

Employment Policy Manual

Prepared by City Human Resources

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Preface & Introduction

In order to be successful, it is important for employees to know the City's objectives and expectations. Therefore, the City of Vancouver has created a mission statement, a vision statement for the organization, a strategic plan, operating principles, and employment policies. These employment policies were established to communicate information; to create a uniform system for personnel management; and to assure that personnel actions and decisions are fair, equitable and in compliance with state and federal employment laws as well as the City ordinance. The policies have the unqualified approval and support of management.

Operating principles are ground rules, not options. They reflect what we stand for and what we will not tolerate. They are a fundamental part of the way we do business. The operating principles are based on these uncompromising values: stewardship; fiscal accountability; customer service; integrity; respect; responsibility; cooperation; leadership; and reputation. They speak of how we expect to act today and every day. We will measure every decision, every action and ourselves against these operating principles.

The policies and guidelines contained in this manual are based on and an extension of the operating principles. They provide the details on how each one of us can meet the objectives established by the operating principles. Just as each employee will be held accountable for compliance with the operating principles, each employee will be held accountable for compliance with the policies and guidelines. Violation of operating principles, policies and/or guidelines may result in corrective or disciplinary action up to and including termination of employment.

As the City grows and transforms, the expectations of each department and employee may also change. Similarly, the laws which govern the working relationship between the City and its employees are constantly changing. Therefore, the City may modify, eliminate, or add to any policies, procedures, and guidelines. The City will comply with all state and federal collective bargaining requirements prior to implementing any changes. Employees will be notified of the change and as changes occur, the master policy manual on CityNet will be updated and employees will be responsible for complying with new or updated policies and guidelines.

These employment policies apply to all regular employees and members of management at all levels of supervisory responsibility. These policies are not a contract between the City and any of its employees. If an employee has a specific written employment agreement with the City or is subject to a collective bargaining agreement and the terms of that agreement differ from the information in these policies, the agreement shall prevail. No employee of the City has the authority to grant or offer to any employee any job security or protection which is not provided for under a City policy, collective bargaining agreement or written employment agreement.

Please note that some of these policies may be superseded or governed by the rules of the Civil Service Commission or public safety policy. Further, certain situations may have more than one policy that applies. To ensure that you are following all applicable policies in your situation, please contact your immediate supervisor, Department Director, or the City's Human Resources Department.

The employment policies contain information that is important to each employee's job and to successful employment with the City of Vancouver. Therefore, each employee is expected to become familiar with the contents of the policies. Any questions about the policies and procedures may be directed to an immediate supervisor, Department Director, or the City's Human Resources Department.

Source: For additional employment-related information, see the Vancouver Municipal Code, Section 2.45

City Vision & Operating Principles

Vision Statement:

Vancouver is recognized for its civic excellence. Employees are proud to work in an open, supportive environment where we are empowered to create solutions and outcomes, which exceed the expectations of the citizens we serve.

Our Operating Principles:

In every way, our business is the center of people's lives. Our work includes the roads people drive on, the buildings they live and work in, the parks they play in and the water they drink. No one in the City of Vancouver, whether a resident, a tourist, or a shopper, is untouched by our work. We are in the business of creating and protecting community. Few businesses are involved in work so closely tied to life and living.

We are proud of what we do. We take it seriously. As a government, our city organization is guided by elected officials. And while politics play an important role in choosing our leaders and charting our priorities, politics will play no role in choosing how we treat people.

This document is about our operating principles as a city organization. It speaks of how we expect to act today and every day. Against these operating principles, we will measure our decisions, our actions, and ourselves.

No doubt some of what is important is not mentioned here. We can add to these operating principles. We will not subtract from them, though. These values are ground rules, not options. They reflect what we stand for – and what we won't stand for. They are a fundamental part of the way we do business. Our commitment to them means that all of our actions and relationships – whether involving citizens or ourselves – are based on these uncompromising values:

Stewardship

The community of Vancouver entrusts us to care for its assets: its roads, its funds, its buildings, its parks, its equipment, its land, its water, its trees, and its reputation. We are stewards even of its future. We must never gamble with it. We must conserve and enhance it, or we will have failed in our fundamental responsibility.

We will plan imaginatively and pursue opportunities for tomorrow's citizens and their needs, recognizing that tomorrow comes too quickly. Still, we will not let these plans and pursuits take precedence over, nor get in the way of, our commitment to today's community and its needs.

Fiscal Accountability

The community entrusts us to manage their tax dollars wisely. We will be fiscally-accountable in every action we take – from major expenditures to small transactions. It is our duty and our responsibility to the citizens of Vancouver.

We must make certain that resources are collected, invested, safeguarded, and spent in accordance with legal requirements and sound financial management practices. Before any dollar is spent we will ask ourselves, "Is this necessary?", "Is this the best way to conduct the public's business?", "Is there a less expensive, equally effective alternative?"

We will look for more cost-effective ways to provide services. We will partner, seek opportunities to leverage other available funds and work to balance resources with community priorities. Ours is a public trust. Accountability and stewardship begin and end with every employee.

Customer Service

The City of Vancouver is committed to providing great customer service during every interaction. Great customer service is at the heart of all that we do as a City. Our commitment to making the customer the focus and reason for all that we do is what makes us a great City.

We will be known and recognized for our customer service ethic. We know that every contact with a customer represents a “Defining Moment” - the point when a customer forms an impression of us and our organization either positive or negative. We are committed to providing services that benefit our customers both internal and external. We treat others as we would like to be treated: responsively, timely, respectfully, fairly, and pleasantly.

We know the needs and goals of our customers. We offer solutions and outcomes which exceed their expectations. We are responsive and proactive in finding solutions. We effectively communicate with our customers by both actively listening and talking directly with them. We use good judgment and make sound decisions. Our employees are empowered and have the tools and the authority to provide great customer service.

Great customer service is our most important job. The needs of our customers are our number one priority. Always.

Integrity

Integrity in the broadest sense must lead our actions in all relationships, including those with citizens and each other. On a daily basis, every one of us makes choices about how to behave—whether to do the right thing or simply the easy thing.

We are a government. Often, people look at government with suspicion. We cannot simply be right in our decisions; we have to look right, too. Taking advantage of loopholes, quick fixes, and taking shortcuts can compromise public trust in us. We won't allow it. We must do the right thing, even when it is painful or difficult.

We must never base our decisions or actions on what we think we can get away with. If it involves going below the belt, behind the back, or under the table, we won't do it. We will rethink the situation and take a different path. A moment of choice is a moment of truth. It's the testing point of our character and competence.

Respect

We will treat every person with respect and dignity. Always. Our workplace is to be a shelter from violence, threats, harassment of any sort, discrimination, retribution, bullying, and abuses of all kinds. It is to be a place where respect is built by showing respect.

Every person who comes in contact with a City of Vancouver employee, including other employees, can expect honesty, fair dealing, and courtesy. No amount of authority, status, or power can excuse anyone in our organization from treating another with rudeness, humiliation, or disrespect. Ever.

Responsibility

Personal accountability is a basis of our commitment to each other and to the community. We honor our commitments and obligations to each other and to citizens. We keep our word, and if circumstances prevent us from doing so, we don't pass the buck or make up excuses.

Our commitment to accepting responsibility comes before our personal moods. We alone are responsible for how we act, and we can choose to act responsibly.

We are honest with each other. We know that we carry a burden for helping others around us to succeed. We can watch silently as others act against these operating principles or we can step up and say what we see. Personal responsibility means doing the right thing when others aren't.

Cooperation

Together we can create solutions and outcomes that are far more creative, more fitting, more workable, more rewarding than any solution or outcome we could ever come up with on our own. In almost all situations, cooperation is far more productive than competition.

Either-or, we-they, and win-lose thinking has no place in our organization; we must go beyond it. We acknowledge our contribution to problems and work for solutions. Though we may work in different departments and different buildings, and though we may build doors and walls between us, we must cooperate as if we have no separations or barriers. We are one City.

We mean to involve our employees in workplace governance, relying on employees for input, guidance, and advice. The counsel of all employees, from part-time workers to executive managers, is weighed with the same scale: to be considered, it must be consistent with our stated values. We support decisions even if they are not ours.

We encourage and recognize both individual and group achievements. We freely join with colleagues across organizational and city boundaries to advance the interests of the community. We communicate frequently and honestly.

We strive to treat citizens as partners with us. We not only listen to them, but we also seek their input.

Leadership

We recognize the difference managers can make in the lives of workers and the results of work. Therefore, we recruit, select, and retain managers based on their ability to make a positive difference and demonstrate these values in their decisions and actions.

We require leadership marked by directness, openness to ideas and willingness to be influenced, commitment to the success of others, and trust. Not only must we model these behaviors, but we must also coach others to adopt them.

We require leadership that increases the authority and responsibility of those closest to the task and encourages employees to stretch their abilities to solve problems at their level.

Reputation

It is not enough to act consistent with our operating principles. We must be seen as being consistent if we hope to earn the confidence of the whole community.

We will strive to become known for our successful commitments to a safe, friendly, challenging, inspiring, productive, rewarding, value-driven, and fun workplace.

We will strive to be known as the best city government based on what the community says about its city and what our employees say about their workplace.

In the end, our success will be measured by our reputation both for what we do and how we do it. That reputation is built by the small, daily acts of each employee in how we treat citizens and how we treat each other. We are our reputation.

Definitions & Key Terms

The City of Vancouver maintains standard definitions of employment status and classifies employees for the purposes of human resource, benefits administration, and related payroll transactions. The following definitions are currently in use:

1040 Workers: Employees who are hired by the City to work in seasonal or limited duration positions for a maximum of 1040 hours in a rolling twelve-month period (excluding an ongoing 20 hour per week schedule). Employees in this category do not receive any City benefits.

2080 Workers: Employees who are hired by the City to work in a variety of areas, normally for a maximum of 2080 hours in a rolling twelve-month period. Based upon their assignment, employees in this category may receive City benefits. This group includes Tennis Center Pros, On-the-Job Training (OJT), Grant-Funded, Special Project and Supported Employees.

Agency Temporary Worker: A contingent worker hired by Human Resources through a temporary staffing agency to fill a seasonal or shorter-term staffing need. Agency temporary workers may work any schedule for a maximum of 1040 hours in a rolling twelve-month period. Agency temporary workers are not employees of the City and as such are not eligible for any City provided benefits.

At-Will Employment: Under the at-will relationship, both the employer and employee may choose to terminate an employment relationship at any time, for any reason, with or without cause for any lawful reason.

FLSA Exempt: An employee who is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and is normally paid an established salary. Exemption has no relation to union membership status.

FLSA Non-Exempt: An employee who is eligible to receive overtime or compensatory time for work as mandated by the Fair Labor Standards Act (FLSA). Non-exempt employees are normally paid an hourly rate of pay. Non-exempt designation is not related to union membership status.

Limited Term Employee: Employees who have specified term of employment.

May: "May" is interpreted as "permissive".

Notices: For the purpose of determining the length of time periods for action in any of these policies, days shall be counted beginning with the calendar day following mailing or delivery of a notice and concluding at 5:00 p.m. on the last day to be counted. If the last day to be counted falls on a weekend or holiday, the period will end at 5:00 p.m. on the first City business day following the last counted day.

Public Safety Policy: A policy, general order, inter-local agreement, or administrative guideline officially adopted by the Vancouver Police or Fire department.

Regular Full-time Employee: Employees who hold a budgeted/Council approved position and who are normally scheduled to work at least 37.5 hours per week.

Regular Part-time Employee: Employees who hold a part-time position are in a budgeted/Council approved position and are normally scheduled to work a minimum of 20 hours and less than 37.5 hours per week.

Service Date: An employee whose first date of employment is between the first and the fifteenth day of a month will have a service date of the first of that month. An employee whose first date of employment is between the sixteenth and the last day of a month will have a service date of the first of the following month.

Shall & Will: "Shall and will" are interpreted as "mandatory".

101. EQUAL EMPLOYMENT OPPORTUNITY (EEO)

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City of Vancouver is committed to providing equal employment opportunities to all individuals. Therefore, the City will not discriminate in any employment practice on the basis of age, sex, race, creed, political or religious affiliation or opinion, color, national origin, marital status, military status, pregnancy, disability, sexual orientation, or any other protected status under applicable law.

GUIDELINES:

1. What are equal employment opportunities?

An equal opportunity employer is one that complies with the various antidiscrimination laws by making employment decisions based on job related qualifications rather than an individual's membership in a protected class. Equal employment opportunity does not require an employer to give preferential treatment to protected groups. Instead, the various federal and state laws designed to protect certain classes of individuals from discrimination generally require employers to provide similar treatment to similarly situated individuals.

2. What is an employment practice?

The term employment practice includes all terms, conditions, and privileges of employment. For example, the term includes but is not limited to recruitment, hiring, compensation, benefits, promotion, layoff, performance evaluation, discipline, and termination of employment.

3. Does the City encourage diversity in employment?

Yes. The City conducts recruitment and selection efforts which encourage qualified, diverse candidates to apply for employment with the City. In addition, the City has developed a committee to address issues of diversity in areas such as recruitment, selection, career development, training, and promotion.

4. What should an employee do if they feel they have received discriminatory treatment related to employment practices?

Employees should report the situation as soon as possible. The report should be made to any supervisor or manager, Human Resources, the department director, or the City Manager's office. The City will then review the circumstances of the incident, gather pertinent information and/or perform an appropriate investigation, and develop a plan for protecting the workplace from any discriminatory treatment.

102. RECRUITMENT AND SELECTION

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City hires employees who are the best qualified to meet the requirements of the job and the organization's overall goals. The City's hiring practices are intended to comply with all applicable state and federal laws and to protect the rights of employment applicants and current employees to be free from discrimination.

GUIDELINES:

1. What is the City's General Recruitment Philosophy?

The City of Vancouver hires candidates who best demonstrate the skills to meet the requirements of the position and the goals of the organization. As a result, the person selected may not always be the candidate with the most years of experience or highest degree of education. The person selected may be the applicant who can demonstrate not only technical or professional competence, but also other important skills or qualities, as determined by the City.

2. When is Appointment (versus Recruitment) an option?

Individuals may be appointed to positions within the Management Compensation Series (M Series) upon approval of the City Manager and following a review by Human Resources. Managers may also appoint individuals following a review by Human Resources in the following instances:

- There has been an identified succession planning process in place for the specific position; or
- There is a need for consistency in the workgroup or department to assure effective service delivery and a productive working environment. In this case, the manager must document how the selected appointee uniquely provides the City with this benefit; or
- In lieu of a layoff as provided by City policy or a collective bargaining contract; or
- Other situations as required by law, policy, a collective bargaining agreement or organizational needs.

3. How does an individual apply for a job opening?

The requirements and time frames for applying for job openings will be set forth in the posted job announcement.

4. Must all applicants be 18 year of age or older?

As a general rule, the City does not hire persons who are under 18 years of age into regular positions. However, the City may hire students or youth between 14 and 18 years of age into some temporary or seasonal positions or under educational internships or youth learning programs. The City will follow applicable state and federal regulations for the employment of minors.

5. Who is eligible to apply for internal only postings?

Current regular full-time, regular part-time, and/or limited term City employees who have already completed their initial probationary period are eligible to apply. Exceptions to this guideline must be approved in advance by the Department Director and Human Resources Director.

6. Can a probationary employee apply for external postings?

Yes.

7. What selection process is used to make the hiring decision?

The Human Resources staff, the department's personnel administrator (if applicable) and the hiring supervisor work together to outline the selection process, determine the hiring criteria and design selection materials and tools that are job-related.

8. Are reference and/or background checks required before a final offer of employment is extended?
Yes. A reference and/or background check will be performed for the final job candidate(s).
9. Will the City conduct references on current employees for purposes such as promotions, transfers, career development, and appointments?
Yes. In most cases information will be requested regarding a current employee's performance prior to making a selection or hiring decision.
10. What types of reference checks may be conducted?
For both internal and external candidates, Human Resources may obtain job-related, pre- or post-employment references and/or evaluations including, but not limited to a criminal background check, a credit check, a physical/psychological evaluation, motor vehicle driving records and any other job-related assessment or information.
11. How are official offers of employment extended to successful candidates?
Successful applicants will receive a written job offer.
12. Does this policy apply to all positions?
No. Recruitment and selection processes for temporary, limited term, project, seasonal positions, etc., may vary from the process as outlined above.

103. EMPLOYMENT REFERENCES

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: To encourage exchange of useful information among employers, the City will provide job related information in response to a request for a job reference about a current or former employee.

GUIDELINES:

1. What information will be provided?

Generally, the City will limit information to the employee's position and duties, salary, job location, and dates of employment with the City. However, the City will release factual information related to job performance after receiving an acceptable written release from the employee, directing the City to release information to a specific source.

2. Who will provide the information?

Requests for job references may be directed to Human Resources or a department manager or supervisor may provide the information if:

- The City has received a written release signed by the employee authorizing disclosure of information.
- The manager or supervisor has received authorization and guidance from Human Resources to disclose information.

3. Can employees obtain a formal letter of recommendation from another City employee?

Managers and supervisors may provide letters of recommendation only if the City has received a written release signed by the employee authorizing disclosure of information and Human Resources has reviewed and authorized the letter. This does not prevent anyone from providing personal references in which they do not represent the City in their official capacity.

City of Vancouver Employment Policy Manual

Policy 105. HOURS OF WORK

Policy Sections:	Effective: 1/01/2022
105.1 Expected Hours	Supersedes: 5/2008
105.2 Break Periods	
105.3 Meal Breaks	
105.4 Timing of Breaks	
105.5 Travel Time	
105.6 Recording and Reporting Hours Worked	

PURPOSE

Scheduling and recording work hours are necessary to provide an accurate basis for preparing paychecks, to ensure compliance with state and federal law, and to maintain an effective and efficient cost accounting system.

SCOPE

This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

DEFINITIONS

- **“Hours of Work”** - For the purpose of this policy, and FLSA and WA L&I requirements, hours worked may include:
 - a. Hours spent performing job duties during or outside of the regularly scheduled work shift.
 - b. Rest periods of 20 minutes or less.
 - c. Time spent traveling for work (not including regular commute) or attending training if it is performed with the authorization and at the direction of the City.
 - d. Volunteer work performed by non-exempt workers, if it is performed with the authorization and at the direction of the City.
-
- 105.1 **Expected Hours:** Each employee’s schedule will be determined by each Department Director or appropriate designee, as required by work load and production flow, customer service needs, the efficient management of human resources and as required by law. Employees will be informed of their daily schedule, to include hours of work, meal, and break periods. Employees will be expected to work their scheduled shift unless otherwise authorized by their supervisor.
- 105.2 **Break Periods:** Non-exempt employees should receive a break period of 20 minutes for each four-hour segment of work time. Non-exempt employees cannot work more than three consecutive hours without a rest break. Department Directors or the appropriate designees are responsible for scheduling the time for employee rest breaks and should take into consideration the workload and the nature of the job performed. Employees are required to take the rest periods as scheduled.
- 105.3 **Meal Breaks:** Non-exempt employees scheduled to work more than five consecutive hours during any workday are required to take at least a 30-minute meal break not less than two hours, or more than five hours after the beginning of their shift. Department Directors or designees are responsible for scheduling the time for employee meal breaks and should take into consideration the workload and the nature of the job performed.

Employees are required to take meal breaks as scheduled. Employees are not compensated for meal breaks unless they are required to remain on duty at the work site in the interest of the City during the meal period. An employee working three or more hours of overtime must be allowed a meal period of at least 30-minutes prior to or during the overtime period.

- 105.4 **Timing of Breaks:** Non-exempt employees cannot combine their meal and break periods, nor take them at the beginning or end of a shift.
- 105.5 **Travel Time:** Time spent traveling for work (not including regular commute) is considered hours worked when it is performed with the authorization and at the direction of the City.
- 105.6 **Recording and Reporting Hours Worked:** It is each employee's responsibility to accurately record, and report hours worked. The requirements for recording and reporting vary according to job position. All FLSA non-exempt employees must record all hours worked and all leave hours taken on a timesheet.

106. ALTERNATIVE WORK ARRANGEMENTS

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City of Vancouver recognizes the importance of providing quality service and of assisting employees in accommodating personal and family lives. Therefore, the City supports the use of alternative work arrangements, provided employees maintain good job performance and remain flexible to the changing needs of the work unit.

GUIDELINES:

1. What is an “alternative work arrangement”?

Generally, an alternative work arrangement involves allowing flexibility in or changing an employee's regular work schedule. By way of illustration, an alternative work arrangement may include the following:

- *Flextime.* Flextime allows employees to vary their starting and ending hours while requiring them to be present during some core hours. For example, 6:30am to 3:30pm or 9:00am to 6:00pm.
- *Compressed Work Week.* In a compressed work week, an employee would work 40 hours in fewer than five work days. For example, an employee may work four 10-hour days.
- *Job Sharing.* In job sharing, two people share the responsibilities of one full-time job. The duties, hours worked, and benefits are split between the two employees.
- *Part-time.* Part time work would involve working fewer hours on a regular or on-call basis.
- *Telecommuting.* Working a portion of time from a home workstation or another remote location.

2. Are all employees eligible for alternative work arrangements?

No. Eligibility for an alternative work arrangement will depend on a variety of factors, including but not limited to the nature of the job and the job responsibilities.

3. Does an alternative work arrangement change an employee's job duties or expectations?

No. The alternative work arrangement only changes a work schedule or, in cases of job sharing or part time arrangements, the required work hours. All other job duties and expectations remain the same.

4. Do alternative work arrangements need to be pre-approved?

Yes. Any type of alternative work arrangement, including changes in work schedule, must be pre-approved. Requests for changes should be forwarded to the immediate supervisor or Department Director.

5. Is there an appeal procedure available if the request is denied?

No. However, an employee may request that a Human Resources representative meet with the supervisor or Department Director to discuss the request and options available. The decision of the Department Director or supervisor is final.

6. Once approved, will an employee be able to work the alternative work arrangement indefinitely?

No. The City may require the employee to return to a traditional work schedule or the employee may request that he/she return to a traditional work schedule at any time.

7. If the alternative work arrangement is approved, will the change affect an employee's rate of pay or benefits?

If the alternative work arrangement does not involve changing the total number of hours worked, pay and benefits will not change.

8. Will an alternative work arrangement affect the accrual and/or use of sick leave or vacation leave or holiday pay?

An alternative work arrangement may affect the accrual and/or use of leave or holiday pay depending on the particular circumstances.

107. RESIDENCY AND RELOCATION

SCOPE: This policy applies only to the positions outlined below.

POLICY: To reinforce our commitment to our community, the City of Vancouver encourages employees to reside within the City's urban growth boundary and residency may be required for some positions.

GUIDELINES:

1. Is residency within Vancouver a requirement for all job positions?
No. It is the City's policy to attract and retain the best employees possible. To that end, all individuals who seek employment with the City will be considered based on their qualifications. In most cases, place of residence will not displace merit as the key consideration in employment decisions. However, where appropriate, knowledge of the local community will be considered as an important component of job qualifications.
2. Are there job positions which do require residency?
Yes. Residency is a condition of employment for the following job positions:
 - City Manager
 - Assistant City Manager
 - City Attorney
 - Chief of Police
 - Fire Chief
 - Public Works Director
 - Economic Development Director
 - Chief Financial Officer
 - Other positions identified by the City Manager
3. How will job candidates know if residency is required for a particular position?
Residency requirements will be listed on classification specifications and on recruitment announcements for those positions for which residency is required.
4. If an employee does not live in Vancouver, will he/she be required to move?
If residency is a condition of employment, the employee will be required to move to a residence within the City's urban growth boundary. Normally, residency must be established within six months of appointment or as negotiated by the City Manager.
5. If an employee is required to move, will the City pay relocation expenses?
Employees who are required to move may be reimbursed for relocation expenses. The actual amount of the assistance and the type of assistance will be based on the individual circumstances of the employee, including but not limited to distance of relocation, necessary timeframes, and position. Relocation assistance authorization must be obtained from the City Manager or his/her designee before an offer of employment is extended.
6. What relocation expenses will be reimbursed?
Eligible reimbursement expenses are limited to actual and reasonable moving expenses and do not include trips to search for housing, closing costs of home sales and purchases, rental deposits, etc. They do include moving company fees and employee and family travel expenses.
7. Who is responsible for payment of relocation expenses?
Departments will be responsible for relocation expenses and should budget accordingly, if possible.

109. VOLUNTEER ACTIVITIES OF EMPLOYEES

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Employees may engage in volunteer activities for the City on behalf of, on work time, or as a representative of the City. Volunteer activity is any work performed at the employee's own initiative, outside of normal working hours, that is not consistent with the employee's normal job duties with the City.

GUIDELINES:

1. Can an employee 'volunteer' to perform the same type of services for the City?
No. An employee would be entitled to compensation when the work is performed for the City of Vancouver and the work involves performance of the same type of duties that the employee normally performs in his/her regular job position with the City.

The City reserves the right to determine the work performed and the compensation for such work.

2. Will the fact that an employee chooses to perform volunteer work or to refrain from performing volunteer work affect employment with the City?
No. An employee's choice to perform volunteer work or not to perform such work will have no effect on employment with the City.
3. Is it necessary to obtain authorization to do volunteer work for the City?
Yes. Employees must obtain authorization from their immediate supervisor prior to performing volunteer work.
4. Can an employee perform volunteer work for an external organization during normal work hours?
Yes. However, employees must have prior approval from their supervisor and FLSA non-exempt employees must document the leave as vacation, comp time or, with supervisory approval, may flex their hours.

113. EDUCATIONAL INTERNSHIPS AND YOUTH LEARNING PROGRAMS

SCOPE: This policy applies to all City of Vancouver departments, unless otherwise addressed under a current collective bargaining agreement or public safety policy.

POLICY: To support colleges and universities and to develop and foster positive partnerships with local schools and community youth programs, the City encourages all departments to develop and offer meaningful internship and youth learning opportunities.

GUIDELINES:

1. What is the definition of an intern under this policy?
An intern is an individual who is currently enrolled as a student in a college or university whose school requires or permits an internship with a public sector organization in an area applicable to the student's area of study. Internship students should earn credit hours or complete a defined goal based on their school's internship requirements. Applicable college and/or university internship guidelines, evaluation forms, and other materials will be required prior to the final placement with the City.
2. What is a youth work-based learning opportunity?
A youth work-based learning opportunity is available to youth who are currently enrolled in local high schools or alternative education programs or who are actively involved in community agencies or programs that support the growth, development, and employability of youth.
3. What are the roles and responsibilities when recruiting and selecting an intern or youth participant for the City?
Managers and/or supervisors should submit a request for an intern or youth participant to Human Resources for both paid and non-paid opportunities. Human Resources will assist with clarifying the job assignment as well as with the recruitment and selection process. Managers and supervisors are responsible for providing relevant training and support, supervision, and evaluations on the youth's performance and progress.
4. Is a regular budgeted position required for an internship or youth assignment?
No. Typically, an intern or youth participant is retained by the City for a limited duration to assist in the implementation of programs or services. Therefore, no regular budgeted position is required, and the work typically does not fall under a collective bargaining agreement.
5. Do participants receive pay and/or benefits from the City?
The City does not normally provide pay or benefits for interns or youth participants. However, if possible, the City may provide hourly wages or another similar stipend.
6. How long can an intern or youth participant work for the City?
The duration of the assignment will be based on the school or community agency's requirements and arrangement with the hiring department. The maximum duration of an assignment is 1040 hours. Contact Human Resources if additional time is needed to discuss the assignment and staffing options.
7. Are interns and youth participants required to adhere to the City's Operating Principles, policies, and procedures?
Yes. The City provides an initial orientation on policies and an overview of applicable department guidelines and procedures.
8. Do interns and youth participants have any rights to continued employment with the City?
No. Interns and youth participants are not regular benefited employees of the City and have no right to continued or regular employment with the City. They are not eligible to apply for in-house job postings nor are they normally appointed to regular positions. Interns and youth participants can be

discharged from their work-based learning assignment at any time for any lawful reason or for no reason, with or without cause. Interns and youth participants may apply and be considered for any external job opening.

9. Do interns and youth participants receive performance evaluations?

Yes. The intern or youth participant's manager or supervisor will provide an evaluation based on the City's and the college, university, school, or community agency's guidelines.

10. Will the City provide employment references for interns and youth participants?

The City will follow the same guidelines for providing references to potential employers as it follows for regular City employees.

114. SEPARATION OF EMPLOYMENT

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: In the absence of a specific written contract, employees may resign at any time and for any reason and the City reserves the right to terminate employment at any time and for any reason that is for the good of the City service.

GUIDELINES:

1. When may a separation of employment occur?
Employment with the City may terminate because of an employee's resignation or retirement, an involuntary discharge, the expiration of an employment contract, or a layoff.
2. What procedure should be followed if an employee wishes to resign or retire?
Employees are requested to give written notice of their intent to resign or retire. Written notice should be sent to the immediate supervisor as early as possible, but no later than two weeks prior to the last day of employment.
3. What is an "involuntary discharge"?
An involuntary discharge occurs when the City decides to terminate the employment of a City employee without the consent or agreement of the employee.
4. When will the City involuntarily discharge an employee?
During the probationary period for a new employee, the employee may be discharged at any time for any lawful reason or for no reason, with or without cause as documented in the Probationary/Introductory Employment Period policy.

Following successful completion of a probationary period, the standard required for termination of employment differs depending on an employee's job position:

- a. The City Manager and the employees who report directly to the City Manager, the City Attorney, Assistant City Attorneys, Department Directors, independent contractors, volunteers, and temporary workers are employed at will and may be discharged for any lawful reason or for no reason, with or without cause, except as may be specifically provided for by contract.
 - b. All regular employees who are not included in paragraph 4a may be discharged for engaging in conduct that would or could have the effect of bringing discredit to the City, that would interfere with an employee's ability to perform his/her job responsibilities satisfactorily, or that is contrary to the good of the City service. Nothing shall limit the authority of the City Manager or his/her designee to remove from employment any City officer or employee.
5. What procedure will the City follow prior to discharging an employee?
Every situation is different and the procedure prior to discharge will vary depending on the circumstances. However, in most situations, the City will offer to meet with the employee to discuss the reasons for discharge and to obtain the employee's point of view. Additional procedures are discussed in the Discipline and Corrective Action and Performance Evaluation Process policies, and in collective bargaining agreements.
 6. Is an exit interview required?
No. However, the City will attempt to conduct an exit interview with any regular employee leaving employment with the City who has completed a probationary period. A typical exit interview will include:
 - An opportunity for an employee to provide feedback regarding his/her employment experience with the City.
 - An explanation of the opportunity to continue any health insurance or other benefits.

- A confirmation of the employee's current address for mailing required tax and other notices.
- An explanation of the Employment References policy.
- A discussion of any wages due.
- Return of City property, and removal of personal belongings.

7. Are employees entitled to receive accrued benefits at termination of employment?

Employees may be entitled to payment of accrued but unused benefits as outlined in the Vacation, Overtime, Holiday, and Sick Leave policies.

115. LAYOFF

SCOPE: This policy applies to all employees of the City of Vancouver, except sworn/commissioned public safety employees, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City of Vancouver may lay off employees because of budgetary reductions, organizational restructuring, operational changes, or other reasons which are for the good of the City.

GUIDELINES:

1. What is a "layoff"?
A layoff occurs when the City eliminates a regular budgeted position that is currently filled. A position may be eliminated because of, but not limited to, the following reasons: lack of work, reduction or elimination of funds, material changes in duties or organization, reduction in force or workload, or in the interests of economy or efficiency.
2. How will the City decide who to layoff?
Based on business needs, the City will determine which positions have been designated for layoff. Generally, the order of layoff within a department or division will be as follows: 1) temporary employees, 2) newly hired employees serving a probationary period, 3) all other employees. However, the order in which employees will be laid off shall be determined by the City, in its sole discretion, based on objective criteria such as employee job performance and disciplinary records, job knowledge, skills and abilities, safety record, attendance history, the existing and anticipated needs of the department, seniority and the good of the City.
3. How will the City notify employees of layoffs?
Every effort will be made to provide employees with a minimum of 30 calendar day's written notice prior to any layoff or reduction in force.
4. Will employees be placed in new positions instead of being laid off?
In cases where a vacancy exists within a department, and a potential layoff candidate possesses the direct skills and abilities to perform the duties of the vacant job, the Department Director may appoint the candidate to that position. In all other cases, the affected employees may apply for available vacant positions, and the positions will be filled using the criteria identified for the specific recruitment. During a layoff situation, the City will attempt to first fill vacant positions with qualified employees through an internal recruitment process. However, if an internal recruitment does not yield a qualified candidate, the City may seek to fill the position externally. Employees may be required to serve a new probationary period of up to 12 months whether they are appointed or selected through an application process.
5. How will an employee's pay be affected if he/she is appointed to a new position instead of being laid off?
Employees who are appointed to a new position within the same or higher salary range than the position from which they are being laid off will be paid according to the City's salary administration guidelines. If an employee accepts a position in a lower classification he/she will be paid at the top of that pay range if it is below their current salary.
6. What happens if an employee identified for layoff declines alternative placement options?
The employee will be laid off and their name will be placed on a reinstatement list.
7. Will employees have any "bumping rights"?
No.

8. Will employees laid off receive the balance of vacation or any other banked accruals?
In general, yes. Employees who have a bank of compensatory time or holiday time will be paid those hours on their final paycheck. Employees may choose to receive a full, partial or no payout of their vacation accrual at the time of layoff. If a vacation balance remains after the layoff date, an employee may request payouts from the balance up to two times during the remainder of the reinstatement period. If at the end of the reinstatement period a balance still exists, the vacation will be paid out.
9. How long will employee benefits continue after layoff?
All benefits with the City will discontinue the last working day of the month in which the layoff occurs. Employees will have the option of purchasing COBRA (extended medical/dental) benefits as defined by law.
10. Are employees eligible to apply for unemployment benefits upon layoff?
Any employee laid off from the City is eligible to apply for unemployment benefits through the state of Washington.
11. Are employees who have been laid off eligible for reinstatement?
Employees who have been laid off, or accept reduction in lieu of lay off are eligible for reinstatement to the classification from which they were laid off for a period of 12 months following the date of layoff. These employees will be placed on a reinstatement list. When a vacancy occurs in the same job classification for which there exists a reinstatement list, the City may fill the vacancy using that list if the former employee meets the minimum qualifications for the position. If there is more than one employee on the reinstatement list eligible for a vacancy in a particular job class, the City will select the best qualified candidate for the position. Reinstatement notices will be sent to the last address reflected in the employee's official personnel file.
- In addition, employees in a reinstatement status may also apply and be considered for job openings outside their job classification prior to or after layoff.
12. Do employees have any responsibilities while on the reinstatement list?
Yes. Employees must inform Human Resources in writing of any changes in email address, telephone number or address.
13. How will the City determine salary when an employee is reinstated or rehired?
When an employee is reinstated to the job from which they were laid off, they will be placed into the salary range so as to maintain the relative position within the range occupied at the time of layoff.
- When an employee is rehired into a position other than the position from which they were laid off, they will be placed into the salary range for the new position consistent with the City of Vancouver salary administration guidelines.
14. Will employees serve a probationary period following reinstatement or rehire?
Generally, employees who are reinstated to the job from which they were laid off will not service a probationary period. Employees who are rehired into a position other than the one from which they were laid off generally will serve a probationary period.
15. How are benefits and service credit affected for employees who are reinstated or rehired within 12 months?
Benefits and service credit, which are discontinued while on the reinstatement list, start again when an employee is reinstated or rehired. Therefore, an employee's original hire date is maintained, however, the service date is adjusted by deducting all time spent in a layoff status.
- An employee's sick leave balance and remaining vacation hours will be restored. Leaves will accrue at the same rates as when the employee was laid off and there will be not waiting period for usage. Health insurance will begin the first of the month after reinstatement.

16. What happens if an employee is offered reinstatement to the same classification that is a lesser FTE increment than the one from which they were laid off?

Whether or not the employee accepts the position the employee's name will remain on the reinstatement list.

17. What happens if an employee bumps, accepts reassignment, or is rehired to a lower-level position than the one from which the employee was laid off.?

The employee will remain on the reinstatement list and will be eligible for reinstatement to a position in the same classification from which he/she was laid off.

18. When will an employee's name be removed from a reinstatement list following layoff?

Once an employee on the reinstatement list is offered a position, the employee must respond within 14 calendar days of the date on the notice. The employee shall be responsible for notifying Human Resources of any change in their address or telephone number.

Eligibility for reinstatement ends if:

- An employee refuses to accept an offer of reinstatement to a position in the same classification as that from which he/she was laid off; or
- An employee fails to respond to an offer of reinstatement within 14 calendar days following the date on the notice; or
- The employee requests in writing to be removed from the reinstatement list; or
- The 12-month period for reinstatement has expired.

116. MANAGING DIVERSITY

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: At the City of Vancouver we *respect, support* and *value* diversity with our actions, not just our words.

The primary goal of the City's diversity strategy is for respect for diversity to become part of the fabric of the organization and provide meaning to, and recognition of, the value of individual differences.

DEFINITIONS:

Diversity: *At the City of Vancouver, we understand that everyone views the world differently. Diversity is the uniqueness each individual brings to our organization and community based upon their background and identification with various groups, cultures, and perspectives.*

When people think about diversity, they usually think about race, ethnicity, gender, age, religion, sexual orientation—those groups that the discrimination laws have deemed protected classes. Those classes or differences are included in this definition. However, differences are not just based on color of skin or gender. This definition is intended to recognize individual differences, whether they are obvious or subtle—not to the point where it takes in every difference, but those differences that matter in the work environment.

Respect for diversity is:

- Seeing differences as an opportunity to learn about others, about the larger world and about ourselves.
- Having consideration and appreciation for others.
- Creating a positive atmosphere for an open exchange of ideas.

Support for diversity is:

- Integrating respect for diversity into the day-to-day business of the City and the programs that are developed.
- Enabling each employee to achieve his or her full potential.
- Creating a work environment that is inclusive, welcoming, and comfortable—where employees feel that the ways in which they may be different are understood and accepted.
- Being a leader in addressing diversity issues that face our community.

Value for diversity is:

- Raising consciousness about and understanding of diversity issues within the community and within the workplace.
- Attaching importance to the diversity of ideas and styles within the working environment; and through collaboration, encouragement and assistance utilizing those ideas and styles to reach a common goal.
- Realizing that each individual's needs are different and unique, learning about and exploring the differences and similarities, and taking the differences into consideration in all business decisions and actions.

Harassment and Discrimination:

Harassment and discrimination issues arise when diversity is not managed well, and employees respond in an active and extremely negative manner to their diverse coworkers because of their differences.

This policy is about managing diversity before serious problems like harassment and discrimination arise. It focuses on integrating individual differences into the workplace and providing a work environment that values, supports and respects those differences. The City has separate policies that define harassment and discrimination and provide mechanisms for dealing with those issues.

PROCEDURES AND GUIDELINES:

1. What are the expectations for employees relating to diversity?

Employees are expected to show support, value, and respect for diversity at the City of Vancouver as follows:

- Support City, department, and workgroup efforts in the area of diversity.
- Contribute to a work environment that is respectful, supportive, and productive.
- Provide quality service for all internal and external customers. Recognize that customer needs and styles may be different and use creative strategies for providing quality service when necessary.
- Hold themselves and others accountable for the guidelines outlined in this policy.

2. What are the expectations for managers and supervisors relating to diversity?

Managers are expected to show support, value, and respect for diversity at the City of Vancouver as follows:

- Provide leadership for diversity efforts and the City's diversity strategy in the workplace.
- Use creative and innovative strategies to make diversity a high priority in the workplace.
- Hold themselves and subordinates accountable for the guidelines outlined in this policy by ensure that policies relating to diversity are implemented and responding appropriately to behaviors that may violate the expectations outlined in this policy. (See also number 5 of the Managing Diversity policy.)
- Integrate diversity issues into the strategic planning process, all aspects of day-to-day business and decision-making, and into customer service strategies.
- Create a working environment that is inclusive, welcoming, and comfortable – where employees feel that the ways in which they may be different are understood and respected.

