

# City of East Wenatchee

Government Manual

---

## **WELCOME TO THE CITY OF EAST WENATCHEE**

Congratulations on your employment with the City of East Wenatchee! You have joined a collective group of employees who share in the mission to deliver excellent service to our citizens, businesses, and visitors. Employment decisions are a significant part of your life, and the City of East Wenatchee is honored to include you in our family. Thank you for choosing us!

The chapters of this Employee Handbook are designed to guide and help city employees understand expectations, policies, and procedures. We hope to provide each employee with a fulfilling career while employed with the city.

Fun fact: On October 3, 1931, the first non-stop trans-Pacific flight made aviation history. Pilots Hugh Herndon and Clyde Pangborn flew the Miss Veedol airplane from Misawa, Japan. The pilots were forced to belly-land in East Wenatchee as they had dropped their landing gear in the ocean to conserve fuel during their flight. Hence our motto: East Wenatchee - A great place to land.

Herndon and Pangborn's flight is demonstrative of the work we do here at the City of East Wenatchee in serving our community and maintaining our culture. Making aviation history or working for the city, both require collaboration, courage, accountability, planning, and adaptability. Just like the pilots, we are making history and as mayor, I am glad you are part of this journey.

Welcome to the Team!



COVER

# CITY OF EAST WENATCHEE



## PERSONNEL MANUAL AND PROCEDURES

Effective November 1, 2022  
By Resolution 2022-48

# City of East Wenatchee

## Government Manual

---

### CITY OF EAST WENATCHEE MISSION AND VISION STATEMENT

#### MISSION

The Mission of the City of East Wenatchee is to maintain trust and provide efficient and quality service to all who live, work and play in the City.

#### VISION

A diverse, well-planned, safe, and thriving city with a strong sense of community that provides equal opportunity for all.

#### OUR VALUES

- (a) **Transparency:** Operate and manage the city in an open and transparent atmosphere.
- (b) **Partnership:** Be a reliable partner and meet all commitments.
- (c) **Stewardship:** Be responsible trustees of the community's financial and environmental resources.
- (d) **Adaptability:** Remain flexible in response to new and changing conditions.
- (e) **Gratitude:** Be grateful for the opportunity to serve the community

#### OUR CULTURE

- (a) **Respect:** Respectfully consider views inside and outside the organization, even when disagreeing.
- (b) **Integrity:** Undertake our work with integrity and honesty.
- (c) **Accountability:** Be accountable for our actions and decisions.
- (d) **Collaboration:** Listen to and support one another in advancing the City's goals.

# City of East Wenatchee

## Government Manual

### Table of Contents

<b>Welcome to the City of East Wenatchee . . . . .</b>	<b>1</b>
<b>Cover . . . . .</b>	<b>2</b>
<b>City of East Wenatchee Mission and Vision Statement . . . . .</b>	<b>3</b>
<b>Chapter 1 - Role and Authority . . . . .</b>	<b>6</b>
100 - Policy Manual . . . . .	7
101 - Standards of Conduct for Elected and Appointed Officials . . . . .	10
102 - Standards of Conduct for All Employees . . . . .	13
<b>Chapter 2 - Personnel . . . . .</b>	<b>20</b>
200 - Recruitment and Selection . . . . .	21
201 - Performance Evaluations . . . . .	23
202 - Discriminatory Harassment . . . . .	26
203 - Whistleblower/Anti-Retaliation . . . . .	30
204 - Drug-and Alcohol- Free Workplace . . . . .	33
205 - Smoking and Tobacco Use . . . . .	36
206 - Meal Periods and Breaks . . . . .	37
207 - Lactation Breaks . . . . .	38
208 - Work Schedule and Payroll Administration . . . . .	40
209 - Overtime Compensation . . . . .	43
210 - Work-Related Illness and Injury Reporting . . . . .	45
211 - Communicable Diseases . . . . .	48
212 - Temporary Modified-Duty Assignments . . . . .	53
213 - Illness and Injury Prevention . . . . .	56
214 - Speech, Expression, and Social Networking . . . . .	63
215 - Workplace Violence . . . . .	67
216 - Outside Employment . . . . .	70
217 - Personal Appearance Standards . . . . .	73
218 - Dress Code . . . . .	75
219 - Family and Medical Leave . . . . .	77
220 - Washington Paid Family & Medical Leave . . . . .	84
221 - Sick Leave and Bereavement Leave . . . . .	86
222 - Pregnancy Accommodations . . . . .	90
223 - Temporary Employees . . . . .	92
224 - Professional Development . . . . .	93
225 - Separation from Employment . . . . .	95
226 - Insurance Benefits . . . . .	98
227 - Recognition and Service Awards . . . . .	101
228 - Jury and Witness Leave . . . . .	102
229 - Military Leave . . . . .	103
230 - Domestic Violence Leave . . . . .	105
231 - Reasonable Accommodation for Applicants and Employees . . . . .	106

# City of East Wenatchee

## Government Manual

---

232 - Compensation . . . . .	108
233 - Retirement Benefits . . . . .	110
234 - Vacation Leave . . . . .	111
235 - Holidays . . . . .	112
236 - Leave without Pay . . . . .	114
237 - Administrative Leave . . . . .	116
<b>Attachments . . . . .</b>	<b>117</b>
03-7 COEW Record of Hazard Observed.pdf . . . . .	118
200 Information_Technology__Electronic_Messaging__and_Internet_Use.pdf . . . . .	119
2020-06 _ COEW Incident Accident Report w Cover Page.pdf . . . . .	120

## **Chapter 1 - Role and Authority**

---

# Policy Manual

## 100.1 PURPOSE AND SCOPE

This Government Manual of the City of East Wenatchee, WA (referred to herein as "City" and "city") is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules, and guidelines of this city. All employees are to conform to the provisions of this manual.

