider jointly designated by the City and the employee. The opinion of the third health care provider is final and binding on both parties. The City may also require periodic recertification of the serious health condition and when the leave is for an employee's own serious health condition, a certification that the employee is fit to return to work. Employees who need leave for a qualifying exigency arising from a family member's military leave must provide a certification confirming the need for leave. The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City also may delay or deny approval of leave for lack of proper certification establishing the need for leave.

**l. Return to Work**

- 1) An employee who utilizes leave under this policy is entitled to be returned to his/her former position with equivalent pay, benefits, terms and conditions of employment, if able to perform the essential functions of the job, with or without reasonable accommodation. The use of leave will not result in the loss of any employment benefit which was accrued prior to the date the leave commenced, except as provided in 7.10(c) above.

**m. Exemption**

- 1) The City may deny return to work to an employee within the highest paid ten percent of all employees, if the denial is necessary to prevent a substantial and grievous economic injury to the City's operations; and if the City notifies the employee of its denial prior to approving the requested leave.

**n. Notice**

- 1) The employee is required to give notice of intent to take family/medical leave as follows:
  - (a) Birth or adoption: 30-day notice unless circumstances prevent such notice, in which case such notice as is practicable.
  - (b) Planned medical treatment of employee or child, spouse, registered domestic partner or parent or of the employee: 30-day notice unless the date of treatment requires leave to begin in less than 30 days, in which case such notice as is practicable.

The employee is required to make a reasonable effort to schedule treatment so as not to be disruptive to the City, subject to the approval of the health care provider.

- o. Washington Family Leave Act (WFLA): The WFLA provides certain additional leave benefits to eligible employees. The WFLA largely mirrors the FMLA, with the same eligibility standards and entitlement to 12 weeks of leave for family and medical reasons. In most situations, WFLA provides the same leave entitlement as (and runs concurrently with) FMLA leave and employees should follow the procedures described above for both FMLA and WFLA leave. WFLA differs from FMLA leave only in the following respects:

- 1) WFLA leave does not run concurrently with any leave taken for Pregnancy Disability leave; this affords an employee up to 12 weeks of additional time off to care for her newborn once she has recovered from the Pregnancy Disability.
- 2) Under the WFLA (but not the FMLA), an eligible employee may be entitled to up to 12 weeks of leave to care for the employee's registered domestic partner with a serious health condition.
- 3) The WFLA does not provide leave for military exigencies or for military caregivers. Where such military-related leave is taken under the FMLA, it will not count against the 12-week leave entitlement available under the WFLA.
- 4) Continuation of employer-paid health insurance is not required during WFLA leave. Thus, during leave that is covered only by WFLA and not FMLA, health insurance will not be automatically continued unless the employee elects continuation coverage at his/her expense.

## 11. HOLIDAYS

- a. The following holidays are recognized by the City:

- New Year's Day.....January 1st
- Martin Luther King's Birthday.....3rd Monday in January
- President's Day.....3rd Monday in February
- Memorial Day .....Last Monday in May
- Independence Day.....July 4th
- Labor Day ..... 1st Monday in September
- Veteran's Day .....November 11th
- Thanksgiving Day.....4th Thursday in November
- Day after Thanksgiving .....4<sup>th</sup> Friday in November
- The four (4) working hours immediately preceding Christmas Day
- Christmas Day.....December 25th
- (2) Personal Holidays

- b. Any holiday falling on Saturday will be observed on the preceding Friday. Any holiday falling on Sunday will be observed on the following Monday.

- c. Personal holiday hours will be posted to employee accounts and made available for use each January. During the first calendar year of employment, personal holiday hours will be posted to the account of a new employee, prorated as follows:

- Employment commence during 1<sup>st</sup> quarter: 100%
- Employment commence during 2<sup>nd</sup> quarter: 75%
- Employment commence during 3<sup>rd</sup> quarter: 50%
- Employment commence during 4<sup>th</sup> quarter: 25%

- d. Non-Exempt regular full-time employees will be paid for the holiday plus 1.5 times their regular rate of pay for any time worked on the holiday. Non-Exempt regular part-time employees will be paid for holiday hours commensurate with their work schedules.

- e. Temporary/seasonal/project/emergency employees will be paid at their regular straight-time rate of pay for hours worked on a holiday except as noted in Chapter 2).

## **12. RELIGIOUS HOLIDAYS**

- a. If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with his/her Department Head's approval, take the day off using vacation, compensatory time, or leave without pay.
- b. Employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

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

The term "undue hardship" means an action requiring significant difficulty or expense to the City. The following factors should be considered in determining whether approving unpaid leave results in an undue hardship to the City:

- 1) The number, composition, and structure of staff employed by the City or in the requesting employee's department.
- 2) The financial resources of the City or the requesting employee's department.
- 3) The number of employees requesting leave for each day subject to such a request.
- 4) The financial impact on the City or the requesting employee's department resulting from the employee's absence and whether that impact is greater than a de minimus cost to the City in relation to the size of the city or the requesting employee's department.
- 5) Impact on the City, the requesting employee's department or public safety.
- 6) Type of operations of the City or the requesting employee's department.
- 7) Geographic location of the employee or geographic separation of the particular department to the operations of the City.
- 8) Nature of the employee's work.
- 9) Deprivation of another employee's job preference or other benefit guaranteed by a bona fide seniority system or collective bargaining agreement.
- 10) Any other impact on the City's operation or the requesting employee's department due to the employee's absence.

If possible, an employee should submit a written request for an unpaid holiday provided for by this section to his/her supervisor a minimum of two weeks prior to the requested day. Approval of the unpaid holiday shall not be deemed approved

unless it has been authorized in writing by the employee's supervisor. The employee's supervisor shall evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of "undue" hardship.

In determining whether the employee's absence would result in an undue hardship to the City, the City must make a case by case determination based on the specific objective facts and circumstances, not assumed information, present at the time of each request.

- 1) The existence of a collective bargaining agreement or bona fide seniority system does not in and of itself relieve the City from determining whether there would be an undue hardship if the request was granted.
- 2) When an employee is represented by a union, in determining whether the employee's absence would result in an undue hardship, the request must be reconciled, when feasible, with the provisions of the applicable collective bargaining agreement.
- 3) If the employee is covered under a collective bargaining agreement, the City must determine whether the request can be granted without violating that agreement.