3. What should an employee do if he or she observes or experiences behavior that may be a violation of the expectations outlined in this policy?

Employees should SPEAK UP about concerns or problems that arise relating to diversity issues and/or violation of the guidelines outlined in this policy in one or more of the following ways:

- Speaking directly to the individual(s) involved.
- Obtaining support and assistance from coworkers in any action that you choose to take.
- Speaking to a manager or supervisor about the concern or problem.
- Calling a human resources manager or representative. The human resources staff can act as a liaison between employees and managers to help resolve issues.
- Mediating the concern or problem through the use of City mediation services department or Shared Neutrals.
- Contacting a member of an employee network.
- Sending a message to the MANAGING DIVERSITY mailbox.
- Filing a complaint under the City's Complaint Resolution Policy.

4. What should an employee expect after speaking up about a possible violation of the expectations outlined in this policy?

Employees, supervisors, and managers who learn of concerns or problems will take them seriously by:

- Listening to the concern or problem and honoring the employee's point of view.
- Providing answers to general requests for information, as appropriate.
- Exploring possible courses of action for resolving the concern or problem.
- Handling the concern or problem as discreetly as possible. However, the ability to respond depends on the amount of information that the employee is willing to provide.
- Making efforts to assure that there is no retaliation for speaking up about the concern or problem.

5. Does the City Have Any Programs to Promote its Diversity Strategies?

Yes, the City and all departments within the City have formal and informal programs to promote the diversity strategies. For example:

- The Human Resources Department incorporates diversity issues into recruitment and other strategies and assists managers and supervisors to recruit a workforce able to respond to the diverse needs of the community the City serves. However, the city does not have quotas, does not mandate hiring of any specific diverse candidate or applicant from any particular minority group, and does not use diversity as a deciding factor in making hiring decisions. The goal is to hire the candidate who is best qualified for the job.
- The City promotes the retention of all employees, recognizing the different needs and styles of employees.
- The City sponsors Employee Networks. Employee networks are made up of groups of people who share a common characteristic such as race, sexual orientation, religion, or disability. The groups meet to discuss work related needs and interests and provide members a communication channel to senior management.
- The City sponsors regular events or projects relating to diversity issues or designed to recognize different diverse populations.
- The Training and Development program coordinates training on diversity and cultural awareness issues.

6. How will the City assure that the programs outlined in this policy are implemented and remain effective?

The City will regularly review and update diversity projects, policies, and guidelines to adapt to the changes within the community and within the workplace, and to assure that the program continues to be effective. This review will be done through:

- A diversity advisory council who will oversee, advise, and assist department diversity committees in the implementation of the City's diversity strategies. The advisory council will establish citywide performance expectations and objectives with annual reviews and updates.
- Individual departments will be responsible for implementation of the objectives established by the advisory council through strategies designed and tailored to fit the unique needs of each respective department.
- Audits will be conducted to assess success of diversity efforts and diversity issues in the workplace.

117. EMPLOYEE RECOGNITION

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City recognizes that retaining experienced employees and recognizing employees' efforts to continuously improve their performance is a direct benefit to the City and to the public it serves.

GUIDELINES:

1. What types of programs will be used to recognize employees?
The City will sponsor an Employee Recognition Program which will include a variety of activities for employees such as an awards ceremony and other activities as well as quarterly length of service award ceremonies.
2. Who is responsible for planning and conducting the programs?
Human Resources will plan and conduct the service award ceremonies while a City-wide committee will arrange the annual Employee Recognition Program. Departments may also organize their own recognition program.
3. Are all employees eligible to participate in the activities?
All regular employees are invited to participate in the activities, to attend the awards ceremonies, to nominate co-workers for awards, and are eligible to receive awards.
4. Will the City honor employees when they retire from the City?
Yes. The City will recognize and honor employees retiring into a Washington state public employment retirement system. Employees with 15 or more years of City service at the time of retirement will receive a gift.
5. Who is responsible for paying for expenses incurred when recognizing an employee for an occasion or event that is not part of an established recognition program?
Gift purchases, food, or similar expenses, including those to mark employee milestones, retirements, resignations, birthdays, or professional holidays (i.e., Administrative Professional's Day), are the responsibility of the individual or group making the purchase. These types of gifts may not be purchased using City funds.

City of Vancouver Employment Policy Manual

Policy 118. TELEWORK FROM AN ALTERNATE WORK LOCATION

Policy Sections:	Effective: 05/16/2022 <i>(Or when the City of Vancouver Emergency Order 2020-14 is rescinded, whichever occurs first.)</i>
118.1 Definitions	
118.2 Eligibility	Supersedes: (118): 3/2011; 1/10/22 and all Temporary Telecommuting Policies and Agreements previously issued
118.3 Hybrid Telework Model	
118.4 Temporary Alternate Work Location	
118.5 Availability	
118.6 Termination of Alternate Work Location	
118.7 Wage and Hour Laws	
118.8 Alternate Work Location: Equipment and Workspace	
118.9 Alternate Work Location: Security and Safety	
118.10 Application Process	

PURPOSE

The City of Vancouver acknowledges new working environments as a result of the COVID-19 pandemic, and that teleworking is now a reality for certain segments of the work population. This policy also acknowledges that teleworking is not suitable for every work situation or job classification, but where possible, teleworking is encouraged.

The intent of this policy is to achieve the following goals:

- The City's obligation to provide a safe working environment for its employees
- Alignment with the City Council's Climate Change goals through:
 - Reduction of parking needs
 - Reducing commute time
 - Overall reduction of vehicle trips and traffic impacts to the region
- Reduction of immediate and future space need requirements
- Attract and retain talent
- Equity for those with child-care and/or transportation barriers
- Consideration for the current pandemic climate and/or any federal, state or City mandate implementation.

SCOPE

This policy applies to all regular full-time, part-time, and limited duration employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy. The City reserves the right to amend this policy at any time as determined by the City to support operations and delivery of services to the community.

118.1 Definitions

Alternate Work Location (allows for work to be performed at an alternate location for a set number of days each week) including:

- a. Primary Location. The City of Vancouver worksite where the employee would normally be required to work.

- b. Alternate Work Location. A location where the employee performs work, other than at the employee's regular City of Vancouver primary location.
- c. Temporary Alternate Work Location. Accommodates a time-limited situation, typically medically related, where commuting is challenging.

118.2 **Eligibility for Employee to Telework at an Alternate Work Location** also depends on multiple factors, including but not limited to:

- a. Position Considerations. Telework may be suitable when the duties of the position:
 - are independent in nature,
 - are primarily knowledge-based,
 - align with measurable deliverables; and
 - can efficiently and effectively support Citywide internal/external customer service needs using methods other than in-person interaction.
- b. Employee Considerations. Supervisors should consider whether the employee's skills are suited to manage the unique requirements of telework and can demonstrate to the supervisor's satisfaction:
 - a record of high productivity and performance,
 - compliance with all organizational and departmental policies and work rules,
 - a commitment to actively uphold City values in their daily work and interactions,
 - effective communication with supervisors, coworkers, and customers,
 - the ability to work with minimal supervision,
 - effective time management,
 - the ability to achieve and maintain a high level of skill and knowledge of the job; and
 - the ability to prioritize work and meet deadlines.
- c. Work Performed Considerations. Supervisors should consider whether work demands are conducive to telework from an alternate work location arrangement, such that they:
 - allow for limited or infrequent in-person interaction,
 - require a minimal amount of the employee's physical presence at the primary work location,
 - effectively support the department's mission in a remote work environment,
 - do not require the use of specialized technologies; and
 - have the ability for work to be performed in a paperless work environment.
- d. Other Considerations. The teleworking employee should be able to ensure:
 - reliable and secure (password-protected) high-speed internet connectivity to support work demands and position,
 - compliance with confidentiality requirements,
 - the alternate work location is safe, secure, reasonably free from distractions and conducive to productive and efficient work performance,
 - any child or dependent care arrangements are made, just as if the employee would be working on site. It is not intended or designed to be a replacement for appropriate dependent care; and
 - other factors relevant to a particular situation.

118.3 **Telework Model**

The City may take a hybrid approach to telework that includes a combination of working from both the traditional primary work location and an approved alternate work location consistent with this policy. If teleworking, space sharing of physical space at the department's location may be a requirement.

Telework will be approved from an alternate work location in the states of Washington and Oregon only. Alternate work locations must be within a similar distance of the employee's regular commute to their primary location to ensure availability onsite as needed.

The number of days per work week an employee may telework from their approved alternate work location will be determined at the Department Director level. The number of days per work week an employee teleworking from an alternate work location located in Oregon will be subject to change at any time and dependent on the City's ability to administer the various Oregon state workers' compensation, unemployment, benefit, leave, and employment laws.

Department Directors are encouraged to develop their own department level policy tailored to their unique operations and otherwise consistent with the terms, intent, and purpose of this City policy.

118.4 Temporary Alternate Work Location

Telework will not be permitted at an alternate work location outside the State of Washington or Oregon nor outside the distance of the employee's regular commute to the employee's primary location, except in rare circumstances. Such arrangements will not take the place of accrued or protected leave.

Factors taken into consideration include the review of the City's obligations to withhold state or local payroll taxes; and obligations presented by workers' compensation, unemployment, benefit, and employment laws of the state.

The arrangement will be de minimis, temporary, and only approved to support the continuation of a departmental business need or a critical work objective. Requests will be considered on a case-by-case basis and only upon approval of the employee's Department Director, Human Resources Director and Deputy City Manager. Temporary telework arrangements may be adjusted or terminated when the supervisor determines the arrangement is no longer viable. The adjustment or cancellation of the telework arrangement will be documented.

118.5 Availability

Regardless of an agreed-upon telework arrangement from an alternate location, if the employee's in-person presence is needed at the primary work location, the employee must remain willing and able to come to the primary work location to perform their essential job duties. The City will make a reasonable effort to provide advance notice of any change in the established alternate work arrangement, but advance notice will not always be possible. When the employee is required to come into their primary work location to perform job duties, the employee will be responsible for any related commuting or parking costs. If the employee is required to come into their primary work location during their work day, their commute time may be compensable under Fair Labor Standards Act under certain circumstances.

118.6 Termination of Alternate Work Location

The City reserves the right to require the employee to return to their primary work location at any time, although reasonable efforts will be made to provide advance notice of any changes to lessen any impact (e.g., arrangements for dependent care or commuting) that may arise from ending the alternate work arrangement. Telework arrangements will be reevaluated by the supervisor at least every six (6) months to determine continued eligibility. Telework arrangements may be adjusted or terminated when the supervisor determines the arrangement is no longer viable. The adjustment or cancellation of the telework arrangement will be documented.

118.7 Wage and Hour Laws

An employee approved to telework at an alternate work location must work their assigned work schedule. The employee is to check in with their supervisor each day at the start of their shift. The employee is required to submit a daily or weekly log of work activities, as directed by their supervisor, check voicemail throughout the day and keep their Outlook calendar up to date. Failure to comply with these requirements may result in the immediate end of the alternate work location arrangement.

Supervisors shall ensure the employee remains in compliance with all wage and hour laws.

- a. Employees who are hourly (not exempt from the overtime requirements of the Fair Labor Standards Act) are required to:
 - Accurately record all hours worked in the same manner as working on City Premises.
 - Observe required meal and rest breaks.
 - Submit a daily status report of activities, as directed by their supervisor. The report may be as complex or simple as the supervisor deems necessary to remain accountable for the time and work being accomplished.
 - Acknowledge the accrual of overtime or compensatory time is limited and only approved in the event a supervisor deems the work necessary to complete essential functions of City operations. All approval for overtime must be in writing and must be obtained in advance of the extra hours worked.
 - Obtain advanced approval from the supervisor, per customary department process, to request use of paid time off, vacation, sick, or other leave.
- b. Employees who are salaried (exempt from the Fair Labor Standards Act) do not complete a timecard at their primary work location. However, when teleworking from an alternate location, they are required to:
 - Keep a weekly record of actual time worked at the alternate work location for the purposes of demonstrating accountability to their agreed upon work schedule.
 - Submit a weekly or daily status report of activities, as directed by their supervisor.
- c. Telework arrangements will be scheduled in whole day increments.

118.8 **Alternate Work Location – Equipment and Workspace**

The City of Vancouver will determine the appropriate equipment needs for each alternate work location arrangement. Equipment supplied by the City will be maintained by the City. It is the employee's responsibility to ensure the equipment is handled and secured in an appropriate manner to prevent damage and misuse. Only properly licensed software can be used for City business. The City accepts no responsibility for damage or repairs to employee-owned equipment. Any office supplies needed for performance of job duties are to be obtained from the department, through standard department procedure. Equipment and supplies provided by the City are to be used for business purposes only.

The employee must establish an appropriate work environment for work purposes, including secure (password-protected) high-speed internet, appropriate work surface, and additional items listed on the Alternate Work Location Checklist. The City will not be responsible for costs associated with the setup of the employee's alternate work location, such as remodeling, furniture, utilities, rent or insurance, or for repairs or modifications.

Employees will use City-purchased peripherals for computers and use only City devices to access the City's internal business network. City laptops used for teleworking will be equipped with VPN software for secure connectivity to the City's network, equipment and software that allows access to the employee's desk phone. It is incumbent upon departments to appropriately budget and provide the necessary IT equipment for teleworking employees. To support effective remote work and ensure the security of the City's computers and network, teleworking employees will be provided with a City-issued laptop to be used both at the employee's primary and alternate work location, a monitor, mouse, full-size keyboard, web camera, and headset with microphone for use at their alternate work location.

No technical support will be provided for employee-owned equipment or employee-provided data communications. IT support will be provided for City-owned technology resources, as needed. IT will not respond to the employee's alternate worksite. Depending on the problem, City-owned equipment may be required to be brought into the primary work location or may be resolved remotely. IT will assist with forwarding a work phone or setting up remote voicemail access.

Any equipment and/or supplies provided by the City shall remain City property and may only be used by the employee for City business purposes. Any records or other information used or created by the employee are the property of the City, may be subject to public disclosure requests, and shall be delivered to the City upon notice. The employee also acknowledges that equipment used for business purposes but owned by the employee is subject to Public Records laws and may be inspected as necessary.

Departments will maintain accurate logs accounting for the location of all City-owned assets used at alternate work locations. Employees will return, in clean and good working condition, City-owned hardware, cell phones, software, supplies, documents, and other proprietary information and property at the termination of the Teleworking Agreement or employment with the City of Vancouver.

118.9 **Alternate Work Location – Information Security and Employee Safety**

Consistent with the City of Vancouver's expectations of information security and compliance with public record laws for employees working at City work locations, employees who are working at an alternate work location must ensure the security and protection of all proprietary City information and confidential information accessible from their alternate location. Such steps include maintaining a private and secure work area, locking the computer when leaving the work area, installing updates as required, secure handling and disposal of physical documentation, ensuring secure (password protected) internet service. Any suspected security incident or data breach must be reported immediately to the IT Helpdesk, while simultaneously notifying the Department Director.

The work environment must ensure that all phone and video calls/meetings are fully secure from being overheard. No confidential information (including passwords) is to be downloaded to any data storage device (including but not limited to hard drive, CD, DVD, or USB stick). Any protected or confidential information cannot be removed from the regular office without the Department Director's specific express approval in writing in advance. Other measures may also be deemed appropriate for the job and the environment.

Employees will clearly define their work-site area at their alternate work location. Employees are expected to maintain their work-site area in a safe manner, free from tripping or other safety hazards, and provide adequate non-glare lighting. Injuries sustained by the Employee while at their alternate work location, and in conjunction with his or her regular work duties, will be evaluated for compensability in accordance with RCW Title 51 and Washington State Labor Department of Labor and Industries guidelines. Teleworking employees are responsible for immediately notifying their supervisor and Risk and Safety Management of such injuries in the same manner as if the injury occurred at a primary work location. The City is not liable for any injuries sustained by family members or other visitors to an employee's alternate work location. Meetings requiring a physical presence of others are not permitted at the employee's alternate work location. Teleworking employees will allow the City to inspect the alternate work location as a part of a reasonable investigation to a claim of injury or loss. The City also requires teleworking employees to submit a photograph of their alternate work location worksite.

118.10 **Application Process**

An employee interested in teleworking from an alternate work location will work with their supervisor to determine eligibility of the requested telework arrangement by completing the necessary form(s) and routing to the Department Director for final review and approval.

The number of days per work week an employee teleworking from an alternate work location outside the state of Washington will be subject to change at any time and dependent on the City's ability to administer the various state workers' compensation, unemployment, benefit, leave, and employment laws.

City of Vancouver Employment Policy Manual

Policy 119. Learning and Talent Development

Policy Sections:	Effective: 1/10/2022
119.1 Roles & Responsibilities	Supersedes: none
119.2 Types of Learning	
119.3 Talent Development	
119.4 Procedures & Guidelines	
119.5 Learning Advisory Group	

PURPOSE:

The City of Vancouver is committed to providing learning and talent development opportunities that support and enhance the effectiveness of its workforce. Providing City employees with opportunities to learn and grow improves the quality of service delivered to the public and leads to increased job satisfaction.

Specific benefits to providing learning and talent development opportunities include enhancing employees' abilities to: safely perform job duties, communicate with customers/colleagues, think critically when solving complex problems and adapt to the needs of an ever-evolving community. These examples show how employees become more effective in their jobs and in turn create a positive impact on how the organization can best serve the community.

Learning and talent development opportunities are inclusive and varied to meet the diverse needs of our employees. This reflects the City's vision of an open, supportive environment where employees are empowered.

SCOPE:

This policy applies to all regular employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

119.1 **Roles & Responsibilities:** The following are roles and responsibilities involved with learning and talent development:

- a. The City of Vancouver is responsible for identifying, creating, and providing learning and talent development opportunities for employees.
- b. Supervisors are responsible for actively encouraging and supporting learning and talent development opportunities for their employees. Supervisors will discuss learning and talent development opportunities with their employees as part of the employee's annual performance evaluation process. Supervisors will work with employees to prepare development goals and identify learning and talent development resources that align with their current position and/or promotional opportunities.
- c. Individual employees are responsible for actively seeking out opportunities to learn and grow as it relates to their job-related skills and knowledge. Employees will discuss learning and talent development opportunities with their supervisors as part of their annual performance evaluation process, complete learning and talent development opportunities as required, and apply newly acquired knowledge and skills to their work.

119.2 **Types of Learning:** The City's learning and talent development program will include a variety of types of learning which align with the City's business needs and the City's efforts to develop employees as part of the overall talent management program. Types of learning may include:

- a. **Required learning:** trainings required to comply with federal, state, or local regulations; training required to maintain a talent license or certification necessary for the performance of assigned job duties; and trainings determined essential by the City for the safe and efficient delivery of services. Examples of required learning include:
 - i. New employee orientation: trainings that guide new employees through City policies, procedures, and best practice
 - ii. Supervisory education: in compliance with statutory legislation, supervisory and managerial education is provided to support employees in these roles
 - iii. Diversity, Equity, and Inclusion training
 - iv. Harassment prevention training
 - v. Safety compliance trainings
 - vi. Cybersecurity Awareness training
- b. **Employee-initiated learning:** learning that helps employees enhance their knowledge and skills to maximize their talent. Examples of employee-initiated learning include:
 - i. Competency and skill development. A variety of learning opportunities exist to enhance competency and skill-based knowledge to increase job performance
 - ii. Continuing education through exams, exam preparation courses, certificate and credential programs and courses offered by an accredited institution, including e-learning (visit the Tuition Assistance policy to learn more about this benefit)
 - iii. Workshops, seminars, and conferences
 - iv. Membership in professional organizations or associations
 - v. Career-affiliated publications

119.3 **Talent Development:** Talent management encompasses the entire career lifecycle of employees from recruitment through succession planning, and a key piece of the City's talent management efforts shall include talent development focusing on employee growth, engagement, and retention. Examples of talent development include:

- a. Creating and developing talent attributes such as potential, skills, experience, and interests
- b. Creating and developing competencies
- c. Providing career development and career paths
- d. Providing mentorship opportunities

119.4 **Procedures and Guidelines:** Resources needed to support an employee's engagement in talent development and learning opportunities will vary based on the type of position, work performed, or an individual's specific development plan. Supervisors will determine the appropriate resources allocated taking into consideration budget, job, development relatedness, and balancing the time spent on learning and development and supporting day to day department operations.

Talent development and learning opportunities that require time away from the employee's workplace or require funding must be approved in advance by the supervisor.

Talent development and learning opportunities outside of and in addition to regular work hours for non-exempt employees require written approval in advance if the opportunities are to be considered as regular work for overtime compensation.

As stewards of public resources, City employees will be mindful to use these opportunities in ways that follow the City's Operating Principles for fiscal accountability, stewardship, and integrity.

119.5 **Learning Advisory Group:** A Learning Advisory Group will be responsible for determining learning content in accordance to established criteria set forth in the Group's charter.

City of Vancouver Employment Policy Manual

Policy 201. WASHINGTON PAID SICK LEAVE (WPSL)

Policy Sections:	Reformatted: 12/31/2019
201.1 Authorized Use	Effective: 1/01/2018
201.2 Leave Accrual	
201.3 Eligibility	
201.4 Reinstatement	
201.5 Notification	
201.6 Failure to Report	
201.7 Verification	
201.8 Payroll	
201.9 Retaliation	

PURPOSE

In compliance with Chapter 49.46 RCW, the Washington State Paid Sick Leave Law (WPSL), employees may use applicable leave banks to care for their health and the health of eligible family members as defined in this policy.

SCOPE

This policy applies to:

- a. Police Command, non-exempt employees (Lieutenants)
- b. Police Guild, non-exempt employees
- c. Fire Suppression employees anticipated to be on a 40-hour week shift for more than 90 days
- d. Fire Marshal's Office, non-exempt employees
- e. Non-union, non-exempt employees
- f. AFSCME, non-exempt employees
- g. OPEIU, non-exempt employees
- h. Plumbers and Steamfitters, non-exempt employees
- i. Teamsters, non-exempt employees
- j. Machinists, non-exempt employees

DEFINITIONS

"Applicable Leave" – Applicable leave refers to PTO, Sick Leave, and/or WPSL that meets the criteria for Washington State Paid Sick Leave as defined by this policy.

"Family Member" - An eligible family member for purposes of this policy is defined as a:

- a. Child (includes biological, adopted, foster, stepchild), or a child of a domestic partner, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency
- b. Parent (includes biological, adoptive, foster, step or de facto parent, or legal guardian of employee, or a person who stood in loco parentis when the employee was a minor child)
- c. Parent-in-Law (includes parent of the employee's spouse or domestic partner)
- d. Spouse (or domestic partner if a declaration of Domestic Partnership is on file in Human Resources)
- e. Grandparent
- f. Grandchild
- g. Sibling

REFERENCES

Other protected leaves of absence may be applicable to employees on paid leave. Please refer to Section 200 of the City of Vancouver's Employment Policy Manual for information on protected leaves of absence.

201.1 Authorized Use of Applicable Leave

Applicable leave may be used for the following reasons:

- a. An employee's mental or physical illness, injury, or health condition.
- b. An employee's preventive care such as a medical, dental, or optical appointment and/or treatment.
- c. Care for a family member with a mental or physical illness, injury, health condition or who needs preventive care such as medical, dental, or optical appointment and/or treatment.
- d. Closure of the employee's place of business or child's school/place of care by order of a public official for any health-related reason.
- e. The employee or the employee's eligible family member is a victim of domestic violence, sexual assault, or stalking. Please refer to Domestic Violence/Sexual Assault Leave policy for a description of qualifying events.

201.2 Accrual

Since the City's paid time off (PTO) or sick leave accrual exceeds the rate of accrual required by WPSL, no additional accrual will be made under this policy, except when an employee doesn't accrue equivalent hours required under WPSL (example: the employee is at the maximum of PTO or sick leave accumulation).

A separate accrual of one (1) hour for every forty (40) hours physically worked, including overtime hours worked, will start when employees don't accrue equivalent PTO or sick leave hours as required under WPSL.

Accrual year is by calendar year from January 1st to December 31st and there is no cap on the number of WPSL hours that may be accrued in a year. At the end of the accrual year, unused WPSL balances of forty (40) hours or less will carry over to the following year. Hours accrued under WPSL cannot be cashed out at any time.

Employees will be informed of their leave hours accrued, hours used, and available balance each pay period.

201.3 Leave Availability and Use

Employees are eligible to use applicable leave for purposes of this policy as soon as the hours are accrued.

Consistent with City payroll processing, applicable leave hours accrued in a pay period cannot be used in the same pay period in which they are earned (i.e., applicable leave hours accrued in the 1st through the 15th pay period cannot be used until the 16th through the end of the month pay period and so forth).

Employees may use applicable leave in increments of fifteen (15) minutes.

Accrued, unused applicable leave at the time of an employee's separation that isn't paid out under the applicable PTO and/or sick leave policy as well as collective bargaining agreement will be recorded in the event the employee returns to City employment within twelve (12) months.

201.4 Reinstatement

If an employee leaves employment and is rehired within twelve (12) months of separation and in the same accrual year, any accrued, unused applicable leave, that wasn't paid out, will be reinstated to the employee's appropriate leave balance. If an employee leaves employment and is rehired within twelve (12) months of separation but in the next accrual year, any accrued and unused applicable leave, that wasn't paid out, up to forty (40) hours, will be reinstated to the employee's applicable leave balance.

201.5 Reasonable Notice for Use of Leave

Employees must provide reasonable advance notice of an absence from work for the use of applicable leave to care for themselves or a qualified family member. Employees shall provide such reasonable notice to their supervisor per established departmental guidelines.

If an employee's absence is foreseeable, the employee must provide notice to the supervisor by submitting an applicable leave use request at least ten (10) calendar days, or as early as possible, before the first day applicable leave is used. If possible, the notification should include the expected duration of the absence.

If an employee's absence is unforeseeable, the employee must contact the supervisor as soon as possible:

- a. If the need for applicable leave is unforeseeable and arises before the required start of the employee's shift, notice should be provided no less than one (1) hour before the employee's required start time.
- b. In the event it is not possible to provide notice of an unforeseeable absence, a person, on the employee's behalf, may provide such notice.
- c. If possible, the notification should include the expected duration of the absence.
- d. Employees are required to submit an applicable leave request no later than the day following the employee's return from leave.

201.6 Failure to Report

Failure to report to work for three (3) consecutive scheduled work days (or work shifts if applicable) without receiving authorization will be considered a voluntary resignation for reasons of job abandonment.

201.7 Verification Requirement

Verification that establishes or confirms the use of applicable leave is for an authorized purpose may be required if an employee uses leave for more than three (3) consecutive scheduled work days (or work shifts if applicable). Acceptable verification may include:

- a. A doctor's note or a signed statement by a health care provider within ten (10) calendar days of the first day an employee used applicable leave indicating that the use of leave is necessary to take care of the employee or eligible family member; or
- b. A written or oral statement from the employee within ten (10) calendar days of the first day an employee used applicable leave indicating that the use of leave is necessary to take care of themselves or an eligible family member as set forth in Section 201.1 of this policy.

Employees are not required to provide details concerning the specific nature of the health condition, for either themselves or a family member, in order to use applicable leave unless otherwise required by law. Any information provided will be kept confidential.

The City may choose not to pay an employee for paid applicable leave taken in excess of three (3) consecutive scheduled work days until verification is provided.

If an employee believes obtaining verification for use of applicable leave would result in an unreasonable burden or expense, they are to inform their supervisor orally or in writing that the absence is for an allowable reason and why verification would result in an unreasonable burden or expense for them. If an employee chooses to communicate in writing, they may complete the Employee Verification of Authorized Use of Paid Sick Leave form or send an email to their supervisor.

Within ten (10) calendar days of receiving an employee's notice that the verification would result in an unreasonable burden or expense, the supervisor will discuss and determine with the employee an alternative for the employee to meet the verification requirement in a way that does not result in an unreasonable burden or expense. Possible options may include but are not limited to:

- a. Mitigating the employee's out-of-pocket expenses associated with obtaining the verification.
- b. Providing a note of explanation in lieu of other forms of verification.
- c. Exempting an employee from the verification requirement based on their explanation

An employee has the right to advise their supervisor if the employee believes the proposed alternative still results in an unreasonable burden or expense.

If an employee is not satisfied with the alternatives provided, they may consult with the Washington State Department of Labor and Industries.

201.8 Payroll

Leave hours will be compensated at the employee's regular rate of pay.

201.9 Retaliation

Retaliation against employees for using applicable leave for authorized purposes, or for the exercise of any rights under the Minimum Wage Act (Chapter 49.46 RCW), is prohibited.

City of Vancouver Employment Policy Manual

Policy 202. WASHINGTON PAID FAMILY AND MEDICAL LEAVE (PFML)

Policy Sections:	Effective: 1/01/2022
202.1 Eligibility	Supersedes: 1/01/2020
202.2 Leave Duration	
202.3 ESD Application Process	
202.4 Notification Requirements	
202.5 Premium Deductions	
202.6 ESD Monetary Benefits	
202.7 Coordination with Other Benefit Programs	
202.8 Return to Work	
202.9 Job Restoration	
202.10 Service Date, Pay Increase, Probation	
202.11 Failure to Report	

PURPOSE

This policy is intended to provide a summary of the Washington State Paid Family and Medical Leave (PFML) law (Chapter 50A RCW) as administered by the Washington Employment Security Department (ESD). The PFML program is to provide paid leave benefits and job protection to eligible employees who need leave for certain family and medical reasons. PFML benefits will be available starting on January 1, 2020. Employees may obtain additional information, including application materials, at www.paidleave.wa.gov. To the extent an issue is not addressed in this policy, the City will administer this benefit program consistent with applicable statutes and regulations.

SCOPE

This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

DEFINITIONS

- **“Unpaid Leave Status”** – For purposes of administering this policy, unpaid leave status means no paid time worked and/or other types of accrued and available City paid leave banks.
- **“Family Member”** - Covered family members include the employee's:
 - a. Child (includes biological, adopted, foster, step child, or child of a domestic partner)
 - b. Parent (including in-laws and loco parentis)
 - c. Spouse or domestic partner
 - d. Grandparent (including in-laws)
 - e. Grandchild
 - f. Sibling
 - g. A qualifying family member for military exigency as defined under federal FMLA
 - h. Son-in-law; daughter-in-law
 - i. Other Qualified Family Member (any individual who regularly resides in the employee's home or, where the relationship creates an expectation that 1) the employee care for the person, and 2) that person depends on the employee for the care. [S.B. 5097, L. 2021].

REFERENCES

Other protected leaves of absence may be applicable to employees on paid leave. Please refer to Section 200 of the City of Vancouver's Employment Policy Manual for information on protected leaves of absence.

202.1 Eligibility

Under PFML, employees may be eligible for monetary benefits and job protection when taking leave for covered reasons, as follows:

- a. **Monetary Benefits**: In order to be eligible for monetary benefits from ESD, an employee must have worked 820 hours in Washington (for any employer or combination of employers) during the year preceding the claim.
- b. **Job Protection**: In order to be eligible for job protection under PFML, an employee must meet FMLA eligibility requirements (must have worked for the City for at least 12 months and have worked 1250 hours in the last year).

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

202.2 Leave Duration

Eligible employees are entitled to take up to 12 weeks of medical or family leave, or a combined total of 16 weeks of family and medical leave per claim year; an additional two weeks of leave may be available in the event the employee's leave involves incapacity due to the pregnancy. The claim year begins when the employee files a claim for PFML benefits or upon the birth/placement of the employee's child. PFML leave may be taken for the following reasons:

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

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

PFML runs concurrently with FMLA where an absence is covered by both laws. PFML leave may be taken intermittently, provided there is a minimum claim requirement of eight consecutive hours of leave in a week for which benefits are sought.

202.3 ESD (Employment Security Department) Application Process

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

202.4 Notification Requirements

An employee must provide written notice to the City of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least 30 days in advance of the leave. For unforeseeable leave, notice must be given as soon as practicable. The employee's written notice must include the type of leave taken (family or medical), as well as the anticipated timing and duration of the leave. If an employee fails to provide this required notice to the City, ESD may temporarily deny PFML benefits. After receiving the employee's notice of the need for leave, the City will advise the employee whether the employee is eligible for job protection under PFML or FMLA or both.

If leave is being taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt City operations.

If taking leave intermittently, an employee must notify their supervisor each time PFML leave is taken so that their supervisor may properly track leave use.

202.5 Premium Deductions

The PFML program is funded through premiums collected by ESD via payroll deductions and employer contributions. The premium rate and premium share are established by law. Should the State in the future modify the PFML premium rate or the premium share subject to collection through payroll deduction, the City will modify payroll practices to reflect those statutory changes.

202.6 ESD (Employment Security Department) Monetary Benefits

If ESD approves a claim for PFML benefits, partial wage replacement benefit payments will be made by ESD directly to the employee. The amount of the benefit is based on a statutory formula, which generally results in a benefit in the range of 75-90 percent of an employee's average weekly wage. ESD's website includes a benefits calculator to assist employees in estimating their weekly benefit amount.

With the exception of leave taken in connection with the birth or placement of a child, monetary PFML benefits are subject to a seven-day waiting period. The waiting period begins on the Sunday of the week in which PFML leave is first taken. The waiting period is counted for purposes of the overall duration of PFML leave, but no monetary benefits will be paid by ESD for that week. Employees may use available accrued leave to cover absences during the waiting period.

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

202.7 Coordination with Other Benefit Programs

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

202.8 Return to Work Release

The City will require a return-to-work release from a health care provider before restoring the employee to work following PFML leave where the employee has taken leave for the employee's own serious health condition.

202.9 Job Restoration

An employee who is eligible for job-protected leave under the federal FMLA will be restored to the same or equivalent position at the conclusion of PFML leave, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave).

202.10 Service date, Pay increase, Probation/Introductory Impact

An employee's service date, pay increase date, and probationary/introductory employment period will be adjusted so that unpaid leave that is 30 or more consecutive calendar days is not counted as service time.

202.11 Failure to Report

Failure to report to work for three (3) consecutive scheduled work days (or work shifts if applicable) without receiving authorization will be considered a voluntary resignation for reasons of job abandonment.

The law governing this leave is complex and all details are not covered in this policy. Please refer to the state website www.paidleave.wa.gov for questions or call their Customer Care Team Monday through Friday, 8:30am to 4:30pm at 833-717-2273.

City of Vancouver Employment Policy Manual

Policy 205. HOLIDAY

Policy Sections:	Effective: 1/01/2022
205.1 Observed City Holidays	Supersedes: June 2014
205.2 Eligibility	Implemented: May 2008
205.3 Worked Holidays	
205.4 Alternate Work Schedule – Non exempt	
205.5 Alternate Work Schedule – Exempt, non-union	
205.6 Holiday during Scheduled Leave	
205.7 Faith Holidays (unpaid)	

PURPOSE

The purpose of this policy is to provide eligible City employees the opportunity to observe certain days of the year to celebrate or reflect on related events with family and friends.

SCOPE

This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY

The City will designate and observe certain days each year as holidays. Eligible employees will be given a day off with pay for each holiday observed.

205.1 Observed City Holidays: The following holidays are recognized by the City:

- New Year's Day January 1
- Martin Luther King, Jr. Day Third Monday in January
- President's Day Third Monday in February
- Memorial Day Last Monday in May
- Juneteenth June 19
- Independence Day July 4
- Labor Day First Monday in September
- Veteran's Day November 11
- Thanksgiving Day Fourth Thursday in November
- Day After Thanksgiving Native American Heritage Day
- Christmas Day December 25

Any holiday occurring on a Saturday will be observed on the preceding Friday. Any holiday occurring on a Sunday will be observed on the following Monday.

205.2 Eligibility

Employees must either work or be otherwise compensated by the City via use of paid leave for at least 50% of their normal semi-monthly scheduled hours to qualify for holiday pay. For example, an employee whose normal scheduled hours total 80 in a pay period, regardless if there is a holiday or not, must work or use their paid leave banks for at least 40 hours to be eligible for holiday pay.

Part-time employees working a regular schedule or flexible schedule which averages 20 hours or more per week are eligible to receive holiday pay on a prorated basis. For example, an employee who regularly works 20 hours per week is entitled to four (4) hours of holiday pay.

Supported employment employees working a regular or flexible schedule which averages 10 or more hours per week are also eligible to receive holiday pay on a pro-rated basis.

205.3 Worked Holidays

The City will make every effort to see that employees receive the day off when their normal work schedule does not require work on a holiday. However, if it is deemed necessary to work, non-exempt employees shall be paid for the holiday plus one and one-half times their regular rate of pay for any time worked. Any work on an observed holiday must be pre-approved by the employee's immediate supervisor.

Some employees, due to the nature of their position, are required to work holidays, such as employees who work in facilities that are open 24 hours per day, 365 days per year. Eligible employees in such positions who work on a holiday will bank the holiday hours and may schedule the time off on a day mutually agreed upon by the supervisor and the employee.

Eligible employees (see Section 205.2) for whom a holiday falls on their normal day off will bank the holiday hours and may schedule the time off on a day mutually agreed upon by the supervisor and the employee.

205.4 Alternate Work Schedule – Non exempt

Holiday hours are based on a standard 8-hour work day (pro-rated for part-time employees). For example, if a non-exempt employee is on a 9/80 schedule and the holiday falls on a 9-hour day, the employee is only eligible for 8 hours of holiday compensation. The employee must then supplement the additional hour with available PTO/vacation, comp time or holiday bank time. It may also be possible that the employee alters their work schedule, with pre-approval from their supervisor.

205.5 Alternate Work Schedule – Exempt, non-union

When a recognized holiday falls on a non-union exempt employee's flex day, they may be allowed to take a different day off in lieu of the holiday within 30 calendar days after the holiday, based on their supervisor's approval. If the employee is unable to take the alternative day off within 30 days, no other substitution will be allowed. Timesheets will appropriately reflect the "Flex Day Holiday" taken in lieu of the recognized holiday.

205.6 Holiday during Scheduled Leave

Any observed holiday occurring during scheduled PTO/vacation or paid sick leave shall be paid as a holiday and shall not be deducted from leave accrued under the PTO/vacation, or sick leave policies.

Compensation for holidays that fall during other scheduled leave will be paid according to the appropriate leave policy (Catastrophic, FMLA, PFML, Military, Leave of Absence Without Pay, or Bereavement).

205.7 Faith Holidays (Unpaid)

Employees are eligible for up to two (2) unpaid holidays per calendar year "for reasons of faith or conscience or for an organized activity conducted under the auspices of a religious denomination, church, or religious organization." These unpaid holidays may only be used in the current calendar year and cannot be banked. Timesheets are to reflect the time off reason as Faith holiday.

- a. The City will allow substitution of available paid leave. Any days off related to this provision must be taken either as unpaid days or paid with appropriate and available banks (PTO/vacation, holiday, comp).
- b. Any partial day off for a Faith holiday will count as one full day, as RCW 1.16.050 (**WA** state law) does not provide for partial day time off.
- c. To request a Faith holiday, submit a written request for approval utilizing your department's normal time off process no less than two (2) weeks prior, when possible, to the requested date of leave, and provide the following information:
 - Date(s) requested
 - Whole or partial day request
 - The reason for the leave as a Faith holiday
 - If the Faith holiday is to be unpaid or paid, and if paid, from what available bank.
- d. RCW 1.16.050 (**WA** state law) provides the following basis for denying a Faith holiday request:
 - The employee does not follow the process for requesting leave
 - The request does not qualify for leave under the law
 - The employee has already used two (2) days for the calendar year
 - The employee is in a public safety position, and granting the request would result in the shift not meeting necessary staffing levels
 - Granting the request would result in an undue hardship (as established by the Office of Financial Management in emergency rule WAC 82-56-010) to the City.

206. PAID DAYS OFF/VACATION

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City recognizes the importance of employees balancing the demands of their professional and personal lives. To provide employees with the time necessary to maintain such a balance the City provides vacation leave to all regular employees to be used for vacation or other personal time off.