All prior and existing manuals, orders, and regulations that are in conflict with this manual are rescinded. The terms set out in this Policy Manual work in conjunction with, and do not replace, amend, or supplement any terms or conditions of employment stated in any collective bargaining agreement that a union has with the City. Wherever employment terms in this policy differ from the terms expressed in the applicable collective bargaining agreement with the City, employees should refer to the specific terms of the collective bargaining agreement, which will control.

## 100.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to employees of this city under the circumstances reasonably available at the time.

### 100.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the City and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials, or its employees. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training, or discipline. The City reserves the right to revise any policy content, in whole or in part.

## 100.3 AUTHORITY

The Mayor and City Council shall be considered the ultimate authority for the content and adoption of the provisions of this manual. The Mayor or the authorized designee is authorized to issue directives, which shall modify those provisions of the manual to which they pertain. Directives from the Mayor or the authorized designee shall remain in effect until such time as they may be permanently incorporated into the manual.

This manual is adopted by Resolution No. 2022-46, the City reserves the right to repeal, modify or amend these policies.

## 100.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

## *Policy Manual*

---

**Director** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other city employees, directing the work of other employees, or having the authority to adjust grievances.

**Elected official** - Any individual who serves in the City government based upon selection by a public vote, as well as any individual who is appointed or otherwise selected to fill such a position that has been vacated prior to the conclusion of the elected individual's term.

**Employee** - Any person employed by the City, including:

- **Regular Full-time Employee** - An employee who regularly works a minimum of 40 hours a week on a continuing basis.
- **Regular Part-time Employee** - An employee who works at least 20 and less than 40 hours per week.
- **Temporary Employee** - An employee who works no more than 1,000 hours per fiscal year and is ineligible for City benefits.

**May** - Indicates a permissive, discretionary, or conditional action.

**Shall** or **will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority that may include responsibility for assignment, reward, or discipline of other city employees, directing the work of other employees, or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

### **100.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all employees on the city network for viewing and printing. No changes shall be made to the manual without authorization from the Mayor or the authorized designee.

Each employee shall acknowledge having access to and having the opportunity to review the Policy Manual and any directives issued by the Mayor or the authorized designee. Employees should seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

### **100.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The Mayor will ensure that the Policy Manual is periodically reviewed and updated as necessary.



## **100.7 REVISIONS**

All revisions to the Policy Manual will be provided to each employee on or before the date the policy becomes effective. Each employee will be required to acknowledge having reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Employees are responsible for keeping abreast of all Policy Manual revisions.

All city employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to The Department of Human Resources, who will consider the recommendations and forward them to the Mayor as appropriate.

---

# Standards of Conduct for Elected and Appointed Officials

## 101.1 PURPOSE AND SCOPE

This policy establishes standards of conduct expected of all elected and appointed officials. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct.

### 101.1.1 DEFINITIONS

Definitions related to this policy include:

**Close relative** - Parent, child, spouse, domestic partner, sibling, in-law, niece, nephew, aunt, uncle, grandparent, first cousin, step-parent, step-child, step-sibling, foster child, foster parent, legal guardian, and fiancé.

**Conflict of interest** - Any actual, perceived, or potential conflict in which it reasonably appears that an elected official's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

## 101.2 POLICY

Elected and appointed officials of the City are expected to conduct themselves with the utmost professional integrity and objectivity.

## 101.3 GENERAL STANDARDS

Elected and appointed officials should conduct themselves in accordance with federal, state, and local laws.

Elected and appointed officials should familiarize themselves with the East Wenatchee City Council Rules of Procedure applicable to their conduct.

## 101.4 ETHICS

Elected and appointed officials should avoid engaging in the following conduct:

- (a) Using one's status as an elected official of the City in any way that could reasonably be perceived as an attempt to gain influence or authority for non-city business or activity.
- (b) The wrong or unlawful exercise of authority for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) Acceptance of fees, gifts, money, tangible or intangible personal property, or any service, gratuity, favor, entertainment, hospitality, loan, promise, or any other thing of value from any person, business, or organization that is doing business with, or seeking to do business with the City, subject to a de minimus exemption of \$50.00 or less.
- (d) Offer of acceptance of a bribe.

## *Standards of Conduct for Elected and Appointed Officials*

---

- (e) Misappropriation or misuse of public funds, property, personnel, or services.
- (f) Any other failure to abide by standards of ethical conduct or otherwise contrary to the rules of this city and/or laws of the state.

### 101.4.1 STANDARDS OF ETHICAL CONDUCT

- **Objectivity** – Elected and appointed officials must place the public's interest before any private interest or outside obligation.
- **Selflessness** – Elected and appointed officials should not make decisions in their official capacity in order to gain financial or other benefits for themselves, their family, or their friends.
- **Stewardship** – Elected and appointed officials have a duty to conserve public resources and funds against misuse and abuse.
- **Transparency** – Elected and appointed officials must practice open and accountable government. They should be as open as possible about their decisions and actions, and also protect confidential information.
- **Integrity** – Elected and appointed officials should not allow a financial or other obligation to outside individuals or organizations to influence their official duties, whether in actuality or by appearance.

### 101.5 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Elected and appointed officials should not discriminate against, oppress, or provide favoritism to any person based on a classification or status protected by law.