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



## **8. CHAPTER: TRAVEL AWAY FROM CITY/EMERGENCY MEAL PERIODS**

### **1. GENERAL POLICY**

- a.** The purpose of this policy is to establish the City’s travel policies and to delineate those valid business expenses for which payment or reimbursement may be sought by employees, elected or appointed officials and volunteers of the City herein referred to as “authorized staff”. Personnel traveling for the purpose of and funded by grant money will rely on the provisions of this policy in instances where the individual grant has no guidelines.
- b.** It shall be the policy of the City to allow the attendance and participation of authorized staff at meetings, conventions, seminars, etc. (hereafter referred to as events) where such participation is determined to be in the best interests of the City.
- c.** All authorized staff required to travel away from the City will be compensated for their time traveling between the City and the required destination of the event. Compensation will follow Chapter 1) and 2).
- d.** All subsistence rates, allowances and payments provided under this policy shall be paid when authorized staff is engaged in City business and where the attendance or participation at events has been authorized in advance by the approval authority as follows:
  - 1)** Department Heads (Police Chief, Fire Chief, Public Works Supervisor, Electric Supervisor, etc.) shall be the approval authority for employees under their supervision.
  - 2)** The Mayor shall be the approval authority for the City Administrator or elected officials.
  - 3)** The City Administrator shall be the approval authority for the Mayor, appointed officials (commissions/boards/committees), Department Heads, volunteers (excluding firefighters), and any other classification of employee not otherwise listed.
- e.** Authorization of travel is to be exercised through the use of the current and adopted budget.
- f.** If authorized staff desires to have his/her family members or guests accompany him/her on any City related travel, the authorized staff shall advise the appropriate approval authority. The authorized staff shall provide payment of any costs for family members or guests so that no obligation by the City exists during any period of time. Family members or guests are not allowed to travel in City vehicles at any time.
- g.** Authorized staff is to exercise the same care and judgment in incurring expenses on official City business and accomplishing the purpose of the travel that a prudent person would exercise if traveling on personal business. Excessive or unnecessary expenses

will not be reimbursed.

- h. When travel costs and/or registration or other fees have been paid by the City on behalf of the authorized staff, and the authorized staff fails, without good cause to attend the event, said staff shall reimburse the City the amount paid by the City. Questions of good cause shall be determined by the City Administrator.
- i. Any excess travel expenses which are brought about by the personal activities of authorized staff are the responsibility of the authorized staff. Only those travel expenses directly related to City business are allowed.

## **2. INELIGIBLE EXPENSES**

- a. Reimbursement is to be for authorized travel, subject to the restrictions provided herein, but shall not be made for expenses incurred at or between the City and the authorized staff person's residence and official work-site.
- b. Payment for or reimbursement of any of the following is prohibited:
  - Liquor
  - Tobacco
  - Expenses of a family member or guest or other persons not authorized to receive reimbursement under this policy
  - Gratuities related to personal expenses
  - Theft, loss or damage to personal property
  - Airline or other trip insurance
  - Valet or laundry services
  - Entertainment, including movies, television and video rentals
  - Travel expenses paid for by any other organization
  - Mileage if traveling as a passenger in a privately-owned car

## **3. LODGING**

- a. Lodging expenses shall not be reimbursed or paid unless the total distance between the site of the event is at least 50 miles (one way, using the most direct route) from the closer of either the traveler's official residence or official work-site. Under special circumstances involving early or late meetings, or multiple day meetings, lodging expenses for less than this distance may be authorized subject to the City Administrator's pre-approval and before the occurrence happens.
- b. Allowable lodging expenses are intended to include the basic commercial lodging rate for single occupancy or the "government rate" (whichever is the lowest cost for the City) if available, plus any applicable sales taxes and or hotel/motel taxes. It shall be the responsibility of the authorized staff to request of the lodging vendor a "government rate", if available, unless a lower rate for the same accommodations is available with the regular rate.

- c. When traveling with other authorized staff, attempts should be made to share rooms where possible. Staff is expected to make lodging reservations in advance whenever reasonable to ensure that lodging is secured at the most reasonable rates.

**4. MEALS**

- a. Per-diem meal costs for authorized staff in connection with City related travel shall be at the following rates, including tax and tip. No receipts are required.
  - 1) Breakfast.....\$ 10.00
  - 2) Lunch.....\$ 14.00
  - 3) Dinner.....\$ 18.00
- b. No payment for reimbursement of a meal expense shall be allowed when the meal is provided as part of the event being attended.
- c. Authorized staff must be in travel status for an entire City-defined meal period to be eligible for payment of a particular meal expense. Meal periods are defined as follows:
  - 1) Breakfast.....6:30 am to 7:30 am
  - 2) Lunch.....12:00 pm to 1:00 pm
  - 3) Dinner.....5:00 pm to 6:00 pm

NOTE: It is not a requirement that the meal be consumed during the meal period, only that the authorized staff is in official travel status for the entire meal period to qualify for per-diem for that particular meal.

**5. TRANSPORTATION**

- a. Maximum payment for or reimbursement of transportation costs and expenses via commercial carrier is to be no greater than the cost of tourist/coach/economy class or its equivalent, provided that it shall be the responsibility of the authorized staff to request of the transportation vendor a “government rate”, if available, unless a lower rate for the same travel service is available. Additionally, the maximum payment for or reimbursement of transportation costs and expenses shall not exceed the costs of the lesser-least expensive method of travel where there are two or more methods of travel reasonably available. All exceptions shall be approved in advance by the City Administrator.
- b. Employees using personal vehicles when an administrative/department vehicle is available may use their personal vehicle upon the authorization of the appropriate approval authority. It is strongly recommended to utilize City vehicles if available.
- c. Mileage for pre-approved use of personal vehicles will be reimbursed at the current mileage rate as established by the U S Internal Revenue Service.
- d. Daily commute transportation expenses between the residence of the authorized staff and the assigned work site is a personal obligation of the employee and is not

reimbursable by the City.

**6. MISCELLANEOUS TRAVEL EXPENSES**

- a. Miscellaneous travel expenses essential to the transaction of official City business are reimbursable to the authorized staff person upon presentation of ORIGINAL itemized receipts. These include, but are not limited to:
  - 1) Motor vehicle rentals
  - 2) Taxi fares
  - 3) Parking fees
  - 4) Ferry and bridge tolls

**7. ADVANCE TRAVEL PAYMENT**

- a. An Advance Travel Payment Authorization Form is to be used whenever a travel payment in advance (pre-payment) is requested by an authorized staff. Authorized staff shall submit an Advance Travel Request to the appropriate approval authority. If applicable, conference or training registration documentation that indicate the purpose, dates and times of the meeting, and details of what is included with registration must be attached.
- b. Upon approval of the proposed travel, the Advance Travel Request shall be forwarded to the Clerk/Treasurer. Such advance requests should be submitted to the Clerk/Treasurer at least two working days prior to the date required. The amount requested should be a minimum of \$42. If an employee has an outstanding expense advance, he/she must clear that advance before requesting another.
- c. Travel advances are not intended for travel tickets, pre-registration fees, prepaid lodging or other such items which can normally be billed to the City, paid through the regular accounts payable system, or City credit card.
- d. The authorized staff member who has received advanced travel expenses is responsible for taking appropriate safety measures with respect to all monies received. The authorized staff shall be responsible to account for and/or replace, at his/her own expense, any monies to be repaid to the City even if advance travel expense funds are lost, misplaced, or stolen.