GUIDELINES:

1. How much vacation leave does an employee accrue each year?
Regular employees accrue vacation leave on a semi-monthly basis. Vacation leave is accumulated in an employee's vacation account on the 15th and the last day of each month worked.

The rate at which employees accumulate vacation leave and the maximum number of hours which they may accumulate are indicated in the schedule below (calculations are based on an eight-hour work day):

<u>Years of Service</u>	<u>Monthly Accrual</u>	<u>Number of Days/Year</u>	<u>2-Year Period Maximum Accumulation</u>
1-2	10.00 hours	15 (120 hours)	30 days (240 hours)
3-5	13.34 hours	20 (160 hours)	40 days (320 hours)
6-10	15.34 hours	23 (184 hours)	46 days (368 hours)
11-15	17.34 hours	26 (208 hours)	52 days (416 hours)
16-20	19.34 hours	29 (232 hours)	58 days (464 hours)
21+	21.34 hours	32 (256 hours)	64 days (512 hours)

Part time employees working a regular or flexible schedule that averages 20 hours or more per week will accrue vacation leave on a prorated basis to the prorated maximum. Supported employment employees working a part-time schedule will receive a prorated benefit if they work a regular schedule of 10 or more hours per week.

2. Will leave without pay affect an employee's vacation leave accrual?
If the leave without pay is greater than 50% of the employee's normal semi-monthly schedule, vacation leave will not accrue. For leave without pay of 30 calendar days or more see the Leave of Absence Without Pay policy (#214).
3. May employees use vacation leave for reasons other than vacation or personal time off?
Yes. Employees may use accrued vacation leave if the leave meets eligibility requirements under one of the City's other leave policies or the employee has exhausted their sick leave bank. Pre-approval from the employees' supervisor and/or Human Resources is required..
4. May employees use vacation leave at any time after they begin work?
No. Vacation leave may not be used during the first six months following an employee's adjusted service date. At the end of the first six service months following an employee's adjusted service date, his/her vacation account will be credited with the equivalent of six months' vacation accrual. Semi-monthly accrual will be added at the end of each semi-monthly pay period thereafter.
5. May employees use vacation leave before it is accrued?
No. Vacation hours must be available in the employee's vacation account before it can be used. Therefore, hours accrued in a semi-monthly pay period cannot be used in the same semi-monthly pay period.
6. Are employees required to provide notice of the desire to schedule vacation leave?
Yes. Employees should consult with their immediate supervisor to schedule the leave according to

specific department procedures but vacation leave should not be assumed to be authorized until it has been approved by the employee's immediate supervisor. In the case of an unforeseeable need for vacation leave, employees must provide notice as soon as possible or as required under the Attendance and Punctuality policy (#301).

Failure to report to work for three consecutive days (or shifts if applicable) for which the employee is scheduled to work, without receiving authorization, will be considered a voluntary resignation for reasons of job abandonment.

7. If an employee becomes ill or injured during approved vacation leave, may sick leave hours be used for the period of the illness or injury?

Yes, under certain circumstances. If the illness or injury requires inpatient care in a hospital or treatment by a health care provider, then sick leave hours may be used for the time that the employee is ill or injured. However, sick leave hours may not be used for minor illnesses or injuries such as cold, flu, or minor cuts or sprains since these illnesses or injuries generally do not require care by a health care provider. Medical certification may be required.

8. May employees be paid for accrued vacation hours instead of taking time off?

Yes, non-union employees may request payment for accrued vacation hours in lieu of taking time off of work by submitting a *Request for Vacation Cash Out* form to Payroll. Payment for the vacation hours will then be included in the employee's paycheck. The opportunity to receive pay for vacation leave is limited to twice per calendar year and may not exceed a total of 80 hours for the year for full time employees. Payment for part time employees may not exceed a pro-rated portion of 80 hours per year.

9. Will employees receive payment for accrued vacation hours when they leave employment with the City?

Yes. Upon termination of employment with the City for any reason, an employee with six service months of credit will be paid for all earned and accrued vacation leave at the employee's current regular hourly rate of pay.

10. What if there is a holiday during a scheduled vacation leave?

Any holiday observed by the City occurring during vacation leave will be paid as a holiday and will not be deducted from the employee's vacation account.

11. Can the City adjust an FLSA Exempt employee's pay if the employee's vacation account is not sufficient to cover his/her leave hours?

Yes. To ensure public accountability, the City requires that absences be deducted from a leave account or from an employee's pay. If sufficient leave is not available, the City may dock an FLSA Exempt employee's salary based on the percentage of the pay period in an unpaid status.

208. JURY/WITNESS LEAVE

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Serving on a jury or being called to serve as a witness is considered a civic duty for all citizens. Therefore, employees are granted time off with pay for jury duty or for testifying as a witness in a judicial proceeding.

GUIDELINES:

1. Are employees required to use accrued vacation hours to provide pay to serve on a jury or as a witness?
No. If an employee receives a summons to serve on a jury or a subpoena to testify as a witness in court, all hours away from work will be charged to jury/witness leave. No leave accounts, including vacation leave, will be affected.
2. May employees keep any money received from the court?
Monies received to reimburse out-of-pocket expenses, such as meals, mileage or lodging may be kept by employees. Any other moneys received from the court, or any other party must be forwarded to Financial & Management Services immediately upon receipt.
3. What if an employee is called to jury duty or to serve as a witness on a day off?
If an employee is summoned to serve on a jury or as a witness on an employee's day off, this policy does not apply. Therefore, the City will not pay the employee for appearance in court and the employee may keep all money received for payment of service.
4. What happens if an employee is called for jury duty or to serve as a witness during scheduled vacation leave?
If jury or witness duty falls during an employee's scheduled vacation day, the time off of work will be charged to jury/witness leave and will not be deducted from an employee's vacation account.
5. Are employees required to report to work following appearance in court?
If an employee serves less than an eight-hour day on jury duty or as a witness, the employee is expected to report to work for the balance of the normal workday.
6. Are employees required to report to work for a swing or graveyard shift following jury/witness duty?
No. If an employee is regularly scheduled to work either swing shift or graveyard shift and serves on jury duty or as a witness the same day, that employee is excused from work that same day. If an employee chooses to return to work on either the swing or graveyard shift, he/she will be paid for the regular day's work and is entitled to keep any money received from the court for that day.
7. Are employees required to provide notice of the need for leave?
Yes. Employees are expected to provide notice as soon as they receive the summons or subpoena. The notice should include a copy of the summons or subpoena which requires the employee to appear for jury duty or as a witness.

209. BEREAVEMENT LEAVE

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City will provide time off with pay when a death occurs in an employee's immediate family.

GUIDELINES:

1. What is bereavement leave?
Bereavement leave is an authorized short-term absence due to a death in the immediate family, including matters related to a death such as the funeral, estate settlement, time for travel and/or the grieving process.
2. What is the definition of "immediate family" under this policy?
"Immediate family" is defined as spouse, domestic partner, child, mother, father, brother, sister or step family, aunt, uncle, niece, nephew, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent, grandchild, and grandparent, grandchild of the spouse or member of the employee's immediate household. (It is understood that this policy extends to similar members of a domestic partner's family as detailed above.)
3. How does an employee request bereavement leave?
When possible, advance notification of a need for bereavement leave is required and supervisor approval is necessary so that business operations are not adversely affected. The benefit is provided on a per-event basis but may be delayed based upon specific business-related concerns.
4. How long will the City pay for bereavement leave?
Employees are afforded necessary leave for bereavement purposes, not to exceed 40 hours (pro-rated for part-time employees) per event.
5. Does leave need to be taken all at once?
No. The allotted time does not need to be consecutive but does need to relate to the death of an immediate family member of the employee and must be used within one year of the event.
6. Will documentation be required?
The City reserves the right to require documentation of the death and/or any other time taken related to a death.
7. What if the need for bereavement leave occurs while an employee is on an approved leave?
If an employee receives compensation from the City for at least 50% of their normal semi-monthly schedule he/she will be eligible for bereavement leave benefits. Otherwise, the employee is not eligible for bereavement leave benefits.
8. What if a holiday falls during bereavement leave?
Any observed holiday occurring during bereavement leave shall be paid as a holiday.

210-A. MILITARY LEAVE

SCOPE: This policy applies to all eligible employees of the City of Vancouver unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City provides leave of absence for any employee who is a member of a uniformed service and is absent from work due to an obligation to a uniformed service.

GUIDELINES:

1. What is included in the term “uniformed services”?
The uniformed services are the Washington National Guard, Army, Navy, Air Force, Marine Corps, Coast Guard, and their reserves; the Army and Air National Guards; the Public Health Service commissioned corps; and other categories designated by the President in times of emergency.
2. When will the City provide leave for obligations to a uniformed service?
The City will provide leave for employees serving on active duty (including training-related active duty) as required by law.
3. How long may an employee take a leave of absence for uniformed service?
Employees are entitled to a leave of absence of up to five years for certain types of military or other uniformed service.
4. Is military leave provided with pay?
Yes, in some instances. The City provides pay in the following circumstances:
 - The City will pay up to 21 days per year (beginning October 1 and ending the following September 30) for military leave taken for any active duty as required by law.
 - Employees may elect to use applicable leave hours to supplement income during an unpaid military leave of absence.
 - Employees may request military leave sharing benefits as outlined in the City’s Military Leave Sharing policy.
5. Are employees required to provide notice of the need for military leave?
Yes. Employees are expected to provide written notice of initial orders and any leave extension orders as soon as he/she becomes aware of the need for military leave. The notice should be sent to the employee’s immediate supervisor. If the absence will extend beyond the annual 21 day paid leave period, the supervisor must forward a copy of the document to Human Resources. However, no notice is required if it would be unreasonable or impossible for the employee to provide notice or if the giving of notice is precluded by military necessity.
6. Will health insurance benefits be continued during military leave?
Health insurance benefits will be maintained in compliance with USERRA and other City policies. The City will continue to pay the premiums for health insurance provided for the employee during a military leave of absence of less than 30 consecutive calendar days. For a military leave of 30 or more consecutive calendar days, an employee may self-pay to continue health benefits for up to 24 months.
7. Will military leave impact pension benefits?
In most cases, the period of military service will be treated as service for the purpose of vesting and the accrual of benefits if the employee returns to employment with the City following military leave. On reemployment, an employee may apply for service credit through the Washington State Retirement System. Employees must meet any necessary contribution requirements within five years of resuming employment with the City or prior to retirement, whichever comes first. The City will make any required employer contributions to the pension plan, if applicable.

8. Are employees entitled to reemployment following military leave?

Yes. If the employee:

- Receives a certificate showing satisfactory completion of service
- Provides proper notice of intent to return to employment
- Has not exceeded a cumulative length of service that causes his/her absence from City employment of more than five years (unless specifically exempted by USSERA).

The type of position to which the returning employee will be entitled depends on the period of military service, the type of discharge received by the employee and on the employee's abilities at the time of reinstatement.

9. Are employees returning from military leave protected from termination?

Yes. The type and length of protection is dependent on the length of military service. Employees with less than 31 days of service do not have protection against termination without cause under USERRA. However, like other returning employees, they are protected from discrimination based on military service or continuing service obligations. If the military service lasted between 31 and 180 days, the employee may not be terminated without cause for 180 days after the date of reemployment. If the period of military service was more than 180 days, the protection applies for one year after reemployment.

The laws governing military leave are complex, and all details are not covered in this policy. Any questions should be directed to Human Resources.

210-B. ACTIVE MILITARY DUTY LEAVE SHARING

SCOPE: This policy applies to all eligible employees of the City of Vancouver unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Military leave sharing is intended to supplement military pay in order to minimize the financial impact on employees called to active military duty. City employees may donate accumulated vacation hours to a military leave sharing bank for distribution to co-workers on military leave. The availability of military leave sharing is not guaranteed.

GUIDELINES:

1. Who is eligible to receive Military Leave Sharing donations?

Any employee who is ordered to report for active military duty for 30 consecutive days or more is eligible to access funds in the Military Leave Sharing bank. This may include an employee who is a member of the Washington National Guard, Army, Navy, Air Force, Marine Corps, Coast Guard, and their reserves; the Army and Air National Guards; the Public Health Service commissioned corps; and other categories designated by the President in times of emergency.

2. Are employees required to use accrued vacation hours prior to requesting funds from the Military Leave Sharing Bank?

An employee may choose to reserve up to 80 vacation hours for use following return from active military duty. Vacation hours in excess of 80 hours must first be used before the employee will be eligible for Military Leave Sharing.

Employees are not required to use vacation hours during military leave. An employee may choose to reserve all accrued and unused vacation hours for use following return from military duty. However, in this case, the employee is NOT eligible to request or receive Military Leave Sharing.

3. Is there a limit on the Military Leave Sharing an employee may receive?

Funds in the Military Leave Sharing bank will be distributed to eligible employees as long as there are sufficient funds in the bank and the following guidelines are met:

- An employee may receive Military Leave Sharing only to cover the period of time the employee is on active duty. Active duty will begin on the date an employee is ordered to report for duty and will end on the day orders indicate the employee is released from duty.
- An employee may only receive Military Leave Sharing to supplement income received from the military. The total income the employee receives, including income from the military and income from Military Leave Sharing will be no greater than the wage the employee would earn if he/she had continued to work at the City instead of reporting to military duty.
- As required by State law and by the City's Military Leave policy, the City pays up to 21 days per military calendar year for military leave. An eligible employee may receive and use funds from Military Leave Sharing only after the 21 days have been paid and after exhausting the necessary number of vacation hours.

4. How do employees apply for Military Leave Sharing?

An employee who receives orders to report for active duty and who would like to receive Military Leave Sharing should submit a written request to Human Resources. The request should include a copy of the orders indicating that the employee is required to report for duty and written documentation of the income he/she receives from the military. When the employee is released from active military duty, the employee must provide Human Resources with a copy of their discharge papers.

5. Are donations made to a particular employee?

No. Donated hours will be placed in the Military Leave Sharing bank for distribution to eligible employees.

6. Will the names of the donating employees be kept confidential?
Yes.

7. Will leave benefits accrue while an employee is receiving donated hours?
No.

This policy does not affect an employee's rights and obligations under the City's *Military Leave* policy or under the laws governing military leave.

210-C. MILITARY CAREGIVER LEAVE

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement.

POLICY: In compliance with the federal Family and Medical Leave Act (FMLA), the City of Vancouver will provide leave to care for a covered service member with a serious illness or injury incurred in the line of duty while on active military duty.

GUIDELINES:

1. When are employees eligible for this leave?

Employees are eligible if they have worked for the City for at least 12 months and have worked at least 1,250 hours in the 12 months preceding the leave. Full-time FLSA exempt employees who have worked for the City at least 12 months are presumed to have met the 1,250-hour requirement.

2. How long can an employee take time off from work for Military Caregiver Leave?

An eligible employee is entitled to take up to 26 workweeks of leave during a single 12-month period to care for a seriously injured or ill covered service member. The single 12-month period begins on the first day the eligible employee takes military caregiver leave and ends 12 months after that date.

3. Who can an employee take leave for?

An employee may take leave for their spouse, domestic partner, child (of any age), parent, or next of kin (defined as nearest blood relative) who is a covered service member.

This policy extends to similar members of a domestic partner's family.

4. Who is a "covered service member"?

A covered service member means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

5. What is the definition of a "serious injury or illness"?

An injury or illness incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; or in the case of a veteran, at any time during the period of 5 years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy, has a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty) and that manifested itself before or after the member became a veteran.

6. Are employees required to provide notice of the need for leave?

Yes. Employees must submit a request for FMLA leave to Human Resources. If the need for the leave is foreseeable, requests must be submitted as soon as practicable, but not later than 30 calendar days in advance of the anticipated date that the leave will begin.

In the case of an unforeseeable leave, employees must submit a request to Human Resources as soon as practicable.

Employees must advise Human Resources of any changes in their need for FMLA leave (e.g., changes in the anticipated duration or the intermittent status of the leave).

7. May the City request medical certification to support the need for leave?

Yes. When leave is taken to care for a covered service member with a serious injury or illness, an employer may require an employee to obtain a certification completed by an authorized health care provider of the covered service member.

Employees have 15 days from the time the City requests the medical certification to submit a complete certification. However, if complete and sufficient medical certification is not submitted, the leave may be delayed or denied as provided by state and federal law.

210-D. MILITARY EXIGENCY LEAVE

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: In compliance with the federal Family and Medical Leave Act (FMLA), the City of Vancouver will provide leave for qualifying exigent circumstances while the employee's spouse, domestic partner, child, or parent (the "covered military member") is on covered active duty.

GUIDELINES:

1. When are employees eligible for this leave?

Employees are eligible if they have worked for the City for at least 12 months and have worked at least 1,250 hours in the 12 months preceding the leave. Full-time FLSA exempt employees who have worked for the City at least 12 months are presumed to have met the 1,250-hour requirement.

2. How long can an employee take time off from work for Military Exigency Leave?

An eligible employee is entitled to take up to 12 weeks of leave during a 12-month period. The 12-month period is a rolling year measured backward from the date an employee uses any FMLA leave. Each time an employee takes leave under this policy, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

3. Who can an employee take leave for?

An employee may take leave for a covered military member, including their spouse, domestic partner, child, or parent.

This policy extends to similar members of a domestic partner's family.

4. What is "covered active duty"?

In the case of a member of a regular component of the Armed Forces, covered active duty is duty during the deployment of the member with the Armed Forces to a foreign country. In the case of a member of a reserve component, it is duty during the deployment to a foreign country under a call or order to active duty.

5. What is Qualifying Exigency?

FMLA defines a Qualifying Exigency, which must be necessitated by the active duty or call to active duty, as follows:

- Short-notice deployment: Allows for leave to address any issue that arises from the fact that a covered military member is notified of an order to active duty seven (7) or less calendar days prior to the date of deployment. Leave can be taken for a period of seven (7) calendar days beginning on the date of notification.
- Military events and related activities: Allow for leave to attend any official event sponsored by the military or a family assistance program sponsored by the military or the American Red Cross that is related to the call to active duty.
- School and child care activities: Allows for leave to arrange for alternative childcare; enroll or transfer to a new school; attend meetings with staff at a school or daycare facility; or urgent and immediate child care needs, not routine, regular, or every day.
- Financial and legal arrangements: Allows for leave to make financial or legal arrangements that address the covered military member's absence.
- Counseling: Allows for leave to attend counseling provided by someone other than a health care provider for oneself, for the covered military member, or child of the covered military member.
- Rest and recuperation: Allow for leave to spend time with a covered military member who is on short-term leave during the period of deployment. Leave may be taken for a maximum of five (5) days per instance.

- Post-deployment activities: Allows for leave to attend official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active-duty status; to address issues that arise from the death of a covered military member while on active-duty status.
- Additional activities: Allows leave when the employer and employee agree that such leave shall qualify and agree to both the timing and duration of such leave.

6. Are employees required to provide notice of the need for leave?

Yes. Employees must submit a request, to Human Resources. If the need for the leave is foreseeable, requests must be submitted as soon as practicable, but not later than 30 calendar days in advance of the anticipated date that the leave will begin.

In the case of an unforeseeable leave, employees must submit a request to Human Resources as soon as practicable.

Employees must advise Human Resources of any changes in their need for FMLA leave.

7. May the City request certification to support the need for leave?

Employees requesting leave may be required to provide certification of military status, a statement from the employee about the reason for and amount of leave, and the employee's relationship to the military member.

211. SICK LEAVE/SHORT-TERM DISABILITY

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City provides employees with sick leave to be used in the event of illness, injury or appointments with health care providers. Sick leave is intended to be used as a short-term disability benefit to help an employee maintain his/her income during these absences.

GUIDELINES:

1. How much paid sick leave will the City provide?

Regular employees will accrue five hours of sick leave time per semi-monthly pay period up to a maximum accumulation of 1,280 hours. Sick leave hours are accumulated in an employee's account on the last day of each semi-monthly period worked.

Part-Time employees working a regular or flexible schedule which averages 20 hours or more per week will accrue sick leave on a pro-rated basis to the pro-rated maximum. Supported employment employees working a part-time schedule will receive a pro-rated benefit if they work a regular or flexible schedule which averages 10 or more hours per week.

2. Will leave without pay affect an employee's sick leave accrual?

If the leave without pay is greater than 50% of the employee's normal semi-monthly schedule, sick leave will not accrue.

3. For what reasons may employees use sick leave benefits?

a) For the employee's own short-term disability including:

- Off the job personal illness or injury.
- On the job personal injury or illness in order to make an employee whole in conjunction with time loss payments.
- Pregnancy or childbirth.
- If exposed to a contagious disease such that the employee's presence on the job might jeopardize the health of others.

b) To care for a:

- Family member with an emergency, or a serious health condition as defined in the FMLA or Washington State Family Care Act (WFCA).
- Child with a health condition that requires treatment or supervision or to care for a wife or child while incapacitated as a result of pregnancy/childbirth.

c) Health care appointments that cannot be scheduled during non-work hours including (travel time in excess of one working day must be approved by the department head):

- Personal health care appointments.
- An employee's child's health care appointments; or
- Appointments for family members with conditions covered under City policy, state, or federal law.

d) For reasons allowed or mandated under state and/or federal law.

4. Who is considered a "family member?"

A "family member" as used in this policy means:

- child, including a biological child, adopted child, foster child, stepchild, child of a domestic partner, legal ward, or a child for which the employee is acting in loco parentis. The child must be under 18 years of age or, if over the age of 18, incapable of self-care because of a mental or physical disability.

- spouse.
- domestic partner (if a Declaration of Domestic Partnership is on file in Human Resources).
- parent, including a biological or adopted parent or a person who acted in loco parentis to the employee when they were a child.
- parent-in-law, including the parent of a domestic partner.
- grandparent; or
- other blood relative of the employee who permanently resides in the employee's primary residence and who has a serious or emergency health condition as defined in the FMLA or WFCA.

Reasonable documentation or statement of qualifying relationship may be required.

5. When may new or re-hired employees begin using sick leave?

Sick leave may be used after three months following an employee's adjusted service date. At that point, the employee's sick leave bank will be credited with the equivalent of three month's sick leave accrual. Accruals will be added at the end of each semi-monthly pay period thereafter.

6. May employees use sick leave before it is accrued?

No. Sick leave must be available in the employee's sick leave bank before it can be used. Therefore, hours accrued in a semi-monthly pay period cannot be used in the same semi-monthly pay period.

7. Are employees required to receive authorization to use sick leave?

Yes. Employees are expected to request authorization for sick leave as soon as the employee becomes aware of the need. Failure to report to work for three consecutive days or shifts (if applicable) for which the employee is scheduled to work, without receiving authorization, will be considered a voluntary resignation for reasons of job abandonment.

8. May employees use other paid leave for sick leave reasons?

Yes. Employees may use other paid leave if they have exhausted all accrued sick leave hours or the need for sick leave is protected under a state or federal law.

When the need for sick leave is not protected under a state or federal law and the need for leave meets the eligibility requirements of this policy, the employee may request approval to use other available paid leave. In these circumstances, pre-approval from the employees' supervisor and/or Human Resources is required.

9. What happens if an employee needs to have additional time off after all paid leave benefits have been exhausted?

If all eligible paid leave is exhausted, employees may be entitled to unpaid leave under the Leave of Absence Without Pay, Family Medical Leave Act, Disability Accommodation, or other similar policies.

10. May the City require employees to provide medical certification of the need for sick leave?

Yes. Employees may be required to provide medical certification of the condition, and the medically necessary duration of the leave. The City may request clarification if the medical certification is unclear.

11. What should an employee do when he/she is ready to return to work after sick leave for his/her own illness, injury or short-term disability?

An employee who is returning from a leave of absence of 30 days or less may be required to provide a medical release signed by a health care provider.

An employee returning from a leave of absence of 30 days or more must provide a release signed by a health care provider. He/she must also contact Human Resources and their immediate

supervisor two weeks before the leave is expected to expire to report the status of his/her ability to return to work and to coordinate a return-to-work plan.

If an employee does not receive a release to perform the full scope of his/her job duties, the release must detail any limitation and a prognosis for a full release date. A limited release may impact the City's ability to return the employee back to work.

12. May employees be paid for accrued sick leave?

No. Accumulated unused sick leave is a form of income insurance for short- and longer-term illness or injury and is not a vested benefit.

13. What if there is a holiday during paid sick leave?

Any holiday observed by the City occurring during paid sick leave will be paid as a holiday and will not be deducted from the employee's sick leave bank.

14. Can the City adjust an FLSA Exempt employee's pay if the employee's sick leave bank is not sufficient to cover his/her leave hours?

Yes. To ensure public accountability, the City requires that absences be deducted from a leave account or from an employee's pay. If sufficient leave is not available, the City may dock an FLSA Exempt employee's salary based on the percentage of the pay period in an unpaid status.

212. FAMILY AND MEDICAL LEAVE ACT (FMLA)

SCOPE: This policy applies to all eligible employees of the City of Vancouver unless otherwise addressed in a current collective bargaining agreement or public safety policy.

POLICY: In compliance with the state and federal Family and Medical Leave Acts (FMLA), City policy allows employees to take time off from work with job protection to care for the needs of themselves and qualified family members.

GUIDELINES:

1. When are employees eligible for family or medical leave?
Employees are eligible if they have worked for the City for at least 12 months and have worked at least 1,250 hours in the 12 months preceding the leave. Full-Time FLSA exempt employees who have worked for the City at least 12 months are presumed to have met the 1,250-hour requirement.

2. How long can an employee take time off from work for family or medical leave?
Eligible employees are entitled to 12 weeks of family or medical leave during a 12-month period. Employees who are disabled as a result of pregnancy or childbirth are entitled to leave for the period of pregnancy or childbirth disability in addition to the 12 weeks of family or medical leave.

The 12-month period is a rolling year measured backward from the date an employee uses any FMLA leave. Each time an employee takes leave under this policy, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

3. How are 12 weeks determined?
The 12 weeks will be converted to hours based on the employee's normal pre-FMLA schedule (i.e., 12 weeks of 40 hours per week will equal 480 hours of FMLA leave). Hours will be charged to the employee's FMLA bank as they are used.

4. Are employees required to take all 12 weeks at one time?
No. The leave may be taken all at once, in shorter blocks of time or, in certain circumstances, eligible employees may take FMLA leave on an "intermittent" schedule or a "reduced leave" schedule.

5. What events qualify the employee to take leave under this policy?
Eligible employees are entitled to 12 weeks of family and medical leave during a 12-month period:

- To care for a newborn child or a newly adopted child who is under the age of 18 or a child just placed with the employee for foster care. Leave must conclude within 12 months of birth, adoption or placement.
- To care for a qualified family member who is suffering from a serious health condition and needs the employee's care; or,
- When an employee is unable to work due to their own serious health condition.

6. What is the definition of "qualified family member"?
A "qualified family member" includes the employee's:

- Child, including a biological child, adopted child, foster child, stepchild, child of a domestic partner, legal ward, or a child for which the employee is acting in loco parentis. The child must be under 18 years of age or, if over the age of 18, incapable of self-care due to a mental or physical disability.
- Parent, including a biological or adopted parent or a person who acted in loco parentis.
- Spouse; or
- Domestic partner (if a declaration of Domestic Partnership is on file in Human Resources).

Reasonable documentation or statement of qualifying relationship may be required.

7. What is the definition of a “serious health condition”?

A serious health condition is:

- Any period of incapacity or treatment connected with inpatient care, (i.e., an overnight stay), in a hospital, hospice or residential medical care facility.
- A period of incapacity as defined by federal law.
- Any period of incapacity due to pregnancy or prenatal care.
- Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.).
- A period of incapacity that is permanent or long term due to a condition for which treatment may not be effective (e.g., Alzheimer’s, stroke, terminal diseases, etc.); or
- Any absence to receive multiple treatments (including any period of recovery there from) by or on referral by, a health care provider for a condition that would likely result in incapacity of more than 3 consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

8. Are both parents (or domestic partners) entitled to take leave to care for a child or parent?

Yes. However, when spouses or domestic partners are both employed by the City, FMLA leave may be limited to a combined total of 12 weeks if being taken for the same reason. The limit applies when spouses or domestic partners are both employed by the City and are both eligible for FMLA leave for the following reasons:

- For the birth and care of a child.
- For the placement of a child for adoption or foster care, and to care for a newly placed child; and
- To care for a parent (not parent-in law) with a serious health condition.

9. Are employees required to provide notice of the need for FMLA leave?

Yes. Employees must submit a request for FMLA leave to Human Resources. If the need for the leave is foreseeable, requests must be submitted as soon as practicable, but not later than 30 calendar days in advance of the anticipated date that the leave will begin.,.

In the case of an unforeseeable leave, employees must submit a request for to Human Resources as soon as practicable.

Employees must advise Human Resources of any changes in their need for FMLA leave (e.g., changes in the anticipated duration or the intermittent status of the leave).

If an employee does not specifically request FMLA leave, the City may designate eligible leave to FMLA. When the reason for the leave is not known in advance, the City may retroactively designate eligible leave as FMLA leave.

10. Will an employee know if a request for leave under this policy has been approved?

Yes, Human Resources will notify the employee of the decision. If the request is approved, the notice will include the beginning date of the leave, when known, and the number of hours of qualifying leave to which the employee is entitled.

11. May the City request medical certification to support the need for leave?

Yes. An employee who requests leave may be required to provide medical certification of the condition. Employees have 15 days from the time the City requests the medical certification to submit a complete certification. However, if complete and sufficient medical certification is not submitted by the due date, the leave may be delayed or denied as provided by state and federal law.

12. If medical information is provided, will it be confidential?

Yes. All medical information obtained in connection with FMLA leave will be kept in locked, confidential medical files separate from personnel files and will be released only on a need-to-know basis.

13. Will employees be paid during FMLA leave?

Employees are generally required to exhaust any accrued paid leave to maintain a paid status as long as possible. This could include, but is not limited to, vacation, sick leave, compensatory (comp) time, and banked holidays. Once an employee's paid leave is exhausted, employees are allowed up to an additional 12 weeks of unpaid leave, if needed.

If requested, an employee may reserve up to 40 hours of vacation for use upon return to work. Catastrophic and worker's comp time loss leave will run concurrently with FMLA leave.

14. Will health insurance benefits be provided during FMLA leave?

The City will continue to pay the portion of any premiums for health insurance provided for the employee during the approved FMLA leaves of absence. If the employee is responsible for a portion of the premium, the employee payment must be made, or insurance coverage may be terminated.

15. Will an employee accrue leave benefits and be eligible for bereavement leave and pay for holidays during FMLA leave?

Employees who are working a reduced schedule or are otherwise compensated by the City for at least 50% of their normal semi-monthly schedule will accrue sick leave and vacation hours and be eligible for bereavement leave and pay for holidays on the same basis as their pre-FMLA status. Compensation includes wages for hours worked or payment of compensatory time, sick leave, or vacation hours.

16. Will an employee's service date, pay increase date, and probationary period be affected by FMLA leave?

Yes. An employee's service date, pay increase date, and probationary period will be adjusted so that unpaid FMLA leave that is 30 or more consecutive calendar days is not counted as service time.

17. Can an employee request time off under the Leave of Absence Without Pay policy instead of using FMLA leave?

No. If the leave qualifies under this policy, it must be exhausted before an employee can request leave under the Leave of Absence Without Pay policy.

18. Are employees entitled to return to their previous job position after the leave?

Upon returning from an approved leave, employees will be restored to the same position they previously held or to a substantially similar position with equivalent employment benefits, pay and other terms or conditions of employment. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

19. What should an employee do when he/she is ready to return to work?

An employee who is returning from a leave of absence of 30 days or less, due to their own illness, injury, short term disability or serious health condition, may be required to provide a medical release signed by a health care provider.

An employee returning from a leave of 30 days or more, due to their own illness, injury, short term disability or serious health condition, must provide a release signed by a health care provider. He/she must also contact Human Resources and their immediate supervisor two weeks before the leave is expected to expire to report the status of their ability to return to work and to coordinate a return-to-work plan.

If an employee does not receive a release to perform the full scope of his/her job duties, the release must detail any limitation and a prognosis for a full release date. A limited release may impact the City's ability to return the employee back to work.

20. Will light duty assignments be counted toward an employee's FMLA entitlement?

No. If an employee recovering from a serious health condition voluntarily accepts a temporary light duty assignment, the time in the light duty assignment will not be counted toward the employee's FMLA leave entitlement.

21. What if an employee does not return to work following FMLA leave?

Failure to report to work for three (3) consecutive days or shifts (if applicable) for which the employee is scheduled to work, without receiving authorization, will be considered a voluntary resignation for reasons of job abandonment.

The law governing this type of leave is complex and all details may not be covered in this policy.

214. LEAVE OF ABSENCE WITHOUT PAY (LWOP)

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City may grant employees a leave of absence without pay under exceptional circumstances when such leave is consistent with the good of the City service.

GUIDELINES:

1. Are all employees eligible for a leave of absence without pay?
All regular employees are eligible to request a leave of absence without pay, beyond the annual two days of religious holidays described in Policy 205 – Holidays, when **all** other types of eligible leave available under City policy, state and federal law, both paid and unpaid, have been used.
2. Are there any reasons that do not justify a leave without pay?
Leaves of absence are considered on a case-by-case basis.
3. How does an employee request a leave without pay?
All requests for leave without pay must first be submitted to an immediate supervisor. The Department Director may approve a leave of absence without pay for a period of less than 30 consecutive calendar days. Requests for leave between 30 consecutive calendar days and six months must be approved by the Human Resources Director. Requests for leave beyond six months must be approved by the City Manager.
4. May an employee request that an approved leave of absence be extended?
Yes. The request for an extension should be submitted to the Department Director within two working days of learning of the need for an extension of the leave.
5. Are employees required to submit the request in advance of the leave?
Yes. Employees are expected to submit a written request for a leave of absence without pay as soon as possible but at least 30 calendar days in advance of the anticipated date that the leave will begin if the need for the leave is foreseeable. In the case of an unforeseeable or unanticipated leave, employees should provide notice as required under the Attendance and Punctuality policy. Failure to report to work for three consecutive days or shifts (if applicable) for which the employee is scheduled to work, without receiving authorization, will be considered a voluntary resignation for reasons of job abandonment.
6. May the City request that an employee return to work during the leave?
Yes. The City may terminate any leave of absence prior to its scheduled end date. The City will terminate the leave by sending a written notice to the employee's address on file with the City. The employee will be required to return to work within a reasonable time. If the employee fails to respond to the notice or report for work as requested by the City, the employee will be considered voluntarily resignation as of the required return date.
7. Will benefits continue during a leave of absence without pay?
If the leave of absence is 30 consecutive calendar days or less, the City will continue to pay the premiums for insurance in the same proportion as if the employee is not on a leave of absence. For an approved leave of absence longer than 30 consecutive calendar days, an employee may continue health benefits under COBRA. Other City paid or self-paid benefits may also be eligible for continuation.

Benefits that accrue according to the length of service, such as vacation, service hours for retirement, and sick time, do not accrue during periods of time that an employee is on authorized leave without pay. However, for employees working part-time and/or using their own paid leave for at least 50% of their normal semi-monthly schedule are eligible for leave benefits, holiday and

bereavement leave and may accrue service hours that will be reported to the State Department of Retirement Services (DRS) for consideration of service credits.

8. Will an employee's service date and pay increase date be affected by a leave of absence without pay?

Yes. An employee's service date and pay increase date will be adjusted so that leave without pay of 30 or more consecutive calendar days is not counted as service time.

9. Will an employee's probationary/introductory employment period be affected by a leave of absence without pay?

Yes. An employee's probationary/introductory employment period will be adjusted so that leave without pay of 30 or more consecutive calendar days is not counted as service time.

10. Are employees entitled to reinstatement to their job position following the leave?

Employees will be reinstated to their previous job position at the end of the approved leave unless the job position has been eliminated, the job duties have substantially changed, the employee is no longer qualified for the position, the employee has engaged in conduct during the leave that may be cause for discharge or for other material reasons as determined by the City.

If the employee cannot be placed in his/her former position, he/she will be offered another position for which he/she is qualified if such a position is vacant that is at or below the salary level of the position the employee held prior to the leave of absence. If the employee does not accept an offer of employment for the vacant position, the employee will be considered to have voluntarily resigned.

11. May employees return to work prior to the end of the approved leave?

An employee may request an earlier return by submitting a written request to the Department Director, and the request will be considered.

12. What should an employee do when he/she is ready to return to work after the unpaid leave?

An employee should contact his/her supervisor two weeks before the leave is expected to expire to report the status of his/her ability and desire to return to work and to discuss procedures for returning to work.

An employee who is returning from a leave of absence of **30 days or less**, due to their own illness, injury, short term disability, or serious health condition, may be required to provide a medical release signed by a health care provider.

An employee returning from a leave of **30 days or more**, due to their own illness, injury, short-term disability, or serious health condition, must provide a release signed by a health care provider.

If an employee does not receive a release to perform the full scope of his/her job duties, the release must detail any limitation and a prognosis for a full release date. A limited release may impact the City's ability to return the employee back to work.

215. CATASTROPHIC LEAVE SHARING

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: To provide employees with a means of financial assistance when facing a catastrophic situation, City employees may donate accumulated vacation hours to a catastrophic leave bank. The granting of Catastrophic Leave is not "guaranteed" and is reviewed on a case-by-case basis.

GUIDELINES:

1. Who is eligible to apply for catastrophic leave donations?
Any regular employee who is facing or expecting a catastrophic situation may apply for donated catastrophic leave hours.
2. What is a "catastrophic situation"?
Catastrophic situations are generally limited to severe or extraordinary health conditions that will likely require the employee's absence from work for a prolonged period of time and will result in a loss of income to the employee because of the unavailability of paid leave.

Short-term disabilities resulting from minor surgery and recovery, and similar routine health conditions are not usually eligible for catastrophic leave sharing because employees are expected to maintain sufficient accrued leave to cover these routine needs.
3. How long must an employee be off work in order to use catastrophic leave donations?
An employee must be off work for a period of 30 consecutive calendar days and exhausted all applicable leaves before they are eligible to use donations.
4. How does an employee apply for Catastrophic Leave Donations?
The employee completes a Request for Catastrophic Leave Sharing form and submits it to Human Resources.
5. How are Catastrophic Leave Requests evaluated?
Catastrophic Leave Requests are evaluated by Human Resources based on criteria defined in state and federal leave protection laws. The laws include the Family Medical Leave Act, Washington State Family Care Act, Americans With Disabilities Act, Washington Law Against Discrimination, The Pregnancy Disability Act or other applicable leave law. If the need for leave qualifies under one of these laws, and all other conditions outlined in this policy are met, the request for catastrophic leave sharing will be approved. If a request is denied, the reason for denial will be documented and communicated to the requesting employee.
6. If the request is denied, is there an appeal process?
Yes. An employee may submit a written appeal to the Human Resources Director within 10 calendar days of the denial. The decision of the Human Resources Director is final.
7. Will employees be required to provide medical documentation to support the need for the donated hours?
Yes. Employees who request donated hours will be required to submit medical documentation supporting the need for the leave completed by the primary health care provider. Medical certification must be sufficient to document how the condition qualifies under one of the state or federal protected leave acts. Medical certification requests will be administered in accordance with relevant laws and regulations.