### 101.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

Elected and appointed officials should avoid:

- (a) Unauthorized or inappropriate release of confidential or protected information, materials, data, forms, or reports obtained as a result of the elected official's position with this city.
- (b) The use of any information, photograph, video, or other recording obtained or accessed as a result of the elected official's position with this city for personal or financial gain.
- (c) Using city resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any city badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using city resources for campaigning or other political purposes.

## *Standards of Conduct for Elected and Appointed Officials*

---

### **101.7 CONFLICTS OF INTEREST**

Elected and appointed officials shall follow all laws regarding actual and perceived conflicts of interest and should avoid the appearance of actual or perceived conflicts of interest.

Elected and appointed officials should avoid directly supervising any employee who is a relative or with whom they are involved in a personal or business relationship. Elected and appointed officials should also avoid participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

No City official may vote, make recommendations, or in any other way participate in the decision of any matter that may directly affect the appointment, promotion, salary, or any other employment status or interest of a close relative.

### **101.8 ETHICAL COMPLIANCE DOCUMENTATION**

Elected and appointed officials should ensure that all required documentation pertaining to ethics, conflicts of interest, or any other matter related to conduct are timely completed and submitted to the appropriate authorities.

### **101.9 OUTSIDE EMPLOYMENT**

Elected and appointed officials should avoid maintaining any outside employment or accepting any appointment that creates an actual or perceived conflict of interest or that inhibits their ability to competently complete the requirements of the office to which they have been elected. All laws related to the maintenance of outside employment for elected officials should be observed.

---

## Standards of Conduct for All Employees

### 102.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the City and are expected of all employees. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, employees are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this city or an employee's supervisor.

#### 102.1.1 DEFINITIONS

Definitions related to this policy include:

**Close relative** - Parent, child, spouse, domestic partner, sibling, in-law, niece, nephew, aunt, uncle, grandparent, first cousin, step-parent, step-child, step-sibling, foster child, foster parent, legal guardian, and fiancé.

**Conflict of interest** - Any actual, perceived, or potential conflict in which it reasonably appears that an employee's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

### 102.2 POLICY

The continued employment or appointment of every employee of the City shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether during work hours or non-work hours, may be cause for disciplinary action. The Mayor may terminate or suspend with loss of pay any employee who violates these standards.

### 102.3 GENERAL STANDARDS

The City expects all employees to represent the City to the public in a professional, courteous, efficient, and helpful manner.

Because the proper working relationship between employees and the City depends on such employee's ongoing job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct. At a minimum, the City expects basic tact, respect and courtesy towards the public and fellow employees; adherence to City practices, procedures, safety rules and safe work practices; compliance with directions from supervisors; preserving and protecting the City's equipment, grounds, facilities and resources; and providing orderly and cost-efficient services to its citizens.

Employees shall conduct themselves in accordance with the federal and state constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

## *Standards of Conduct for All Employees*

---

Employees shall familiarize themselves with policies and procedures and are responsible for compliance with each. Employees should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

### 102.3.1 STANDARDS OF ETHICAL CONDUCT

- **Objectivity** – Public employees must place the public's interest before any private interest or outside obligation.
- **Selflessness** – Public employees in their official capacity should not make decisions in order to gain financial or other benefits for themselves, their family, or their friends.
- **Stewardship** – Public employees have a duty to conserve public resources and funds against misuse and abuse.
- **Transparency** – Public employees must practice open and accountable government. They should be as open as possible about their decisions and actions, and also protect confidential information.
- **Integrity** – Public employees should not allow a financial or other obligation to outside individuals or organizations to influence their official duties, whether in actuality or by appearance.

### 102.4 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, or ethics, and specific action or inaction that is detrimental to the city's ability to effectively serve the public.

#### 102.4.1 LAWS, RULES, AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in city manuals.
- (b) Disobedience of any lawful directive or order.
- (c) Violation of federal, state, local, or administrative laws, rules, or regulations, including laws against unlawful discrimination and harassment.

#### 102.4.2 ETHICS AND CONFLICTS OF INTEREST

- (a) Using or disclosing one's status as an employee of the City in any way that could reasonably be perceived as an attempt to gain influence or authority for non-city business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit, or any other improper purpose.

## *Standards of Conduct for All Employees*

---

- (c) Receives or has any financial interest in any sale to the city of property or service when such financial interest was received knowing the city was planning to obtain such property or obtain service.
- (d) Influences the city in the selection of, or conduct of business with, a corporation, a person, or a firm if the employee has a personal financial interest in the transaction.
- (e) Has a personal financial interest in legislation coming before the City Council and participates in discussion or gives an official opinion unless the employee discloses on the record the nature of such personal interest.
- (f) Has a personal financial interest in real property situated within the city if such employee in his or her official capacity performs any function regulating land use or development. This does not apply to real property devoted to the personal use or residence of the employee or a family member.
- (g) Solicits, accepts, or seeks anything of economic value (a gift, gratuity, or favor) from a person, firm, or corporation involved in a contract or transaction with the city. This does not apply to:
  - 1. Gifts that qualify as de minimus with an exemption of \$50.00 or less.
  - 2. A hosted meal with a meeting directly related to the conduct of city business.
  - 3. Where official attendance by the employee as the staff representative is appropriate.
  - 4. An award publicly presented in recognition of public service.
  - 5. Any gift offered or given to an employee if she or he were not a city employee.