**8. TRAVEL EXPENSE VOUCHER**

- a. Within fifteen business days following return from travel status, authorized staff must submit a completed, approved Travel Expense Voucher form to the Clerk/Treasurer to substantiate expenditure of the travel advance and/or request reimbursement of eligible expenditures. Original, itemized receipts are required for all expenses except meals purchased with per diem allowances. An agenda should be attached if one was provided at the conference or training. Any amount advanced that exceeds the

authorized expenditure amount must be returned via cash or check made payable to the City of Chewelah. If the expenses are not substantiated or the amounts in excess of substantiated expenses are not returned within fifteen business days following return from travel status, the amount paid under the arrangement in excess of the substantiated expenses will be treated as paid under a non-accountable plan, subject to the withholding and payment of income, social security, and Medicare taxes and will be deducted from the employee's wages on the first payroll period following the end of the fifteen business days.

- b. Any payments pertaining to travel made using a City credit card must comply with the policies listed in Chapter 9 and should be listed on the travel voucher for audit purposes but not included in the total to be reimbursed.

## **9. EMERGENCY MEAL PERIODS**

- a. During an extraordinary or emergency situation, the City may provide the opportunity for an employee(s) to eat when it is apparent that the employee(s) will miss a normal meal period. Such occurrence will only be allowed when the required overtime is contiguous with the beginning or end of a regular shift and can occur by one of the following methods:
  - 1) The supervisor purchases food for the employee(s) and is subsequently reimbursed by the City. If an employee(s) is provided food, he/she must eat it quickly on the job site or, as determined by the supervisor, take a half hour unpaid meal period. Request for reimbursement by the supervisor must be sufficiently documented and must be authorized by either the City Administrator or the Mayor.
  - 2) The supervisor declares an unpaid meal period of determined length during which the employee(s) purchases his/her meal. The supervisor will subsequently fill out a request voucher for the employee(s) to be reimbursed at the appropriate per diem rate (*refer to 4.a.1) thru 3) of this chapter*) for said meal. Request voucher must be sufficiently documented and must be authorized by either the City Administrator or the Mayor.

## **9. CHAPTER: USE OF CITY CREDIT CARD**

- a.** Any payments made using a City credit card must comply with all City credit card policies and procedures. Original, itemized receipts are required for all credit card purchases. Any credit card purchases that are not properly documented are the responsibility of staff and must be repaid to the City. A City credit card may not be used to pay for meals as the per diem rates apply.

## **10. CHAPTER: CELL PHONES**

The purpose of the Cellular Telephone Policy is to provide clarification for the purchase and use of cellular telephones for employee use, and to establish the protocol for reimbursement by employees for personal use of City cell phones.

It is the policy of the City to entrust employees with communications equipment for increased productivity and safety. It is the employees' responsibility to use this communications equipment prudently, effectively, and safely.

### **City Owned Cellular Phones**

#### **A. Protocol for Assignment of City-owned Cell Phones.**

A cell phone can be considered a practical necessity in the following circumstances:

1. The employee's position involves communication with others when the employee is away from his/her work station.
2. Use of a cellular telephone enhances the employee's personal safety on the job.

#### **B. Authorized use of City-owned Cell Phones:**

Cell Phones provided by the City are the property of the City and are to be used to conduct City business as outlined below:

1. The City Administrator is responsible for purchasing all City owned cell phones and establishing plans with cell phone providers.
2. Cellular telephones should not be used for personal use, except for situations such as unanticipated overtime or family emergencies. Calls of this nature should be infrequent in number and brief in duration.
3. In accordance with the Office of Financial Management, these non-work related local and long-distance personal cellular charges should be reported to the City Administrator and reimbursed at the per minute rate the City pays for minutes billable to the phone in excess of the "free-time" minutes.
4. Cell phone use in violation of any local, state, or federal law is prohibited. Cell phone use in violation of department work policies or for the purpose of personal financial gain is prohibited.
5. Text messaging and emailing is prohibited by state law while the employee is operating a motor vehicle. Speaking on the cell phone without using a hands-free device is also prohibited by law. If no hands-free device is available, the driver should pull to a safe location prior to answering or initiating cell calls. This rule also applies to use of privately owned cell phones during business hours. If possible,

employees should decline incoming calls in favor of voice mail or caller identification to be returned when they reach their destination. An employee should disclose to his/her Supervisor/City Administrator if they are issued a traffic citation for talking on a cell phone without a hands-free device, text messaging, or emailing while on duty. An employee charged with traffic violations involving the use of a cell phone or other wireless communications device while driving will be solely responsible for all resulting fines.

6. The determination of which phone and plan is appropriate for each department will be made by the City Administrator. This determination will be made by taking into account the departmental job duties and related cell phone needs. These needs will be determined by consulting with the Department Head. Based on these needs, it shall be policy to procure the most cost-effective alternative of cell phone and plan. State contracts, pooling of minutes, and free phone offers are examples of the methods that will be used to establish the most cost-effective alternative for cell phones and plans.

#### C. Employee Responsibilities Regarding City Owned Cell Phones

1. Protect the City owned cell phone from theft, loss or damage. In the event that a City cell phone is damaged, lost, stolen or vandalized due to an employee's failure to use reasonable precautions, the employee responsible for such cellular phone will be required to reimburse the City for its replacement cost on a prorated basis: 100% the first year, 50% the second year, 25% the third year.
2. Immediately report the loss, theft or vandalism to the City Administrator.
3. As cell phone calls may not be secure, use discretion while making calls of a sensitive or confidential nature. All texts, emails, and voicemails on a City cell phone are subject to public disclosure laws and must be retained in accordance with appropriate retention periods as set forth by the Washington State Archives. Moreover, work related texts, emails, and voicemails on a personal cell phone may be subject to public disclosure laws.
4. Immediately return the cell phone to the City Administrator if it is determined that the phone is no longer necessary, is defective, or upon leaving employment with the City. Employees transferring or promoting within the City must coordinate their prior cell phone hardware and account with the City Administrator, and eligibility in the new department or position must be re-established.
5. The City reserves the right to review all usage of City provided cellular phones including all bills, incoming and outgoing calls and all text messages sent or received and the content thereof. Employees using City provided cell phones have no right to privacy regarding usage.