8. Is medical information regarding an employee's catastrophic situation confidential?
Yes. All medical information obtained in connection with catastrophic leave sharing will be kept in confidential medical files separate from personnel files and will be released only with the employee's written authorization or on a need-to-know basis.
9. Will co-workers know that I have requested catastrophic leave sharing?
Yes. If a request for donations is necessary to fill an employee's request for catastrophic leave sharing, the names of employees currently requesting assistance through the catastrophic leave sharing program will be published. However, an employee may make a request to specifically opt out of having his/her name published.
10. Is catastrophic leave pay equal to full pay?
Yes. Catastrophic leave donations will be used to provide an employee with the employee's regular base wages. If sufficient hours are not available in the catastrophic leave sharing bank to provide the employee's regular base wages, the level of benefit will be dependent on the hours available in the bank at the end of the pay period.
11. Will benefits be continued during the time that an employee is using donated leave hours?
Benefits that accrue according to the length of service, such as vacation leave, sick leave, and service hours for retirement, do not accrue during periods of time that an employee is using donated leave hours. However, for employees who are compensated for at least 50% of their normal semi-monthly schedule through wages or use of their own accrued leave hours (but not including donated leave hours) benefits will accrue and service hours will be reported to the State Department of Retirement Services for consideration of service credits.
- Employees who are compensated for at least 50% of their normal semi-monthly schedule through wages, use of their own accrued hours or use of donated leave hours are eligible for holiday and bereavement leave.
- For employees who are compensated in any amount during a month through wages, use of their own accrued hours or use of donated leave hours, the City will continue to pay premiums for the employee's health insurance benefits in the same proportion as for active employees. If the employee is responsible for a portion of the premium, the employee payment must be made, or insurance coverage may be terminated.
12. Will an employee's service date, pay increase date, or probationary period be affected by catastrophic leave?
Yes. An employee's service date, pay increase date, and probationary period may be adjusted to account for the period of leave under the Catastrophic Leave Sharing program.
13. Is there a limit on the number of donated hours that an employee may receive?
Yes. After an employee's 30-day qualifying period, an employee may receive catastrophic leave benefits for a maximum of 150 additional consecutive calendar days.
14. How are hours donated to the Catastrophic Leave Sharing bank?
Donations are limited to the donation of vacation hours only. Donations may be made on an on-going basis to a shared bank or, if the shared bank does not have sufficient donations to cover current needs, donations may be requested for a specific employee. Donations will be transferred on an hour-for-hour basis. The names of donating employees remain confidential.
15. Will Catastrophic Leave and FMLA leave run concurrently?
Yes. If the catastrophic leave request also qualifies as FMLA, the City will designate it as FMLA leave. FMLA leave and Catastrophic Leave will run concurrently and all benefits under FMLA will apply.

16. Are employees entitled to return to their previous job position after the leave?

In most cases employees are entitled to return to their previous job position or an equivalent position following the return from catastrophic leave.

17. If an employee is offered light duty work, but declines it, will he/she still be eligible to receive catastrophic leave donations?

If an employee presents a medical release to perform light duty work and declines available light duty work, the employee will no longer be eligible to receive donations for the period light duty work is available.

18. What should an employee do when he or she is ready to return to work?

An employee should contact his/her supervisor two weeks before the leave is expected to expire to report the status of his/her ability to return to work and to coordinate a return-to-work plan.

An employee who is returning from an intermittent leave of absence totaling the equivalent of 30 calendar days or more, due to their own illness, injury, short term disability or serious health condition, may be required to provide a medical release signed by a health care provider.

An employee returning from a continuous leave of absence of 30 calendar days or more, due to their own illness, injury, short-term disability or serious health condition, must provide a release signed by a health care provider.

If an employee does not receive a release to perform the full scope of his/her job duties, the release must detail any limitation and a prognosis for a full release date. A limited release may impact the City's ability to return the employee back to work.

219. WASHINGTON PREGNANCY DISABILITY LEAVE

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public policy.

POLICY: The City provides pregnancy leave in compliance with the Washington Law Against Discrimination, as implemented in Washington Administrative Code 162.30.020. This code provides job protections for an employee who requires time off work due to pregnancy, childbirth, and pregnancy related conditions.

GUIDELINES:

1. When are employees eligible for this leave?
As of date of hire, any employee who suffers from pregnancy-related conditions or is recovering from childbirth is eligible.
2. What events qualify the employee to take leave under this policy?
Eligible employees are entitled to use any period of time medically necessary for pregnancy related conditions including, but not limited to, related medical conditions, miscarriage, pregnancy termination, and complications of pregnancy. This leave is limited solely to the disability phase of the pregnancy and childbirth and provides no entitlement to time to care for a newborn child.
3. Will Pregnancy Disability leave run concurrently with other protected leave?
Pregnancy Disability leave will run concurrently with approved FMLA leave and count towards the employee's FMLA entitlement.

Leave under the Washington Family Leave Act may be taken in addition to Pregnancy Disability leave.

4. Will Pregnancy Disability Leave be paid?
Employees may use any accrued paid leave. If all accrued paid leave is exhausted, the employee may request leave under the Leave of Absence Without Pay policy. However, if requested an employee may reserve up to 40 hours of vacation leave for use upon return to work.
5. How does an employee request protected Pregnancy Disability Leave?
Employees must submit a request for leave to Human Resources as soon as the need for leave is known. Human Resources will notify employees of the approval or denial of the leave as qualified or not qualified.
6. Will employees be required to provide medical certification of the need for leave?
Employees may be required to provide medical certification of the condition and the medically necessary duration of the leave. The City may request clarification if the medical certification is unclear.
7. If medical information is provided, will it be confidential?
Yes. All medical information obtained will be kept in locked confidential medical files separate from personnel files and will be released only with the employee's written authorization or on a need-to-know basis.
8. Will benefits be continued during Pregnancy Disability leave?
The City will continue to pay the portion of any premiums for health insurance provided for the employee during the approved pregnancy disability leave. If the employee is responsible for a portion of the premium, the employee payment must be made, or insurance coverage may be terminated. If the period of pregnancy disability results in a leave of absence without pay, the FMLA or Leave of Absence Without Pay policy will be followed.

If an employee is temporarily on a reduced schedule but continues to receive compensation from the City for at least 50% of their normal semi-monthly schedule, the City will continue to pay the premiums for insurance in the same proportion as if the employee were not on a reduced schedule.

Benefits that accrue according to the length of service, such as vacation, sick and holidays do not normally accrue during periods of unpaid leaves of absence. However, employees who receive compensation from the City for at least 50% of their normal semi-monthly schedule continue to accrue vacation and sick leave benefits, receive pay for holidays and are eligible for bereavement leave benefits.

If the period of pregnancy disability results in a leave of absence without pay, the Leave of Absence Without Pay policy will be followed.

9. Are employees entitled to return to their previous job position after the leave?

Upon returning from approved leave, the employee will be restored to the same position they previously held or to a substantially similar position with equivalent employment benefits, pay and other terms or conditions of employment. However, an employee on pregnancy disability leave does not have any greater right to reinstatement or other benefits and conditions of employment than if the employee had been continuously employed during the pregnancy disability leave period.

10. What if an employee does not return to work following Pregnancy Disability leave?

Failure to report to work for three (3) consecutive days or shifts (if applicable) for which the employee is scheduled to work, without receiving authorization, will be considered a voluntary resignation for reasons of job abandonment.

220. WASHINGTON STATE FAMILY CARE ACT

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City provides leave in compliance with the Washington State Family Care Act (WSFCA) which allows employees to use sick leave or other paid time off from work with job protection to care for the needs of sick qualified family members.

GUIDELINES:

1. When are employees eligible for this leave?

All employees who have paid leave benefits are eligible if sick or other paid time off is earned and available for use.

2. What is the definition of “qualified family member”?

A “qualified family member” includes the employee’s:

- Child, including a biological child, adopted child, foster child, stepchild, child of a domestic partner, legal ward, or a child for which the employee is acting in loco parentis. The child must be under 18 years of age or, if 18 or older, incapable of self-care due to a mental or physical disability.
- Spouse.
- Domestic partner if a declaration of domestic partnership is on file in Human Resources.
- Parent, including a biological parent or adopted parent or a person who acted in loco parentis to the employee when they were a child.
- Parent-in-law, including the parent of a domestic partner; or
- Grandparent.

Reasonable documentation or statement of qualifying relationship may be required.

3. What is the definition of “incapable of self-care” for a child 18 or older?

Incapable of self-care is a disabling condition that prevents an individual from engaging in one or more “activities of daily living” such as bathing, dressing, eating, cooking, shopping, or using public transportation without active assistance.

4. What events qualify the employee to take leave under this policy?

Eligible employees are entitled to use any period of time covered by earned sick leave or other paid leave benefits to care for a qualified family member including:

- A child with a health condition that requires treatment or supervision.
- A spouse/domestic partner, parent, parent-in-law, or grandparent with a serious or emergency health condition.
- A child 18 or older if incapable of self-care due to a mental or physical disability; or
- A wife, domestic partner or child while incapacitated as a result of pregnancy/childbirth, which may include some prenatal and postpartum examinations, hospitalization, and recovery.

5. What is the definition of a “health condition” that requires treatment or supervision for a child?

A health condition includes a medical condition requiring treatment or medication that the child cannot self-administer, a medical or mental health condition which would endanger the child’s safety or recovery without the presence of a parent or guardian, or a condition warranting treatment or preventive health care such as physical, dental, optical or immunization services, when a parent must be present to authorize the treatment.

6. What is the definition of a “serious or emergency health condition” for a spouse/domestic partner, parent, parent-in-law, or grandparent?

A serious health condition is a condition that:

- Requires an overnight stay in a hospital or other medical care facility, or
- Results in a period of incapacity or treatment or recovery following inpatient care, or
- Results in continuing treatment under the care of a health care service provider that includes any period of incapacity to work or attend to regular daily activities; or
- Involves an emergency situation, i.e., demanding immediate action.

7. How does an employee request protected leave under the “WSFCA”?

The employee must submit a request to Human Resources as soon as the need for leave is known. Human Resources will notify the employee of the approval or denial of the leave as qualified or not-qualified under WSFCA.

8. May employees be required to provide medical certification to support the need for leave?

Yes. Employees who request leave to care for a qualified family member may be required to provide medical certification of the condition. Employees have 15 days from the time the City requests the medical certification to submit a complete certification. However, if complete and sufficient medical certification is not submitted by the due date, the leave may be delayed or denied.

9. If medical information is provided, will it be confidential?

Yes. All medical information obtained in connection with WSFCA leave will be kept in locked confidential medical files separate from personnel files and will be released only with the employee’s written authorization or on a need-to-know basis.

10. Will leave under this policy be paid?

Employees may use any accrued paid leave. If all accrued paid leave is exhausted, the employee may request leave under the Leave of Absence Without Pay policy. However, if requested an employee may reserve up to 40 hours of vacation leave for use upon return to work.

11. Will benefits be continued during WSFCA leave?

The City will continue to pay the portion of any premiums for health insurance provided for the employee during the approved WSFCA leave. If the employee is responsible for a portion of the premium, the employee payment must be made, or insurance coverage may be terminated.

Employees working a reduced schedule because of WSFCA leave will accrue leave and be paid for holidays on the same basis as their pre-WSFCA status. However, employees who are paid for less than 50% of the employee’s normal semi-monthly schedule will not be eligible for paid leave benefits including holidays and bereavement leave.

12. Are employees entitled to return to their previous job position after the leave?

Upon returning from an approved leave, employees will be restored to the same position they previously held or to a substantially similar position with equivalent employment benefits, pay and other terms or conditions of employment. However, an employee on WSFCA leave does not have any greater right to reinstatement or other benefits and conditions of employment than if the employee had been continuously employed during the WSFCA leave period.

13. What if an employee does not return to work following WSFCA leave?

Failure to report to work for three (3) or more consecutive days or shifts (if applicable) for which the employee is scheduled to work, without receiving authorization, will be considered a voluntary resignation for reasons of job abandonment.

221. LIGHT/RESTRICTED DUTY

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Employees who are unable to perform the full scope of their job duties due to injury, illness or short-term disability may be permitted or required to temporarily work in a light duty assignment.

GUIDELINES:

1. What is a light duty assignment?

A light duty assignment involves temporary alterations to the employee's regular job duties, assigning limited duty within the same department, or in limited instances, assigning the employee to duties in another department. Light duty work is not guaranteed and will not be created.

2. Who is eligible for a light duty assignment?

Employees may be eligible for a light duty assignment if:

- The employee is in a regular full-time or part-time position,
- The employee has a short-term injury, illness or short-term disability that prevents them from performing the full scope of their job duties,
- The employee is expected to recover from the injury, illness or disability and return to full job duties, and
- Light duty work is available.

3. Can light duty be required?

Yes. Under certain circumstances light duty may be required.

4. How long may a light duty assignment last?

Light duty assignments normally do not exceed six months, and any assignment of more than six months must be approved by the Human Resources Director or designee.

5. Is a light duty assignment available for both on and off-the-job injuries?

Yes. For on-the-job injuries, the City's Loss Control Specialist will coordinate the return-to-work plan, which may include a light duty assignment.

For off-the-job injuries, an employee must provide a medical release from the treating health care provider. The employee's supervisor will then coordinate the return-to-work plan, which may include a light duty assignment.

6. Will an employee's rate of pay be impacted by a light duty assignment?

An employee's rate of pay may be impacted based on the length and type of light duty assignment. During the first 90 days of any light duty assignment, the employee's wage will not change. For light duty assignments longer than 90 days, the employee's rate of pay may be reviewed and adjusted.

223. PAID ADMINISTRATIVE LEAVE

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City recognizes that certain situations of an urgent or serious nature may require the immediate removal of an employee from the workplace. When such a situation arises, the employee shall immediately be placed in an authorized paid leave status pending resolution of the urgent or serious situation.

GUIDELINES:

1. What is Paid Administrative leave?
A paid leave, not otherwise classified under City of Vancouver leave policies.
2. Who is authorized to approve a Paid Administrative leave?
Paid Administrative Leave is initiated by an employee's Department Director, or designee, subject to the approval of the Human Resources Director, or designee.
3. When is it appropriate to place an employee on a Paid Administrative leave?
An employee may be placed on paid administrative leave:
 - during the investigation of an alleged improper act; or
 - when the employee has been involved in a critical incident, typically only police or fire personnel, pending investigation and resolution of the incident; or
 - when allowing an employee to remain in the workplace may be detrimental to the interest of the City or unsafe for the employee, coworkers, or the general public; or
 - due to other extraordinary circumstances.
4. Will pay and benefits be continued during a Paid Administrative leave?
The employee's regular pay and benefits will continue during periods of authorized Paid Administrative leave.
5. Are there requirements of an employee while on Paid Administrative leave?
Maybe. Any requirements will be communicated to the employee.

224. WORKER'S COMPENSATION

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The purpose of this policy is to provide information to employees about the worker's compensation insurance and other benefits available in the event they are injured on the job, inform employees how to access those benefits, and establish injury reporting requirements.

GUIDELINES:

1. What is worker's compensation insurance?

Worker's compensation provides no-fault industrial insurance benefits to employees who are injured in the course of their employment or develop an occupational disease as a result of their required work activities. This "industrial insurance" covers medical expenses and pays a portion of wages lost while a worker recovers from a workplace injury or occupational disease. Employers are required, by statute, to provide worker's compensation insurance coverage for their employees.

2. What does worker's compensation insurance pay for?

Worker's compensation insurance pays for medical, hospital, surgical, pharmacy, and related services necessary for treatment of a work-related injury or occupational disease.

Worker's compensation insurance also pays a portion of regular wages, called "time loss" benefits, for employees who are temporarily unable to work full-time for more than three calendar days following the date of the injury or illness. Benefits will be provided until the work-related injury has stabilized or reached a point where further recovery is not expected.

3. How much money will an employee receive under "time loss"?

The amount of a time-loss benefit check is 60-70 percent of an employee's total wages depending on an employee's marital status and number of dependents at the time of injury. These benefits cannot exceed specified limits and are based on a standard formula established by law.

4. When can an employee expect to receive their first "time loss" check?

Employees should receive a time-loss check separate from their regular paycheck within 14 days of filing a claim.

5. May an employee use sick leave or other leave benefits while on leave due to an on-the-job injury or occupational illness?

Employees may use accrued sick leave hours on the date of injury and the three consecutive days following. On the fourth day, employees are considered on "time loss" and entitled to workers compensation time loss benefits. Employees may use accrued leave hours to supplement the time loss payment up to their base salary.

6. Will an employee accrue leave benefits and be eligible for bereavement leave and pay for holidays while receiving time loss payments?

Employees who are compensated by the City for at least 50% of their normal semi-monthly schedule will accrue sick leave and vacation hours and be eligible for bereavement leave and pay for holidays. Compensation includes wages for hours worked or payment of compensatory time, sick leave or vacation hours; but does not include payment of time loss benefits.

7. Will the City pay health insurance premiums while an employee is receiving time loss payments? The City will continue to pay premiums for health insurance in the same proportion as before the workers' compensation leave:

- If an employee is receiving compensation from the City for at least 50% of their normal semi-monthly schedule; or
- For up to 12-months beginning on the date that an employee is on full-time time loss and depending on the medical prognosis for the employee's return to work.

This period of time is not in addition to rights under the Family Medical Leave Act (FMLA) or any other protected leave law or regulation.

8. May an employee work modified/light duty while receiving worker's compensation benefits?

Yes, if a suitable and available assignment exists. Prior to modified duty being approved, the employee must provide medical documentation from his/her treating physician which states that the employee is unable to perform the essential duties of his/her current position but may be able to work a modified duty assignment. The documentation should identify the specific physical limitations or restrictions. Modified duty is considered temporary and normally does not exceed six months. Any assignment of more than six months must be approved by the Human Resources Director or designee.

An employee who is medically released for and offered light duty, but chooses not to accept the assignment, will not be entitled to further time loss benefits.

9. Are employees eligible for catastrophic leave donations while receiving workers' compensation time loss benefits?

No. If an employee is receiving time loss payments under workers compensation insurance that are intended to approximate an employee's net wages, the employee is not considered to be in a catastrophic situation.

10. Does time away from work for an on-the-job injury or occupational disease count toward an employee's leave entitlement under FMLA?

Yes. However, paid leave used to supplement time loss benefits does not count towards your FMLA leave entitlement.

11. What are employees' responsibilities throughout this process?

Employees who suffer an on-the-job injury or contract an occupational disease should:

- a. Report the work-related injury, exposure or illness to their supervisor as soon as possible; and
- b. File a claim for worker's compensation benefits when medical treatment is sought; and
- c. Keep a supervisor informed as to medical prognosis and anticipated time that he/she may return to work; and
- d. Schedule medical appointments and provide information as required to process the claim; and
- e. Provide written documentation from a medical professional regarding medical prognosis and ability to return to work in a modified or full duty capacity.

12. How long does an employee have to file a claim?

Claims for injuries should be filed as soon as possible but must be filed within one year of the incident. Claims for occupational illness must be filed within two years after receiving written notice from a doctor that the condition exists and is work related.

13. What if it is determined that an employee's condition is fixed and stable, but he/she is unable to perform the essential functions of the regular position?

If an employee cannot return to his/her current position he/she will be referred to a vocational

counselor, who will evaluate his/her skills and abilities. The assessment is used to determine whether an employee is eligible for further retraining or determine they are not able to work. Employees may also be entitled to a reasonable accommodation under the Washington Law Against Discrimination and/or Americans with Disabilities Act.

14. Will leave due to an on-the-job injury or occupational illness impact pension benefits?

Yes. Service credit is based on the number of hours of compensated employment in a calendar month. Time loss payments do not count towards service credits; however, employees may be eligible to purchase lost service credit through the Washington State Department of Retirement Systems.

15. What should an employee do when they are released to return to work?

Employees should contact their supervisor and the City's Loss Control Specialist as soon as they have information about when they will be released to return to work. Failure to provide timely notification of release to return to work may result in loss of pay and/or benefits.

225. DOMESTIC VIOLENCE/SEXUAL ASSAULT LEAVE

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: In compliance with the state Domestic Violence and Sexual Assault Leave Act (DVSALA), the City will provide reasonable leave for an employee who is a victim or requires time to assist a qualified family member who is a victim of domestic violence, sexual assault, or stalking, as defined by law, and who must seek legal or law enforcement assistance, or medical treatment or counseling.

GUIDELINES:

1. When are employees eligible for this leave?

Employees are eligible as of their date of hire.

2. What leave is available?

An employee who is a victim of domestic violence, sexual assault, or stalking; or an employee whose qualified family member is a victim may take reasonable leave, intermittent leave or leave on a reduced leave schedule to:

- Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or a qualified family member including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking; and
- Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee's family member; and
- Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking; and
- Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking; or
- Participate in safety planning, temporary or permanent relocation, or to take other actions to increase the safety of the employee or the employee's family member from future domestic violence, sexual assault, or stalking.

3. Who is considered a qualified family member?

A "qualified family member" includes:

- The employee's child, including a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is: under eighteen years of age; or eighteen years of age or older and incapable of self-care because of a mental or physical disability.
- The employee's spouse.
- The employee's domestic partner if a declaration of domestic partnership is on file in Human Resources.
- The employee's parent, including a biological or adoptive parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.
- The employee's parent-in-law or parent of a domestic partner.
- The employee's grandparent; or
- A person with whom the employee has a dating relationship.

Employees taking leave to assist a qualified family member may be required to provide acceptable documentation of the relationship.

4. How does an employee request leave under this policy?

The employee must submit a request on an approved form to a supervisor or Human Resources as soon as the need for leave is known. If advance notice is not possible due to an emergency or unforeseen circumstance due to domestic violence, sexual assault, or stalking, the employee or his/her designee must give notice no later than the end of the first day that such leave is taken.

Supervisors who receive a request for leave under this policy will immediately notify Human Resources, who will notify the employee of the approval or denial of the leave as qualified or not-qualified under this policy.

5. May employees be required to provide verification to support the need for leave?

Yes, employees requesting leave under this policy may be required to provide acceptable documentation in a timely manner. Acceptable documentation may include one or more of the following:

- A police report indicating that the employee or employee's family member was a victim of domestic violence, sexual assault, or stalking; or
- A court order protecting or separating the employee or employee's family member from the perpetrator of the act of domestic violence, sexual assault, or stalking, or other evidence from the court or the prosecuting attorney that the employee or employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking; or
- Documentation that the employee or the employee's family member is a victim of domestic violence, sexual assault or stalking from any of the following persons from whom the employee or employee's family member sought assistance in addressing the domestic violence, sexual assault, or stalking: an advocate for the victims of domestic violence, sexual assault, or stalking; an attorney; a member of the clergy; or a medical or other professional.

6. Will documentation and other information provided to support the need for leave be confidential?

Yes. All information obtained in connection with the request and approval of leave under this policy will be kept in locked confidential files separate from personnel files and will be released only with the employee's written authorization, pursuant to an order of court or administrative agency, or as otherwise required by applicable federal or state law.

7. Is leave under this policy provided with pay?

Qualified employees may elect to use any available accrued hours leave or take leave without pay.

8. Will benefits be continued during leave taken under this policy?

The City will continue to pay the portion of any premiums for health insurance provided for the employee during leave taken under this policy. If the employee is responsible for a portion of the premium, the employee payment must be made, or insurance coverage may be terminated.

Employees on a reduced schedule will accrue leave and be paid for holidays on the same basis as their pre-leave status. Employees who work less than 50% of the employee's normal semi-monthly schedule will not be eligible for paid leave benefits including holidays and bereavement leave.

9. Are employees entitled to return to their previous position after the leave?

Upon returning from an approved leave, employees will be restored to the same position they previously held or to an equivalent position with equivalent employment benefits, pay and other terms or conditions of employment. However, an employee does not have any greater right to reinstatement or other benefits and conditions of employment than if the employee had been continuously employed during the leave period.

10. What if an employee does not return to work following leave taken under this policy?

Failure to report to work for three (3) consecutive days or shifts (if applicable) for which the employee is scheduled to work, without receiving authorization, will be considered a voluntary resignation for reasons of job abandonment.

City of Vancouver Employment Policy Manual

Policy 226. PAID TIME OFF

Policy Sections:	Effective: 10/18/2021
226.1 PTO Accrual	Supersedes: 1/2012 1/1/2016
226.2 PTO Availability and Use	
226.3 Scheduled PTO	
226.4 Unscheduled PTO	
226.5 Return After Illness/Injury	
226.6 PTO and Holiday	
226.7 Failure to Report (No Call/No Show)	
226.8 PTO Pay Off at Separation	
226-A.1 Non-Union Employee PTO Accrual Schedule	
226-A.2 Non-Union PTO Cash Out	

PURPOSE:

The City recognizes the importance of employees balancing the demands of their professional and personal lives. To provide employees with the time necessary to maintain such a balance, the City provides paid benefits - Paid Time Off (PTO) - to all regular employees to be used for vacation, personal or family illness or other personal time off.

SCOPE:

This policy applies to all regular employees of the City of Vancouver participating in the PTO program, unless otherwise addressed by a current collective bargaining agreement or by this policy.

REFERENCES:

References in other City policies to the terms "vacation" or "sick" leave are interpreted under this policy to mean PTO with the following exceptions:

- *Under the Washington Family Care Act (WFCA), Pregnancy Disability, and Domestic Violence policies, an employee may use any available and accrued paid leave.*
- *Under the Layoff policy, PTO accrual will be restored upon reinstatement.*
- *"Grandfathered Sick Leave": Hours in a sick leave bank at the time of PTO implementation. See Policy 228 – Grandfathered Sick Leave for more information.*

226.1 PTO Accrual: PTO is accrued as follows:

- a. **Full-time employees:** Full-time employees accrue PTO hours on a semi-monthly basis. PTO hours are accumulated in an employee's PTO bank on the 15th and the last day of each month worked. The rate and the maximum number of hours at which employees accrue PTO hours are determined by the employee's FTE status, number of service years, and current collective bargaining agreement.
- b. **Part-time employees:** Part-time employees working a regular or flexible schedule that averages 20 hours or more per week will accrue PTO hours on a pro-rated basis to the pro-rated maximum.
- c. **Supported employment employees:** Supported employment employees working a part-time schedule will receive a pro-rated benefit if they work a regular schedule of 10 or more hours per week.
- d. If an employee is in unpaid status for more than 50% of the employee's normal semi-monthly schedule, PTO hours will not accrue.

Please see Appendix A for PTO schedule for non-union employees. Union employees should refer to their current collective bargaining agreement for accrual rates and maximum accrual levels.

226.2 PTO Availability and Use: PTO hours accrued in a pay period cannot be used in the same pay period in which they are earned, i.e., PTO hours accrued in the 1st through the 15th pay period cannot be used until the 16th through the end of the month pay period and so forth. Employees may begin using accrued PTO hours the following pay period.

226.3 Scheduled PTO: Scheduled PTO is approved time off from work that is scheduled at least twelve (12) hours in advance of the requested date. Employees must follow their individual work unit or departmental time off request guidelines/policies, including obtaining approval from their immediate supervisor. A request for PTO is not authorized until it has been formally approved.

226.4 Unscheduled PTO: Unscheduled PTO is time off taken with less than twelve (12) hours advance approval of the requested date. In the case of an unforeseeable need for time off, employees must provide notice as soon as possible or as required under specific department procedures and/or Policy 301 and explain the need for the time off. If approved, the time off will still be coded as “unscheduled PTO”.

If an employee’s unscheduled absences become excessive and are not protected under other leave policies or laws, corrective and/or disciplinary action may be taken for the excessive absenteeism. If the absence is for a serious health condition of the employee or a qualified family member, the employee is expected to review Policy 200 - Employee Leave Policies, and promptly contact the HR Leave Team at: HRLeaveTeam@cityofvancouver.us.

226.5 Return After Illness/Injury: An employee who uses PTO for a personal illness or injury of one week or more may be required to provide a medical release, signed by their healthcare provider, prior to returning to work.

If an employee does not receive a medical release to perform the full scope of their job duties, the release must detail any limitation and a prognosis for a full release date.

226.6 PTO and Holiday: Any holiday observed by the City occurring during scheduled or unscheduled PTO will be paid as a holiday and will not be deducted from the employee’s PTO accrual.

226.7 Failure to Report (No Call/No Show): Any unauthorized absence of three or more consecutive scheduled shifts for which the employee is scheduled to work will be considered a voluntary resignation for reason of job abandonment.

226.8 PTO Pay Off at Separation: Upon separation of employment with the City for any reason, an employee will be paid for earned, accrued and available PTO hours, up to the number of hours denoted as “Maximum Payout at Separation” under the applicable years of service. Union employees please refer to their current collective bargaining agreement; non-union employees please refer to Appendix 226-A.1. Eligible PTO hours will be paid at the employee’s then current regular hourly rate of pay.

APPENDIX A to Policy 226. PAID TIME OFF

226-A.1 Non-union Employee PTO Accrual Schedule (based on a 1.0 FTE).

The following accrual schedule is effective 7/1/2015.

Paid Time Off (PTO) Accrual Schedule for Non-Union Employees				
Years of Service	Semi-Monthly Accrual	Hours Per Year	Maximum Accumulation Hours	Maximum Payout at Separation
0 to 2	7.50 hours	180	528	360
2+ to 5	9.17 hours	220	608	440
5+ to 10	10.17 hours	244	656	488
10+ to 15	11.17 hours	268	704	536
15+ to 20	12.17 hours	292	752	584
20+	13.17 hours	316	800	632

226-A.2 Non-Union Employee PTO Cash Out: Only non-union employees may request a cash out for accumulated PTO hours in lieu of taking time off work by submitting a Request for PTO Cash Out form to Human Resources.

- a. The specific number of hours to be cashed-out must be requested by the employee in the tax year before the PTO is earned/accrued.
- b. Requests must be received in the tax year preceding the payment, and payment for the approved PTO hours will be included in the employee's December paycheck in the following tax year.
- c. The number of hours an employee certifies to cash out cannot exceed the number of hours an employee would accrue in the next calendar year.
- d. An employee's remaining PTO balance must be greater than or equal to 120.0 hours after the PTO cash out in 2022 and greater than or equal to 160.0 hours after cash outs in subsequent years (pro-rated for part-time employees).
- e. Accumulated grandfathered sick leave is not eligible for cash out.
- f. The election is irrevocable.

227. EXEMPT LEAVE

SCOPE: This policy applies to all non-union FLSA exempt employees of the City of Vancouver. This policy is effective January 1, 2014.

POLICY: The City recognizes that non-union FLSA exempt employees are not eligible for overtime or compensatory time. In recognition of the expectations of staff classified as non-union exempt, these employees will be granted a bank of forty (40) hours (pro-rated for part-time) of "Exempt Leave" each calendar year.

GUIDELINES:

1. What is an exempt employee?

As a general rule, employees who are employed in a bona fide executive, administrative, professional, computer systems analysis or programming capacity are exempt under the Federal Fair Labor Standards Act (FLSA). For practical purposes, exempt employees in the City are those that are assigned to the NUE (Non-Union Exempt) pay schedule.

2. When will an employee be able to use Exempt Leave?

Employees will be granted forty (40) hours of Exempt Leave on January 1st each year. These hours are available for use immediately.

3. What may Exempt Leave be used for?

Exempt Leave hours can be used for any personal time off.

4. How much time will newly hired exempt employees, or employees who become exempt during the course of the year, earn?

The granting of Exempt Leave for employees hired during the year or for employees who move into an exempt position during the year will pro-rated as follows:

<u>Hired Date/Exempt Status Date</u>	<u>Exempt Leave Hours Granted</u>
January – March	30 hours
April – June	20 hours
July – September	10 hours
October – December	0 hours

These hours may be used immediately.

5. Will employees receive payment for unused Exempt Leave when they leave employment with the City or move into a non-exempt or union position during the year?

No, any unused Exempt Leave will not be paid out for any reason.

6. May employees cash their Exempt Leave instead of taking the time off?

No, Exempt Leave is not eligible to be cashed out.

7. If employees do not use all forty (40) hours in a calendar year, will the balance be carried forward to the next calendar year?

No, Exempt Leave is not eligible to be carried over from year to year.

City of Vancouver Employment Policy Manual

Policy 228. GRANDFATHERED SICK LEAVE

Policy Sections:	Effective: 1/1/2016
228.1 Grandfathered Sick Leave	Supersedes: N/A
228.2 Use of Grandfathered Sick Leave	
228.3 Medical Certification	
228.4 Return to Work After Illness or Injury	

PURPOSE:

The City recognizes that employees transitioning to the Paid Time Off (PTO) program may want to retain their sick leave banks for future use. Therefore, the City has offered employees transitioning to the PTO program the option of retaining their accrued sick leave for personal or family illness.

SCOPE:

This policy applies to all employees of the City of Vancouver who retained their sick leave banks after transitioning to the PTO program, unless otherwise addressed by a current collective bargaining agreement or public safety policy. Failure to comply with this policy may result in corrective action up to, and including, termination.

REFERENCES:

See also City Policy 211 Sick Leave/Short Term Disability

References in other City policies to the terms "vacation" or "sick" leave are interpreted under this policy to mean Paid Time Off (PTO) with the following exceptions:

- *Under the Washington Family Care Act (WFCA), Pregnancy Disability, Worker's Compensation and Domestic Violence policies, an employee may use any banked leave.*
- *Grandfathered sick leave may be used for FMLA (Family Medical Leave Act) leave.*
- *Under the Layoff policy, grandfathered sick leave banks will be restored upon reinstatement.*
- *Grandfathered sick leave is used for sick leave purposes only.*

228.1 Grandfathered Sick Leave: Grandfathered Sick Leave is hours of sick leave maintained in a sick leave bank at the time of PTO implementation. Employees do not accrue any additional hours in the grandfathered sick leave bank after the implementation date and once the hours are depleted, the bank is eliminated. Employees are expected to request authorization for the Grandfathered Sick Leave as soon as the employee becomes aware of the need.

Grandfathered Sick Leave differs from PTO in that Grandfathered Sick Leave is for sick leave purposes only (as outlined in section 228.2 below) versus PTO which may be used for personal or family illness, vacation, or other personal time off.

Accumulated unused grandfathered sick leave is a form of income insurance for short- and long-term illness or injury and is not a vested benefit.

228.2 Use of Grandfathered Sick Leave: Employees may use Grandfathered Sick Leave under the following circumstances:

- a. For the employee's own absences related to:
 - Personal illness or injury; or
 - Work related injury or illness, used in order to replace lost earnings or to supplement industrial time loss payments; or
 - Pregnancy or childbirth; or
 - Exposure to a contagious disease such that the employee's presence at work might jeopardize the health of others.

- b. To care for a:
- A family member with an emergency, or a serious health condition as defined in the FMLA or Washington State Family Care Act (WFCA); or
 - Child with a health condition that requires treatment or supervision; or
 - Spouse or child while incapacitated as a result of pregnancy/childbirth.
- c. Health care appointments that cannot be scheduled during non-work hours including:
- Personal health care appointments; or
 - An employee's child's health care appointments; or
 - Appointments for family members with conditions covered under City policy, or state law or federal law.
- d. For reasons allowed or mandated under state and/or federal law.

A "family member" as used in this policy means:

- Child, including a biological child, adopted child, foster child, stepchild, child of a domestic partner, legal ward, or a child for which the employee is acting in loco parentis. The child must be under 18 years of age or, if over the age of 18, incapable of self-care because of a mental or physical disability.
- Spouse.
- Domestic partner (if a Declaration of Domestic Partnership is on file in Human Resources).
- Parent, including a biological or adopted parent or a person who acted in loco parentis to the employee when they were a child.
- Parent-in-law, including the parent of a domestic partner.
- Grandparent; or
- Other blood relative of the employee who permanently resides in the employee's primary residence and who has a serious or emergency health condition as defined in the FMLA or WFCA.

If an employee needs additional time off after his/her grandfathered sick leave account has been exhausted, the employee may request approval to use Paid Time Off (PTO) hours. See Policy 226 – *Paid Time Off* for more information about the PTO program, eligibility and how it works.

If all eligible paid leave is exhausted, the employee may request leave under other City policies, such as, the *Leave of Absence Without Pay or Family Medical Leave Act* (FMLA) policy. If the request is not approved, the employee may be subject to separation from employment.

If you think your leave might qualify for a federally or state mandated leave, e.g., FMLA, WCFA, etc., or are unsure about whether you or your eligible family member's medical condition may qualify, please contact the Leave Administrator in Human Resources for more information about these kinds of leave requests.

228.3 **Medical Certification:** Employees may be required to provide medical certification and the medically necessary duration of the leave. The City may request clarification if the medical certification is unclear.

228.4 **Return to Work After Illness or Injury:** Employees must provide a medical release signed by their health care provider if s/he has been on leave for more than one work week due to their own medical reason.

228.5 If the absence was more than 30 days, the employee must contact Human Resources and their immediate supervisor at least two weeks, or as soon as practicable, before the leave is expected to expire to report the status of his/her ability to return to work and to coordinate a return-to-work plan.

If an employee does not receive a medical release to perform the full scope of his/her job duties, the release must detail any limitation and a prognosis for a full release date. A limited release may impact the City's ability to return the employee back to work.

301. ATTENDANCE AND PUNCTUALITY

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Regular and dependable attendance and punctuality are essential functions of every employee's job. As a condition of employment, all employees are required to report for work with the proper equipment, attire, and ability to meet the essential functions of the job.

GUIDELINES:

1. What should an employee do if he/she is unable to report to work as scheduled?
Employees must notify their immediate supervisor or appropriate department designee as far in advance or as soon as possible. The notice must include a reason for the absence or tardiness and an indication of when the employee expects to return to work. Additional notification requirements are included in City leave policies and/or specific department or work group procedures.
2. What if an employee is absent from work without authorization?
Failure to report to work for three consecutive days or shifts (if applicable) for which the employee is scheduled to work, without receiving authorization, will be considered a voluntary resignation for reasons of job abandonment.
3. When might poor attendance become an issue under this policy?
The City recognizes that each individual situation is different, and the requirements of each job position are different. The City will consider all the circumstances of each situation and the effect it has on the work group and/or work product.

Factors a manager may consider in determining whether poor attendance is an issue include, but are not limited to, the following:

- A pattern of tardiness or absences that disrupts the flow of work, burdens co-workers with extra tasks, lowers morale, increases labor costs or adversely affects the quality of services; or
 - A pattern of tardiness or absences the day before and/or the day after a holiday or days off; or
 - A pattern of tardiness or absences on scheduled work weekends, Saturdays, Sundays and/or holidays; or
 - A pattern of tardiness or absences the day after payday; or
 - A pattern of calling in sick as rapidly as sick time is accrued, especially if used one day at a time.
4. Will employees be compensated if they are late for work or unable to report to work?
If authorized, employees may use available sick leave, vacation leave or other appropriate leave.
 5. May employees work extra hours if they are late for work or unable to report to work?
If authorized, employees may be permitted to work additional hours within their designated work week to make up time lost because of tardiness or absence.
 6. What if an employee needs to leave his/her job site during working hours?
Employees must obtain authorization from their immediate supervisor, the department designee or Human Resources before leaving their job site during working hours.
 7. What if job duties require that an employee be away from City premises on a regular basis or for an extended period of time?
Employees should always inform their immediate supervisor or the department designee of their whereabouts during working hours and how to be reached if necessary.

8. What if an employee is absent or unable to perform the essential functions of his/her job without authorization?

The failure to report to work or the inability to perform the essential functions of the job may be considered unauthorized leave. Any period of unauthorized leave is subject to discipline, and any unauthorized leave for three or more consecutive days or shifts (if applicable) for which the employee is scheduled to work will be considered a voluntary resignation for reasons of job abandonment.

9. What should an employee do upon return to work from an unauthorized leave?

Employees should report directly to their immediate supervisor and give an explanation of the circumstances surrounding the leave. Supervisors will provide information about any additional requirements for return to work in accordance with City policies.

302. CONFLICT RESOLUTION AND MEDIATION

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City has an interest in resolving workplace conflicts and complaints. Therefore, the City provides employees with various problem-solving tools and/or resources such as mediation services, a structured complaint resolution process and the Employee Assistance Program (EAP). Issues involving unlawful acts, such as harassment or discrimination, are addressed through other City policies.