### 102.4.3 NEPOTISM

- (a) Fail to disclose that an employee is:
  - 1. Working in the same department as a close relative.
  - 2. Supervising or being supervised by a close relative.
- (b) Be responsible for auditing the work of a close relative.
- (c) Make recommendations, or in any other way participate in the decision of any matter that may directly affect the appointment, promotion, salary, or any other status or interest of a close relative.
- (d) Engage in any process with an outside firm, vendor, client, or service provider that employs or is owned or controlled by a close relative.

Employees must inform the Department of Human Resources immediately if they enter into a relationship that may conflict with this policy. When a conflict or potential conflict exists due to a new relationship, or employees become related due to marriage, and in the City's judgment a potential conflict of interest exists or reasonably could exist, the City will attempt to find a reasonable accommodation to eliminate the conflict. If the City is unable to eliminate conflict, then only one employee may be permitted to remain employed by the City.

## *Standards of Conduct for All Employees*

---

### 102.4.4 ATTENDANCE

- (a) Leaving the job to which the employee is assigned during work hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work without reasonable excuse.

### 102.4.5 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the employee's position with this city.
- (b) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this city for personal or financial gain or without the express authorization of the Mayor or the authorized designee.
- (c) Loaning, selling, allowing unauthorized use, giving away, or appropriating any city badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.

### 102.4.6 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bonafide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Failure to notify a supervisor of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

### 102.4.7 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.
- (b) Failure to participate in investigations of any city-related business.
- (c) Being untruthful or knowingly making false, misleading, or malicious statements (including gossip) that are reasonably calculated to harm the reputation, authority, or official standing of this city or its employees.
- (d) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on city premises.



## *Standards of Conduct for All Employees*

---

2. At any work site, during work hours, or while using any city equipment or system.
- (e) Improper political activity, including:
1. Unauthorized attendance during work hours at official legislative or political sessions.
  2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position during work hours or on city property except as expressly authorized by city policy, an employment agreement or contract, or the Mayor or the authorized designee.
- (f) No solicitation: The city does not allow employees and non-employees to come and solicit employees or other members of the public or to distribute literature.

### 102.4.8 CONDUCT

- (a) Failure to promptly and fully report activities on the employee's part or the part of any other employee where such activities resulted in contact with any law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unauthorized or unlawful fighting, or threatening or attempting to inflict unlawful bodily harm on another.
- (c) Engaging in horseplay that reasonably could result in injury or property damage.
- (d) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any employee of the City.
- (e) Use of obscene, indecent, profane, or derogatory language during work hours or in uniform.
- (f) Criminal, dishonest, or disgraceful conduct that adversely affects the employee's relationship with the City.
- (g) Unauthorized possession of, loss of, or damage to city property or the property of others or endangering it through carelessness or maliciousness.
- (h) Attempted or actual theft of city property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of city property or the property of another person.
- (i) Activity that is incompatible with an employee's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract, including fraud in securing the appointment or hire.
- (j) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Mayor or the authorized designee of such action.
- (k) Any other conduct that any employee knows or reasonably should know is unbecoming an employee of this city, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon the City or its employees.

## *Standards of Conduct for All Employees*

---

### 102.4.9 SAFETY

All employees of the City of East Wenatchee must comply with the Safety Program. In addition, employees have the following obligations to themselves, coworkers, property owners and the public:

- (a) Observe city safety policy, standards, and safe working practices.
- (b) Comply with all federal, state and local safety regulations and the City's Safety Program.
- (c) Not work in conditions that are unsanitary, hazardous or dangerous to their health or safety.
- (d) Use such Personal Protective Equipment (PPE), safety materials, equipment, devices and clothing as are intended for their protection and furnished to them by the company for the specific job or task.
- (e) Follow all prescribed procedures and all instructions from their supervisor with respect to safety and health and actively participate in and cooperate with the overall safety program to ensure their safety, the safety of their fellow workers, and any person likely to be affected by their acts.
- (f) Promptly report to their supervisor anything or any circumstance in a work place that is likely to be hazardous to themselves, their fellow workers or other persons granted access to the work place, and make recommendations for resolution of those hazards.
- (g) Cease unsafe work practices until there is an opportunity for corrective action.
- (h) Utilize all equipment in accordance with manufacturer's operating and maintenance requirements.
- (i) Not use any tools and equipment that are not safe.
- (j) Not attempt aerial work if they are not completely physically fit and of sound mind.
- (k) Maintain cleanliness and good personal health habits.
- (l) Not perform any unsafe act that will place them or anyone else in a dangerous position.
- (m) Report all personal, equipment, or vehicle accidents, near-misses, and injuries regardless of severity whether or not medical attention is received by using the Incident/Accident Report within 24 hours if possible.
- (n) Cooperate fully with all safety and claims investigations.
- (o) Not remove, displace, damage, destroy or carry off any safety device, safeguard, notice or warning, furnished for use in any area, building, or piece of equipment.
- (p) Not wear torn or loose clothing while working around machinery.
- (q) Encourage coworkers by behavior, words, and example to use safe work practices on the job.
- (r) Attend required safety training and safety meetings.

## *Standards of Conduct for All Employees*

---

### 102.4.10 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the employee's ability to work is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.
- (b) Possession or use of alcohol during work hours.
- (c) Unauthorized possession, use, or sale of a controlled substance, illegal drug, or non-prescribed medication while on city business.

## Chapter 2 - Personnel

## Recruitment and Selection

### 200.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements other city rules governing employment practices.

### 200.2 POLICY

In accordance with applicable federal, state, and local law, the City provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The City does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The City will recruit and hire only those individuals who demonstrate a commitment to service and who possess the skills and abilities for the position as well as the traits and characteristics that reflect personal integrity and high ethical standards.