**Use of Personal Cellular Telephones to Conduct City Business**

The City recognizes that staff members carry personal cell phones for their personal use. Use of those cell phones during business hours should be kept at a minimum to discourage impact on employee or co-worker performance or safety.

**Acknowledgement of Policy**

I acknowledge receipt of the policy on Cellular Telephone use and agree to comply with the stated policies. I understand that failure to comply with the stated policies may lead to disciplinary actions including the possibility of termination of my employment.

Employee Signature \_\_\_\_\_ Date: \_\_\_\_\_

Print Employee Name: \_\_\_\_\_

\_\_\_\_\_  
City Administrator Signature Date: \_\_\_\_\_

# **11.CHAPTER: EMPLOYEE RESPONSIBILITY AND CONDUCT**

## **1. GENERAL POLICY**

- a.** All City employees are expected to represent the City to the public in a professional manner which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and Department Head.
- b.** Since the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, the City has established certain minimum standards of professional conduct. Among the City's expectations are: basic tact and courtesy toward the public and fellow employees; adherence to City policies, procedures, safety rules and safe work practices; compliance with directions from supervisors; preserving and protecting the City's equipment, grounds, facilities and resources, and providing orderly and cost-efficient services to its citizens.

## **2. OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST**

- a.** Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict, in the City's opinion, with the best interests of the City or interfere with the employee's ability to perform his/her assigned City job. Examples include, but are not limited to, outside employment which:
  - 1) Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
  - 2) Is conducted during the employee's work hours;
  - 3) Utilizes City telephones, computers, supplies or any other resources, facilities or equipment;
  - 4) Is employed with a firm which has contracts with or does business with the City; or
  - 5) May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service; or
  - 6) Utilizes certifications and/or training provided by the City for personal financial gain outside normal working hours and conducted within the Chewelah City limits.

## **3. POLITICAL ACTIVITIES**

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

- b. Any City employee who meets with or may be observed by the public or otherwise represents the City to the public while performing his/her regular duties may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit for a contribution for a partisan political cause on City property or City time.
- c. Except as noted in this policy, City employees are free to fully exercise their constitutional First Amendment Rights.

**4. NO SMOKING/VAPING POLICY**

- a. For health and safety considerations, the City prohibits smoking/vaping in all City facilities, including City owned buildings, vehicles, offices or other facilities rented or leased by the City, including individual employee offices.

**5. USE OF CITY VEHICLES AND EQUIPMENT**

- a. Use of City phones for local personal calls should be kept to a minimum; long distance personal use is prohibited. Other City equipment, including vehicles, should be used by employees for City business only. Use of the police vehicles is covered in the Police Department Policies and Procedures Manual. An employee's misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action, including termination.

**6. BULLETIN BOARDS**

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

**7. ELECTRONIC MEDIA POLICY**

- a. It is the policy of the City to maximize the cost-effective use of computer systems as a means of improving productivity. The City provides communication resources including computing resources, electronic mail (email), internet access, personal digital assistants, and other electronic communications devices (collectively referred to as the City's Technology Resources) to employees to assist in and facilitate City business and communications. The primary purpose of the City's network and systems is to provide service to the public as part of the City's business, in a manner that is consistent with the City's vision and values. De minimus, incidental personal use of the City's Technology Resources by employees is permitted if accomplished in compliance with the provisions of this policy, as set forth below. This policy does not address all required, allowed, or prohibited behaviors by employees, but covers common examples. In general, the City relies on the good judgment of its employees to ensure that City Technology Resources are used in the public's best interest.

- b. *No Expectation of Privacy.* By using the City's Technology Resources, employees

acknowledge and agree that they have no expectation of privacy or confidentiality vis-à-vis the City in their use of these systems or in any data that they create, store, or transmit on or over the systems, including any data created, stored or transmitted during an employee's incidental personal use of the Technology Resources as permitted under this policy. Employees further agree that they are aware of, understand, and will comply with the provisions of this policy, and that their use of the Technology Resources can and will be monitored and any data that they create, store, or transmit on or over City systems may be inspected by City management at any time. Employees should understand that certain email messages, other electronic communications, and documents created on City computer systems may be considered a public record subject to disclosure and/or subject to discovery in the event of litigation.

- c. *Standardized Software and Hardware.*** The City has established standard software and hardware for commonly used applications. The use of unauthorized, non-standard software or hardware, including personally owned software or hardware, on City computer systems without approval of the City Administrator is prohibited.
- d. *Installation of Software and Hardware.*** Improper installation of software or hardware can damage a computer system, cause system malfunction, or conflict with system configuration. All standardized software and hardware is to be installed by the IT Department. Specialized software and hardware technologies exclusive to individual departments may be managed within the appropriate department, in coordination with the IT Department. Any moving, relocating, or rearranging of computer software or hardware should also be coordinated with the IT Department.
- e. *Ownership and Confidentiality.*** All software, programs, applications, templates, data, data files and web pages residing on City computer systems or storage media or developed on City computer systems are the property of the City. The City retains the right to access, copy, modify, destroy or delete this property. Data files containing confidential or sensitive data should be treated accordingly and should not be removed from the workplace without proper authorization.
- f. *Acceptable Uses of City's Technology Resources.*** The City's Technology Resources are to be used by employees or volunteers for City business. Incidental, de minimis personal use may be permitted where, in the judgment of the employee's Supervisor or Department Head, such use does not interfere with employee or department productivity, nor distract/take time away from the worker or co-workers' assigned work. Generally speaking, incidental, de minimis personal use means: (1) it is occasional and of short duration; (2) it is done on an employee's personal time, such as on a lunch break; (3) it does not interfere with job responsibilities; (4) it does not result in any expense to the City; (5) it does not solicit for or promote commercial ventures; (6) it does not utilize excessive network resources; and (7) it does not constitute any prohibited use, as discussed below.
- g. *Prohibited Uses of City's Technology Resources.*** Use of the City's Technology Resources to engage in any communication that violates federal, state, or local laws or regulations, or any City policy, is strictly prohibited at all times. In addition, the

following uses of the City's Technology Resources are inappropriate and are prohibited at all times, unless specifically exempted below:

- 1) Personal commercial use (meaning use that benefits an employee's outside employment or commercial business);
- 2) Accessing, receiving or sending pornographic, sexually explicit or indecent materials, including materials of an offensive nature (unless as part of a law enforcement investigation conducted by authorized Police personnel);
- 3) Usage for any type of unlawful harassment or discrimination, including the transmission of obscene or harassing messages to any individual or group because of their sex, race, religion, sexual orientation, national origin, age, disability or other protected status;
- 4) Gambling;
- 5) Usage for recreational purposes including the loading of computer games or playing online games;
- 6) Usage that precludes or hampers City network performance; such as viewing or listening to streaming audio and/or video (unless for City business, such as for online training);
- 7) Unauthorized copying or downloading of copyrighted material;
- 8) Usage that violates software license agreements;
- 9) Downloading of software programs (unless specifically approved by applicable Director and coordinated with the IT Department);
- 10) Usage for political purposes, including partisan campaigning;
- 11) Sending anonymous messages and/or misrepresenting an employee's name, position, or job description;
- 12) Deliberately propagating any virus, worm, Trojan horse, malware, spyware, or other code or file designed to disrupt, disable, impair, or otherwise harm the City's networks or systems, or those of any other individual or entity;
- 13) Releasing misleading, distorted, untrue or confidential materials regarding City business, views or actions;
- 14) Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages;
- 15) Use of Technology Resources in an excessive manner so as to deprive others of system use or resources, including the sending of bulk email for other than official business or forwarding "chain letter" emails of any kind;
- 16) Connecting to the City network, or any specific software package, utilizing somebody else's security identification login information to gain alternate security permissions;
- 17) Any personal use, even if incidental, that results in expense to the City;
- 18) Usage that violates the guidelines set forth in the Standards of Conduct described in this manual.

- h. No employee is allowed to take any City-owned computer or any other City-owned computer-related device from City premises without approval from the Mayor or the

City Administrator, based upon the needs of the City. This includes City memory devices and digital cameras.

- i. Any person who violates these policies could be subject to disciplinary action, up to and including termination. In addition, employees may be held personally liable for damages incurred as a result of copyright and licensing requirements.
- j. Downloading Files from the Internet or Opening Email Attachments. Downloading files from the internet or opening email attachments from sources outside the City can lead to spyware and/or virus attacks that can severely damage, or degrade the City's network and/or data. The IT Department has installed anti-virus and anti-spyware software on all City computers and continuously updates signature definition files. However, that does not guarantee that all spyware is blocked, or that all viruses are caught.
  - 1) If you are downloading a file and receive a message that a virus or spyware has been detected you must call the IT Department immediately for assistance. Similarly, if you receive an email with a suspicious attachment, or from an unusual source, you should notify the IT Department before opening it. If you notice that your computer is behaving strangely or you suspect spyware or a virus, notify the IT Department.
- k. *Records Retention.* The City has the obligation to maintain all electronic files and records in the same manner in which paper records are to be maintained in accordance with State Archivist records retention schedules.

## **8. CONTACT WITH NEWS MEDIA**

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

## **9. SEAT BELT POLICY**

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

## **10. DRIVER'S LICENSE REQUIREMENTS**

- a. As part of the requirements for certain specific City positions, an employee may be required to hold a valid Washington State Driver's License.
- b. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify his/her Department Head and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her Department Head.

- c. Depending on the duration of the license suspension, revocation, or other inability to drive, an employee may be subject to disciplinary action, including termination.

## **11. SAFETY**

- a. Every employee is responsible for maintaining a safe work environment and following the City's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to his/her Department Head. The City will make every effort to remedy problems as quickly as possible.
- b. In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify their Department Head, the City Administrator or the Mayor.

## **12. SUBSTANCE ABUSE**

- a. The City is committed to providing and maintaining a safe and productive work environment that is free from the adverse effects of drugs, alcohol and other job impairing substances. The City prohibits the possessing, consuming, controlling, selling, using or being under the influence of alcohol, drugs or other controlled substances during work hours, on City property, including breaks and meal periods or while representing the City. Violation of this policy will result in discipline, up to and including termination. The City is committed to supporting employees who undergo treatment and rehabilitation for alcohol or other chemical dependency before violating this policy. The City reserves the right to search employee work areas, offices, desks, filing cabinets, etc. to ensure compliance with this policy. Employees shall have no expectation of privacy as to such areas.
- b. An employee whose conduct indicates that he/she is not in a physical or mental condition which would permit the employee to perform in a job safely or efficiently, will be subject to submitting to a urine, blood, breathalyzer, or other drug or alcohol test to determine the presence of alcohol or drugs in the body.
- c. A Supervisor must have reasonable suspicion to believe that the employee is under the influence of or affected by alcohol or drugs. Reasonable suspicion includes, but is not limited to, abnormal coordination, appearance, behavior, speech, odor, unusual work performance or attendance problems.
- d. If two management employees are on the premises, the reasonable suspicion for testing must be confirmed by another member of management, whenever practical. If only one is on the premises, the Supervisor must make a good faith effort to confirm his/her reasons for testing with another member of management by telephone prior to testing.
- e. An accident for which there is no reasonable explanation will establish sufficient reason for testing the employee(s) involved. Employees having an accident will be drug-alcohol tested immediately, and will be accompanied by someone for such tests. Employees who are the innocent party(s) of an accident will not be subject to a test unless the employer has reasonable suspicion that the employee has violated this policy.

- f. Failure to submit to test, or failure to allow the employer to review the results of a test, will be sufficient reason for termination. Tampering with or adulterating urine samples or other drug or alcohol tests will subject the affected employee to immediate discharge.
- g. Northeast Washington Medical Group in Colville, will be the base facility for collection and transport of the samples to an approved testing facility. Accepted chain of custody procedures must be followed, and the testing facility must meet accepted standards of the industry, and must employ technologists and technicians who are certified in accordance with accepted norms for the industry.
- h. All samples which test positive will be confirmed, using a gas chromatography/mass spectrometry test or a superior or equally reliable test, and the test results shall, upon transmittal by the testing facility, be made available to the employer and the affected employee. All specimens deemed positive by the laboratory must be retained for identification purposes at the laboratory for a period of one year.
- i. The employee, at his/her own expense, may choose to have a second test made of the sample, and must select a test facility which meets accepted standards for the industry, and in accordance with accepted norms for the industry. The employer will be provided with the testing facility's name, address, and credentials if requested. An employee may request the independent test by notifying the employer in writing within forty-eight (48) hours after the employer is informed of the test results.
- j. The possession and use of medically prescribed or over-the-counter drugs during work hours is permissible, subject to certain conditions. The employee shall have no obligation to inform his/her Supervisor of such use unless the employee has knowledge that the medication is causing or likely to cause an impairment that prevents the employee from performing his/her job safely or effectively. In such cases, the employee should notify his/her Supervisor so that a determination can be made as to whether it is in the best interests of the City and the employee that the employee work, not work or be reassigned during the period medication is used.
- k. Employees must notify the City within five (5) days of any conviction for a drug violation.

**13. CDL HOLDERS**

- a. Employees who are required to have a Commercial Driver's License are subject to drug and alcohol testing requirements as set forth in regulations issued by the United States Department of Transportation.