GUIDELINES:

1. What is workplace conflict?
Workplace conflicts include any conflicts impacting the work environment involving City employees. These conflicts may include, but not be limited to interpersonal conflicts, disagreements, misunderstandings, and communication problems between employees.
2. What problem solving resources does the City provide for addressing workplace conflicts?
The City supports a pro-active approach to conflict resolution. Employees should speak up about workplace conflicts and attempt to resolve the conflict using one or more of the following resources:
 - Speaking directly to the individual(s) involved.
 - Speaking to a manager or supervisor about the concern or problem.
 - Calling a human resources manager or representative. The Human Resources staff can act as a liaison to help resolve issues.
 - Contacting EAP for confidential coaching/problem-solving.
 - Mediate the concern or problem with the assistance of a neutral mediator.
 - Consult Human Resources or your Personnel Manager for additional problem-solving ideas
3. What is "mediation"?
Mediation is a voluntary, confidential conflict resolution process in which a trained, impartial person (called a "mediator") helps people discuss problems, narrow, and clarify issues, explore and generate options and reach mutually agreeable resolutions. It is an informal facilitated discussion between employees, not a formal legal process. Mediation encourages joint problem-solving in which people gain an understanding of each other's point of view.
4. If an employee wants to use the mediation process, what should he/she do?
Employees may contact Human Resources to help arrange for a mediator. Contacts with Human Resources regarding mediation are confidential.
6. Are employees paid for time spent in mediation?
Employees have two options available which will determine whether time spent in mediation is paid. First, an employee may notify his/her immediate supervisor or Human Resources of the desire to use the mediation process and schedule the mediation during working hours at a mutually convenient time. Under these circumstances, the time spent in mediation will be paid. Second, if a regular employee does not wish to notify a supervisor or Human Resources of the desire to use the mediation process, he/ she may request use of vacation time for personal reasons or may schedule the mediation outside of working hours.
7. What is a work-related complaint?
For the purposes of this policy work related complaints include:
 - A belief that City policies, practices, rules, regulations, or procedures have not been followed or have been applied unfairly. (This does not include questioning the policy itself.)
 - Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, or holidays.

Work related complaints do not include issues for which an alternative dispute resolution process exists for the complaint such as disciplinary action appeal, or if the issue can be grieved under a collective bargaining agreement. Similarly, complaints involving unlawful acts such as harassment or discrimination are addressed in other City policies.

8. What problem solving resources does the City provide for resolving work related complaints?

The City encourages employees and supervisors to keep lines of communication open and to resolve work related complaints on an informal basis. If that is not possible or does not resolve the dispute, the City also provides a complaint resolution process.

If an employee wants to use the complaint resolution process, a complaint should be submitted to Human Resources. The complaint should describe the problem and specify the solution sought. After a complaint is received, Human Resources will obtain whatever information is necessary and make a determination as to next steps. This is an informal process and there is no appeal available. The City will keep the complaint resolution process as confidential as possible and prohibits retaliation against anyone for making a complaint.

303. DISCIPLINARY AND CORRECTIVE ACTION

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Personal accountability is the basis of our commitment to each other and to the community. Therefore, employees will be held accountable for failure to comply with the City's Operating Principles, all City policies, established standards of behavior and performance, instructions from management, as well as applicable City ordinances and state and federal laws. Employees will be held accountable through the imposition of disciplinary and/or corrective action.

GUIDELINES:

1. What is the difference between "disciplinary" and "corrective" action?

Disciplinary and corrective actions differ in two ways: the objective of the action and the ability to appeal the action.

Corrective action emphasizes positive objectives and specific measures, such as training, to improve work performance. Examples of corrective action include documented corrective counseling and required training or counseling. Corrective actions may not be appealed.

Disciplinary action is designed to hold an employee accountable for failure to comply with policies, standards or instructions. Examples of disciplinary action include written reprimands, suspension, demotion, and termination from employment.

A combination of disciplinary and corrective actions may be taken at one time. For example, an employee may receive a written reprimand and be required to attend training for one incident of misconduct.

2. Will a supervisor take any action following a documented corrective counseling to determine whether or not the issue has been resolved?

Yes. At a pre-established time following a documented corrective counseling, the supervisor and employee will meet to determine whether or not the issue that resulted in the corrective counseling has been resolved. At this time, the supervisor may take additional action as necessary, including but not limited to, indicating that the issue is resolved, setting another follow-up meeting time or taking disciplinary action due to the fact that the issue has not been resolved.

This follow-up meeting and any action taken at the meeting do not in any way affect the City's authority to take disciplinary or corrective action prior to the meeting or to consider the issues addressed in the corrective counseling when taking subsequent corrective or disciplinary action. Similarly, failure to have a follow-up meeting does not affect the City's authority to impose disciplinary and/or corrective action.

3. Does the City follow an established progressive discipline system?

No. There is no requirement that any specific number or sequence of disciplinary or corrective actions be imposed prior to termination of employment. The City retains the right to administer disciplinary and/or corrective action, up to and including termination of employment, as it deems appropriate under the circumstances.

4. How will the City determine when disciplinary or corrective action is necessary?

When made aware of a potential problem with work performance or conduct, the City will look into the situation to determine whether a problem exists and what action is necessary to correct the problem. When determining what action is necessary, the City will consider factors such as: employee behavior, past performance, length of service, the appropriate disciplinary standard, and surrounding circumstances, as well as the good of the City.

5. How will an employee know when disciplinary and/or corrective action is taken?
A supervisor, the Department Director, or a Human Resources representative will notify the employee of any disciplinary and/or corrective action in writing.
6. Is the procedure the same if the discipline results in unpaid suspension, demotion, or termination of employment?
No. If the disciplinary action is unpaid suspension, demotion, or termination of employment, there are additional procedures. The City will mail or deliver a written notice of the proposed action to the employee. The notice shall include the following:
- The effective date of the proposed action.
 - A statement of the reasons which support the proposed action.
 - A statement advising the employee of the procedures to be followed prior to a final decision.
7. What action can an employee take if he/she disagrees with a corrective action?
There are several avenues available to employees who disagree with a corrective action:
- Discuss the concerns and areas of disagreement with the supervisor or manager responsible for determining the corrective action.
 - Contact Human Resources or the department's personnel administrator to discuss the areas of disagreement.
 - Prepare a written statement, stating the concerns and areas of disagreement (however, as stated, there is no appeal of corrective actions).
8. What action can an employee take if he or she disagrees with disciplinary action?
In addition to the steps outlined above, if an employee disagrees with a disciplinary action, the employee may file an appeal, as outlined in the Appeal to Disciplinary Action Policy.
9. Will documentation of disciplinary action be placed in an employee's personnel file? Yes.
Documentation of any disciplinary measures will be placed in an employee's personnel file.
10. How will the City use the disciplinary and corrective action information?
The written documentation of disciplinary and corrective actions establishes a record of work performance and misconduct problems as well as resolutions to the problems, performance expectations, and improvements in job performance. These records will be taken into account in a variety of situations. For example, the information will be used in conducting performance evaluations, in evaluating an employee for promotion or transfer, or in determining what disciplinary or corrective action should be taken if subsequent problems arise.

304. APPEAL TO DISCIPLINARY ACTION

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City has an interest in taking disciplinary that is in compliance with its Operating Principles, all City policies as well as state and federal laws, and that is for the good of the City. To achieve this goal the City will provide non-union employees with an opportunity to appeal management decisions regarding discipline and termination of employment.

GUIDELINES:

1. What actions can be appealed under this policy?

Any disciplinary action may be appealed under the procedure provided in this policy. Disciplinary action includes, but is not limited to, the following actions: written reprimands, suspension, demotion, and termination.

Corrective action may not be appealed. Corrective action includes, but is not limited to, verbal warnings, required training or counseling, and documented corrective counseling.

2. Are all employees eligible to use the appeal procedure provided in this policy?

Most non-union employees who have completed an initial probationary/introductory period are eligible to use this appeal procedure. However, the procedure may not be used by temporary employees, the City Attorney and Assistant City Attorneys, Department Directors as defined in the City Charter, the City Manager and those persons who report directly to the City Manager.

3. May employees use this appeal procedure in addition to another available procedure?

No. The appeal procedure described in this policy is not available for disputes for which a civil service review procedure is available or matters which can be grieved or otherwise resolved under the terms of a collective bargaining agreement.

4. What is the procedure an employee must follow to appeal disciplinary action?

As a first step, if an employee disagrees with a disciplinary action, the employee may file an appeal by submitting a written request for an appeal to the Department Director with a copy to Human Resources within 10 working days from the date of the disciplinary action. The request must contain a description of the areas of disagreement with the disciplinary action and the specific remedy or solution sought. The Department Director will meet with the employee within five working days of receipt of the appeal. At the meeting, the employee may present written documentation, verbal arguments and signed affidavits. No attorneys or other representatives may be present during the meeting. The City, in its sole discretion, may allow the employee to present the testimony of other witnesses. Within five working days after the meeting, the Department Director will mail or deliver a copy of his/her decision to the employee.

If the employee disagrees with the decision of the Department Director, the employee may submit a written request for review of the decision to the City Manager, or his/her designee within 10 working days after the date of the Department Director's written decision. The City Manager or his/her designee will meet with the employee within five working days of receipt of the written request. At the meeting, the employee may present written documentation, verbal arguments, and signed affidavits. No attorneys or other representatives may be present during the meeting. The City, in its sole discretion, may allow the employee to present the testimony of other witnesses.

Within five working days after the meeting, the City Manager or his/her designee will mail or deliver a copy of his/her decision to the employee. The decision of the City Manager or his/her designee is final.

5. What if a deadline in the appeal procedure is missed?

If the appeal is not advanced by the employee in accordance with the time limits set forth within the procedure, the appeal shall be considered withdrawn.

If the City does not respond in accordance with the time limits set forth within the procedure, the appeal shall be moved forward to the next level.

6. May the time limit be extended?

Yes. If the employee requests an extension, in writing, the City will consider the request and may grant an extension for a specified period of time.

In its sole discretion, the City may extend the prescribed time limits for its actions if: 1) additional investigation is necessary to render a decision, 2) work responsibilities or schedules prevent compliance with the time limits, or 3) the City deems an extension is necessary to assure compliance with its policies and practices.

If the City unilaterally extends the prescribed time limit(s), the employee shall be notified in writing of the extension.

7. How should "days" be counted when determining deadlines under this policy?

All references to days in this policy shall mean working days as in a normal work week of Monday through Friday. Any holiday observed by the City should not be counted as a working day.

This policy is not intended to create a contract of employment, a property right, a required progressive discipline procedure, due process rights, or any other rights or promises of specific treatment related to employment with the City. The purpose of the policy, as is consistent with City ordinances, is to provide reasonable assurances that disciplinary actions will be taken in compliance with established policy, practice, and applicable laws.

307. HARASSMENT PREVENTION

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City of Vancouver is committed to providing a work environment free from harassment by any individual. Employees have a responsibility to assist in this commitment by treating every person with respect and by reporting incidents of harassment as set forth below.

Harassing conduct directed at an individual because of his or her race, religion, color, national origin, pregnancy, military status, age, gender, sexual orientation, marital status and/or the presence of any physical or mental disability and/or any other status protected by law is strictly prohibited. Any conduct which may be construed as retaliation against an individual because he/she made a complaint of harassment is also strictly prohibited.

GUIDELINES:

1. What is "harassing conduct"?

As a general rule, harassing conduct includes behavior that is demeaning, insulting, offensive or intimidating. It can include verbal conduct such as unwanted sexual or racist comments; non-verbal behavior such as suggestive looks; and physical behavior such as pats, squeezes or brushing against someone's body. The conduct will be considered harassing and a violation of this policy if it is offensive or unwelcome, even if the conduct was not intended to be harassing.

There is an endless list of behaviors that may be unwelcome, demeaning, or offensive and lead to a complaint of harassment. Some examples are:

- Demeaning, insulting, intimidating, or sexually suggestive written, recorded or electronically transmitted messages; or
- Using demeaning or inappropriate names or labels that others find offensive; or
- Making vulgar comments, using profane language, using indecent gestures, or discussing sexual activities; or
- Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions; or
- Verbal abuse of any kind; or
- The display of demeaning, insulting or sexually suggestive objects or pictures, including nude photographs; or
- Sabotaging work, assigning only demeaning work, or refusing to provide critical job-related information; or
- Laughing at, ignoring, or not taking seriously an employee who experiences or complains of harassment; or
- Blaming victims of harassment for causing the problem; or
- Continuing offensive behaviors after an employee has objected to that behavior.

2. Is "sexual harassment" different from other types of harassment?

No. However, particular attention has been paid to sexual harassment because a majority of harassment complaints are about sexual harassment, and it is closely scrutinized by courts. Sexual harassment is conduct directed at an individual because of his/her gender, sex or sexual orientation. Other types of harassment are directed at individuals for different reasons, such as race or age. Regardless of type, any form of harassment is strictly prohibited by this policy.

3. What is "retaliation"?

Any action taken to punish an individual for making a complaint of harassment or to obtain revenge for making the complaint is retaliation, even if the complaint is unfounded. As with harassing conduct, there are many behaviors which may be considered retaliation if taken for the wrong reason. Examples of retaliatory conduct include:

- Harassing, insulting, or intimidating an employee in any way; or
- Taking unjustified disciplinary action; or
- Directly or indirectly encouraging others to retaliate against an individual who has made a complaint of harassment; or
- Taking any action which is detrimental to the employee's job such as a demotion, a poor performance evaluation, a decrease in pay, sabotaging work, assigning demeaning work, or making it difficult for the employee to perform job duties.

4. Do supervisors and managers have the same responsibilities to refrain from harassment?

Yes. This policy applies to all employees regardless of their job position.

5. What should an employee do if he/she sees or experiences harassment?

Any employee who sees or hears behavior, material or other incidents that may be offensive or may constitute unwelcome harassment has a responsibility to report the situation as soon as possible. The report should be made to any supervisor or manager, Human Resources, the department personnel director or the City Manager's office.

6. Do supervisors and managers have an obligation to report harassment?

Yes. Supervisors and managers will be proactive in identifying behavior that may constitute harassment or retaliation, will take any complaint of harassment seriously, and will take prompt and effective action to assure that any harassing, offensive or retaliatory conduct stops and does not recur.

7. What will the City do when a complaint of harassment is made?

The City will review the circumstances of the incident, gather pertinent information and/or perform an appropriate investigation, and develop a plan for protecting the workplace from recurrence of any harassing or retaliatory behavior.

8. Will the complaint and the investigation be confidential?

The City will make every effort to keep the complaint and the investigation confidential. Only those with a need to know will be advised of the situation.

9. What if an employee makes a false complaint of harassment?

Making a false complaint or report of harassment is a violation of this policy. If it is determined that an employee deliberately made a false complaint of harassment or provided false information, the City will take appropriate disciplinary or corrective action.

10. Will the City provide training on harassment?

Yes. The City provides on-going training on the definition of harassment, appropriate workplace behavior, the City's policy on prevention of harassment, procedures for complaining about and resolving harassment problems that arise and employee responsibilities for preventing harassment in the workplace. In addition, supervisors and managers are required to attend periodic training on identifying, preventing, and responding to complaints of harassment and retaliation.

308. INVESTIGATION OF PERSONNEL MATTERS

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City will investigate all complaints or suspicions of serious violations of City policies, ordinances, and state and federal laws.

GUIDELINES:

1. What is an "investigation"?
An investigation is an official inquiry following fact finding that indicates a serious violation of City policies, ordinances, and/or state and federal laws may have occurred. The extent of the investigation will depend on the circumstances of the situation or complaint.
2. Will an employee receive notice of an investigation involving them?
Individuals will be notified if they are the subject of the investigation unless it would in some way compromise the integrity of the investigation.
3. What will happen during an investigation?
Since every situation and complaint is different, every investigation will be different. An investigation may be as simple and informal as discussing the complaint or situation with one employee. Or, the investigation may be more extensive including, but not limited to, reviewing relevant documents and/or other information and interviewing individuals with knowledge relevant to the investigation.
4. If an employee is the subject of an investigation, will he/she continue to work during the investigation?
In most circumstances, an employee may remain on the job during an investigation. However, in some situations it may be necessary for the City to take precautionary measures to protect employee and/or City interests. These measures may include, but are not limited to, the following:
 - Paid Administrative Leave. While on administrative leave, employees are required to be available during all paid hours, to abide by specific conditions, and to relinquish City-owned property and use of City systems as determined by the Department.
 - Transfer to another position.
 - Change in job responsibilities.
5. Who will do the investigation?
The individuals involved in conducting an investigation will vary depending on the circumstances.
6. What will an investigator do?
An investigator will be impartial and will not prejudge the complainant, the witnesses, or the accused. It is his/her job to collect all relevant information surrounding the alleged violation and to uncover the nature and scope of any problem that may exist. The investigator may make recommendations but will not make the ultimate decision as to what action should be taken as a result of the investigation.
7. Are employees required to cooperate with the investigator?
Yes. Employees are expected to answer an investigator's questions honestly and completely and to comply with any other reasonable requests of the investigator.
8. Can an employee request that a third party be present during his/her investigatory interview? Yes.
Employees may request to have one person, other than legal representation, attend his/her interview.
9. Will the City keep the investigation confidential?
Only those with an absolute need to know will be advised that an investigation is occurring, of the information gathered during the investigation, or of the results of the investigation. However, facts and names may be released during investigation interviews if necessary to complete an effective investigation. In addition, the City will release requested information if mandated by law, court order, grievance, or lawsuit.

10. Are employees required to keep the investigation confidential?

Yes. All employees involved in an investigation will be required to sign a confidentiality agreement. The confidentiality agreement prohibits the employee from discussing information with others.

11. Does the City prohibit retaliation against those involved in an investigation?

Yes. City policy as well as state and federal law prohibit retaliation against anyone for filing a complaint in good faith, for helping someone else file a complaint, for providing honest information regarding a complaint, or for participating honestly in an investigation in any way.

12. What will happen when the investigation is over?

After the investigation is completed, a determination will be made as to what problems exist that need to be addressed and what action(s) should be taken as a result of the complaint, if any. If the investigation indicates that an employee is engaged in wrongdoing, a decision will be made as to what disciplinary and/or corrective action is necessary to stop the employee from engaging in further wrongdoing.

310. PERFORMANCE EVALUATION PROCESS

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Performance evaluation is an ongoing process of communication between a supervisor and an employee that occurs throughout the year. The communication process includes setting objectives, identifying goals, providing feedback, and evaluating results.

GUIDELINES:

1. What is a performance evaluation?

The written performance evaluation is an opportunity for the supervisor and employee to review whether previously discussed performance expectations and goals have been met, to identify opportunities for professional development and outline future steps necessary to meet professional development and work performance related goals.

2. Why does the City require performance evaluations?

The primary objectives of performance evaluations are to:

- Document, evaluate and improve work performance; and
- Facilitate effective communication between supervisors and employees; and
- Clarify, modify, or develop individual objectives and the means to implement those objectives; and
- Plan professional development and training; and
- Hold employees accountable to the community and to each other; and
- Identify ways in which the work environment and productivity can be improved.

3. When will formal evaluations be performed?

Formal performance evaluations should be performed at least one month prior to the end of a probationary/introductory period and at least once during each 12-month period thereafter. Supervisors may also conduct performance evaluations at any other time the supervisor deems appropriate.

4. What will be considered in the formal performance evaluation?

Evaluations assess performance of job duties and expectations, and adherence to the City's Operating Principles and City and department policies and expectations. Evaluations also establish the objectives and goals that an employee should accomplish during the next evaluation period to improve work performance or for career growth. The goals must be consistent with the department and City mission and objectives.

Because each job is different and each department has unique requirements, the factors that are evaluated may differ. General areas for evaluation will include technical knowledge, customer service, communication, team work, and attendance.

5. Who will conduct the formal performance evaluation?

Performance evaluations may be conducted by one or more individuals depending on the employee's position and work group structure. These individuals may include the following: manager and/or supervisor with possible input from team leaders, peers, subordinates, and/or customers.

6. Will employees have input in their own performance evaluation?

Yes. The input may take a variety of forms, depending on the job position and department. In all cases, the employee will meet with a supervisor to discuss the contents of the written evaluation, assess the employee's strengths and weaknesses in a constructive manner, and establish objectives and goals for the period ahead. The employee will also be given the opportunity to examine the written evaluation and make written comments about any aspect of it.

7. What if an employee disagrees with the contents of the performance evaluation?
Employees may add written comments to their performance evaluation following their initial review of the document; however, an employee may not change information included in a performance evaluation. An employee may also request a meeting with the next level supervisor to review any disagreement with a performance evaluation. This meeting is not intended as an appeal and there is no appeal procedure available for disagreement with a performance evaluation.
8. Will the performance evaluation be placed in the employee's personnel file?
Yes. Signed performance evaluations along with any employee comments will be placed in the employee's personnel file.
9. Will employees be disciplined as a result of the performance evaluation?
Performance evaluations are not for the purpose of discussing or imposing disciplinary action. Disciplinary and corrective action is taken by the City based on performance and behavior of an employee. It is possible the performance evaluation will be referenced in corrective and/or disciplinary action.
10. How will the information contained in a performance evaluation be used?
The information contained in the evaluation may be used in a variety of ways. For example, it will be used when determining whether an employee will pass a probationary period; should receive a pay increase; in conducting future performance evaluations; in evaluating an employee for promotion, transfer or employment status changes; or in determining appropriate disciplinary and/or corrective action.
11. What should an employee do if they have not received a performance evaluation in more than a 12-month period?
The employee should talk to their supervisor and/or manager and request that the performance evaluation be completed. Employees may also contact Human Resources regarding the issue.

311. PERSONAL APPEARANCE OF EMPLOYEES

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Employees are expected at all times to present a professional, businesslike appearance appropriate for their work situation. This includes employee's attire, grooming, personal appearance, and hygiene.

GUIDELINES:

1. Does appropriate dress and grooming differ based on the job task or position?

Yes. Appropriate dress and grooming may differ depending on a particular job task, job position and/or work environment. Therefore, departments may establish more specific guidelines appropriate for the types of jobs performed within the department. It is within the supervisor's sole discretion to determine whether an employee's appearance is appropriate.

2. Are visible tattoos, jewelry or body piercing(s) permitted at work?

The City prohibits any visible tattoo that is offensive. "Offensive" tattoos include but are not limited to any body tattoo or decal depicting nudity, violence, sexually explicit or vulgar art or words, or that is objectionable or demeaning to the image of the City. In general, if the City's other policies (e.g., Harassment Prevention) or Operating Principles (e.g., Respect) would prohibit the speaking of the words, or display of the art, in the workplace then the tattoos, jewelry or body piercing(s) may not be visibly worn at work. Employees may wear jewelry or body piercing(s) that does not detract from the overall professional appearance.

Supervisors have the sole discretion to decide whether visible tattoos, jewelry, or body piercing(s) are appropriate for the job position.

3. Does the City have a hygiene standard?

Yes. Employees must practice proper hygiene and should recognize that co-workers and/or visitors may have sensitivity and/or allergic reactions to various fragrant products.

An employee with a concern about scents or odors is to contact his/her supervisor.

4. What happens if an employee violates this policy?

Employees may be sent home to make appropriate changes. Failure to return to work in compliance with the request will also be considered a violation of this policy. Non-exempt employees will not be compensated for any work time missed because of failure to comply with this policy.

312. PERSONAL PROPERTY

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City recognizes that employees may need or want to bring personal property to work. The City permits employees to do so but asks employees to refrain from bringing unnecessary or inappropriate personal property to the workplace.

GUIDELINES:

1. What personal property is considered “unnecessary” or “inappropriate”?
Any property that is not appropriate for the conduct of normal business, that may be disruptive to workflow, may pose a safety risk to employees or the public, or which violates the terms of any City policy may be considered unnecessary or inappropriate. It will be within the City’s sole discretion to determine whether certain personal property is unnecessary or inappropriate.
2. Will City employees be required to bring and use personal property in the performance of job duties?
The only personal property that an employee may be asked to use for City business is their personal vehicle (for more information see Motor Vehicle Usage policy). However, employees may choose to bring and use personal property in the performance of job duties. If personal property is used to perform job duties, employees must obtain written approval from a supervisor **prior to** its use and the property must comply with City standards.
3. Who is responsible for lost, stolen or damaged personal property?
It is the employee’s responsibility to safeguard personal belongings. The City will not be liable for lost, damaged or stolen property of its employees and at no time will the City replace or reimburse an employee for personal property that an employee brings to the workplace.

Employees are encouraged to exercise reasonable care to safeguard personal items brought to work. For example, employees should not bring valuables to work and should not leave personal items where they might be damaged or stolen.

4. Does the City reserve the right to search an employee’s personal property?
Yes. Under certain policies, such as Violence Prevention in the Workplace, the City reserves the right to inspect personal property brought to work or onto City property for work related purposes or when reasonable suspicion exists that there is a safety risk or that City policy has been violated.

313. PROBATIONARY/INTRODUCTORY EMPLOYMENT PERIOD

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: All new employees and all current employees promoted, transferred, reassigned, or appointed to a new position will be carefully monitored and evaluated for a probationary/introductory employment period.

GUIDELINES:

1. What is the purpose of the probationary/introductory employment period?
The probationary/introductory period allows an evaluation of an employee's skills and compatibility with the organization, department, and/or job position. During this period, the employee also has the opportunity to demonstrate his/her ability to learn and satisfactorily perform the new job, and to determine if he/she likes working in the job position and/or organization.
2. How long is the probationary/introductory period?
For non-union positions, the probationary/introductory period is 12 months.
3. Will an employee's performance be evaluated during the probationary/introductory period?
Yes. One of the purposes of the probationary/introductory period is to evaluate employees' skills and performance. Employees will be given regular feedback during this period regarding their performance. The feedback may be verbal or in writing. After the probationary/introductory period, employees will receive performance evaluations as outlined in the Performance Evaluation Process policy.
4. Is there a probationary/introductory period for employees who are transferred to another position?
Generally, yes. However, in some cases the City may waive or reduce the length of the probationary/introductory period for lateral transfers within the same classification.
5. Do employees accrue benefits during the probationary/introductory period?
Yes. Employees accrue benefits on a semi-monthly basis. However, there are limits on a new employee's ability to use sick leave and vacation. The limits are described in the Sick Leave and Vacation policies. Employees on probation because they have been promoted, transferred, reassigned, or appointed to a new position will continue to accrue leave based on their length of City service, and may use any leave already accrued.
6. May the City terminate an employee after completion of the probationary/introductory period? Yes.
The standard required for termination of employment following the probationary/introductory period differs depending on an employee's job position.
7. Can an employee's probationary/introductory period be extended?
Yes, under limited circumstances and if approved by the Human Resources Director.
8. What happens if employment is terminated during the probationary/introductory period?
During the probationary/introductory period, a new employee may be terminated at any time for any lawful reason, or for no reason, with or without cause. A regular employee who fails to successfully complete a probationary/introductory period following promotion, transfer, appointment, or placement may be terminated, reassigned, or laid off. If applicable, assignment following a failed probation will be to the employee's previous position (if vacant) or to another vacant position for which he/she is qualified in the same class as and at the same salary level as the previous position. If the previous position is not available and no other appropriate position is available, the employee will be laid off and will have the same status, rights, and privileges as any other laid off employee. There is no right to appeal the failure to successfully complete a probationary/introductory period following promotion, transfer, appointment, or placement, and there is no right to appeal termination, job assignment, or layoff following failure of the probationary/introductory period.

9. Will employees normally receive a wage increase following successful completion of a probationary/introductory period?

Yes. Depending on where employees are in a pay range, normally they will receive a wage increase following successful completion of a probationary/introductory period.

314. DISABILITY ACCOMMODATION

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City of Vancouver is committed to providing a work environment free from discrimination on the basis of disability and provides reasonable accommodations to all qualified applicants and employees with disabilities.

GUIDELINES:

1. Who is a qualified individual with a disability?

A qualified individual with a disability, as defined under state and federal disability discrimination law, is a job applicant or employee who is "qualified" for a job and has a "disability". Qualified means that the individual meets all the necessary requirements for his/her job (such as educational background, job experience, appropriate licensing, etc.) and he/she is able to perform the essential functions of the job with or without reasonable accommodation.

2. What is a disability?

The definition of a disability, as defined under either the state or federal law, is complex. Any questions about what may be defined as a disability should be referred to Human Resources, but in general a disability is defined as follows:

- Disability under the Americans with Disabilities Act (ADA) means that: 1) the individual has a physical or mental impairment, and the impairment substantially limits one or more of the individual's major life activities (i.e., ability to read or walk); 2) has a record of such impairment; or 3) is regarded as having such an impairment.
- Disability under the Washington Law Against Discrimination (WLAD) means that the individual has a sensory, mental, or physical impairment that is medically cognizable or diagnosable, or exists as a record or history, or is perceived to exist, whether or not it exists in fact.

3. What does it mean to "discriminate"?

To discriminate means to treat someone differently in employment practices on account of his or her disability. Employment practices include, but are not limited to, recruitment, hiring, compensation, benefits, training, promotion, demotion, transfers, layoffs, termination of employment, and any other terms, conditions, and privileges of employment.

4. What is a "reasonable accommodation"?

A reasonable accommodation may be provided for a qualified applicant or employee with a disability who is unable to perform essential job functions. A "reasonable accommodation" is any change, modification, or adjustment to the manner in which a job or job task is normally performed which enables an employee with a disability to perform the essential functions of the job.

5. Can an applicant or employee request a reasonable accommodation?

Yes. Any applicant or employee who believes that he or she needs a reasonable accommodation because of a disability should submit a request for an accommodation to his/her immediate supervisor, the Department Director or Human Resources either in writing or in person. The City will then engage in an interactive process with the applicant or employee to determine whether a reasonable accommodation should be provided.

6. What will the City do with information obtained during a reasonable accommodation analysis? Any information obtained during the analysis of whether a reasonable accommodation should be provided to an applicant or employee will be treated as confidential and will be kept in locked medical files and will be shared only with the employee's written authorization or on a need-to-know basis.

315. SUBSTANCE ABUSE PREVENTION

SCOPE: This policy applies to all employees of the City of Vancouver unless otherwise addressed by a current collective bargaining agreement.

POLICY: The City of Vancouver is committed to providing its employees and the public a workplace that is free from substance abuse. The City supports employees undergoing treatment and rehabilitation for substance abuse and notifies employees of the penalties that may be imposed for substance abuse violations in the workplace. This policy complies with the Drug Free Workplace Act of 1988.

GUIDELINES:

1. What substance use is prohibited by the City?

Employees are strictly prohibited from:

- Possessing, using or being under the influence of controlled substances (drugs) while at work, unless an employee has a prescription for the substance, has consulted with his/her health care provider regarding the effects of the substance on job performance and notified his/her supervisor of the use of the drug as required by this policy.
- Using alcohol, being under the influence of alcohol or having any measured alcohol concentration or detected presence of alcohol while on duty.
- Using alcohol or controlled substances during normal break periods if the employee is scheduled to return to work.
- Engaging in the unlawful use, possession, manufacture, distribution, dispensing, transfer or trafficking of alcohol or drugs and their paraphernalia in any amount or any manner, while working at any job site.
- Use, in any way, of City property, or the employee's position within the City, to make or traffic drugs or alcohol.
- Using, possessing, or trafficking in alcohol or drugs in a manner that is detrimental to the interest of the City, creates a safety concern or unduly interferes with job performance and/or has an adverse impact on the City.

2. What should an employee do if they suspect a violation of this policy?

Employees should report their concerns to their supervisor, manager, or Human Resources.

3. What if an employee is taking prescription or over-the-counter drugs?

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, employees must notify their immediate supervisor when they commence taking medication that may affect their ability to perform their job. Employees must complete a form (Prescription Drug Disclosure Form) reporting such drug use. This form will be maintained in a separate confidential medical file in Human Resources. The City may require medical verification of an employee's ability to perform their assigned duties while using such medications.

4. Where can an employee go to voluntarily seek assistance for drug or alcohol use?

Employees who are concerned about their alcohol and/or drug use are strongly encouraged to voluntarily seek assistance. The City offers a confidential Employee Assistance Program (EAP) through a private firm. Employees may contact the EAP for assessment, referral, treatment and/or follow-up. An employee may also seek help directly from a private firm for evaluation of abuse of or dependency upon alcohol or a controlled substance. The private firm may refer the employee to another firm for treatment or rehabilitation. Employees voluntarily seeking assistance may do so on his/her own time without informing anyone in the City. An employee who undergoes treatment or rehabilitation may use any appropriate leave benefits available to attend treatment or rehabilitation sessions. An employee who voluntarily participates in a treatment or rehabilitation program will not be penalized for participation. However, participation in a program will not excuse the employee from compliance with this policy in its entirety.

5. How do I take time off work for voluntary treatment?

Employees who voluntarily seek assistance will be granted a leave of absence in accordance with the City's applicable employment policies. An employee seeking leave for voluntary treatment without disclosure to the employee's immediate supervisor can process a leave request, with a doctor's medical certification, through the Human Resources Department.

6. What types of drug and alcohol testing are required?

The following are occasions for drug and alcohol testing under this policy:

- **Post-offer/Pre-employment:** All individuals in designated positions must pass a drug test as a post-offer condition of employment. Applicants are notified of required testing in job announcements. External applicants who test positive will have their conditional offer of employment withdrawn and they will not be considered for employment for at least 12 months. Internal applicants who test positive will be considered in violation of this policy and be subject to the procedures set forth within this policy.
- **Reasonable suspicion:** A supervisor or manager who has received reasonable suspicion training suspects that an employee is under the influence of alcohol or drugs in violation of this policy will require the employee to submit to a drug or alcohol test. The decision by a supervisor or manager to require testing must be based upon current and specific observations such as appearance, behavior, speech, or body odors of the employee.
- **Post-accident:** Any employee involved in an accident while on duty may be required to submit to drug or alcohol testing, which shall occur as soon as possible. Employees subject to post-accident testing must remain available for such testing and may not take any action to interfere with testing or the results of testing. Refusal to comply with post-accident testing protocol will be treated as a positive test result.

Testing is mandatory when the accident results in a serious injury, fatality, or significant property damage. When no testing occurs and there is reason to believe the employee has violated this policy concerning the use of drugs and/or alcohol, an employee may not return to work until at least twenty-four (24) hours have elapsed following the accident if. Any regularly scheduled work time during this 24-hour period will be considered paid administrative leave.

- **Return to work:** Employees who have violated this policy must take a drug test with a negative result prior to returning to work.
- **Follow-up:** Any employee in violation of this policy may be required to undergo random, at-will follow-up testing for a period not to exceed 60 months. The number and frequency of follow-up tests will be determined by the Substance Abuse Professional (SAP) and the City.

7. What is an employee's status during the testing process?

Employees required to be tested are placed on paid administrative leave pending test results. Depending on the circumstances, an employee who tests positive will be taken off paid administrative status and may be eligible to use any approved leave.

8. What is considered a "refusal to test"?

An employee will be considered to have refused testing if he/she:

- Fails to appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer; or
- Provides false information in connection with a test; or
- Attempts to falsify test results through tampering, contamination, adulteration, or substitution; or

- Is unable or fails to provide a specimen or breath sample without a valid medical explanation; or
- Fails to remain readily available for post-accident testing; or
- Fails to remain at the testing site until the testing process is complete; or
- Fails to cooperate with any part of an observed or monitored collection or any part of the testing process.

9. What is considered a positive test result?

A verified positive drug test or alcohol test result of 0.04 or greater is a positive test result. An employee may be deemed to have a positive test result if the employee is:

- Adulterating or falsifying, or attempting to adulterate or falsify, a test sample; or
- Refusing to undergo treatment or rehabilitation as recommended by an SAP; or
- Falsifying or attempting to falsify a test result; or
- Refusing to submit to testing as required by this policy.

10. What if an employee's test is positive?

A positive test result will be considered a violation of this policy and may result in discipline up to and including termination of employment. In the event the employee is not terminated from employment, the employee must:

- Submit to an evaluation for substance abuse at a facility designated by the City, and comply with treatment recommendations; and
- Sign a release of information form to enable the City to confirm the employee's compliance with the recommended treatment; and
- Enter into a Return-to-Work agreement setting forth conditions for continued employment; and
- Successfully complete treatment or rehabilitation as may be recommended or approved by an SAP; and
- Receive a release for return to work from the employee's qualified health care provider or the SAP; and
- Undergo return-to-duty drug and/or alcohol testing with a negative drug test result and/or an alcohol test; and
- Undergo required follow-up testing.

11. What happens if an employee's test result is negative?

If a test is negative, the employee will be returned to work without loss of pay or benefits.

12. Who pays for an employee's treatment or rehabilitation?

Employees are responsible for payment of all services not covered by insurance or the EAP.

13. Will medical information under this policy be kept confidential?

All medical information obtained in connection with this policy will be kept in locked confidential medical files separate from personnel files and will be released only on a need-to-know basis and to the tested employee upon request.

14. Are employees required to notify the City of drug or alcohol related convictions?

Yes, Employees must notify their supervisor in writing within five (5) calendar days after a conviction for any violation of any criminal drug or alcohol statute if (a) violation occurred in the employee's workplace or during the employee's work shift, (b) the conviction results or may result in the loss of driving privileges for any period of time where driving is part of the employee's job duties, (c) the conviction otherwise adversely affects the employee's ability to perform employment duties, or (d) if the conviction may result in paid or unpaid leave from work.

316. COMMERCIAL DRIVERS LICENSE ALCOHOL AND DRUG TESTING

SCOPE: This policy applies to all City of Vancouver employees who are required to maintain a Commercial Driver's License (CDL) under DOT/Federal authority (49 CFR Part 382) as a condition of his/her job duties, unless otherwise addressed by a current collective bargaining agreement.

POLICY: The City of Vancouver is committed to providing its employees and the public a workplace that is free from substance abuse. The City complies with Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT) drug and alcohol testing requirements to ensure employee fitness for duty, and to protect our employees, passengers, and the public from the risks posed by the use of alcohol and prohibited drugs. Participation in the drug and alcohol testing program is required and a condition of employment for CDL holders.

Employees are also subject to the provisions of the City's Substance Abuse Prevention policy. In the event of a conflict between the policies, this policy shall take precedence.

GUIDELINES:

1. Why are CDL holders subject to alcohol and drug testing?
State and federal law requires that CDL holders be subject to testing.
2. What drug, alcohol or substance use is prohibited?
 - a) Possessing, using or being under the influence of controlled substances (drugs) while at work, unless an employee has a prescription for the substance and has consulted with his/her health care provider regarding the effects of the substance on job performance, is prohibited.
Controlled substances include:
 - Cocaine; and
 - Opiates (e.g., heroine, codeine) or opium derivatives; and
 - Phencyclidine (PCP); and
 - Cannabinoids (including "Medical Marijuana"); and
 - Stimulants (e.g., amphetamines, "pep pills" or "bennies"); and
 - Hallucinogenic substances; and
 - Depressants; or
 - Any other substance, to a degree which renders the driver incapable of safely operating a motor vehicle.
 - b) Consuming alcohol within four hours of reporting for work.
 - c) Using alcohol, being under the influence of alcohol, or having any measured alcohol concentration or detected presence of alcohol, while on duty, or operating, or in physical control of a commercial motor vehicle; and
 - d) Using alcohol after an on-the-job accident until:
 - The supervisor or his/her designee has determined that alcohol testing is not required; or
 - An alcohol test has been completed; or
 - Eight (8) hours have passed since the supervisor or his/her designee determined that testing was required.
3. What should an employee do if they suspect a violation of this policy?
Employees should report their concerns to their supervisor, manager, or Human Resources.
4. What if an employee is taking prescription or over-the-counter drugs?
The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, CDL holders must immediately notify their supervisor when they commence taking medication with a warning label that indicates the mental functioning, motor skills, or judgment may be adversely affected. Employees must complete a form (Prescription Drug Disclosure Form) reporting such drug use. This form will be maintained in a separate confidential file in Human

Resources. The City may require medical verification of an employee's ability to perform their assigned duties while using such medications.

5. Where can an employee go to voluntarily seek assistance for drug or alcohol use?

Employees who are concerned about their alcohol and/or drug use are strongly encouraged to voluntarily seek assistance. The City offers a confidential Employee Assistance Program (EAP) through a private firm. Employees may contact the EAP for assessment, referral, treatment and/or follow-up. An employee may also seek help directly from a private firm for evaluation of abuse of or dependency upon alcohol or a controlled substance. The private firm may refer the employee to another firm for treatment or rehabilitation. Employees voluntarily seeking assistance may do so on his/her own time without informing anyone in the City. An employee who undergoes treatment or rehabilitation may use any appropriate leave benefits available to attend treatment or rehabilitation sessions. An employee who voluntarily participates in a treatment or rehabilitation program will not be penalized for participation. However, participation in a program will not excuse the employee from compliance with this policy in its entirety.