### 200.3 RECRUITMENT

The department director shall submit a request to fill vacant positions to the Mayor. Once the Department of Human Resources receives the Mayor's approval the position will be posted utilizing a recruitment and selection strategy to recruit a qualified and diverse pool of candidates. In conjunction with the public posting of positions, the Department of Human Resources shall notify all city employees of the posting.

An applicant does not have to reside within the City, however, their place of residence must not interfere with their ability to perform daily duties and responsibilities.

### 200.4 BACKGROUND INVESTIGATION

Every candidate shall undergo a background investigation to verify the candidate's application information and ability to perform duties relevant to the position.

#### 200.4.1 NOTICES

Background investigators should ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and applicable state law (15 USC § 1681d).

#### 200.4.2 RECORDS RETENTION

The background report and all supporting documentation should be maintained in accordance with the established records retention schedule.

## *Recruitment and Selection*

---

### **200.5 EMPLOYMENT STANDARDS**

All candidates shall meet any minimum standards required by city and state law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the job description. Each candidate must adhere to the high standards, integrity, and ethics that are valued by the City and the community.

Each job description should minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner.

### **200.6 JOB DESCRIPTIONS**

The Department of Human Resources should maintain a current job description for each position in the City.

### **200.7 PROBATIONARY PERIODS**

The Department of Human Resources should coordinate with supervisors to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

---

# Performance Evaluations

## 201.1 PURPOSE AND SCOPE

This policy provides guidelines for the City performance evaluation process.

## 201.2 POLICY

The City shall use a performance evaluation process to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The City evaluates employees in a nondiscriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

The evaluation is part of an employee's personnel record and may be a factor in determining whether the employee receives a wage increase, or is promoted, transferred, demoted, laid off, or terminated.

## 201.3 TYPES OF EVALUATIONS

The City shall use the following types of evaluations:

**Annual** - An evaluation completed at regular intervals by the employee's immediate supervisor (by December 15th of every year).

**Special** - An evaluation that may be completed at any time the supervisor and Mayor or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), or retraining).

### 201.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

**Excellent** - Performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**Satisfactory** - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

**Unsatisfactory** - Performance is inferior to the standards required of the position. It is inadequate or undesirable performance that cannot be allowed to continue.

## *Performance Evaluations*

---

Unless otherwise specified in a collective bargaining agreement, all City employees who receive a rating of satisfactory are eligible for a step increase. Eligibility for a step increase does not guarantee one. The Mayor retains final discretion to grant any step increases.

Employees who receive a rating of unsatisfactory are not eligible for a step increase. An employee who receives an unsatisfactory rating may request to be reevaluated no sooner than 90 days and no later than six months after the original evaluation date.

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses, and requirements for improvement. Any job dimension rating marked as unsatisfactory or excellent shall be substantiated with supervisor comments.

### **201.3.2 PERFORMANCE IMPROVEMENT PLAN**

Employees who receive an unsatisfactory rating may be subject to a Performance Improvement Plan (PIP). The PIP shall outline areas that need improvement, any improvement measures, and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review the employee's performance and the status of the PIP at least monthly.

### **201.4 EVALUATION PROCESS**

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance, and the evaluation criteria with each employee.

Performance evaluations cover a specific period and should be based upon documented performances that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period may be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provide supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors are encouraged to document all periodic discussions to be included in the employee's annual evaluation.

### **201.5 EVALUATION FREQUENCY**

Supervisors shall evaluate all employees they supervise every year by December 15.

Those employees who are required to successfully complete a probationary period should be evaluated every six months.



## *Performance Evaluations*

---

### **201.6 EVALUATION**

When the supervisor has completed an evaluation, a meeting to review the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions, and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

The supervisor and employee will sign and date the evaluation. Any additional information that either the supervisor or the employee wants included in the employee's record may be attached.

### **201.7 CHAIN OF REVIEW**

The signed performance evaluation and any employee attachment should be forwarded to the Department of Human Resources. The Department of Human Resources shall review the evaluation for fairness, impartiality, uniformity, and consistency, and shall consider any written response made by the employee.

### **201.8 RETENTION AND DISTRIBUTION**

The original performance evaluation and any original related correspondence shall be maintained in accordance with the Personnel Records Policy.

A copy of the evaluation and any related documentation shall be provided to the employee.

## Discriminatory Harassment

### 202.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent city employees from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

### 202.2 POLICY

The City is an equal employment opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The City will not tolerate discrimination against an employee in hiring, placement, promotion, termination, layoff, recall, transfer, compensation, leaves of absence, training, fringe benefits, and other privileges of employment. The City will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the City may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but could still subject an employee to discipline up to and including termination.

### 202.3 DEFINITIONS

Definitions related to this policy include:

#### 202.3.1 DISCRIMINATION

The City prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on actual or perceived race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, genetic information (including family medical history), political affiliation, military service, marital status, or other non-merit-based factors or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or city equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to city policy and to a work environment that is free of discrimination.

## *Discriminatory Harassment*

---

### 202.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

### 202.3.3 SEXUAL HARASSMENT

The City prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the employee.
- (c) Such conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

### 202.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and any related state agency guidelines.
- (b) Bona fide requests or demands by a supervisor that an employee improve work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

## **202.4 RESPONSIBILITIES**

This policy applies to all city employees, supervisors, job applicants, contractors, interns, volunteers, vendors, customers and any third party, who shall follow the intent of these guidelines in a manner that reflects city policy, professional standards, and the best interest of the City and its mission.