**14. MEDICAL MARIJUANA**

- a. Medical marijuana is defined as the use of marijuana for a bona fide medical condition upon the direct advice of a licensed medical doctor (MD or DO). The recommending physician must substantiate such use in writing.



- b. Medical marijuana is not an “acceptable medical explanation” for a DOT positive drug test under any program mandated by the Department of Transportation (DOT). The company medical review officer will automatically verify such results as positive.
- c. Since federal government law supersedes state law, and since marijuana remains an illegal substance (Class 1 controlled substance), non-DOT marijuana positive drug testing results shall be considered as a positive test, even if a physician’s recommendation can be documented. In such cases, however, each donor shall be evaluated individually to determine if marijuana use could interfere with his/her ability to perform his/her essential job duties. Employees could be reassigned to more appropriate duties as required.
- d. As with the use of any drug that can affect safety, users of medical marijuana who are involved in the performance of safety-sensitive functions are required to report the use of the drug to their Supervisor immediately. No disciplinary action shall be taken for self-reporting such use when done so promptly and before controlled substance testing reveals such use. Failure to inform a Supervisor may result in discipline up to and including termination.

**15. COMPLAINT PROCEDURES**

The City recognizes that sometimes situations arise in which an employee feels that he or she has not been treated fairly or in accordance with City rules and procedures. For this reason, the City provides its employees with procedures for resolving complaints.

- a. Step 1: An employee should first try to resolve any problem or complaint with his/her Supervisor.
- b. Step 2: When normal communication between an employee and the Supervisor is not successful, or when an employee disagrees with the application of City policies and procedures, the employee should attempt to resolve the problem with his/her Department Head. The Department Head will respond to the employee in writing within five (5) days after meeting with him/her, if possible.
- c. Step 3: If the employee is not satisfied with the response from the Department Head, the employee may submit the problem, in writing, to the City Administrator. The written complaint must contain, at a minimum:
  - 1) A description of the problem;
  - 2) A specific policy or procedure which the employee believes has been violated or misapplied;
  - 3) The date of circumstances leading to the complaint or the date when the employee first became aware of those circumstances;
  - 4) The remedy sought by the employee to resolve the complaint.

The written complaint should be filed within ten (10) working days of the occurrence leading to the complaint, or ten (10) days after the employee becomes aware of the circumstances.

- d.** The City Administrator may meet with the parties, either individually or together, and will respond in writing to the aggrieved employee within ten (10) days of the meeting. The City Administrator's response and decision shall be final and binding.
- e.** Certain employees may have more than one source of dispute resolution rights, i.e., the City's Civil Service Rules, a collective bargaining agreement, and this complaint process. Employees who are covered by Civil Service Rules or a collective bargaining agreement should follow grievance procedures set out in those rules or agreements where applicable. In all other cases, the procedures described in this section shall be used. Under no circumstances shall an employee have the right to utilize both this process and other complaint or appeal procedures that may be available to an employee.

## 12.CHAPTER: DISCIPLINE AND TERMINATION

### 1. DISCIPLINE

- a. All employees are expected to exercise good judgment, loyalty, common sense, honesty, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the citizens of the City.
- b. Acts, errors, or omissions which discredit the public service or impair the provision of orderly services to the citizens of the City may result in discipline, including termination.
- c. The City Administrator has full discretion and authority to impose disciplinary action in accordance with City policy and the circumstances of the particular case.
- d. The following are examples of types of behavior which may result in discipline. This list is not all inclusive, but only serves as a general guide. The City may discipline or terminate employees for other reasons not listed below:
  - 1) Drinking alcohol or the abuse of non-prescription or prescription drugs or other controlled substances on the job, arriving on the job under the influence of, or in possession of alcohol, drugs, or other controlled substances;
  - 2) Violation of a lawful duty;
  - 3) Insubordination;
  - 4) Absence from work without first notifying and securing permission from the Supervisor;
  - 5) Habitual absence or tardiness for any reason;
  - 6) Unsatisfactory job performance, as determined by the City;
  - 7) Conviction of a felony or a misdemeanor involving moral turpitude;
  - 8) Acceptance of fees, gratuities, or other valuable items in the performance of the employee's official duties for the City;
  - 9) Inability, refusal or failure to perform the duties of the assigned job;
  - 10) Violation of duties or rules imposed by this manual, or by any other City rule, regulation or administrative order;
  - 11) Dishonesty at work, including but not limited to theft. This includes use of City facilities, equipment and/or supplies for personal benefit.
- e. In the event that discipline is necessary, the following types of disciplinary actions are options that may be used, not a series of steps to be followed in a particular order. All disciplinary matters will be handled on a case-by-case basis:
  - 1) **ORAL WARNING.** An oral warning is a counseling session between the employee's Supervisor and the employee on the subject of the employee's conduct and performance, or his/her failure to observe a rule, guideline, regulation, or

administrative instruction. It is intended to increase an employee's efficiency and value to the City by changing the employee's conduct, attitude, habits, or work methods. Following the counseling session, the Supervisor shall document the oral warning and furnish a copy of the same to the employee.

- 2) **REPRIMAND.** A reprimand is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. Written reprimands are placed in the employee's personnel file, with a copy being furnished to the employee. Written warnings generally will include:
- (a) A statement of facts;
  - (b) A statement of the discipline being given, if any;
  - (c) If appropriate, the employee's explanation and reason for the violation;
  - (d) The required corrective action on the part of the employee;
  - (e) If appropriate, a written and definite period of disciplinary probation during which the employee must clearly demonstrate improvement; and
  - (f) A statement indicating further disciplinary action, up to and including termination, may follow if correction is not achieved.

The warning shall be signed by the employee's direct Supervisor and the employee. Copies of written warnings shall be forwarded to the City Administrator. After review with the employee, a copy of the written warning shall be given to the employee and a copy shall be placed in the employee's personnel file.

- 3) **SUSPENSION.** A suspension is a temporary, unpaid absence from duty which may be imposed as a penalty for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action which is made part of the employee's permanent record. In each case of disciplinary suspension, a written memo will be prepared and generally include the following:
- (a) The event or events which led to the suspension;
  - (b) The duration of the suspension;
  - (c) A statement indicating required corrective action on the part of the employee;
  - (d) If appropriate, the employee's explanation or comments; and
  - (e) A statement indicating that it is a "final warning" and further indicating that the employee will be discharged upon the occurrence of another infraction or unless corrective action is taken within the stated time.
  - (f) The memo may be signed by the employee and any other person who may be present at the discussion. The memo shall be signed by the employee's Department Head and a copy forwarded to the City Administrator. After review with the employee, a copy of this memo shall be given to the employee, and a copy shall be entered into the employee's personnel file.