6. How do I take time off work for voluntary treatment?

Employees who voluntarily seek assistance will be granted a leave of absence in accordance with the City's applicable employment policies. An employee seeking leave for voluntary treatment without disclosure to the employee's immediate supervisor can process a leave request, with a doctor's medical certification, through the Human Resources Department.

7. What type of alcohol and drug testing is required for CDL holders?

CDL holders are subject to the following alcohol and drug testing:

- **Post-offer/Pre-employment:** All individuals in designated positions must pass a drug test as a post-offer condition of employment. Applicants are notified of required testing in job announcements. External applicants who test positive will have their conditional offer of employment withdrawn and they will not be considered for employment for at least 12 months. Internal applicants who test positive will be considered in violation of this policy and be subject to the procedures set forth in this policy.

The DOT requires that for all applicants seeking positions that require a CDL, the City must make a good faith effort to obtain drug and alcohol testing records from prior DOT covered employer(s) for the previous two years. Applicants must complete a written consent that allows the release of this information to the City.

- **Reasonable Suspicion:** A supervisor or manager who has received reasonable suspicion training suspects that a DOT-covered driver may have used alcohol or drugs in violation of federal regulations is under the influence of alcohol or drugs will require the employee to submit to a drug or alcohol test. The decision by a supervisor or manager to require testing must be based upon current and specific observations such as appearance, behavior, speech, or body odors of the employee.
- **Random:** Random testing is required for CDL holders. An objective, outside party will conduct random selections for City of Vancouver. CDL holders who are notified of selection for testing must proceed immediately to the collection site.
- **Post-accident:** CDL holders are required to be tested after an accident if:
 - There is a fatality, or
 - The driver receives a citation for a moving traffic violation and there is an injury requiring medical treatment away from the scene of the accident, or
 - The driver receives a citation for a moving traffic violation and a vehicle must be towed from the scene of the accident.

CDL holders are required to remain available for testing after any of these three types of accidents and must immediately notify their supervisor of the accident, ensure the safety of the site to the extent possible, and obtain medical assistance if needed.

When no testing occurs, an employee may not return to work until at least twenty-four (24) hours have elapsed following the accident if there is reason to believe the employee has violated this policy concerning the use of drugs and/or alcohol. Any regularly scheduled work time during this 24-hour period will be considered paid administrative leave.

- **Return to work:** Employees who have violated this policy must take a drug test with a negative result prior to returning to work.
- **Follow-up:** CDL holders who have a positive test result must undergo at least six (6) follow-up tests in the year following return to work. These tests must be conducted whether the employee continues to work for the same employer or is discharged and seeks work with another employer in a DOT-covered position. DOT regulations permit follow-up testing for up to 60 months at the discretion of the Substance Abuse Professional (SAP).

8. What is considered a positive test result?

A verified positive drug test or alcohol test result of 0.04 or greater is a positive test result. An employee may be deemed to have a positive test result if the employee is:

- Adulterating or falsifying, or attempting to adulterate or falsify, a test sample; or
- Falsifying or attempting to falsify a test result; or
- Refusing to undergo treatment or rehabilitation as recommended by an SAP; or
- Refusing to submit to testing as required by this policy

9. What is considered a "refusal to test"?

A CDL holder will be considered to have refused testing if he/she:

- Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer; or
- Fails to remain at the testing site until the testing process is complete; or
- Fails to provide a urine specimen for any drug test required by this part or DOT agency regulations; or
- Fails to permit the observation or monitoring of the driver's provision of a specimen, in the case of a directly observed or monitored collection in a drug test; or
- Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure; or
- Fails or declines to take a second test the employer or collector has directed the driver to take; or
- Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
- Is reported by the MRO as having a verified adulterated or substituted test result; or
- Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER.

10. What if an employee's test result is positive?

A positive test result will be considered a violation of this policy and may result in discipline up to and including termination of employment. In the event the employee is not terminated from employment, the employee will be required to:

- Submit to an evaluation for substance abuse at a facility designated by the City or the City's employee assistance program (EAP) and comply with treatment recommendations.

- Sign a release of information form to enable the City to confirm the employee's compliance with the recommended treatment.
- Enter into a Return-to-Work agreement setting forth conditions for continued employment.
- Successfully complete treatment or rehabilitation as may be recommended or approved by an SAP.
- Receive a release for return to work from the employee's qualified health care provider or the SAP.
- Undergo return-to-duty drug and/or alcohol testing with a negative drug test result and/or an alcohol test.
- Undergo required follow-up testing.

11. What is an employee's status during the testing process?

Employees required to be tested are placed on paid administrative leave pending test results. Depending on the circumstances, an employee who tests positive will be taken off paid administrative status and may be eligible to use any approved leave.

12. What happens if an employee's test result is negative?

If a test is negative, the employee will be returned to work without loss of pay or benefits.

13. Who pays for an employee's treatment or rehabilitation?

Employees are responsible for payment of all services not covered by insurance or the EAP.

14. Will medical information under this policy be kept confidential?

All medical information obtained in connection with this policy will be kept in locked confidential medical files separate from personnel files and will be released only on a need-to-know basis and to the tested employee upon request.

15. Are employees required to notify the City of drug or alcohol related convictions?

Yes, Employees must notify their supervisor in writing within five (5) calendar days after a conviction for any violation of any criminal drug or alcohol statute if (a) violation occurred in the employee's workplace or during the employee's work shift, (b) the conviction results or may result in the loss of driving privileges for any period of time where driving is part of the employee's job duties, (c) the conviction otherwise adversely affects the employee's ability to perform employment duties, or (d) if the conviction may result in paid or unpaid leave from work.

All employees are expected to uphold the City's commitment to maintain a drug-free work place by reporting any violation of this policy to the appropriate supervisor or manager, or to Human Resources.

City of Vancouver Employment Policy Manual

Policy 318. TOBACCO-FREE WORK ENVIRONMENT

Policy Sections:	Effective: 4/30/2015
318.1 Employees Use of Tobacco Products	Supersedes: 5/2008
318.2 Visitors Use of Tobacco Products	
318.3 Cessation Assistance for Employees	

PURPOSE:

This policy is intended to provide a safe and healthy workplace environment for all employees. This policy discusses the City's position that the use of tobacco products and "inhalant delivery systems" are prohibited in all City facilities and vehicles.

SCOPE:

This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

DEFINITIONS:

An "***inhalant delivery system***", (as defined by the Clark County Board of Health ([Clark County Ordinance 2015-04-18](#))) is:

- a battery-powered device that can be used to deliver nicotine, or other liquids or solids in the form of the vapor or aerosol to a person inhaling from the device OR
- a component of a device described above, or a substance in any form sold for the purpose of being vaporized or aerosolized by a device described in this section, whether the component or substances is sold separately or is not sold separately, AND
- an inhalant delivery system *does not* include any product that has been approved by the United States FDA for sale as a tobacco cessation product or for any other therapeutic purpose, if the product is marketed and sold solely for the approved purpose.
- Common terms for these devices are "vapes," "electronic cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," and "electronic nicotine delivery systems."

"Tobacco products" (as defined by [Federal Law section 5702\(c\) of Title 26 of the United States Code](#)) include, but are not limited to:

- Cigars, cigarettes, smokeless tobacco, pipe tobacco and roll-your-own tobacco
- Smokeless tobacco includes any snuff or chewing tobacco

318.1 Employees Use of Tobacco Products and/or Inhalant Delivery Systems:

The use of inhalant delivery systems is strictly prohibited in all indoor public places and places of employment per Clark County Ordinance 2015-04-18. Per this ordinance, employees may only use tobacco products and/or inhalant delivery systems during break and lunch periods in designated smoking areas. However, employees may not smoke and/or use inhalant delivery systems within 25 feet of entrances, exits, open windows and ventilation intakes of any City facility and at no time use tobacco products and/or inhalant delivery systems in any City vehicle.

318.2 Visitors Use of Tobacco Products and/or Inhalant Delivery Systems:

Visitors are not allowed to use tobacco products and/or inhalant delivery systems in City facilities and City vehicles. Employees who observe visitors using tobacco products and/or inhalant delivery systems are required to report such activity to a supervisor or manager immediately. Supervisors and managers, who either observe such behavior and/or receive notification of a visitor's use of tobacco products and/or inhalant delivery system in a City facility or City vehicle, must request that visitors stop using the tobacco product and/or inhalant delivery system while in a City facility or City vehicle.

318.3 Cessation Assistance for Employees:

Assistance and support are available to employees who would like to quit using tobacco and/or inhalant delivery systems through the City-sponsored Employee Assistance Program and the City's Wellness Program.

319. FITNESS FOR DUTY EXAMINATION

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City provides a safe work place to protect the safety of all City employees, visitors, citizens, and City property. To accomplish this, all employees are expected to be physically and mentally fit to perform their jobs in a safe, productive, and effective manner at all times.

GUIDELINES:

1. What is “fitness for duty”?

Fitness for duty refers to the physical and/or mental ability of an employee to perform the essential functions of his/her job duties in a safe, productive, and effective manner.

2. What is a “fitness for duty examination”?

A fitness for duty examination is a mechanism for identifying whether and to what extent an employee may be unable to perform his/her essential job functions effectively or could endanger the safety of others, him/herself, or City property.

3. What information does the City obtain following a fitness for duty examination?

The City receives limited information from the professional who performs the examination. Specifically, the health care professional provides information as to whether the employee is able to perform the essential functions of the job in a safe, productive, and effective manner, any recommendations that may enable the employee to perform his/her job and any conditions for return to work.

4. When may the City require a fitness for duty examination?

The City may require a fitness for duty examination only if the examination is job-related and consistent with business necessity. A fitness for duty examination may be required when the City reasonably believes that an employee’s job performance may be impaired due to a health problem, or the employee may pose a risk to the safety of the employee or others.

5. Who will conduct the fitness for duty examination?

The City will choose a qualified health care professional to conduct the examination on a case-by-case basis.

6. What will the employee’s status be while the examination is being conducted?

Each employee’s status will be evaluated on a case-by-case basis. Options include but are not limited to, relieving the employee of certain duties, assigning different duties, or sending the employee home under appropriate leave status.

7. What if the examination concludes that the employee is not fit for duty?

The City will continue the interactive process with the employee in compliance with applicable laws, including the Americans with Disabilities Act, Washington Law Against Discrimination, and the Family and Medical Leave Act to determine if and when the employee can be returned to work or regular duties.

401. SAFETY AND ACCIDENT REPORTING

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The city provides a work environment as free as practicable from recognized hazards which cause or are likely to cause physical harm. Employees are expected to comply with all safety and health requirements and to report all job-related accidents, injuries or illnesses, regardless of their severity.

GUIDELINES:

1. Does the City have a safety plan?

Yes. The City has established a safety and health policy and accident prevention program that emphasizes the integration of safety and health measures into each job task. The policy and program include:

- A safety orientation program for new employees and continuing training programs to improve the skill and competency of all employees in the field of occupational safety and health.
- Procedures for how and when to report injuries, including instruction as to the location of first-aid facilities.
- Procedures for how and when to report unsafe conditions and practices.
- Procedures for actions to be taken in the event of an accident which includes, but is not limited to, an investigation of the cause of the accident.
- A description of the proper actions to take in the event of emergencies.
- Identification of hazardous gases, chemicals, and materials, along with instructions on the safe use and emergency action that should be taken following accidental exposure.
- An on-the-job review of the practices necessary to perform job assignments in a safe manner.
- Provision of personal protective equipment, safety devices and safeguards as well as the adoption of practices, means, methods, operations, and processes which are reasonably adequate to protect the life and safety of City employees.
- An exposure control plan to assure compliance with applicable occupational safety regulations concerning employees with reasonably anticipated exposure to blood or other potentially infectious materials.

Written safety requirements for particular jobs are maintained in each department and a written description of the City's total safety program can be obtained on the City intranet at <http://CityNet>, under Safety Net.

2. Do employees have responsibilities under the safety program?

Yes. Employees have a responsibility to comply with all safety requirements. These responsibilities include, but are not limited to, the following:

- Coordinating and cooperating with all other employees in an attempt to eliminate accidents.
- Studying and observing all safe practices governing their work.
- Offering safety suggestions where such suggestions may contribute to a safer work environment.
- Applying the principles of accident prevention in daily work and using proper safety devices and protective equipment.
- Caring for all personal protective equipment properly.
- Making prompt reports to an immediate supervisor, Risk Management or Human Resources of each industrial injury or occupational illness, regardless of the degree of severity and whether or not medical attention or time loss is involved.
- Wearing appropriate clothing while working around machinery.
- Attending required safety trainings and safety meetings.

3. Does the City have an employee safety committee?

Yes. Each department and/or building will have a Safety Committee or hold Safety Meetings to review safety issues and make recommendations regarding safe working conditions within the City.

4. How do employees report on-the-job injuries, accidents, or illnesses?

Accidents resulting in hospitalization or death **must** be reported immediately to Risk Management.

Employee shall make a prompt report to their immediate supervisor, of each industrial injury or occupational illness, regardless of the degree of severity. Employees should contact their immediate supervisor for department specific reporting procedures.

402. IDENTIFICATION BADGES

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: For the security of its employees, visitors, and property, the City will issue employee identification badges.

GUIDELINES:

1. Are all employees required to wear ID badges?
Yes. Personnel in the Police and Fire Departments may have different guidelines, but all other City employees are expected to wear their identification badge while conducting City business.
2. When are employees required to wear ID badges?
Employees are required to wear the ID badges when on city property during working hours. "Working hours" does not include approved breaks away from City facilities. Employees conducting City business away from City property must have their badge with them.
3. Are there any exceptions to the rule that ID be worn at all times during working hours?
Yes. Exceptions will be made to this requirement when wearing the ID badge would cause a safety risk. In such circumstances, employees are still required to have their ID badge on their person for display if necessary. Department Directors must pre-approve all exceptions.
4. What if I lose my badge or my personal information changes?
If an employee needs a new badge due to loss, damage, or name change, please contact Human Resources within thirty (30) days of such event. Depending on the circumstances, employees may be required to reimburse the City for the cost of the new badge if it is lost or damaged.
5. Does the badge have to be returned if employment is ended?
Yes. The identification badge is considered City property and must be returned.

403. MOTOR VEHICLE USAGE

SCOPE: This policy applies to all employees of the City of Vancouver unless otherwise addressed by a current collective bargaining agreement or public safety policy.

This policy is also applicable to all other users of City vehicles or individuals who use personal vehicles for City business.

POLICY: This policy addresses use and assignment of City vehicles and use of personal vehicles for City business. A vehicle is any motorized or non-motorized device designed to transport persons or goods on public roadways. Employees are required to comply with all applicable motor vehicle laws while driving City vehicles or any vehicle on City business.

City departments may have additional requirements for the safe operation of motor vehicles and/or may have modifications to certain provisions of this policy provided those modifications are in a written department policy that has been approved by the City's Risk Manager.

GUIDELINES:

1. Are employees required to obtain authorization before driving a City vehicle or using a personal vehicle for City business?

Yes, employees must obtain authorization from their department manager or designee prior to driving a City vehicle or using a personal vehicle for City business. Authorization to use private vehicles may be given on a trip-by-trip or standing approval basis.

To obtain authorization, employees must have a current and valid driver's license and any required endorsements for the vehicle driven and must sign a Vehicle Use Agreement (VUA)

Employees who are required to have a valid Commercial Driver's License (CDL) must also provide a copy of a current and valid CDL and medical card and provide certification of all driving violations in the past year.

To obtain authorization to use a private vehicle for City business, the vehicle must conform to the following requirements:

- a) The vehicle must meet legal requirements to operate on a public highway, and
- b) The vehicle must be in sound mechanical condition and present no safety risks.

2. Will the City pay employees for the use of their personal vehicle for City business?

Employees will be reimbursed for mileage at the IRS optional standard mileage rate allowance, as periodically published by the Finance Department.

3. Are employees required to notify the City of changes in driving status or other issues related to driving where driving is part of the employee's job duties?

Yes. Employees must notify their supervisor of any of the following:

- a) Any permanent or temporary changes in their driving status (including, but not limited to suspension or probationary license status, physical or mental impairment, or use of medication). The employee must also contact the appropriate state department to report the change and obtain a valid license, if possible.
- b) Any condition listed in Guideline #12 (a-k) below.
- c) Any moving violation citations that occur while operating a vehicle for City business. Notification shall be made within one business day of the issuance of the citation.
- d) Any traffic accident that occurs while operating a personal or City vehicle while on City business.
- e) The suspension, revocation, or cancellation of their driver's license.

- f) Employees must immediately notify their supervisor of any drug or alcohol conviction involving a motor vehicle, or a finding of guilt whether or not adjudication is withheld, or the entry into a diversionary program in lieu of prosecution.
 - g) CDL holders must report convictions of traffic offenses, excluding parking tickets, within 30 days to his/her immediate supervisor.
 - h) CDL holders who are disqualified from driving a commercial motor vehicle for any period shall notify his/her immediate supervisor within one day of notification of the disqualification.
 - i) In the event that an employee has a motor vehicle accident while on City business, the department manager or designee may require such employee to submit to a post-accident drug and alcohol screen.
4. What happens if an employee is in an accident while on City business or driving a City vehicle?
Any employee involved in an accident while driving a City vehicle or any vehicle while on City business shall:
- a) Call 911 as appropriate; and
 - b) Notify your supervisor or manager as soon as possible; and
 - c) In addition to any state required accident reports, employees shall complete the Risk Management Vehicle Accident Report by the end of the shift that the accident occurred and submit it to their supervisor. The supervisor shall then complete the report and forward it to the Risk Management Office.
5. May employees use city vehicles for personal business?
Use of a City vehicle must be for official City business. Incidental use is strictly limited. Employees and their managers should exercise responsible judgment regarding the use of a City vehicle for personal purposes. Personal use of a City vehicle may be permitted, subject to the approval of the applicable department manager or designee, where the use serves the City's interests, results in negligible expense and/or is justified by compelling circumstances.
6. Are there any specific driving/safety requirements?
Yes, including the following:
- a) Do not drive while impaired by fatigue, alcohol, drugs, or any other condition. Drivers of City vehicles who feel that their driving abilities may be impaired must cease operating the vehicle immediately. Employees who believe another employee is impaired have a duty to report that person to a supervisor.
 - b) Do not haul loads that could damage a City vehicle.
 - c) Do not use any radar-detection devices in a City vehicle; and
 - d) Lock the car when unattended.
7. May individuals other than City employees drive a City vehicle?
Use of City vehicles by agency temporary workers and/or volunteers requires authorization from the department manager or designee and is subject to the provisions of this policy.
- Interagency use of a City vehicle requires authorization from a department manager or designee. Use of a City vehicle under an interagency agreement is subject to the provisions mutually agreed upon by the agencies involved.
8. May non-City employees ride as passengers in a City vehicle?
Transporting non-City employee passengers for non-City business, including family members, is not permitted unless authorized by the employee's department manager or designee.
- Generally, non-City employees may ride as passengers in a City vehicle when there is a "work-related" need to transport a non-City employee.

9. Will the City pay for property damage or injuries if an employee is in an accident in a personal vehicle while performing City business?

The City will use the following guidelines when determining whether to pay for property damage or injuries resulting from an accident in a personal vehicle used for City business:

- a) Injuries to employees will be handled as any other worker's compensation claim; and
- b) Employees and/or their insurance will be responsible for property damage to their personal vehicle; and
- c) For property damage and/or injuries to third parties, employees will be responsible for submitting a claim to their own insurance carrier. The City may then pay for property damage and/or injuries to third parties in excess of the employee's insurance liability limits as with any other liability claim; however, the City may refuse to pay for property damage and/or injuries to third parties if City policies were not followed.

10. Will City vehicles be assigned to employees to take home on a regular basis?

City vehicles may be assigned to specified employees on a take home basis to enable the employee to respond to emergency situations or when required for business necessity.

Assignments are to be authorized by the City Manager, department manager or their designee and may be authorized on a continuous basis or for a specified time period. Under no circumstances may anyone, other than an authorized City employee, be assigned a City vehicle for take home use.

11. Will the City monitor who is authorized to drive a city vehicle or personal vehicle for city business?

Yes. Each department head or their designee will provide Risk Management with the names and drivers' license numbers of their employees who are authorized to drive a personal or City vehicle on City business, including those who hold a Commercial Driver's License (CDL). Department managers or their designee will forward original Vehicle Use Agreements to Risk Management.

Employees who are authorized to drive City vehicles, including CDL holders, or to drive a personal vehicle for City business, are subject to an annual review of driving abstract to determine if they are still eligible to drive on behalf of the City.

12. When will the City remove authorization to drive a City vehicle or use a personal vehicle for City business?

City employees and other agents of the City will not be authorized to drive a City vehicle or use a personal vehicle for City business if they:

- a) Have been convicted of homicide, manslaughter or assault arising out of the use of a vehicle; or
- b) Have been convicted for driving with a suspended or revoked license within 24 months; or
- c) Have been convicted for eluding a police officer; or
- d) Have been convicted for Driving Under the Influence (DUI) within 36 months; or
- e) Have more than one conviction for Driving Under the Influence (DUI); or
- f) Have been convicted for Reckless Driving within 24 months; or
- g) Have been convicted to a crime related to failure to report an accident or citation, or been convicted a crime related to intentionally making a false claim in a report of an accident or citation; or
- h) Are currently required to maintain SR22 filing; or
- i) Have currently had their driver's license suspended or revoked; or
- j) Are currently required to use an ignition interlock device on any vehicle; and/or
- k) Any other driving-related violations that the Risk Manager determines should result in loss of the employee's authorization to drive a City or personal vehicle for City business.

Department managers or their designee shall immediately notify Risk Management regarding any employee who becomes ineligible to operate a vehicle under this policy and may prohibit said employee from operating any vehicle for City-related business.

Risk Management will notify the appropriate department manager when it is determined that an employee does not have an acceptable driving record in accordance with this policy.

Drivers must immediately inform their supervisor and department manager in writing if they are involved in an incident that may result in disqualification from driving under this policy. Failure to report an accident or disqualifying incident may result in revocation of the privilege of driving a City vehicle.

13. Who is responsible for paying for traffic infractions and parking tickets received in a City vehicle or while driving a personal vehicle for City business?

Traffic infractions (including parking tickets) are the personal responsibility of the vehicle operator. In addition, passengers are also personally responsible for any citations they may receive. Infractions shall be paid promptly by the employee to the enforcing agency.

14. What happens if an employee's job duties require driving and they are disqualified from driving a City vehicle?

For an employee who is not required to have a CDL but whose job requires driving, the City may make a reasonable effort to reassign the employee to duties which do not require a driver's license and for which the employee is qualified. The City will not create work or a position to accommodate the employee.

Employees who are required to have a CDL and are disqualified from driving a commercial motor vehicle are not allowed to drive any commercial motor vehicle for the City, and the City will not create work or a position to accommodate the employee.

15. May employees leave a vehicle idling?

Employees are responsible for eliminating the unnecessary idling of vehicles in order to reduce the cost of City operations and to reduce emissions created by City vehicles. Unless exempted below, no City vehicle is to be idled in a non-emergency situation while parked. This provision shall not apply to:

- a) Emergency service vehicles, such as fire apparatus and police vehicles, when necessary for emergency response; or
- b) Idling when necessary to operate defrosters, heaters, air conditioners or other equipment for safety and health reasons; or
- c) Idling when necessary to prevent rapid vehicle battery discharge for operations requiring power take off or work functions involving vehicle powered auxiliary equipment; or
- d) Start up or cool down periods of turbo-charged diesel engines in accordance with manufacturer specifications (typically no more than 5 minutes); or
- e) Vehicles being serviced or repaired.

16. May an employee use a City or a personal vehicle while on City business for political purposes?

No employee or person may use a City vehicle for the purpose of campaigning in support of, or in opposition to, any candidate or ballot measure.

Employees may affix political signs, bumper stickers, or placards to their personal vehicles, which may be used for City business and be parked at City buildings.

17. Can modifications be made to a City vehicle?

Modifications to City vehicles may only be undertaken with the prior consent of the department manager. When allowed, modifications shall be made by the appropriate City department or vendor.

404. EMERGENCIES AND DECLARED DISASTERS

SCOPE: This policy applies to all eligible City of Vancouver employees except sworn/commissioned public safety employees, unless otherwise addressed by a current collective bargaining agreement.

POLICY: It is the City's intent to continue to provide vital services to the community during emergency conditions, while maintaining a primary concern for the safety of City employees and their families. In the event of a widespread disaster, the City Manager or designee has the authority to declare an emergency or disaster. If an emergency is declared, an Emergency Operations Center will be activated, and the provisions of this policy will apply.

GUIDELINES:

1. What is an emergency or disaster?

"Emergency or disaster" as used in this policy shall mean an event or set of circumstances which demands immediate action to preserve public health, protect life or protect property as declared by the City Manager.

2. How will employees know that an emergency has been declared?

When an emergency is declared, the City Manager or his/her designee shall coordinate with the Emergency Operations Center to notify all City Department Directors through a pre-determined notification process. The Emergency Broadcast System may be used when appropriate to announce the declaration of an emergency. The local radio and television stations listed below may be contacted and asked to broadcast notice of the emergency and other pertinent information.

Radio Stations

750 AM
99.5 FM
1190 AM

Television Stations

KATU 2
KOIN 6
KGW 8
KPTV 12
FOX 49

3. Are employees required to report to work during an emergency or disaster?

The City anticipates needing every available employee to effectively respond to the impact of an emergency or declared disaster, regardless of when it occurs. Therefore, employees may be expected to work regular, non-regular or extended hours under challenging conditions.

If the emergency or disaster occurs during non-work hours, employees are expected to comply with the following guidelines to determine whether they are required to report to work:

- a. Essential employees will be required to report to work.
- b. All other employees must follow their department's notification process.

During emergencies or disasters, employees who are required to report to work will make a good faith effort to report to work on time, to include allowing sufficient travel time and using alternate routes or alternate methods of transportation.

4. How will employees know if they are considered an "essential" employee during an emergency?

The City Manager and Department Directors will pre-determine which employees within their departments shall be considered essential during all emergencies. These employees are usually identified in their department's Continuity of Operations Plan (COOP) or another emergency preparedness plan.

5. How will employees be notified regarding whether they should report to work?

Department Directors will establish and implement the notification process for their departments. This notification process may include, but is not limited to:

- Phone call to employee's home or contact number by a supervisor or designee
- E-mail
- Internet or intranet announcement
- Media announcements
- Recorded information or instructions through the telephone system
- Emergency Broadcast System

6. How do employees know what their department's notification procedures are?

Each Department Director is responsible for keeping their department's notification procedures current. The Department Director or designee will distribute the notification procedures to all employees in the department and notify them of any changes.

Additionally, Department Directors are responsible for making all department employees aware of and familiar with their roles as defined in the applicable emergency preparedness plans.

7. What if an employee does not report to work as required?

Employees who are required to work but are absent from the workplace for reasons other than the emergency conditions shall be considered on unexcused leave as detailed in the City's Attendance and Punctuality policy.

8. What if an employee reports to work who is not required to work?

Employees who report to work without authorization will not be allowed to work and will not be compensated.

9. What if an employee is at work when the City declares an emergency or disaster?

If the emergency or disaster occurs during work hours, employees are expected to remain on the job unless specifically released by their supervisor. If requested, the City may assist on-duty employees in checking on the welfare of their immediate family members.

10. Will employees be placed on standby?

Certain employees will be pre-identified as standby employees who are trained and assigned to work in the Clark-Vancouver Emergency Operations Center. These assigned standby personnel would not otherwise be utilized by their own department in response to a disaster or emergency. Other employees may be designated by their supervisors or managers to be on standby for a specified period of time during the emergency or disaster.

11. What job duties will employees perform during an emergency or disaster?

Employees may be expected to temporarily perform work that is other than what they normally perform in their regular classification.

12. Will employees be allowed to work from home during an emergency or disaster?

Certain employees may be allowed to work from home during an emergency or disaster. However, this is at the sole discretion of the supervisor and will depend on the employee's job duties and staffing needs of the department at that time. Advanced approval is required by the Department Director or his/her designee and may be revoked at any time.

13. How will employees be paid during a declared emergency or disaster?

Employees reporting to work at the request of their supervisor during an emergency or disaster shall receive their normal rate of pay. Depending on the nature and extent of a declared emergency or disaster, pay policies for overtime and/or specialty pay may be temporarily adjusted.

Employees who are required to report to work during the emergency, but who are unable to be at the workplace as the result of conditions that caused the emergency, may elect to use appropriate leave, with supervisor approval.

Employees who are normally scheduled to work but are not required to report to work may elect to use appropriate leave.

14. What if an employee is on leave when an emergency is declared?

Employees who are on or scheduled to be on an approved leave, prior to the declaration of an emergency, shall have time off charged to the leave bank as originally scheduled. The City Manager, however, retains the right to cancel such time off if an employee's services are required as the result of the emergency or disaster.

15. Will FLSA exempt employees receive overtime compensation during an emergency or disaster?

FLSA exempt employees who work more than sixty (60) hours in their work week will have their pay converted from a salary to an hourly rate of pay and be paid as required under state and federal law.

16. Will employees be paid if they are released from work early due to an emergency?

Employees who are directed to leave work early shall receive their regular compensation for that day.

17. Are employees required to follow directives issued by emergency management officers or public health officials?

Yes. A refusal to do so may be considered a criminal misdemeanor.

405. VIOLENCE PREVENTION IN THE WORKPLACE

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City of Vancouver is committed to providing a safe and non-violent workplace for employees and the public. Violent conduct of any kind is strictly prohibited. The use, threatened use, or possession of a weapon by an employee while working or on City property during working hours is prohibited.

GUIDELINES:

1. What is "violent conduct"?

For the purposes of this policy, violent conduct shall include but will not be limited to the following behavior:

- Physical assault or any aggressive conduct that may result in injury; or
- Engaging in a physical altercation or fight; or
- Destruction of property; or
- Language or behavior that is directly or indirectly threatening; or
- Managing with fear and verbal aggression; or
- Language or gestures that are abusive, profane, or violent; or
- Use, threatened use, or possession of a weapon; or
- Harassment that creates a concern for personal safety; or
- Language or behavior that is intimidating or humiliating.

2. What does "possession" of a weapon mean?

Possession includes carrying a weapon on your person; putting a weapon in storage anywhere at work including but not limited to a desk or locker; having a weapon in the vehicle the employee drove to work; or having a weapon in any type of container such as a purse, briefcase, or lunch box while at work or on City property during working hours.

3. What is a "weapon"?

A weapon is any object, instrument or chemical which is designed in such a manner as to inflict harm or injury to another person, or which is used or may be used in a manner threatening harm or injury to another person. This shall include, but not be limited to, guns or firearms of any type, knives, mace, tear gas, or blackjacks. Any object which fits this definition shall be considered a weapon for purposes of this policy whether it is licensed or unlicensed, concealed, or unconcealed.

Pepper spray and any pocketknife with a blade less than three inches in length are not considered weapons if these items are carried and used for personal protection. Use of these items in a violent manner other than for personal protection will be considered a violation of this policy.

4. What if possession of a weapon is required in the performance of job duties?

Possession of a tool or instrument that is required in the performance of City job duties will not be considered a violation of this policy (for example, possession of a firearm by a police officer).

5. What should an employee do if a co-worker, client or other individual acts violently or aggressively?

It is each employee's responsibility to report any violent or potentially violent behavior as follows:

- If the behavior may be criminal or there is a risk of immediate harm, call 911.
- In all cases, report the behavior to your immediate supervisor/manager or Human Resources immediately.

6. What should a supervisor do when he/she receives a report of violent behavior?

Any supervisor who is aware of violent or potentially violent behavior or receives a report of such behavior will take action as follows:

- If the behavior may be criminal or there is a risk of immediate harm, the supervisor will call 911.
- If the behavior is serious or immediate action may be necessary to prevent harm to the employee or others, the supervisor may contact a member of the Workplace Response Team (listed on CityNet) for assistance.
- If the behavior is less serious and immediate action does not appear to be necessary, report the behavior to Human Resources.

7. How will the City respond to reported violations of this policy?

The City will review the circumstances of the incident, perform an appropriate investigation, and develop a plan for protecting the workplace from recurrence of violence. The City also has a Workplace Response Team to assist with serious workplace violence incidents.

8. Will the City provide employees with assistance if they are a victim of violence at work?

Yes. Assistance may include providing reasonable security to maintain a safe working environment, availability of an Employee Assistance Program and maintaining a complaint mechanism for any employee who believes that he or she has been victimized.

9. What should an employee do if he/she is unable to control his/her anger?

Any employee who believes he or she has a potential for violence, or an anger control problem is encouraged to contact the Employee Assistance Program (EAP) for counseling and/or treatment. Contacting the EAP or a counselor, absent a violation of this policy, will not be cause for discipline.

10. What should an employee do if a restraining order is obtained which lists City locations or the working environment as being protected areas?

The City encourages employees to provide a copy of any temporary or permanent protective or restraining order to a supervisor and/or Human Resources. The order will be reviewed, and appropriate action will be taken.

11. Can the City conduct a search to determine if an employee has violated this policy?

Yes. The City reserves the right to search for weapons or guns when reasonable suspicion exists that this policy has been violated.

12. What if an employee refuses to allow the City to conduct a search?

Refusal to allow a search that is conducted under the guidelines outlined in this policy will be considered a violation of this policy.

City of Vancouver Employment Policy Manual

Policy 406. INCLEMENT WEATHER POLICY

Policy Sections:	Effective: 5/01/2019
406.1 Determination	Supersedes: March 2011
406.2 Expectation of Work	
406.3 Communication	
406.4 Delays in Travel	
406.5 Staying at Home or Leaving Early	
406.6 Working from Home	
406.7 Flex Time	
406.8 Pay During Inclement Weather	

PURPOSE

The City of Vancouver provides a wide array of services, including many emergency-related functions. It is the City's policy to remain open during normal business hours, and employees are expected to make every effort to report to work during inclement or adverse weather conditions. However, in some cases, it may be necessary to temporarily modify City services or functions and closure may be deemed appropriate.

SCOPE

This policy applies to all regular employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy. Temporary employees are not covered under this policy.

DEFINITIONS/REFERENCES

- **“Inclement Weather”**- For the purposes of this policy, inclement weather is an event of nature that adversely impacts the safety of citizens and/or employees. Typically, such conditions are the result of unusual, severe weather including but not limited to, excessive snow, ice storms, floods, blizzards, and extreme wind conditions.
- **“Essential Employee”**- Employees required to be at work, as designated by each Department Director.

406.1 Determination

When inclement weather prevents performance of regular operations or services, the determination to modify services will be made by Department Directors in consultation with the City Manager.

406.2 Expectation of Work

All employees are expected to report to work for their normal shifts. However, in the event of extreme conditions resulting in an emergency closing of City facilities, or if the City Manager deems that it is unsafe for employees to travel, non-essential employees may be instructed not to report to work or to leave work prior to the end of their shift. Each Department Director will determine which employees are required to be at work, including in those instances when City facilities have closed, and/or other employees have been instructed not to report to work or to leave work due to inclement weather.

NOTE: Failure to comply with this policy may result in corrective action up to, and including, termination.

City of Vancouver Employment Policy Manual

406.3 Communication

The Inclement Weather Delay/Closure Team will establish and implement the notification process for their departments. This notification process may include, but is not limited to:

- Phone call to employee's home by a supervisor or pursuant to an established communications plan
- E-mail
- Internet or intranet announcement
- Media announcements
- Recorded information or instructions through the City's voicemail system
- Emergency Broadcast System

For circumstances in which inclement weather affects an employee's ability to report to work, employees will communicate the circumstances to their supervisor, or established call-in procedures.

406.4 Delays in Travel

Employees are encouraged to allow for additional travel time or to make alternate arrangements to travel to work. However, if weather conditions cause travel to be unsafe and/or hazardous, the City Manager may approve a modified arrival period to allow employees additional time to report to work. The modified arrival period applies to employees who are non-essential and classified as non-exempt.

Time associated with the modified arrival period is not leave time and cannot be banked, used another day, cashed out, or used by employees who do not actually work that day. Arrival to work any time beyond the designated modified arrival time will be charged to an employee's appropriate leave bank.

Employees, both exempt and non-exempt, are expected to report to work as soon as weather permits and report to work as close to their normal work schedule as possible.

406.5 Staying at Home or Leaving Early

Individual employee circumstances may affect an employee's ability to report to work. Requests must be approved in advance and will be assessed on a case-by-case basis.

Exempt employees who cannot report to work as scheduled or must leave early due to inclement weather before completing at least 60% of their shift must use appropriate leave time.

Non-exempt employees who cannot report to work as scheduled or must leave early due to inclement weather must use appropriate leave time. For purposes of determining the hours worked and appropriate leave time used, hours will be rounded to the nearest quarter hour.

406.6 Working from Home

Certain employees may be allowed to work from home during inclement weather. However, this is at the sole discretion of the supervisor and will depend on the employee's job duties and staffing needs of the department at that time. The approval to work from home will only apply to the current inclement weather situation. Advanced approval is required and will only be for a specified amount of time.

City of Vancouver Employment Policy Manual

406.7 Flex Time

A supervisor may allow an employee to flex his/her schedule so that leave time is not used. However, this is at the sole discretion of the supervisor, and advance notice and approval must be received. Flex schedules may not apply to all employees. The flex time must be taken within the same FLSA work week that the leave time was taken.

406.8 Pay During Inclement Weather

When closure of the City is approved by the City Manager, non-essential employees who reported to their regularly assigned shifts will be paid their full shift when the City closes during the work day. When the City closes before the start of non-essential employee's regularly assigned shift, employees will be paid for their regularly scheduled shift. Paid time will not include overtime for hours not worked.

Essential employees are required to report to work. If circumstances prevent an essential employee from reporting to work, then appropriate leave shall be used.

Employees on approved paid leave shall have time off charged to the leave allotment as originally scheduled.

501. CORE ETHICS POLICY

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City of Vancouver upholds, promotes, and demands the highest standards of ethics from its employees for personal integrity, truthfulness, honesty, responsibility, and fairness in carrying out their public duties. Employees must avoid any improprieties in their roles as public servants and must never use their City position or powers for personal gain or in breach of the public trust.

GUIDELINES:

1. What ethical conduct is expected under this policy?

Ethical conduct includes, but is not limited to:

- Acting at all times in the best interests of the community we serve.
- Demonstrating excellence, integrity, and responsibility in our work.
- Adhering to the laws of the United States, the state of Washington and the City of Vancouver.
- Providing honest, accurate, timely and complete information.
- Identifying problems and helping create solutions.
- Following City and department policies, procedures, and rules.
- Reporting improper conduct.
- Keeping our co-workers safe from retaliation of any kind.
- Abstaining from decisions that could result in a direct benefit to the employee, a relative or co-habitant.

2. What are the key expectations for employees to comply with this policy?

Employees of the City are expected to:

- Read and understand this Employment Policy Manual.
- Follow appropriate ethical behaviors as specifically set forth in the Employment Policy Manual.
- Seek guidance in resolving ethical issues or concerns from their supervisor, Department Director, Human Resources, or the City Attorney's office.
- Report to their supervisor, Department Director or Human Resources any conduct by other City employees which may violate this Core Ethics Policy, any other employment policies, or the City's Operating Principles.

3. What are a supervisor's additional responsibilities for complying with this policy?

A supervisor's additional responsibilities for complying with this policy include:

- Monitoring and ensuring compliance with this Core Ethics Policy or other employment policies or the City's Operating Principles.
- Setting an example of exemplary ethical conduct.
- Dealing effectively with ethics concerns that arise in their area.
- Prohibiting retribution or retaliation against any employee who reports or supplies information about, or assists an investigation into, an ethics concern.

502. OUTSIDE EMPLOYMENT

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Employees may engage in paid outside employment, consulting work or self-employment only if the work does not compete with or create a conflict of interest with an employee's duty to the City.