If an employee has been subjected to or witnessed conduct which violates this policy, the employee shall immediately report the matter to the Department Director. If the employee is unable to contact the Department Director, the employee shall contact the Department of Human Resources. If the person toward whom the complaint is directed is the Department Director or a Human Resources staff member, the employee shall contact another supervisor, manager, or Department Director.

## *Discriminatory Harassment*

---

Supervisors, managers, and Department Directors receiving information regarding alleged violations of this policy shall contact the Department of Human Resources. If Human Resources staff is the subject of the complaint, then the City Attorney should be contacted.

### **202.4.1 QUESTIONS OR CLARIFICATION**

Employees with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact the Department of Human Resources for further information, direction, or clarification.

### **202.4.2 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notifying the Department of Human Resources and provide in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

## **202.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved employee shall take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment.

### **202.5.1 FORMAL INVESTIGATION**

The Department of Human Resources or the City Attorney shall be assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any employees involved. No influence will be used to suppress any complaint and no employee will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

## *Discriminatory Harassment*

---

### 202.5.2 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the City. Employees who believe that they have been harassed, discriminated, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

### **202.6 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Department of Human Resource. The outcome of all reports shall be:

- (a) Approved by the City Attorney.
- (b) Maintained in accordance with the established records retention schedule.

### 202.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

### **202.7 TRAINING**

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that the employee has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the employee's term with the City.

## Whistleblower/Anti-Retaliation

### 203.1 PURPOSE AND SCOPE

This policy prohibits retaliation against employees (whistleblowers) who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of employees.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit employees' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an employee pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance, or current employment agreement.

### 203.2 POLICY

The City has a zero tolerance for retaliation. In compliance with the Local Government Employee Whistleblower Protection Act (RCW 42.41), this policy is adopted to encourage employees to disclose, without fear of retaliation, any improper governmental action taken by City of East Wenatchee officials or employees.

### 203.3 WHISTLE-BLOWING

Every local government employee has the right to report to the appropriate person or persons information concerning an alleged improper governmental action (RCW 42.41.030).

Procedures for reporting improper governmental action can be found in the [accompanying procedure](#).

### 203.4 RETALIATION PROHIBITED

No employee may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.

## *Whistleblower/Anti-Retaliation*

---

- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because the person has engaged in protected activity.

### **203.5 COMPLAINTS OF RETALIATION**

It is unlawful for any local government official or employee to take retaliatory action against a local government employee because the employee provided information in good faith in accordance with the provisions of Revised Code of Washington chapter 42.41 that an improper governmental action occurred (RCW 42.41.040).

Any employee who feels retaliated against in violation of this policy should promptly provide written notice to the Department of Human Resources or the Mayor that includes:

- (a) Specifics of the alleged retaliatory action; and
- (b) Specify the relief requested.

Procedures for seeking relief can be found in the [accompanying procedure](#).

Complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting employee's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the employee are part of the investigative process.

### **203.6 DEPARTMENT OF HUMAN RESOURCES RESPONSIBILITIES**

The responsibilities of the Department of Human Resources include but are not limited to:

- (a) Ensuring complaints of retaliation are investigated.
- (b) Documenting/acknowledging receipt of the complaint.
- (c) Notifying the Mayor or the authorized designee, and explaining to the employee how the complaint will be handled.
- (d) Monitoring the work environment to ensure that any employee making a complaint is not subjected to further retaliation.

The Department of Human Resources may coordinate with a Department Director in taking reasonable steps to accommodate requests for assignment or schedule changes from an employee who may be the target of retaliation.

## *Whistleblower/Anti-Retaliation*

---

### **203.7 SUPERVISOR RESPONSIBILITIES**

Supervisors shall treat retaliation as a serious matter and shall:

- (a) Communicate to all employees the prohibition against retaliation.
- (b) Promptly report all allegations of retaliation to the Department of Human Resources or the Mayor.
- (c) Address any inappropriate conduct or condition to reduce or minimize the likelihood of recurrence.

### **203.8 RECORDS RETENTION AND RELEASE**

The Department of Human Resources shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

### **203.9 TRAINING**

This policy should be reviewed with each new employee.

All employees should receive periodic refresher training on the requirements of this policy.



## Drug-and Alcohol- Free Workplace

### 204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

### 204.2 POLICY

It is the policy of the City to provide a drug- and alcohol-free workplace for all employees.

### 204.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on city time can endanger the health and safety of city employees and the public.

Employees who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that could adversely affect their mental or physical abilities shall not report for work. Affected employees shall notify an appropriate supervisor as soon as they are aware of an inability to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the employee is adversely affected while at work, the employee shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### 204.3.1 USE OF MEDICATIONS

Employees should not use any medications that will impair their ability to safely perform their work. Any employee who is medically required or has a need to take any such medication shall report that need to an immediate supervisor prior to commencing any work.

#### 204.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis during work hours is prohibited and may lead to disciplinary action.

### 204.4 EMPLOYEE RESPONSIBILITIES

Employees shall report for work in an appropriate mental and physical condition. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on city premises or on city time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

No employee shall exhibit an on-going dependence on drugs or other controlled substances, which, in the City's opinion, impairs the employee's work performance, poses a safety risk to themselves, the City or others.

Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee is impaired during work hours.

## *Drug-and Alcohol- Free Workplace*

---

Employees are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

### **204.5 EMPLOYEE ASSISTANCE PROGRAM**

The City will encourage employees who undergo treatment and rehabilitation for alcohol or other chemical dependency.