An employee who has engaged in misconduct or violated the City's policies may be suspended immediately if the Mayor and City Administrator believe the good of the public requires immediate suspension. After returning from suspension the employee

may again be placed on probation at the discretion of the City Administrator and the Department Supervisor.

- f. Suspension with pay, where the employee is placed on administrative leave, may be utilized by the City pending the results of an investigation or disciplinary action where the City Administrator determines that factors such as public confidence, the safety of the employee or the efficient functioning of the City call for such a suspension.

## **2. TERMINATION**

- a. An employee may be terminated from City employment for any of the reasons listed below:
  - 1) During or at the end of an employee's trial period;
  - 2) As a result of disciplinary action;
  - 3) Due to loss of skills, certifications or other conditions which would make the employee no longer qualified for his/her position;
  - 4) When the City Council has made a determination that a lack of work or funding exists with respect to the employee's position. The City Council has sole discretion to make determinations of lack of work or lack of funding;
  - 5) If the employee has a physical or mental impairment that prevents him/her from performing the required duties of the employee's position and the employee cannot be reasonably accommodated. Termination must be supported by medical evidence which establishes that the individual is unable to perform bona fide job requirements. The City may require an examination, at its expense, performed by a physician of its choice. Failure to submit to such request may result in termination.
- b. No employee will be disciplined or terminated for a discriminatory or otherwise illegal reason.

## **3. PRE-TERMINATION HEARING**

- a. In the case of termination of an employee, other than trial employees, the City will conduct a pre-termination hearing. The pre-termination hearing serves as a check against mistaken decisions and to determine whether there is a reasonable presumption that the charges against the employee are valid and support termination.
- b. In the event the City convenes a pre-termination meeting, the employee will be notified of the reason for the City's preliminary intent to terminate. Usually, the employee shall be given an opportunity to respond to the charges, either orally or in writing, and to explain why the City should not go ahead with the termination. Although the City's explanation of the reason for its preliminary intent to terminate should be sufficient to inform the employee of the basis for termination, this procedure should not be construed to limit the City at any subsequent hearing or proceeding from presenting a more detailed and complete case, including the presentation of witnesses and/or documents not introduced at the pre-termination hearing.

- c. In cases where there is immediate threat to City assets, as deemed by the City Administrator and the Mayor, immediate termination may be enforced.
- d. Unless otherwise specified by resolution, written employment contract, or a collective agreement, all employees are employed on an at-will basis and may be terminated at any time from City employment with or without cause.

#### **4. LAYOFF**

- a. The Mayor may lay off employees for lack of work, budgetary restrictions or other changes that have taken place.
- b. Temporary employees or employees who have not completed their trial period will be laid off before regular employees are affected.
- c. In determining who is to be laid off, the City will give consideration to individual performance, the qualifications required to perform the remaining jobs, and other relevant factors determined by the City. Seniority will be considered when performance and qualifications are equal.
- d. Employees who are laid off may be eligible to be re-employed, if a vacancy occurs in a position for which they are qualified.
- e. When the City is operating with decreased or minimum revenues, or when a moratorium on the budget is declared by the Mayor, it may be deemed necessary to reduce the number of hours worked by employees. In such a case, the City Administrator will notify the Mayor of the pending situation; the Mayor will call into session the City Council, who may elect to reduce the number of hours worked by all employees until the situation is resolved and funding is at full status.

#### **5. RESIGNATION**

An employee should provide a minimum two (2) weeks notice of resignation. This time limit may be waived by the City Administrator or the Mayor in certain situations.

# 13.CHAPTER: REPORTING IMPROPER GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST RETALIATION

## 1. POLICY STATEMENT

It is the policy of the City of Chewelah to:

- a. Encourage reporting by its employees of improper governmental action taken by officers and employees of the City of Chewelah; and
- b. Protect the employees of the City of Chewelah who have reported improper governmental actions in accordance with the City of Chewelah's policies and procedures.

## 2. DEFINITIONS

- a. As used in this policy, the following terms shall have the meanings indicated:
- b. "Improper governmental action" – any action by an officer or employee of the City of Chewelah that is:
  - 1) Undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of that person's employment; and
  - 2) Is (i) in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety or (iv) is a gross waste of public funds.

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

- c. "Retaliatory action" – any adverse change in the terms and conditions of a City of Chewelah employee's employment.
- d. "Emergency" – a circumstance that if not immediately changed may cause damage to persons or property.

## 3. PROCEDURES FOR REPORTING

- a. Any City of Chewelah employee who becomes aware of improper governmental actions should first raise the issue with his/her immediate Supervisor. The Supervisor shall request the employee to submit a written report to the City Administrator stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action

involves his/her Supervisor, the employee may raise the issue directly with the City Administrator. If the employee believes that the City Administrator is involved, he or she shall inform the Mayor directly.

- b.** 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 report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.
- c.** The City Administrator or Mayor, as the case may be, shall take prompt action to begin investigating the report of improper governmental action. The Chief of Police, City of Chewelah, and if necessary the Stevens County Prosecuting Attorney will be asked to assist in such investigation. Any officials or employees involved in the investigation shall keep the identity of the reporting employee confidential to the extent possible under law, unless the employee authorizes the disclosure of his/her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.
- d.** City of Chewelah employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the City of Chewelah employee reasonably believes that an adequate investigation was not undertaken by the City of Chewelah to determine whether an improper governmental action occurred, or that insufficient action has been taken by the City of Chewelah to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.

#### **4. PROTECTION AGAINST RETALIATORY ACTIONS**

- a.** Officials and employees of the City of Chewelah are prohibited from taking retaliatory action against any City of Chewelah employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.
- b.** Employees who believe that they have been retaliated against for reporting an improper governmental action should advise the City Administrator. The City Administrator, or the Mayor, if the allegation is against the City Administrator, shall take appropriate action to investigate and address complaints of retaliation.
- c.** If the City Administrator, or Mayor, as the case may be, does not satisfactorily resolve a City of Chewelah employee's complaint that he or she was retaliated against in violation of this policy, the City of Chewelah employee may obtain protection under this policy and pursuant to state law provide a written notice to the City of Chewelah Council that:
  - 1) Specifies the alleged retaliatory action, and
  - 2) Specifies the relief requested.