GUIDELINES:

1. When does outside employment "compete with" City employment?

Outside employment competes with an employee's duty to the City when the work requires an employee's conduct to be disruptive or damaging to the City and/or the City working environment. Examples of work that may be viewed as competing with City employment include those that:

- May adversely affect job performance at the City, or an employee's ability to fulfill all job responsibilities at the City. Adverse effects may include but are not limited to poor job performance, fatigue or excessive absenteeism or tardiness.
- Interfere with an employee's ability to work his/her normal schedule at the City or prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, and when such availability is a regular part of the employee's job.
- Interfere with responsibilities to the City as the primary employer.
- Involve performing services for customers that are normally performed by City employees.
- Require working for a competitor, a City grant and/or contract created by the employee, or self-employment that is in competition with the City.
- May require the use of City information, property, facilities and/or systems, such as phones, tools, equipment, etc.
- Involve assisting others in transactions with the City in which the employee has participated, or which has been under their official responsibility.

2. What is a "conflict of interest"?

Outside employment creates a conflict of interest with an employee's duty to the City when an employee engages in activities for personal gain that compromises the employee's ability to represent the City's best interests. Examples of activities that may create a conflict of interest include those that:

- Require the use or disclosure of confidential City information.
- Impair objectivity or independent judgment or create an impression of conduct that violates the public trust.
- Involve activities which may appear to conflict with the City's Core Ethics policy and/or other related employment policies.
- Negatively impact the normal course of the employee's official duties.

3. How does an employee obtain approval to engaging in outside employment?

The employee must provide his/her supervisor with a written request prior to beginning the employment. The notice should include the dates of employment; the potential employer or, if self-employment, the name of the business; the type of work to be performed; any potential problems the outside employment may cause with City employment; and any actual or perceived competition or conflicts of interest with City employment. The City shall have sole discretion to determine whether the request should be approved.

4. How will the employee know their request to engage in outside employment has been approved?

The City will provide approval in writing. The City may also require a written agreement with the employee which outlines the type of work that has been approved, discusses any perceived conflict of interest as well as how it may be eliminated, and addresses any other conditions of approval.

Employees may not perform any outside employment during the hours they are on duty working for the City.

If an employee accepts outside employment, the City may request information about the employment at any time.

5. Can an employee use City leave benefits for outside employment needs?
Use of sick, FMLA or Catastrophic leave concurrent with outside employment must be approved by the City.
6. Can a regular employee work for the City outside their regular job duties?
Yes. However, the employee must obtain approval from Human Resources prior to engaging in such work.

503. CONFLICTS OF INTEREST

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Employees are expected to represent the City in a positive and ethical manner. Employees have an obligation to avoid conflicts of interest or any activity which would give the appearance of a conflict of interest.

GUIDELINES:

1. What is a “conflict of interest”?

It is impossible to describe all of the situations that may cause or give the appearance of a conflict of interest. The following list is not intended to be exhaustive, but includes some of the clearer examples:

- Employees may not accept any employment relationship which competes with or creates a conflict of interest with a duty to the City.
- Accepting gifts, gratuities, loans, entertainment, or other items of value from anyone with whom an employee regularly transacts City business, who has or seeks a contract with the City, or who desires other official action from the City.
- Giving, offering, or promising anything of value to a customer, a potential customer, or a financial institution in connection with any transaction or business that the City may have with that customer, potential customer, or financial institution.
- Misusing confidential City information or disclosing such information to any individual who does not have a need to know the information.
- Using the City’s name, account, or credit to purchase merchandise for personal use.
- Using City assets or labor for personal use.

2. What should an employee do if he/she learns of a situation that is a conflict of interest or may appear to be a conflict of interest?

Any conflict or potential conflict of interest must be disclosed to an employee’s immediate supervisor, the Department Director or Human Resources as soon as possible.

3. What if an employee is offered or receives a gift?

Any and all gifts received by a City employee at any time during the year should be given to the employee’s immediate supervisor or the Department Director with an explanation of the circumstances surrounding receipt of the gift. If possible, the supervisor or Department Director will return the gift to the sender with a written expression of thanks and an explanation of the City policy concerning gifts. A copy of the letter will be sent to the City Manager.

If returning or refusing a gift would be impractical (such as food, flowers, or plants), the supervisor will take the item to a recognized relief/assistance organization or make the item available for the enjoyment of all employees or members of the public in the employee’s work area. The supervisor will also send a thank you card to the person or company that provided the gift explaining what was done with the gift.

4. Are there any situations when an employee may accept a gift?

Yes, under limited circumstances. Items of nominal value provided for advertising purposes such as pens, calendars, or items received at a conference, are acceptable. Employees should make every effort to use such items in the workplace instead of taking them home. In addition, meals may be purchased or provided for City employees at business meetings as long as there is a justifiable work-related purpose for the meeting.

504. NEPOTISM

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: To avoid the reality or appearance of improper influence or favoritism, two employees who are dating or are in the same immediate family may be employed by the City *unless* such employment would create a real or potential conflict of interest.

GUIDELINES:

1. What relationships are included in this policy?

For the purposes of this policy, relationships under this policy may include employees dating each other, the employee's spouse, domestic partner, child, domestic partner's children, mother, father, brother, sister, step family, aunt, uncle, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparents and grandchildren, and grandparents and grandchildren of the spouse or member of the employee's household, other than roommates.

Each employee must inform his/her immediate supervisor or Department Director immediately if they enter into a relationship which may create a conflict of interest under this policy.

2. What is a "conflict of interest"?

A conflict of interest exists where the City has a compelling and essential need to avoid a business-related conflict of interest or the reality or appearance of improper influence or favor. A conflict of interest always exists under the following circumstances:

- Where one of the individuals would have authority (or practical power) to supervise, appoint, remove, or discipline the other.
- Where one of the individuals would be responsible for leading, auditing, overseeing, or guiding the work of the other.

A conflict of interest may also exist in other situations such as where both employees would report to the same immediate supervisor.

3. What if a reassignment, transfer or promotion would create a conflict of interest?

The City will actively seek solutions to prevent a conflict and still allow the reassignment, transfer or promotion.

4. What will happen if two City employees establish a relationship (as defined in this policy)?

If a conflict or potential conflict exists due to the new relationship, the City will attempt to find a suitable accommodation to eliminate the conflict. If accommodations are not feasible, the employees will be given 30 calendar days to determine which of them will resign. If no decision is made during this time, the City reserves the right to make the decision.

Policy 505. POLITICAL ACTIVITIES

Policy Sections:	Effective: 1/01/2022
505.1 Prohibited Political Activities	Supersedes: 5/2008
505.2 Permitted Political Activities	

PURPOSE:

This policy is intended to provide guidance on the extent to which City employees are permitted to engage in political activities during work hours as well as in their official and unofficial capacities outside of work hours.

SCOPE:

This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

DEFINITIONS:

- **“Political Activities”** are activities in support of or against a political party, candidate, group, association, or agenda, for example: actively discussing or promoting a political candidate, party, or idea. This definition does not encompass any union activities.

505.1 Prohibited Political Activities:

- a. City employees shall not use their official position to unlawfully influence, interfere with, or affect the results of an election. Therefore, no employee or group of employees, representing themselves as City employees, shall campaign for or against any political candidate or ballot measure, or endorse or oppose a political advertisement, broadcast, statement, or campaign literature except as allowed by state labor law. Nothing in this section prohibits a City employee from personally supporting or opposing any candidate for public office during off-duty hours.
- b. City employees shall not display or distribute partisan literature, political buttons, stickers, banners, etc., during work hours or on City property or in City vehicles.
- c. Employees shall not use or authorize the use of City facilities, property, or assets for working on campaigns for the election of any person to any office or for the promotion of, or opposition to, any ballot proposition, except as authorized by the provisions of RCW 42.17A.555 (Use of public office or agency facilities in campaigns-Prohibition-Exceptions).

505.2 Permitted Political Activities:

- a. City employees can personally support or oppose any candidate for public office during off-duty hours as private community members only.
- b. City employees can testify as private community members at public hearings or meetings regarding issues affecting the City during non-work hours only if the employee discloses that they are testifying as a private community member and not a City employee.

506. SOLICITATION FOR CHARITIES AND NON-PROFIT FUND-RAISERS

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Most forms of solicitation on City property or during work time are prohibited. The City may, in its sole discretion, make exceptions to this policy when it is determined to be in the best interest of the City (e.g., United Way fund drive).

GUIDELINES:

1. What is "solicitation"?
"Solicitation" is the requesting of an employee's time or resources for any cause, whether by an individual or group, and regardless of whether for financial or non-financial reasons. Solicitation may involve individuals or groups engaging in direct sales, recruitment, placing of signs and posters, and other activities resulting in the anticipated benefit of the individual or group.
2. What types of solicitation may be allowed under this policy?
Employees may solicit contributions to charitable or non-profit community, youth, or educational fundraisers so long as it does not cause undue disruption of the work environment. The use of City facilities or equipment to solicit contributions (e.g., via CityNet or bulletin board postings) requires the prior authorization from the employee's Department Director or designee, as well as from Media Services.

508. WHISTLEBLOWER PROTECTION

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Public employees have an obligation to assure that government in general, and their departments in particular, perform ethically, as well as efficiently and effectively. City employees are prohibited from engaging in improper governmental action and are encouraged to report suspicious, unethical or illegal conduct or any other suspected improper governmental action taken by other employees, supervisors or officers. Employees who make good faith reports of improper governmental action will be protected from intimidation or retaliation for making a report.

GUIDELINES:

1. Why does the City have a whistleblower program?

The whistleblower program holds City employees accountable for their actions. The policy also protects employees who make good faith reports of improper governmental action. And, most importantly, the program stops inappropriate and illegal governmental actions.

2. What is "improper governmental action"?

Improper governmental action is any action taken by a City employee, supervisor, Department Director, or officer that is:

- A violation of any federal, state, or local law or rule; or
- An abuse of authority; or
- A gross waste of public funds (including use of public funds for private gain); or
- A substantial and specific danger to public health or safety.

Improper governmental action does not include personnel actions or decisions, disciplinary actions, violations of collective bargaining or civil service laws, or violations of labor agreements.

3. Who can report improper governmental action?

Any employee working for the City may report suspected improper governmental actions through this Whistleblower program. This includes regular and temporary employees as well as elected officials.

4. Is there any information that does not fall under the Whistleblower Protection Policy?

Yes. This policy does not authorize disclosure where prohibited by law.

5. How should an employee report suspected improper governmental action?

To report suspected improper governmental action, an employee should take the following steps:

- Submit a written report of the action to any Department Director, the City Attorney or an Assistant City Attorney, Internal Auditor, Risk Manager or Human Resources Director. The report should describe the suspected improper governmental action, the name of the employee(s) involved, and when the action occurred. In cases of an emergency (an immediate risk of injury or damage to property), the matter should be immediately brought to the attention of one of these individuals and followed by a written report.
- If an employee reports a suspected governmental action to the appropriate person and no action is taken, or the employee is not satisfied with the action taken, a report may then be made to the governmental agency responsible for investigating the improper action (see attached list of governmental agencies).

6. Will the reporting employee's identity remain confidential?

Yes. The identity of a reporting employee shall be kept confidential to the extent possible under law unless the employee authorizes the disclosure of his/her identity in writing.

7. Can an employee be prohibited from filing a report of improper governmental action with another governmental agency?
No. Direct or indirect interference or attempts to interfere with filing a report is prohibited.
8. What actions will the City take if an employee reports improper governmental action?
The City will conduct an investigation of the alleged suspicious, unethical or illegal conduct or other improper governmental action. If it is determined that improper governmental action did occur, the City will take appropriate action and immediately report known or suspected loss of public funds or assets, or other illegal activity to the state Auditor's office.
9. What is "intimidation"?
Intimidation occurs when a City employee, Department Director, supervisor or officer uses his/her official authority or influence to threaten or coerce an employee for the purpose of interfering with that employee's right to report improper governmental action.
10. What is "retaliation"?
Retaliation is inflicting injury on an employee by making adverse changes to employment status or to the terms and conditions of employment because the employee made a report of improper governmental action or was believed to have made a report of improper governmental action. Under this definition, retaliation can take many forms. Examples of retaliatory action include, but are not limited to, unwarranted disciplinary action, unsubstantiated poor performance evaluations, reduction in pay, denial of a promotion, unwarranted termination of employment, or harassment.
11. What should an employee do if he/she is subjected to intimidation or retaliation?
Employees should provide a written report of any suspected intimidation or retaliation along with the relief requested to a supervisor, Department Director or Human Resources.
12. If an employee complains about retaliation but is not satisfied with the City's response, is there an appeal process?
Yes. An employee is eligible to use the appeal process if the following conditions are met:
- The complaint of retaliation was made within 30 days of the alleged retaliatory action, and
 - The City did not respond within 30 days of the complaint, or the employee received a response within 30 days but was not satisfied with the response.
13. What is the appeal process?
If the conditions outlined in this policy are met, the employee may request a hearing before a state administrative law judge. The request for hearing must be delivered to Human Resources or the City Manager's office within 15 days of receiving the response from the City or within 15 days of the last day on which the City could respond to the complaint of retaliation.
14. Do supervisors and Department Directors have any additional responsibilities under this policy?
Yes. As with any policy, supervisors and Department Directors are responsible for enforcement. Under this particular policy, supervisors and Department Directors are required to report any knowledge of improper governmental action to Human Resources including, but not limited to, a complaint received from an employee.

This policy, as well as the procedures and guidelines, was created and adopted pursuant to the provisions of the Revised Code of Washington, Chapter 42.41, et seq.

601. ELECTRONIC COMMUNICATION EQUIPMENT AND SERVICES

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Employees are expected to utilize telephone or communications equipment and services in a cost-effective and responsible manner, for business purposes.

GUIDELINES:

1. What is included under "Electronic Communication Equipment and Services"?
This includes but is not limited to: Cellular phones and accounts, Blackberry (or similar) devices, Personal Digital Assistants (PDA's that are communication-enabled), pagers and point-to-point circuits, standard telephones, headsets, speakerphones, employee SCAN access, and other telecommunication peripherals.
2. Can an employee add, modify, or remove telephone or communications equipment or services?
No. The Information Technology Department is responsible for adding, modifying, or removing telephone or communications equipment and services at the City. Employees may request changes from their department's designated staff person. The designated staff person will work with Information Technology to make any required modifications to an employee's telephone or communications equipment, including its installation. All equipment purchases, including hardware or software, shall be made according to policies established by Procurement Services. The designated staff person shall work with Procurement Services.
3. Can an employee attach his/her personal communication devices to City systems or be reimbursed if he/she purchases electronic communication equipment that is planned for use with City systems?
No. For the City to support the use of communication equipment with City systems, the purchase of such equipment must be made using City funds and through approved City purchasing processes. Additionally, electronic communication equipment purchased by employees with the intent of using it for City purposes will not be eligible for City reimbursement.
4. What types of long-distance services are provided?
Two options are available for business-related long-distance calls: the City's Portland lines or SCAN lines. The Portland lines provide telephone service to the Portland metropolitan area for a flat monthly fee. The SCAN lines should only be used to call long-distance locations outside the Portland area for city-related business. If either of these options results in repeated busy signals, contact the Information Technology Department for assistance.
5. Can collect calls be accepted at work?
Collect calls should only be accepted if the call is being made by a City employee for authorized business use.
6. What are the City's guidelines for personal phone calls at work?
Making and receiving personal calls should be limited. Use of personal cellular telephones and/or City telephone equipment and services should not result in additional costs to the City and should not interfere with performance of official duties or normal business operations. Employees are trusted to exercise good judgment in both the duration and frequency of such calls.
7. What are the rules governing the use of City-owned cellular phones?
Employees should not use cellular phones to place or receive calls when a less costly alternative is safe, convenient, and readily available. Because cellular transmissions are not secure, employees should refrain from using them to relay confidential information.

8. Can an employee simply use his/her own cellular phone and receive reimbursement from the City for business-related calls?

No. The City normally does not reimburse employees for calls made on personal cellular phones.

9. Can employees make or receive personal calls on City cellular phones?

Personal calls on City cellular phones are discouraged. City cellular phones should not be treated as if they are an employee's personal cellular phone. That is, they should not be taken on vacation or used when an employee is off duty unless there is a specific work-related purpose in doing so. As with other City property, minor personal use of cellular phones, while not sanctioned by the City, is not prohibited by this policy. While employees may occasionally take or make personal calls at work, they should not be disruptive to the performance of the employee's or the employee's co-workers' work duties. Further, personal calls made or received on a cellular phone must be reimbursed by the employee.

City-owned cellular phones and services are provided to employees for the conduct of City business only. Employees must reimburse the City for personal usage within 10 days of receiving a detail of usage report.

10. Does the City provide 2-line cellular phones to employees, and what restrictions apply to their use?

Department managers may approve the purchase and use of a 2-line cellular phone for employees. In such cases, the primary line must be used only for City business. The employee is responsible for establishing an account with the cellular vendor for the second line to be used for personal use. The account should be established so the City business portion of the bill is sent to the City and the personal bill is sent to the employee's home address. Employees are financially responsible for the personal line account (as well as for personal calls made on the City account). In cases where the employee has established a personal account for a 2-line cellular phone, personal use of the primary (City business) line is prohibited. Finally, employees may be required to provide the City with personal account records for personal use of a City-issued 2-line cellular phone as part of any investigation related to an employee's use of the cellular phone.

602. EMPLOYEE PERSONNEL RECORDS

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City maintains personnel records for present and past employees to document employment-related information and comply with government record keeping and reporting requirements.

GUIDELINES:

1. What information is maintained in personnel records?
The City tries to balance its need to obtain, use and retain employment information with a concern for each individual's privacy. Therefore, it attempts to maintain the personnel information that is necessary for the conduct of its business or required by law. This personnel information includes, but is not limited to, employment application forms, offer letters, certain pay and benefit information, performance evaluations and expectations, official awards or commendations, documentation of disciplinary action taken, job change information, reasons for separation from employment and other job-related information. Safety records, leave records, domestic partner information, background and/or reference information, investigation materials regarding misconduct, and medical information are not part of the personnel files and are maintained separately.
2. Where are the personnel files kept?
The files are maintained in the Human Resources office in secure storage.
3. May an employee review his/her personnel file?
Yes. All requests to review a personnel file should be made to the Human Resources office. The requested file will be made available in Human Resources within a reasonable period of time following the request. A Human Resources staff member will be present at all times while the employee is reviewing the file. Under no circumstances may an employee remove his/her file, or any information contained in the file, from Human Resources.
4. May an employee make copies of information in his/her own personnel file?
An employee may request that copies be made of any or all information in his/her own personnel file. Human Resources will provide copies of the requested information.
5. May an employee add information to his/her own personnel file?
Employees who believe that any file material is incomplete, inaccurate, or irrelevant may submit a written request for file revisions to Human Resources. If the request is not granted, the employee may place a written statement of disagreement in the file. Nothing may be inserted, removed, or changed without authorization from Human Resources.
6. Do employees have a responsibility to maintain accurate information in their own personnel file?
Yes. Employees must notify Human Resources in writing of any changes in name, address, telephone number, marital status, domestic partner status, number of dependents, beneficiary designations, and persons to be notified in case of emergency within 30 days of such change.
7. May employees view the personnel files of other employees?
No. However, supervisory, management and other individuals who have an employment-related need to know may inspect the personnel file of that employee.
8. Will information from personnel files be disclosed to individuals outside the City?
As a general rule, no. Information from personnel files will only be provided as required by a subpoena, litigation, or court order, with written authorization and an acceptable release from the employee, or as required under public records law.

603. PUBLIC RECORDS REQUESTS

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: City public records shall be made available for public inspection and copying pursuant to the state Public Records Act (PRA), Ch. 42.56 RCW. When allowed by law, the City may choose not to release certain public records, or portions of records, including those pertaining to the right of privacy or other information exempted by law.

GUIDELINES:

1. What are “public records”?

State law defines public record as “any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function.” A “writing” is defined as any means of recording or form of communication including documents, pictures, computer tapes or disks, sound recordings, etc., and includes electronically stored information (such as e-mail, CDs, DVDs, electronic bulletin board postings, etc.). Examples of public records include, but are not limited to:

- Correspondence or memoranda related to official public business
- Original reports
- Policy and procedure directives
- Agenda and minutes of meetings
- Documents related to legal or audit issues
- Messages documenting agency actions, decisions, operations, and responsibilities
- Documents that initiate, authorize, or complete a transaction
- Appointment calendars

2. Is there a time limit for responding to requests for public records?

Yes. The law requires that the City respond to requests within five working days. This response must either include the records or state a reasonable time within which the records will be provided. If a response is not made in a timely manner, the City may be subject to penalties. Therefore, it is essential that departments respond within five working days of receipt of a public records request.

3. Are all requests for “information” within the PRA?

A simple question or request for information is not governed by the state’s public records and disclosure laws. Employees are frequently asked for a wide variety of information, some of which may be contained in public records. An employee should clarify when they are not certain whether a customer is asking to inspect and/or copy a public record, or just being asked for information.

4. What should an employee do if he or she receives a request for public records?

Each department should have a Public Records Coordinator who is familiar with City public record disclosure procedures and who is responsible for coordinating responses to routine verbal and written requests for public records for their department. For example, the Police Department has procedures and a Coordinator who deals with requests for police reports. Any questions that are not answered by the department/division Public Records Coordinator should be forwarded to the City Records Officer and/or the City Attorney’s office before responding to the request.

The City maintains general procedures for responding to routine and non-routine requests for public records, which are interpreted and updated as needed by the City Attorney’s Office and the City Records Officer.

The City Attorney’s Office or City Records Officer should always be contacted for advice before an employee informs a member of the public that a record or any portion of a record they have requested is not subject to public disclosure.

5. Is the City required to provide copies of all public records as requested?

Yes. The City must provide copies unless the records are exempt under the PRA. State law provides a specific list of exemptions for which the City may – but is not required to – withhold records or portions of records from disclosure. Any questions about what should or should not be disclosed should be addressed first to your department or division Public Records Coordinator, or if the Coordinator is not available, contact the City Records Officer and/or the City Attorney's Office.

6. Can electronically-stored information be exempt from public disclosure?

Just as with paper documents, electronically stored information that is a public record may be exempt from disclosure.

604. PUBLIC RECORDS RETENTION

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: State law requires retention of most public records, including the archiving and storage of such records. The Secretary of State's office and the City establish schedules for retention of public records. Employees are required to comply with the established retention schedules.

GUIDELINES:

1. What are "public records"?

State law defines public record as "any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function." A "writing" is defined as any means of recording or form of communication including documents, pictures, computer tapes or disks, sound recordings, etc., and includes electronically stored information (such as e-mail, CDs, DVDs, electronic bulletin board postings, etc.). Examples of public records include, but are not limited to:

- Correspondence or memoranda related to official public business
- Original reports
- Policy and procedure directives
- Agenda and minutes of meetings
- Documents related to legal or audit issues
- Messages documenting agency actions, decisions, operations, and responsibilities
- Documents that initiate, authorize, or complete a transaction
- Appointment calendars

2. Is the City required to retain copies of all public records?

In general, yes. Employees should consult their department Public Records Coordinator for any questions regarding what records need to be retained and for how long they should be kept before being destroyed.

3. May employees delete electronically stored information that is a public record if they have printed copies for storage?

No. Electronically stored information is subject to retention in the same manner as a paper record. Employees should retain and store all electronically stored information falling within the definition of a public record in the same manner as they would a printed document.

605. USE OF COMPUTERS, EMAIL, INTERNET, AND OTHER TECHNOLOGICAL RESOURCES

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City of Vancouver maintains computer systems, network utilities, internet and intranet access, e-mail, and other technology resources to assist in conducting City business. This policy and these guidelines apply to the access or use of the City's network and technology resources at any location, at any time, from any device, via wired or wireless connection. They apply to all users of City technology resources regardless of employment status. The City authorizes the use of computing and network resources by City staff, temporary employees, contractors, volunteers, and others to carry out legitimate City business. All users of City computing and network resources will work in an ethical, legal, and responsible manner, and the City will conduct audits of employee usage to ensure compliance with this policy. All use of technology resources must be consistent with the intent and requirements of all City policies, Operating Principles, and work rules.

GUIDELINES:

1. For what reasons can employees use computer, e-mail, internet, and other technology resources? These resources, like paper files and notebooks, are to be used to assist in the efficient performance of City business and use of these resources must therefore be able to withstand public scrutiny without embarrassment to the City. If an employee is uncertain whether his/her use is proper, he/she should err on the side of caution by foregoing the use.
2. Can employees install their own software on the City's system?
No. Employees may not make changes to or install hardware or software on any component of the City's systems without the prior approval of the Information Technology Department (IT). All requests for new hardware or software are to be sent to the IT Department.
3. What are an employee's responsibilities for maintaining the security, confidentiality, and efficiency of the City's data, networks, and computer systems?
Each employee is required to maintain a confidential password for his/her own use of the City's network systems. Employees must respect the confidentiality of other individuals' electronic communications. Except in cases in which explicit authorization has been granted by a supervisor or manager, employees are prohibited from engaging in, or attempting to engage in:
 - Monitoring or intercepting the files or electronic communications of other employees or third parties; or
 - Actual or attempted hacking or accessing systems or accounts they are not authorized to use; or
 - Sharing or using other employees' log-ins or passwords; or
 - Creating or forwarding e-mail chain letters; or
 - Breaching, testing, or monitoring computer or network security measures.

Employees must not use e-mail or other electronic communications in a manner that attempts to conceal the identity of the sender or represent the sender as someone else (except for a valid law enforcement investigation). Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.

4. If an employee is authorized to access another employee's e-mail or voicemail, how can it be done without sharing a password?
The Outlook system allows employees to delegate authority to other users, and this is how e-mail sharing should occur. Unfortunately, there is no similar way to access the City's voicemail system. If it is essential for an employee to check another's voicemail, the expectation is that the employee whose voicemail has been accessed by a delegate will change his/her password as soon as possible after it has been accessed. If there is a need for one employee to routinely check another's

voicemail, the Message Manager program, which allows voicemail messages to be accessed through Outlook, should be utilized.

5. Can e-mail and voicemail messages be accessed for an employee who is off unexpectedly for a long period of time?

Yes. For situations like this, Human Resources staff should be consulted to assess the situation and coordinate authorization with Information Technology.

6. Can employees use City computer, e-mail, internet, or other technology resources for personal reasons?

These resources are City property, and they are therefore generally not to be used for personal reasons, during either work or non-work hours. Personal use is allowed if:

- There is little or no cost to the City; and
- The use does not interfere with the employee's performance of duties or productivity; and
- The use does not disrupt or distract from the conduct of City business; and
- The use otherwise complies with all other City policies and the Operating Principles and will not lead to embarrassment of the City. Examples of prohibited uses include, but are not limited to:
 - Creating, distributing, downloading, or viewing any material that is offensive, obscene, pornographic, profane, sexually oriented, harassing and/or in violation of the City's employment policies and/or the City's Operating Principles; or
 - Distributing, downloading, or modifying copyrighted materials, trade secrets, proprietary information, or confidential, privileged, or similar materials without prior authorization; or
 - Creating, distributing, downloading, or viewing any material that is threatening or related to violence or hate that is in violation of the City employment policies and/or the City's Operating Principles; or
 - Engaging in any activities for personal business or gain; or
 - Using systems in any manner that violates any local, state, or federal law

Individual departments may establish the acceptable level of personal use for their employees. The City, however, retains sole authority to determine whether an employee's personal use is consistent with this policy.

7. Will the City monitor employee use of the City's computer, e-mail, internet and other technology resources?

Yes. The City may monitor use of these resources at any time, without notice, and without the employee's permission. Such monitoring may include auditing employee use to ensure compliance with all City policies and Operating Principles, including but not limited to whether an employee has engaged in the types of prohibited uses listed in number 6 above.

8. Is use of the City's computer, e-mail, internet, and other technology resources private and confidential?

No. These resources are for official business use and employees should not have any expectation of privacy in any message, file, image, or data created, sent, viewed, retrieved, or received through City resources. Use of City systems may also be subject to public disclosure or discovery in the event of a lawsuit.

In addition, information related to City business that is created on a personal computer, personal electronic communication device, or through a personal e-mail account will not be treated as private. Personal computers, electronic communication devices, and/or e-mail accounts will also be subject to public disclosure or discovery in the event of a lawsuit.

606. USE OF CITY PROPERTY AND SYSTEMS

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Employees may not use City property or systems for personal reasons or for any other reason that may violate City policy and/or state law.

GUIDELINES:

1. What are City property and systems?
City property and systems include all City buildings, facilities, supplies, equipment, and services. This includes, but is not limited to, computer networks, electronic mail, on-line services such as the Internet, computer files, bulletin boards, telephones, cellular phones, fax machines, video equipment, pagers, copy machines, City stationery and envelopes, inter-office mail, courier services, the City address (for receiving personal mail), mail services, vehicles, buildings, furniture, tools, and recreational equipment.
2. Can employees use City property or systems for personal reasons?
Generally, no. However, some minor personal use, while not sanctioned, is not prohibited by this policy. Examples of minor use include short telephone calls or using the copy machine to make one or two copies. The City retains sole discretion to determine what use is minor. Questions about the use of City property or systems contained in each department should be directed to the appropriate manager or supervisor.
3. Will employees be disciplined for personal use of City property and systems?
Yes. Employees may be disciplined for violation of the Use of City Property and Systems policy. However, employees will not be disciplined for minor personal use of City property and systems if the employee reimburses the City for any charges incurred.
4. What guidelines should be followed in use of City property?
Employees are held accountable for their use of City property and systems just as they are for other conduct and communications in the workplace. Therefore, when using City property or systems, employees should follow expected standards of behavior as well as any applicable City policy.
5. Will exceptions be made to this policy?
Exceptions may be made in rare instances when emergency or extenuating circumstances warrant it. If possible, written authorization should be obtained from the appropriate manager. Under all circumstances, employees will be expected to reimburse the City for any user charges incurred.
6. Does the City monitor employee use of City property and systems?
All City property and systems, including computers, telephones, other electronic equipment, and City work spaces and lockers are the sole property of the City and the City reserves the right to monitor or search such equipment as it considers appropriate.

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Policy 607. MOBILE DEVICE AND ELECTRONIC MESSAGING POLICY

Policy Sections:	Effective: 1/01/2020
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607.2 Procedures	
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POLICY:

This Policy defines the requirements for the usage of Mobile Devices for City business purposes, either owned by the City or owned by the employee, and the obligations of the employee in either case.

PURPOSE:

The purpose of this policy is to address the use of Mobile Devices for City business to ensure the City's compliance with Revised Code of Washington (RCW) Chapter 42.56, the Washington State Public Records Act, applicable records retention schedules for the preservation and destruction of public records as described in Chapter 40.14 RCW, and best practices for the management of records used to conduct City business via electronic messaging. A FAQ list (Frequently Asked Questions) is included at the end of this policy to address issues that employees may commonly encounter when sending or receiving electronic messages.

SCOPE:

This policy applies to City of Vancouver employees, volunteers, and vendors that access City technology resources, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

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DEFINITIONS:

Business Electronic Message: An electronic message sent or received by a City employee relating to the work of the employee in the employee's official capacity. Examples of business electronic messages include, but are not limited to, the following:

- a. Between employees discussing the employees' work or the business of the City.
- b. An employee asking another employee to call to discuss City business.
- c. A supervisor asking another employee to report for work at a particular duty station.
- d. Notifying a coworker of a workplace injury.
- e. Asking a vendor to increase an order of supplies.
- f. Requesting a service provider to perform a business-related service (e.g., to fix a copy machine); and
- g. An Outlook Calendar meeting invitation sent to a citizen or vendor.

City-Owned Device: A mobile device used that is owned by the City.

Employee-Owned Device: A mobile device which may be used to conduct City business but is not owned by the City.

Electronic Mail or Email: A type of electronic message sent from the sender's Email account (e.g., Microsoft Exchange, Gmail, Yahoo!) across a network (often the Internet) to a recipient's Email account.

Electronic Message: Any message sent by email, short message service (SMS or text message), multimedia message service (MMS), or instant messaging (IM).

Personal Electronic Message: An electronic message sent or received by a City employee not in the employee's official capacity, or which does not discuss a matter of City business.

As a rule-of-thumb to determine whether an electronic message is personal or potentially business related, the employee should ask themselves: "Did I create or receive this message while acting within the scope of my employment with the City of Vancouver?" An electronic communication is within the scope of employment if:

- 1) The job requires it, or
- 2) The employer directs, or
- 3) It furthers the employer's interest.

If the answer to the three questions above are "no", then this is a Personal Electronic Message, and should be deleted promptly once sent using a City-Owned Device.

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If the answer to any of the above questions is “yes”, the employee should consider this message to be a Business Electronic Message and not a Personal Electronic Message and as such needs to be retained pursuant to the record retention and preservation requirements of Chapter 40.14 RCW (Preservation and Destruction of Public Records)..

Mobile Device: A communication device, such as a smartphone or tablet computer, that supports wireless network connectivity options (primarily cellular and Wi-Fi) and supports voice and data applications.

Text Message or **Text:** A type of brief electronic message sent between two mobile phones or other mobile devices.

Transitory Text Message: A text message that only documents information of temporary, short-term value and that is not needed to be retained as evidence of a business transaction or to comply with Chapter 42.56 RCW (Public Records Act) and Chapter 40.14 RCW (Preservation and Destruction of Public Records).

607.1 Mobile Device Requirements

607.1.1 General Requirements

- a. The City furnishes mobile devices and associated technology resources for the purpose of conducting City business.
- b. It is the responsibility of each City employee to ensure compliance with this Policy and all City Policies regarding acceptable use of City technology resources.
- c. Use of mobile devices for City business must be consistent City policy, including but not limited to City of Vancouver Employment Policy Manual Section 500: Employee Ethics Policies
- d. Business electronic messages are the property of the City, regardless of whether they are sent or received on a City-Owned or an Employee-Owned Device.
- e. City employees should have no expectation of privacy regarding the information stored, sent, received on a City-Owned Device or on an Employee-Owned Device if the information is used to conduct City business.
- f. In addition, any Business Electronic Message that is created on a personal computer, personal mobile device, or through a personal email account will not be treated as private and is subject to public disclosure if a request is made under the Public Records Act.
- g. All City employees are required to cooperate with the City and provide their fullest assistance in fulfilling the City’s duties and obligations under the Public Records Act.

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- h. No City employee shall use a mobile device in a manner that violates State law, including but not limited to, while operating a moving motor vehicle (e.g., illegally talk or text while driving).
- i. The City reserves the right to amend or alter the terms of this policy at its own discretion.

607.1.2 Technology Requirements

- a. All City-Owned Devices are required to have approved mobile device management software installed and operational including remote-wipe and messaging capture and retrieval capabilities.
- b. If an employee receives an allowance to use their Employee-Owned Device for City business, they are required to have approved mobile device management software installed and operational, to include at a minimum remote-wipe capabilities for City data.
- c. Mobile devices are to be provisioned for employees through the IT Department.
- d. When an Employee leaves the City, it is the responsibility of the employee to ensure that any personal data (pictures, emails, etc.) are either deleted or backed up and removed from their City-Owned Device prior to returning it to the City.
- e. Similarly, when an Employee who has been approved to use a personal mobile device for City Business leaves the City, it is their responsibility to ensure that any Business Electronic Messages including emails and text messages are collected and archived using the guidance found in Section 607.2.2 (e) and Section 607.2.3 of this policy

607.1.3 Electronic Messaging Requirements

- a. Records created which are used to conduct City business – including text messages, electronic mail, voicemail messages, and other electronic communications – are City records regardless of whether they are sent on City-Owned Devices or Employee-Owned Devices. These records therefore (1) should be managed according to the applicable retention schedule, and (2) may be subject to disclosure under the Public Record Act.
- b. Electronic messages are considered public records if the message is used to conduct City business and therefore may be shared with the public. Accordingly, the contents of all messages should be tailored for public disclosure.
- c. Electronic messages must not be constructed or sent in such a way as to make it appear that the communication is from someone other than the sender.
- d. Text messages should not be used to send policy, discuss a contract, to conduct formal correspondence, or to discuss personnel related information.

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- e. Text messages should be transitory in nature and limited to occasional use. See Section 607.2.4 Management of Transitory Text Message for guidance on what constitutes a transitory text message and how to manage and dispose of them.
- f. Text messages should not be used to communicate with City Attorneys for the purposes of obtaining legal advice or handling pending or threatened lawsuits.
- g. Employees may not use text messages, or any other unencrypted communication method, to send sensitive information, including but not limited to social security numbers, credit card numbers, and passwords.

607.2 Procedures

607.2.1 Electronic Messaging – City-Owned Devices

- a. City-Owned Devices are issued to City staff when their current job justifies conducting business away from their office or default work location.
- b. A City-Owned Device is the responsibility of the employee to whom it is issued.
- c. Employees must immediately (same day) report the loss of a mobile device to their manager and to the IT Department via a call to the IT Help Desk.
- d. City-Owned Devices issued to City staff shall include the current sanctioned technology controls including remote-wipe and messaging capture and retrieval capabilities to ensure compliance with Washington State Record Retention Laws.
- e. Best practice is to never use your City-owned mobile device for personal electronic messages.
- f. If a City-Owned Device is not equipped with the City's technology for capturing text messages, then City staff conducting City business on City-Owned Devices shall comply with the provisions of Section 607.2.2(e) and Section 607.2.3 as if the City business was conducted on an Employee-Owned Device.

607.2.2 Electronic Messaging – Employee-Owned Devices

- a. Management approval and compliance with this policy is required to install City software or store City data on an Employee-Owned Device.
- b. Personal Electronic Messages that do not relate to City business are not public records, and do not need to be retained on an Employee-Owned Device.
- c. Best practice is to not utilize electronic messaging on their Employee-Owned Devices for City business.
- d. The instructions in Section 607.2.2 (e) are intended to help manage the business-related messages sent and received on Employee-Owned Smartphones, tablets, or similar devices:

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- e. If the employee has used their Employee-Owned Device to conduct City Business through electronic messaging and the City receives a public records request, the employee shall be responsible for:
 - Obtaining a copy of the applicable public records request “Good Faith Exhibit” from the City Attorney’s Office.
 - Utilizing the directions in the “Good Faith Exhibit” to review all of his/her text messages to determine if they are public records subject to the applicable retention standards.
 - Submit a notarized affidavit stating the nature and extent of the employee’s search and what, if any, responsive records were located.

607.2.3 Retention of Business Electronic Messages

Public records covered by the Local Government Common Records Retention Schedule (CORE) Schedules must be retained for the minimum retention period as specified in that Schedule. The following apply to Business Electronic Messages that require retention:

- a. It is the City’s policy that the City and its employees maintain electronic messages in accordance with the State records retention laws and schedules.
- b. Business electronic messages sent or received on an Employee-Owned Device should be forwarded in its entirety to the employee’s City email address. In the alternative, the employee may take a screenshot of the electronic message showing the contents of the electronic message and as soon as possible email the screenshot to the employee’s City email address.
- c. When the employee has confirmed receipt of the forwarded electronic message or emailed screenshot of the electronic message by the employee’s email account, the electronic message may then be deleted from the Employee-Owned Device.
 - i. Additional media (e.g., images, sound, video) included in or attached to an electronic message used to conduct City business should also be forwarded to the employee’s City email address.