A voluntary employee assistance program (EAP) is available to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Medical insurance coverage that provides treatment for drug and alcohol abuse may also be available. Employees should contact the Department of Human Resource, their medical insurance providers, or EAP for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to conduct or performance issues.

The [City's website](#) provides information regarding EAP.

### **204.6 SUPERVISOR RESPONSIBILITIES**

If an employee informs a supervisor of having consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the employee may be required to obtain clearance from a physician before continuing to work.

Unless there is imminent risk to the subject employee or others, a supervisor who is informed or has reasonable suspicion that a employee is under the influence of alcohol, drugs, or medication, the supervisor should ask another supervisor or manager to observe the subject employee prior to taking any action.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the use of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall ensure that the employee is safely transported to a drug testing facility after contacting the Department of Human Resources.

### **204.7 SCREENING TESTS**

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform work safely and efficiently.
- (b) The employee uses property owned or approved by the City in a manner that results in injury, death, or substantial property damage.
- (c) The employee drives a motor vehicle in the performance of the employee's work and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

## *Drug-and Alcohol- Free Workplace*

---

### 204.7.1 ADMONISHMENT

The supervisor or the Department of Human Resources shall prepare a written record documenting the specific facts that led to the decision to require the screening test, and inform the employee of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

### 204.7.2 RESULTS OR REFUSAL

An employee may be subject to dismissal or other disciplinary action if the employee

- (a) Fails or refuses to submit to a screening test.
- (b) Fails due to the presence of a controlled substance and the employee does not provide proof, within 72 hours after being requested, of having taken the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

### **204.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving an employee, the City will take appropriate disciplinary action, up to and including dismissal, and/or requiring the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

### **204.9 CONFIDENTIALITY**

The City recognizes the confidentiality and privacy due to its employees. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the employee's confidential medical file in accordance with the Personnel Records Policy.

## Smoking and Tobacco Use

### **205.1 PURPOSE AND SCOPE**

This policy establishes limitations on smoking and the use of tobacco products by employees and the public.

For the purpose of this policy, smoking and tobacco use includes but is not limited to any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches, and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

### **205.2 POLICY**

The City recognizes that smoking and tobacco use is a health risk and can be offensive to others. Therefore, all forms of smoking and tobacco use are prohibited by employees and visitors in all city facilities, buildings, equipment, and vehicles as is further outlined in this policy.

### **205.3 SMOKING AND TOBACCO USE**

Smoking and tobacco use by employees are prohibited any time employees are in public view representing the City.

It is the responsibility of employees to ensure that no person under their supervision smokes or uses any tobacco product inside city facilities, equipment and vehicles.

No employee shall smoke or vape near any entrance, window, or other location where other persons may be subject to breathing smoke or vapor. Smoking is prohibited within 25 feet of public places or places of employment (Revised Code of Washington 70.160.075).

### **205.4 POSTING**

Signs or other notices should be posted at appropriate locations to notify employees and the public that smoking and tobacco use is prohibited in accordance with this policy and state law.

## Meal Periods and Breaks

### **206.1 PURPOSE AND SCOPE**

This policy provides general guidance regarding meal periods and breaks for employees.

### **206.2 POLICY**

It is the policy of the City to provide meal periods and breaks to employees in accordance with the law and any applicable collective bargaining agreements.

### **206.3 MEAL PERIODS**

Department heads shall schedule meal periods. The scheduling of meal periods may vary depending on department workload. Meal periods are unpaid and usually one hour in length. The time spent for meal periods shall not exceed the authorized time allowed.

Emergency response employees shall remain on-duty subject to call during meal periods as provided in any applicable collective bargaining agreement. All other employees are not on-duty during meal periods unless directed otherwise by a supervisor.

### **206.4 BREAKS**

Breaks should be taken near the midpoint of each four-hour work period. Only one paid 15 minute break should be taken during each four hours of work. No breaks should be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Emergency response employees shall remain on-duty subject to call during breaks as provided in any applicable collective bargaining agreement. All other employees are not on-duty during breaks unless directed otherwise by a supervisor.

## Lactation Breaks

### 207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's nursing child.

### 207.2 POLICY

It is the policy of the City to provide, in compliance with the Fair Labor Standards Act (FLSA) and state law, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for a nursing child for up to two years after the child's birth. Under state law, employer may not request written certification from a healthcare professional for the accommodations provided in this policy.

### 207.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time may be unpaid.

Employees needing to take a lactation break outside of their regularly scheduled break or meal period shall make a request of their supervisor prior to taking such a break. Such a need may be reasonably delayed if the timing would cause significant difficulty to operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 207.4 PRIVATE LOCATION

The City will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from coworkers and the public (29 USC § 207).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

## *Lactation Breaks*

---

### **207.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area shall clearly label it as such and shall remove it when the employee's workday ends.

---

## Work Schedule and Payroll Administration

### 208.1 PURPOSE AND SCOPE

This policy provides the guidelines for work hours and payroll administration for city employees.

### 208.2 POLICY

The City maintains predictable and consistent work hours as well as timely and accurate payroll administration. Punctual, regular, and consistent attendance is a condition of continued employment.

### 208.3 WORK SCHEDULE

The City of East Wenatchee establishes the time and duration of working hours as required by workload and workflow, customer service needs, interdepartmental coordination, program management, emergent needs, and any applicable law or bargaining agreement.

A normal work schedule for regular, full-time employees consists of 40 hours each workweek. A workweek is defined as 12:00 a.m. Monday through 11:59 p.m. Sunday.

Different work schedules may be established by the City to meet job assignments and provide necessary services.