- d. The City of Chewelah employees shall provide a copy of their written notice to the City Administrator no later than thirty (30) days after the occurrence of the alleged retaliatory action. The City of Chewelah shall respond within thirty (30) days to the charge of retaliatory action.
- e. After receiving either the response of the City of Chewelah or thirty (30) days after the delivery of the charge to the City of Chewelah, the City of Chewelah employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the City Administrator within the earlier of either fifteen (15) days of delivery of the City of Chewelah's response to the charge of retaliatory action or forty-five (45) days of delivery of the charge of retaliation to the City of Chewelah for response.
- f. Upon receipt of request for hearing, the City of Chewelah shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:
  - Office of Administrative Hearings
  - 221 N. Wall Street, Suite 540
  - Spokane, WA 99201-0826
  - (509) 456-3975
  - (800) 366-0955 (Toll-free)
  - (509) 456-3980 or 3997 (Fax)
- g. The City of Chewelah will request a final decision of the administrative law judge within forty-five (45) days after the date the request for hearing was delivered to the City of Chewelah.
- h. The City of Chewelah will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed. The City of Chewelah may request a judicial review of the final decision of the administrative law judge.

**5. RESPONSIBILITIES**

- a. The City Administrator is responsible for implementing the City's policies and procedures for:
  - 1) Reporting improper governmental action; and
  - 2) Protecting employees against retaliatory actions
- b. This includes ensuring that this policy and these procedures are:
  - 1) Permanently posted where all employees have reasonable access to them to include, but not limited to:
    - City Hall
    - Public Works Building
    - Shop Building

- Fire Building

- 2) Made available to any employee upon request, and
  - 3) Provided to all newly hired employees
- c.** Officials and Supervisors of the City are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including possible termination.

**6. LIST OF AGENCIES**

The following is a list of agencies responsible for enforcing local, state and federal laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the City Administrator.

**CITY OF CHEWELAH**

Chewelah City Police Department  
PO Box 258  
Chewelah, WA 99109  
(509) 935-6555

**STEVENS COUNTY**

Prosecuting Attorney  
215 S. Oak Street, Room 114  
Colville, WA 99114  
(509) 684-7500

North East Tri-County Health District  
240 E. Dominion  
Colville, WA 99114  
(509) 684-1301

**STATE OF WASHINGTON**

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

State Dept. of Ecology  
Eastern Region  
N 4601 Monroe  
Spokane, WA 99205-1295  
(509) 329-3400

Human Rights Commission  
Spokane District Office  
1330 N Washington St. Suite 2460  
Spokane, WA 99201  
(509) 568-3196

State Dept. of Health  
Health Consumer Assistance  
PO Box 47890  
Olympia, WA 98504-7890  
(800) 525-0127

Dept. of Labor & Industries  
901 N Monroe Street, Suite 100  
Spokane, WA 99201-2149  
(509) 324-2600

State Liquor Control Board  
3000 Pacific Avenue SE  
Olympia, WA 98501  
(360) 664-1600

Dept. of Natural Resources  
North East Region  
P O Box 190  
225 S Silke Road  
Colville, WA 99114  
(509) 684-7474

Dept. of Social & Health Services  
Constituent Services  
P O Box 45130  
Olympia, WA 98504-5130  
(800) 737-0617

**UNITED STATES GOVERNMENT**

Dept. of Agriculture  
Office of Inspector General  
W Jamie Whitten Bldg. M Room 117  
1400 Independence Avenue SW  
Washington, D.C. 20250  
(202) 720-8001

Dept of Agriculture  
Office of Audit  
W Jamie Whitten Bldg., Room 117  
1400 Independence Avenue SW  
Washington, DC 20250  
(202) 720-6945

Dept of Agriculture  
Office of Investigations  
W Jamie Whitten Bldg., Room 117  
1400 Independence Avenue SW  
Washington, DC 20250  
(202) 720-3306

Department of Justice  
Drug Enforcement Administration  
Seattle Division  
400 2<sup>nd</sup> Avenue W.  
Seattle, WA 98119  
(206) 553-5443

Environmental Protection Agency  
Region 10  
1200 Sixth Avenue Suite 900  
Seattle, WA 98101  
(800) 424-4372

Equal Employment Opportunity Comm.  
Seattle Field Office  
Federal Office Bldng.  
909 First Avenue Suite 400  
Seattle, WA 98104-1061  
(800) 669-4000

Bureau of Alcohol, Tobacco, Firearms  
and Explosives  
Law Enforcement Office  
Spokane Field Office  
1313 N Atlantic St. Suite 4100  
Spokane, WA 99201  
(509) 324-7866

Department of Interior  
US Fish & Wildlife Service  
1103 E Montgomery Drive  
Spokane Valley, WA 99206  
(509) 891-6839

Department of Labor (OSHA)  
Safety and Health Administration  
Regional Office  
300 Fifth Avenue Suite 1280  
Seattle, WA 98104  
(206) 757-6700

Department of Justice  
Federal Bureau of Investigation  
1110 3<sup>rd</sup> Avenue  
Seattle, WA 98101-2904  
(206) 622-0460

Securities & Exchange Commission  
100 F Street NE  
Washington, DC 20549  
(202) 942-8088

Department of Transportation  
Office of Inspector General  
1200 New Jersey Avenue SE, 7<sup>th</sup> Floor  
Washington, DC 20590  
(202) 366-1959

**UNITED STATES GOVERNMENT (continued)**

General Service Administration  
Northwest Region  
400 15<sup>th</sup> Street SW, Bldg. 819  
Auburn, WA 98001-6599  
(253) 931-7711

Dept. of Veterans Affairs  
Office of Inspector General  
810 Vermont Avenue NW  
Washington, DC 20420  
(800) 488-8244

US Dept Health & Human Services  
Office of Inspector General  
Room 5541 Cohen Building  
330 Independence Avenue SW  
Washington, D.C. 20201  
(202) 619-1343

US Dept Health & Human Services  
Office for Civil Rights  
2201 Sixth Avenue – M/S: RX-11  
Seattle, WA 98121-1831  
(206) 615-2290

## City of Chewelah Personnel Policies Receipt and Acknowledgement

This confirms that I, \_\_\_\_\_,  
(print name)

- Have received and will read the City’s Personnel Policies effective January 1, 2018; and
- Understand and agree that these policies are not an agreement or contract for employment; and
- Understand that no one in the City has the authority to enter into any agreement for employment for a specified period of time or to make other representations or agreements inconsistent with these policies unless it is in writing signed by the Mayor; and
- Understand that the policies and procedures contained may be revised and updated by the City from time to time; and
- Understand that these policies revoke and supersede any prior handbooks, statements of employment policies, guidelines and procedures, or employment manuals, handbooks, or other documents issued by the City; and
- Understand that, unless otherwise provided by a law or collective bargaining agreement, my employment with the City is at-will; and
- I understand that this manual describes conditions and procedures regarding discipline and termination of employment and that although the City may follow these conditions and procedures, the City retains the right to deviate from them as it deems necessary at its sole discretion.

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

\_\_\_\_\_  
Date