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607.2.4 Management of Transitory Text Messages

Transitory messages (as they refer to SMS and Text Messages) are records which have little or no documentary or evidential value, thereby having minimal retention value. Retain these types of messages only until they are no longer needed for City business, then DELETE. Examples of such messages include, but are not limited to:

- a. Unsolicited or misdirected messages that are not requested by the City nor used by the City in the normal course of business, including unrequested advertising & solicitations
- b. Records related to the scheduling of appointments/meetings such as participant availability, rescheduling, declinations, etc. provided the calendar record of the appointment/meeting is retained in accordance with applicable CORE Schedules
- c. Informational communications that do not document City decisions or actions, are not used as the basis of City decision/actions; and are not covered by a specific CORE schedule, including but not limited to messages such as: "Come see me when you are free, call me at 555-5555, Mary is running late, Bob won't be in today, etc.". Also includes internal announcements such as staff potlucks, birthdays, cookies in the break room, and other records of purely informational value such as weather/traffic conditions, unplanned closures etc.
- d. Internal and external requests for basic/routine City information such as business hours, locations/directions, web/email addresses, meeting dates/times, etc.
- e. Information received from other agencies, commercial firms, or private institutions, which requires no action and is no longer needed for City business purposes
- f. Reference materials gathered from outside sources for reference/reading use which are not evidence of City's business transactions such as browser bookmarks and Listserv/RSS feeds
- g. Records relating to the assigning, prioritizing, tracking/monitoring, and status of work/tasks/projects in progress, where not covered by a more specific CORE Schedule including status logs, to-do lists, rough notes, workflow notifications, etc.
- h. Questions/Responses of transitory value or limited use such as "where are you located, what is your street address, send me your email address/phone number, etc."
- i. FYI messages that do not elicit or require a response such as, "I'm parked out front, lunch is ready, please lock the door when you leave, etc."

607.2.5 Legal Holds and Public Records Requests

- a. Electronic Messages involved in litigation, or reasonably anticipated or foreseeable litigation will be placed on legal hold and must be retained until the legal hold is release by the City Attorney's Office.

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- b. Electronic Messages requested in a public records request must be retained until the request has been fulfilled.
- c. In the event of litigation or reasonably anticipated or foreseeable litigation, City Attorney's Office staff will contact affected employees via email with instructions on which records are subject to the legal hold. City Attorney's Office staff will subsequently contact affected employees when the legal hold has been lifted.

607.2.6 Acceptable and Prohibited Uses

Acceptable and prohibited uses of mobile devices and electronic messaging are covered under *Policy 605. Use of Computers, Email, Internet, and Other Technology Resources*.

607.3 Frequently Asked Questions

FREQUENTLY ASKED QUESTIONS:

1) When can a City employee use text messages to conduct written City business?

Employees may use text messages for routine or transitory messages. Examples include informal notices of meetings, directions, scheduling information, and other routine messages that would not be kept in a file if it were a paper communication. Text messages may not be used to send policy, discuss a contract, to conduct formal correspondence, or to discuss personnel related information. Sensitive information should not be sent by text message, including social security numbers, credit card numbers, and passwords.

2) How should an employee produce a text message from a City-Owned Device or Employee-Owned Device for retention by the City?

On a City-Owned Device, text messages are retained by the City using current sanctioned technology controls installed and operational including remote-wipe and messaging capture and retrieval capabilities. If the required technological controls are not installed and operational, text messages which are used to conduct City business should be immediately forwarded to the employee's City email account for retention and promptly deleted from the City-Owned Device.

If the City-Owned Device is unable to directly forward text messages which are used to conduct City business via e-mail, the employee should create a screenshot of the relevant text message and forward such screenshot to the employee's City email account. Further, the employee may request that IT Department staff assist with retrieving text messages from the employee's City-Owned Device for the employee's review. On an Employee-Owned Device, text

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messages which are used to conduct City business should be immediately forwarded to the employee's City email account for retention and promptly deleted from the Employee-Owned Device.

In the alternative, if the Employee-Owned Device is unable to directly forward text messages which are used to conduct City business via e-mail, the employee should create a screenshot of the relevant text message and forward such screenshot to the employee's City email account. Further, the employee may request that City IT Department staff assist with retrieving text messages from the employee's Employee-Owned Device for the employee's review.

3) What happens if I leave City employment?

Prior to the employee's last day of employment with the City, the employee should review the content of any Employee-Owned Device. Electronic messages used to conduct City business should be forwarded to the employee's City email address for retention.

4) Can the City force me to turn over a personal Smartphone to a supervisor or co-worker?

No. The City is not permitted to inspect an Employee-Owned Device without the employee's consent.

However, text messages sent using an Employee-Owned Device that pertain to City business are public records, and as such, an employee who uses his or her Employee-Owned Device to send or receive text messages used to conduct City business is required to follow this policy and shall be required to produce, transcribe, or note in another document the text used to conduct City business.

5) What about my right to privacy in personal information on my Smartphone?

As public records, no employee should have any expectation of privacy regarding electronic communications used to conduct City business, including text messages used to conduct City business sent or received on an Employee-Owned Device. The City reserves the right to access, read, use, monitor and disclose employee communications, files, or other data used to conduct City business.

6) How does the City Attorney's Office affect a "legal" or "public records request" hold?

Where records need to be maintained in the event of litigation or reasonably anticipated or foreseeable litigation, the City Attorney's Office, or Public Records Officer will contact the employee by email with instructions regarding the legal hold.

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7) May an employee charge a requestor or the City for time spent locating public records on an Employee-Owned Device?

No. The Washington State Public Records Act provides that no fee shall be charged for locating public documents and making them available for copying. See: RCW 42.56.120, WAC 44-14-07001(1).

701. COMPENSATION AND CLASSIFICATION

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy. This revised policy is effective July 1, 2014.

POLICY: The City of Vancouver uses an organized and systematic method of classifying jobs and establishing pay ranges to ensure that employees are compensated in accordance with federal and state regulations and that pay levels are competitive and internally equitable.

GUIDELINES:

1. Why does the City have a compensation, classification, and pay plan?

The purpose of the plan is to:

- Promote internal pay equity and consistency within and among the various departments by providing guidelines for decision-making.
- Provide managers and supervisors flexibility to recruit and retain quality employees by allowing for situational discretion.
- Support the City's operating principle of fiscal accountability by providing parameters to manage personnel costs; and
- Promote employee morale, motivation, and excellence in job performance by offering appropriate and competitive compensation for their contributions and efforts to meet the City's goals.

2. What are the roles and responsibilities for establishing, maintaining, and administering the Compensation, Classification and Pay Plan?

Appointing authorities shall have a responsibility to exercise the discretion included in these guidelines in a manner that conforms to laws and regulations, meets public and employee trust in management and avoids inconsistent, arbitrary, or discriminatory pay actions.

It is management's right and responsibility to determine how work will be distributed and performed. In doing this, managers and supervisors have the right and responsibility to assign work, limit or reassign job duties to avoid "classification creep" which results in positions "creeping" into a classification in a higher or lower pay range.

City Council

The City Council provides overall policy direction for employee compensation; approves collective bargaining agreements, including provisions for wages and benefits; and approves the biennial budget and any supplemental budget modifications.

City Manager

The City Manager approves the classification and compensation plan for all employees not represented by a collective bargaining agreement; approves administrative policies and guidelines related to classification and compensation; and approves exceptions to established policies and guidelines while using fiscal sustainability and public accountability as guideposts in these decisions.

Managers and Supervisors

Managers and supervisors manage their budgets; evaluate and prioritize staffing needs and distribution of work; work with Human Resources to develop job descriptions for positions in their area; work with Human Resources to ensure that positions are allocated to appropriate classifications and employees are paid at the appropriate classification level; hire qualified and quality employees; coach and motivate supervisors and employees to meet or exceed performance standards established for their positions; notify supervisors and employees of sub-standard performance and assist in corrective or disciplinary action; and implement employment and compensation policies, guidelines and procedures in a fair, ethical and legal manner.

Human Resources

Human Resources, in consultation with appropriate stakeholders in the organization, develops, administers and interprets policies, administrative guidelines and procedures regarding all aspects of classification, compensation, labor relations and other human resource matters; provides consultative services and training to employees, supervisors and managers in the use of the system; determines appropriate classification of positions including review of new allocations and reorganization proposals; monitors and evaluates human resource administration practices to ensure adherence to laws, regulations and City policies and guidelines; and provides advice to the City Manager.

Financial & Management Services

Budget and Planning evaluates the fiscal impact of the classification and compensation actions; provides forecasts of future personnel costs; facilitates funding for Council approved position allocation and pay adjustments; approves organizational changes as related to classification issues and provides advice to the City Manager. Payroll implements the compensation system by issuing payroll in compliance with laws, regulations, and City policy.

Employees

Employees keep informed about City employment and compensation policies and procedures; communicate concerns regarding classification or compensation issues to their managers, supervisors and/or Human Resources; and as may be needed, serve on committees to provide structured input on the system and/or review classification actions.

3. What is the City's Compensation Philosophy?

The City of Vancouver strives to attract, retain, and motivate qualified employees by providing a competitive compensation structure, benefits and an enriching work environment within fiscal constraints of the marketplace.

4. What are the City's Compensation Guiding Principles?

The City's compensation programs are based on a combination of the following guiding principles:

Fiscal Sustainability – considers the City's ability to pay at a current point in time, as well as over the long term.

Market Competitiveness – The City's pay program is intended to be competitive with the average pay of the relevant labor market with whom the City competes for talent.

Internal Equity – The City values internal equity by assigning positions of like point value to the same or similar salary grade.

Appropriate Mix of Compensation Elements – The City's total compensation package will incorporate various elements available in the external market (base pay; non-cash recognition; benefits; etc.) to ensure competitiveness, while reinforcing and enhancing worker performance.

Flexibility – The City recognizes the need to be flexible in responding to internal and external compensation issues.

5. What is the City's Classification Plan?

The purpose of the Classification Plan is to provide a foundation for the allocation of positions and the compensation of employees.

Structure of Classification Plan

The Classification Plan provides for:

- Classifications that are groups of positions of approximately equal responsibility and difficulty, requiring similar qualifications of incumbents, similar working conditions, and which can be compensated within the same pay range.
- Classification titles that are descriptive of the work of each class.
- Written specifications for each class that include a brief description of the nature of the work, levels of work within the same series or characteristics that distinguish one class level from another and representative examples of duties.

Classification Allocation

In determining the classification to which any position will be allocated, the specifications of each class will be considered in total. Classification specifications are to be liberally construed and considered as general descriptions of work assigned to jobs collectively, not necessarily individual positions. Specifications are not to be used as prescribing what the duties of any position will be, nor construed as limiting the authority of the City to assign duties. Specific job descriptions are developed for use in recruitment, selection, performance evaluation and to meet other communication needs. Determination of the appropriate classification or level within a particular classification will be based upon the predominance of duties and level of responsibility of the position, not the employee's current performance in that position.

Review of Classifications

As the underpinning of the Human Resources system, the Classification Plan must be dynamic enough to meet the City's needs yet stable enough to provide a foundation. Human Resources will review the efficacy of the Classification Plan on a continuing basis to ensure that the structure of the Classification Plan is adequate in describing the types and levels of the work performed throughout the City.

On an annual basis, Human Resources will review the number of classifications and the completeness of coverage given the type of functions and services provided by the City. Further, Human Resources will, in preparation for the biennial budget process, audit the use of classifications by reviewing the number of positions in each classification and work with Department Directors and the Budget Office to ensure the appropriate allocation of positions.

All classifications will normally be reviewed on a five-year cycle.

Review of Position Classification

In the event there is concern whether a position is appropriately classified, that position may, at the discretion of the Human Resources Director, be reviewed upon request of the Department Director or the employee in the position.

. Similarly, an employee who believes that significant factors have been overlooked in the allocation of their position and/or who have experienced a significant change and permanent change in their job responsibilities may request a classification review.

As part of the recruitment process, Human Resources will review the classification of the vacancy.

Human Resources will conduct such reviews on a timely basis so that work is not unnecessarily disrupted or delayed.

Human Resources will make a determination of the classification allocation, based on the information provided. The outcome may be that the position is properly classified, classified at a level above the work assigned (over-classified) or classified at a level below the assigned work (under-classified). In the event that the job is under or over classified, Human Resources and the Department Director will work together to determine how duties could be reassigned to ensure that the job is assigned duties and responsibilities consistent with the existing classification before initiating reclassification action.

Once a position has been reviewed, it will not be reviewed again unless and until 1) there is significant and permanent change in the content of the job; 2) it is part of a departmental restructuring; or, 3) it is included in a periodic review of classifications.

Human Resources will establish a standardized process and procedures to ensure that requests for classification review are considered in a timely and fair manner. Further, Human Resources will ensure that all employees are informed of the classification review process.

In all instances of requests for review of classification (employee generated, new position, reorganization, etc.) Human Resources will analyze all aspects of the body of work and may request and include reviews of other positions that are affected in any form.

Classification of New Positions

When a new position allocation is requested, Human Resources will evaluate the position and determine an approximate pay range or classification based on the documentation required for funding the request. After the Human Resources evaluation, the Position Review Committee will review and provide the City Manager with a recommendation on the requested classification. Once the position is allocated (budgeted) Human Resources will work with Department management to ensure the position is appropriately classified as described above.

Changes in Program or Organization

In the case of changes to programs or organizations, department directors will prepare the business case justification on the structural changes and bring the case forward to the Position Review Committee.

Upon the Position Review Committee's review of the structural change in the program, Human Resources will determine the appropriate classification and whether the incumbent will be reclassified or whether the position will be opened to other applicants. If the proposed change is supported by the PRC, the effective date of the change will coincide with securing of the budget authority.

Human Resources will notify the department director in writing of the approval or denial of requests for reallocation or reclassification of positions and will also immediately notify the incumbent in writing.

Appeal Procedure

The appeal procedure is only for situations in which the dispute is the classification to which a position has been allocated, and not the pay range in which the classification is placed.

If a department or employee does not agree with the recommended classification of a position, the department director or employee shall submit a letter to the Human Resources within 14 calendar days of the date on the reclassification notice from Human Resources specifying the reasons why the classification is not appropriate and proposing a desired classification, referencing job descriptions for both the recommended and desired classifications.

The Human Resources Director will assemble the Position Review Committee to review the letter, discuss it with the department director and, if necessary, the employee, and determine if the classification proposed by the appellant is more appropriate than the classification initially recommended. The Human Resources Director will provide written notification and explanation of approval or denial of the alternative classification to the employee and/or department director.

The decision of the Position Review Committee is final and concludes the appeal process.

702. OVERTIME and COMPENSATORY (COMP) TIME

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Eligible employees who work over a specified number of hours during an established work week are entitled to receive additional compensation or compensatory time off at an overtime rate.

GUIDELINES:

1. What is the definition of “eligible employee”?

Employees are eligible to receive overtime compensation unless they are specifically exempted. The City will determine the employees who are exempt by looking at the job duties of each individual employee. As a general rule, employees who are employed in a bona fide executive, administrative, professional, computer systems analysis or programming capacity are exempt and are not entitled to overtime compensation.

2. Is it necessary to obtain authorization to work overtime hours?

Yes. An employee must obtain authorization from his/her immediate supervisor prior to working any overtime or hours outside an employee's normal work schedule. While an employee will be paid for working unauthorized hours, the failure to obtain prior authorization could lead to disciplinary action.

3. Are exempt employees recognized for working overtime hours?

When an employee works substantially more hours than in a typical workweek to accomplish a job, a manager may allow the employee to take time off without using accrued vacation hours. This time off will be referred to as “variable work hours”. Each department will establish guidelines to assure the fair and equitable application of variable work hours. Variable work hours are not intended to compensate exempt employees on an hour-for-hour basis for hours worked in excess of 40 hours per week. Therefore, exempt employees do not accrue overtime or variable work hours and are not automatically entitled to compensation or time off for extra hours worked.

4. What is the established work week?

The established work week varies depending on an employee's job position. For most employees, the established work week is seven consecutive work days beginning at 12:01 a.m. Sunday and ending at midnight on Saturday. For all employees, except as provided by a more specific policy or agreement or by specific notice to an employee, the standard work day is from 12:01 a.m. to midnight.

Supervisors should notify Human Resources and Payroll when the employee's workweek is different from the standard Sunday through Saturday work week. As there may be overtime implications with workweek changes, please consult with Human Resources or Payroll prior to the change.

5. When is an eligible employee entitled to receive overtime compensation?

Entitlement to overtime compensation is dependent on job position. Eligible employees who work a standard seven-day work week will be paid at an overtime rate for all hours worked over 40 in the established work week. Sick leave, holidays, vacation, and other leave hours do not count as hours worked for the purposes of computing entitlement to overtime compensation.

6. What is the overtime compensation rate?

Eligible employees will be compensated at one and one-half times their regular rate of pay for all overtime hours worked.

7. Do eligible employees receive extra compensation for working more than their scheduled hours during a work week where they have taken leave?

No. Eligible employees receive straight time compensation for any hours worked beyond their

normal schedule during a work week where they also have leave hours. They are not entitled to time and one-half overtime because they have not 'worked' more than 40 hours in their established work week.

8. May employees request accrual of time off instead of receiving monetary overtime or extra compensation?

Yes. Employees must request accrual of compensatory time off instead of receiving compensation at the time the hours are worked. The decision to grant compensatory time as an alternative to pay shall be at the City's sole discretion.

9. How much compensatory time may employees accrue?

Eligible employees may accumulate compensatory time off up to a maximum of 40 hours.

10. When may employees use accumulated compensatory time off?

Use of accrued compensatory time off must be pre-approved by a supervisor and may be approved to be used within a reasonable period following request for the time, provided that it does not unduly disrupt the work place or interfere with the business needs of the work group and/or department. In addition, the City may require employees to use all or a portion of their accrued compensatory time off within a specified period of time and subject to the scheduling needs of the work group and/or department. Employees should consult with their immediate supervisor to schedule the leave.

11. Will employees receive payment for accrued compensatory time when they leave employment with the City?

Yes. Upon separation of employment with the City for any reason, an employee will be paid for all earned and accrued compensatory time.

12. May employees cash out accrued compensatory time off instead of taking the time off?

No. Employees will only receive payment for accrued compensatory time if their employment status changes to exempt or at separation from employment.

703. BENEFITS OF EMPLOYMENT

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City offers certain benefits to eligible employees and dependents including health, life and disability insurance, and pension and retirement plans. The City also provides a number of other benefits such as leaves of absence and paid vacation, holidays, and sick days to eligible employees.

GUIDELINES:

1. What are the specific insurance, pension and retirement plans available?
Information and summaries intended to explain these benefit plans will be furnished to all plan participants and beneficiaries on a timely and continuing basis and are available on CityNet or by contacting Human Resources. Human Resource representatives are also available to answer questions concerning the plans.
2. When does an employee become eligible for benefits?
All new regular full-time and part-time employees are provided benefit enrollment forms upon hire and are covered under State pension benefits on the first day of City employment. Provided that enrollment forms have been completed, employees are eligible for many benefit programs on the first day of the month following employment with the City. Long-Term Disability (LTD) coverage begins on the first of the month following six months of continuous employment. Of course, employees and any qualified/covered dependent must also meet the specific eligibility requirements of each benefit plan.
3. Does the City offer domestic partner benefits?
Yes. The City provides applicable domestic partner benefits as long as a Declaration of Domestic Partnership is on file in Human Resources.
4. Does the City provide any other types of benefits?
Yes. The City tries to maintain a comprehensive benefits package to meet the needs of a diverse employee population. Detailed information regarding the City's benefits package is available on CityNet or by contacting Human Resources.
5. Do part-time and supported employees receive benefits?
Yes. Part-time employees who work at least 20 hours a week receive benefits on a pro-rated basis. Supported employment employees will receive eligible benefits on a pro-rated basis if they work a regular schedule of 10 hours or more per week. Employees in other categories do not receive benefits unless otherwise established by contract or agreement.
6. Does the City pay premiums for health insurance benefits?
Yes, the City pays a portion of the premiums. Detailed information regarding the amount that the City pays is available in applicable collective bargaining agreements, on CityNet or by contacting Human Resources.
7. Does the City continue to pay health insurance premiums during a leave of absence without pay?
If the leave is for less than 30 consecutive calendar days, the City will continue to pay the premiums for insurance in the same proportion as if the employee is not on a leave. For an approved leave of absence without pay longer than 30 consecutive calendar days, an employee may continue health benefits under COBRA. Other City paid or self-paid benefits may also be eligible for continuation.

If an employee is temporarily on a reduced schedule but continues to receive compensation from the City for at least 50% of their normal semi-monthly schedule, the City will continue to pay the premiums for insurance in the same proportion as if the employee were not on a reduced schedule.

8. Do employees accrue paid leave benefits during a leave of absence without pay?

Benefits that accrue according to the length of service, such as vacation, sick and holidays do not normally accrue during periods of unpaid leave of absence. However, employees who receive compensation from the City for at least 50% of their normal semi-monthly schedule continue to accrue vacation and sick leave benefits, receive pay for holidays and are eligible for bereavement leave benefits.

9. Do I need to contact Human Resources when there is a change in the status of my eligible dependents?

Yes. Employees must notify Human Resources in writing within 31 days of any changes in name, address, telephone number, marital status, domestic partner status and number of dependents.

Employees must also notify Human Resources within 31 days when an enrolled dependent no longer meets the eligibility requirements outlined in health insurance plan documents. This includes becoming ineligible because of divorce, legal separation, termination of a domestic relationship, or a child losing eligibility for coverage as a dependent child. If timely notification is not provided, the lack of notification will be considered as fraudulent enrollment of an ineligible dependent in the City's group health plan. This may result in disciplinary action against the employee for fraudulent coverage of an ineligible dependent. In addition, the City and insurance carriers may require repayment, with interest, of any premium or claim payments made with regards to the ineligible dependent(s) coverage.

704. EMPLOYEE ASSISTANCE PROGRAM (EAP)

SCOPE: This benefit applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City provides an Employee Assistance Program (EAP) with the goal of improving overall well-being of staff members.

GUIDELINES:

1. What is an Employee Assistance Program?
The Employee Assistance Program ("EAP") is an off-site, confidential program that provides employees and their families with consultation, information, and referrals to community resources for a variety of work or life concerns. The EAP can also offer managers support when dealing with workplace and performance management issues.
2. Who is eligible to use the Employee Assistance Program?
The EAP is available to all regular full-time or regular part-time employees and their families.
3. How does an employee obtain assistance from the EAP?
An employee may contact the EAP directly by calling the provider. Information regarding the EAP is available from Human Resources and via CityNet.
4. Will Human Resources or anyone else in the City be advised that an employee has contacted the EAP?
No. The City will not be advised that an employee has contacted the EAP and will not receive information regarding counseling, assessment, or access of other services without the employee's written authorization.
5. What is a Mandatory Referral to the EAP?
A supervisor may require an employee to take advantage of the EAP to address communication, teamwork, personal or workplace issues. A mandated referral must be pre-approved by Human Resources. Confirmation of attendance may be required, but no other information will be obtained by the City without authorization from the employee.

707. TUITION ASSISTANCE PROGRAM

SCOPE: This policy applies to all employees of the City of Vancouver unless otherwise addressed by a current collective bargaining agreement.

POLICY: The City has established a tuition assistance program for City employment-related education and professionally recognized certification programs. This program has been designed as a non-taxable Educational Reimbursement Plan.

GUIDELINES:

1. What types of courses are eligible for reimbursement?

Courses must have a clear and direct relationship to the employee's current work or profession, be designed to improve job performance in their current position or assist the employee in other opportunities in the City.

The Tuition Assistance Program pertains to studies taken voluntarily by the employee outside working hours and do not refer to courses which the employee is designated to attend by the City. Other short-term training programs are funded by each department and offered by Human Resources, Information Technology, or outside training vendors. Seminars, courses taken for Continued Education Units (CEUs), credits to maintain job-required certifications, workshops, and professional conferences are outside the scope of this policy and are the responsibility of the employee and/or the department to fund.

2. Does the program support classes that are delivered through a non-traditional setting?

The City may cover qualified classes given over the Internet, correspondence classes, college level examination/assessment programs and other similar non-traditional learning.

3. Does the City pay for all education related costs?

No. The City has established a limited fund for the purpose of providing the tuition assistance benefit program. The amount of assistance for each employee will be determined by the amount of money in the fund and the number of employees participating in the program.

The City will not pay for textbooks or other expenses. The City will not reimburse for tuition to the extent that the tuition is covered by another source such as a grant or scholarship.

4. What is the process for applying for Tuition Assistance?

A written application and all supporting documents must be submitted to Human Resources by the following dates:

Class Ends	Last Date for Submitting Request to HR
January to March	January 1
April to June	April 1
July to September	July 1
October to December	October 1

5. If the request is approved, when do employees receive the money?

Tuition assistance reimbursement will appear on the employee's paycheck following completion of the class under the following conditions:

- The employee completes the class and obtains a grade of "C" or better, or in cases where no letter grade is given, a certificate of completion or written proof that the course work was completed in a satisfactory manner.
- The employee provides proof of payment and the grade report to Human Resources within 30 days of the end of the class.

6. May employees attend classes during regularly scheduled working hours?
Employees may not attend class during regularly scheduled working hours. However, an immediate supervisor may determine whether scheduling adjustments can reasonably be made to make attendance in a class possible.
7. What happens if an employee separates from employment prior to completion of the class?
The employee will not be eligible for any tuition assistance which otherwise would have been available.
8. Will employees be paid for time spent in class?
No. Voluntary attendance in a college class or other certification program does not count as hours worked.

708. PERSONALLY OWNED CELL PHONE ALLOWANCE

SCOPE: This policy applies to all non-union employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement.

POLICY: This policy provides for and regulates an allowance which may be paid to qualifying City employees who use their personal cell phones, smartphones, or comparable equipment (mobile devices) for City business in lieu of City-provided devices. The objectives of a cell phone allowance are: Provide qualified employees with cell phone flexibility; streamline the City's record-keeping and accounting processes; and contain the costs associated with wireless voice and data services.

GUIDELINES:

1. Are all employees who own a cell or smart phone entitled to an allowance?
No. Only those employees who apply for the allowance, and are authorized by their manager, will receive the allowance. In general, an employee who uses their mobile devices for business purposes in lieu of a City-provided cell phone may be eligible to receive a cell phone allowance. The factors considered in approving an employee's application for a cell phone allowance include, but are not limited to, one or more of the following:
 - The employee's job duties require considerable time outside of assigned office or work area and it is essential to the City that the employee be accessible during those times; or
 - The employee's job duties require continuous accessibility beyond scheduled or normal working hours (i.e., on-call responsibilities for critical City services); or
 - The employee's job duties require access to City e-mail or other data outside of the office or beyond normal scheduled working hours and it is essential for the City that the employee has the ability to access the e-mail or data during those times; or
 - Any other circumstance where it is in the City's best interest that the employee has access, and be accessible, via their personal mobile devices.

2. How do employees apply for a cell phone allowance?
Employees may apply for the cell phone allowance by submitting a Cell Phone Allowance Authorization Form (available on Information Technology's CityNet Web page) to their manager. If approved by the manager, the application will be forwarded to the Human Resources Department for processing.

There is no appeal for a manager's denial of an application for a cell phone allowance.

3. Do employees need to keep track of their business-related calls on their personal mobile device if they receive a cell phone allowance from the City?
No. The cell phone allowance provides the employee with a monthly amount that does not require the employee to keep track of either personal use or the amount of City-conducted business on their mobile device.

4. What are the amounts of the cell phone allowance?
The monthly cell phone allowance rates are subject to periodic review and revision by the City. Therefore, the current reimbursement rate is stated on the Cell Phone Allowance Authorization Form. Different allowance rates apply to cell phones and smartphones. Employees will be required to provide a copy of their cell phone carrier's most recent bill as part of the Cell Phone Allowance Authorization process.

5. What happens if an employee changes or discontinues their personal cell phone, smartphone, or wireless data plan after they have been approved for an allowance?
If the employee changes their plan after approval of a cell phone plan (e.g., from voice only to a data plan or vice versa), a new authorization form must be submitted. Employees must also notify

the City if they discontinue the cell phone, smart phone, or wireless data plan for which their allowance was previously approved. Only one allowance is allowed per employee.

6. Once approved, how is the cell phone allowance paid?

An approved cell phone allowance will be processed by payroll and included in an employee's semi-monthly paychecks. Funding for the allowance will be paid out of the employee's department budget.

7. Do employees receiving a cell phone allowance have to provide their cell phone number to the City?

Yes. Because the cell phone allowance is provided so that employees may conduct City-related business on their cell phone or smartphone, the City must have access to the employee's cell phone or smartphone number. The City can use the cell phone number to periodically verify that a cell phone plan continues to be in effect. The dissemination of the number to other City employees and/or others (e.g., vendors, customers, citizens) will be determined on a case-by-case basis in consultation between the employee and his/her supervisor.

8. Will the cell phone allowance increase an employee's base pay or be included in the calculation of COLA salary increases or other benefits?

No.

9. Is the cell phone allowance taxable?

Yes. Current Internal Revenue Service regulations require the City to report a cell phone allowance as taxable income and deduct appropriate payroll taxes associated with the amount of the allowance paid to the employee, as well as report the income on the employee's year-end W-2 statement.

10. Under what circumstances may the City discontinue an employee's cell phone allowance?

The approval of an employee's Cell Phone Allowance Authorization is not a guarantee the allowance will be continued indefinitely. The reasons the City may discontinue cell phone allowances include, but are not limited, to the following:

- Discontinuation by the employee of their cell phone, smartphone, or wireless data plan; or
- Discontinuation of the allowance program by the City; or
- A change in the employee's job duties that materially impacts their need to use their personal mobile device for City business; or
- Violation of the City's policies or Operating Principles for reasons that warrant discontinuance of the allowance; or
- At the discretion of the employee's manager.

11. Will my personal cell phone or smartphone bills have to be disclosed to the City or others?

The use of cell phones, whether owned by the employee or the City, creates a record on the employee's cell phone bill of the number dialed or the number of the caller or both. An employee's cell phone bill could be subject to disclosure under the Washington Public Records Act or required to be produced in response to a subpoena, subject to redaction of personal, non-City business related information. An employee must also provide their cell phone records if required as part of an investigation being conducted by the City.

709. PAY ADMINISTRATION

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy. This policy is effective July 1, 2014.

POLICY: It is the policy of The City of Vancouver to administer pay equitably and consistently with City Policy, collective bargaining agreements and applicable laws.

Overview

The Pay Plan provides a structure that allows the City to offer competitive pay to attract, retain and motivate employees as well as enhance the effectiveness of the City's recruitment effort for competent new employees.

The pay plan establishes a schedule of pay ranges that designates the minimum and maximum pay range for which each job classification will be compensated, as well as pay differentials for additional assigned responsibilities or other special considerations. For job classifications not included in a collective bargaining agreement, the pay plan is subject to approval by the City Manager or designee.

Factors to be considered in establishing pay ranges include job content and requirements, internal equity, pay data from appropriate labor markets and other relevant considerations.

Pay Ranges

Pay ranges establish the minimum and maximum base pay rates provided for the work in a specific classification or level within a broad classification. Pay ranges may be established with or without a systematic pay progression (steps) from the minimum to maximum rate. Pay ranges without steps (open ranges) are intended to allow for variable hiring and pay progression rates; ranges with steps require payment of a rate specified within the range upon hiring and progression through the range.

Factors Applied to Determine Pay Range

The factors used to determine pay range assignment shall be without regard to any prohibited bases of discrimination.

The factors used to determine the allocation of a classification to a pay range within a pay plan may include the following:

- Job evaluation factors that rank positions for internal equity: job-related formal education and experience; supervisory responsibilities; decision-making; thinking challenges and problem solving; and work environment. Classifications of similar ranking will be assigned to the same pay range within the applicable pay plan, except when the following is applied:
- A classification may be assigned to a higher or lower pay range to meet competitive factors, based on an objective review of salary survey data from the relevant labor market.
- The pay relationship of a specific position to other directly supervised positions.
- A position will be allocated to an existing pay range in the applicable pay plan.
- The fiscal policies of the City and other pertinent economic considerations

Market Analysis

To achieve Pay Plan competitiveness, Human Resources will typically survey comparable Washington and Oregon cities that have a population within 50% of the City of Vancouver. Other agencies, within Washington and the Portland/Vancouver Metro Region, not meeting the population or geographic

criteria, may be added to capture information relevant to providing a better market picture for various hard-to-recruit or difficult to match occupations, or to expand the universe of comparables within the relevant labor market. Similarly, other factors, such as assessed value or service area, may be used to include, or exclude an agency. The survey will be done biennially; however more frequent assessments may be done to ensure market competitiveness.

Information from the private sector may be utilized to supplement public sector data when relevant comparable information exists. The goal of such analysis is to generally compensate employees at or near the market average for comparable work. The City will survey benchmark classes to establish market equity for all classes. Such analysis may include pay, benefits, and other employment conditions to fully capture the total compensation picture.

Internal Pay Analysis

To achieve internal pay equity, Human Resources will review the Pay Plan periodically. The review will evaluate the differences in pay ranges based on an analysis of the kind of work, (that is, the profession, occupation, function, or subject matter field the position occupies) and the level of difficulty and complexity of the work. The factors will not take into consideration the personal skills or performance proficiency of employees

Placement upon Initial Hire or Promotion

Normally, new employees will be hired at, or current employees promoted to, the entry level of the appropriate pay range; but circumstances may occur which warrant compensating the new or promoted employee at a higher rate within the range. A pay offer above minimum may be authorized based on the following:

- Request of the hiring department director that pay above the minimum is necessary to attract the most qualified candidate among the available applicants based upon the candidate's refusal to work for the minimum salary; and
- The candidate offers documented advantages over the other candidates in terms of relevant experience, education and/or certifications; and
- The advantage of the experience, education, and certifications that the candidate offers is at least commensurate with the additional cost that will be incurred by the city as a result of hiring above the minimum, which factor has been considered by the department director prior to recruitment; and
- The proposed salary will not cause inequities within the city when looking at the experience and education and performance of other employees in the same pay range; and
- Sufficient funds exist to pay above the minimum level.

Prior to a formal salary offer to an applicant or employee, Human Resources will work with the hiring department director to assemble a "Salary Review Document" that lists the applicant/employee's qualifications in comparison to the requirements of the position as well as the qualifications of current city employees in the same, or similar, positions.

After review of the "Salary Review Document," the department director and Human Resources will work together to reach an agreed upon salary threshold to use when a formal offer of employment is made. The documentation and requested salary threshold are then presented to the Human Resources Director for their concurrence.

Should the department director and Human Resources be unable to agree on the acceptable salary threshold, the City Manager will review the request and make the final determination.

Placement for Demotion

Employees who are demoted will be placed in the appropriate pay range for the new classification that results in the least amount of pay reduction, but not above the top of the new range or level within the range.

Position Upgrade

When a position is reclassified to a classification with a higher pay range, the employee will normally be placed in the new pay range in accordance with the following:

Step Pay Ranges: the step in the new pay range that provides at least a 5% increase, not to exceed the top of the range and not less than the entry point of the new range.

Open Range (Pay Range without Steps): a point in the new pay range that provides at least a 5% increase, not to exceed the top of the pay range, but not less than the entry point of the new range, taking into account the following:

- The experience, education, and certifications that the employee holds in comparison to the requirements of the positions; and
- The proposed salary will not cause inequities within the city when looking at the experience and education and performance of other employees in the same or similar positions; and
- Sufficient funds exist to pay above the 5% increase.

Human Resources will work with the department director to assemble a "Salary Review Document" that lists the employee's qualifications in comparison to the requirements of the position as well as the qualifications of current city employees in the same, or similar, positions.

After review of the "Salary Review Document," the department director and Human Resources will work together to reach an agreed upon increase. The documentation is then presented to the Human Resources Director for their concurrence.

Should the department director and Human Resources be unable to agree on the increase, the City Manager will review the request and make the final determination.

Position Downgrade

When a position is reclassified to a classification with a lower pay range, and the employee's pay is above the maximum of the new range, the employee will be placed in the appropriate pay range for the classification that results in the least amount of pay reduction, but not above the top of the new range.

Progression through the Pay Range

Progression through the pay range is intended to recognize continuing growth in one's skill and performance until reaching the market rate which is equivalent to the top of the range for the classification or level of work.

- **Step Pay Ranges:** Employees advance one step per year based on evaluation of performance at a satisfactory or better rating.
- **Open Range (Pay Range without Steps):** Employees advance each year, at a rate set by the City Manager, based on evaluation of performance at a satisfactory or better rating.

Unless otherwise provided, pay adjustments are made annually from the beginning date of an employee's placement in a given classification. If the beginning date of the placement in the classification was between the first and the fifteenth of the month, the pay adjustment would be on the first day of the current month. If the beginning date in the classification was between the sixteenth and the end of the month, the adjustment would be on the first day of the following month.

If an employee's performance does not meet expectations or for some extraordinary reason cannot be assessed, the pay rate adjustment is withheld. It is management's responsibility to discuss and document performance deficiencies with the employee. If a rate adjustment is withheld due to performance, the manager will be required to put together a Performance Improvement Plan (PIP) outlining the deficiencies, as well as the specifics of the expectations over the next six months. Once a rate adjustment has been withheld, a re-evaluation of the employee's performance will be conducted prior to end of the six-month PIP period, and a rate adjustment, moving forward, may be made at that time if documented performance warrants. The employee will then be eligible for their next rate adjustment on their original increase date (in most cases, one year from when the original adjustment was withheld.)

Accelerated progression or movement through open ranges may, upon review and recommendation of the Human Resources Director, be approved by the City Manager for documented reasons (e.g., due to unusual market conditions, retention concerns, etc.).

Pay Range Adjustments

Base Wage Adjustment

When the pay plan is upwardly adjusted for a base wage adjustment (e.g., cost of living adjustment):

Step Pay Ranges: Employees will be placed on the same step.

Open Range (Pay Range without Steps): Employee's pay will be adjusted by the same percent or amount (e.g., 2% or \$0.25) as the adjustment.

Upward Market Adjustment

When a pay plan is upwardly adjusted for a market adjustment, employees pay will be adjusted based on City Manager approval, taking into account the City's ability to pay, the financial sustainability of any changes and the financial resources available.

A typical implementation of a market adjustment may be as follows, however, all final decisions are at the discretion of the City Manager:

- Below the Range – If the incumbent is at a rate lower than the beginning of the new range, they will move to the beginning of the new range.
- Within the New Range, NOT at Top of Current Range – If the incumbent is at a rate that exists within the new range and is not at the top of their current range, they will stay at their current rate.
- Within the New Range, at Top of Current Range – If the incumbent is at a rate that exists within the new range, and is at the top of their current range, they will receive an increase (at a rate determined by the City Manager).

Downward Market Adjustment

When a pay plan is downwardly adjusted (e.g., market parity adjustment), and the incumbent is at a rate higher than the top of the new range, the employee's pay will be red-circled for a maximum of 24 months. If at the end of 24 months the employee's pay continues to be a rate higher than the top of the current salary range, the employee's pay will be reduced to the top of the range.

Differential Pay

The City may pay rate differentials for skills, responsibilities and/or competencies that are valued in the labor market and/or intrinsically valued in the City of Vancouver and will be identified with administrative

procedures. Such pay is included in normal base rate when assigned and therefore is used in all pay calculations. Differential pay is provided for specific skills as needed by the City when such skill is required to successfully perform the job. Since management retains the right to assign work, differential pay will be granted only when the skill is deemed essential to the assignment.

Requests for differential pay must be made in writing to Human Resources on the prescribed forms.

Differential pay will be paid as long as the employee is expected to perform the added duties or utilizes the specific skills..

Additionally, Human Resources will annually review with all supervisors those employees receiving differential pay to ensure such compensation is still appropriate.

Out of Class Pay

Out of class pay is intended to compensate employees for temporarily (specifically excluding requests due to vacation coverage) taking on a majority of the responsibilities and/or performing the full range of activities of a higher-level classification, without significant supervision. An employee will be paid either 5% above his/her current rate of pay (not to exceed the top of the range of the out-of-class assignment) or the entry rate of the out-of-class assignment, whichever is higher, when a manager assigns duties and responsibilities that are typical of a higher classification for a period not less than 80 hours.

Out of class pay must be requested in advance of the assignment. In extraordinary circumstances, when request in advance was not possible, the pay will be retroactive to the first hour of the assignment.

For employees in FLSA Exempt positions, the 5% will be added to pay and for FLSA Non-Exempt positions, the 5% will apply only to hours worked.

Out-of-class pay situations will be reviewed for reassignment of work or reclassification at six-month intervals.