Employees' scheduled work hours will be determined by their Department Director or supervisor. The Department Director or supervisor will inform employees of their daily schedule of hours of work, including meal periods and rest or coffee breaks, and of any changes that are considered necessary or desirable.

Part-time and temporary employees will be scheduled as specified by their immediate supervisor.

With Mayor authorization alternative work schedules may be approved by immediate supervisor and/or director. The Department of Human Resources should be consulted to ensure the schedule meets contractual and/or legal provisions.

#### 208.3.1 FAIR LABOR STANDARDS ACT (FLSA) EXEMPT EMPLOYEES

The City requires an exempt employee to complete a semi-monthly timecard only if the exempt employee has used accrued leave.

An FLSA-exempt employee is expected to work the amount of time necessary to accomplish the duties and tasks of the position, e.g. 30 hours one week and 60 hours the next week. An FLSA-exempt employee is not required to report the number of hours worked each week. Absences that do not exceed four (4) hours or a half-day equivalent need not be reported. However, FLSA-exempt employees may be required to report all hours when necessary for reporting to the Department of Labor & Industries Employment Security Department and Department of Retirement systems.

It is the responsibility of exempt staff to maintain good work habits while being accountable and available to their staff, citizens, and other departments.



## *Work Schedule and Payroll Administration*

---

### **208.3.2 ATTENDANCE, INCLEMENT WEATHER, AND CITY CLOSURE**

The City expects employees to report to work even during inclement weather. Department Directors may allow employees to report late or leave early during severe weather conditions. Non-attendance, however, will require the employee to use accrued leave (Sick leave may not be taken due to inclement weather) or leave without pay. If other unforeseen circumstances occur that keep an employee from reporting to work at the scheduled time (i.e. blocking accident on the bridge), the employee will be required to use accrued leave or leave without pay.

If severe weather or other unexpected situations arise, the Mayor or the Chief of Police may close City Hall at their discretion. If this occurs, employees will be advised accordingly and shall receive their normal rate of pay.

Employees should notify their supervisor as far in advance as possible or within 30 minutes of their regular start time whenever they are unable to report for work, know they will be late, or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to the next level of management.

Absences without notification or authorization are considered unauthorized and subject to disciplinary action. Being absent three or more days without notification or authorization may constitute voluntary resignation or abandonment of position.

### **208.4 RESPONSIBILITIES**

Timecards must be submitted to the Finance Department by 9:00 AM on the 1st and 16th of each month unless the Finance Department requests them sooner for tighter deadlines.

- (a) Employees are responsible for the accurate completion and timely submission of their timecards for the payment of wages, noting hours worked, leave taken, and overtime earned.
- (b) Supervisors are responsible for approving the timecards of employees under their supervision.
- (c) Department Directors are responsible for approving and submitting the employees within their department.
- (d) The Mayor is responsible for approving and submitting timecards for Department Directors.

### **208.5 PAY DAY**

Employees who are eligible for the payment of wages are paid on the 5th and the 20th of each month. If payday falls on Saturday, Sunday, or Monday holiday, the City will distribute paychecks on the preceding Friday.

The City encourages employees to authorize deposit into his or her designated bank account.

## *Work Schedule and Payroll Administration*

---

### **208.6 RECORDS**

The City shall maintain accurate and timely payroll records as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

---

## Overtime Compensation

### 209.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.) and applicable bargaining agreements.

### 209.2 POLICY

The City will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are exempt from FLSA are not compensated for overtime worked.

### 209.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(o)(1)).

Exempt employees receive neither overtime pay nor compensatory time.

When computing overtime/compensatory time, the City counts holiday leave, sick leave, vacation leave, and the use of already accrued compensatory time as hours worked as approved by department head.

#### 209.3.1 HOURS OF WORK

The work schedule/Hours of Work are defined in Policy 608.3.

### 209.4 REQUESTS FOR OVERTIME COMPENSATION

#### 209.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written.
- (b) Record the actual time worked in an overtime status using their timecard.
- (c) Designate the type of overtime compensation (compensatory time or pay) requested using their timecard.

#### 209.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
- (b) Upon receipt of the employee's timecard that includes overtime hours worked, confirm that the overtime was authorized and then verify the actual time worked.

## *Overtime Compensation*

---

### **209.5 REQUESTING USE OF COMPENSATORY TIME**

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request and in accordance with applicable collective bargaining agreements, if the request does not unduly disrupt city operations (29 USC § 207(o)).

Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Employees must use compensatory time in hourly increments.

Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

#### **209.5.1 ANNUAL COMPENSATORY TIME PAYOUT**

The City will pay out any unused compensatory time based upon the balance at the end of November. The employee will receive this compensatory pay by December 5.

## Work-Related Illness and Injury Reporting

### 210.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related conditions such as a physical injury or an occupational illness. The State Industrial program (worker's compensation) covers all employees, except those covered by LEOFF I. Worker's compensation covers employees in case of on- the-job injuries or job-related illnesses.

#### 210.1.1 DEFINITIONS

Definitions related to this policy include:

**Work-related condition** - Any significant medical or mental condition suspected to have been caused by an employee's service to the City. Any condition that would reasonably require some form of treatment should be considered significant.

### 210.2 POLICY

The City will address work-related conditions and will comply with applicable state workers' compensation requirements.

### 210.3 RESPONSIBILITIES

#### 210.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall report work-related incidents (personal injury, near miss, vehicle accident, or exposure) immediately to a supervisor. If the employee's supervisor is unavailable, then the employee should contact their Department Director or the Department of Human Resources as soon as able after seeking necessary treatment (which may include dialing 911). The employee shall complete and provide the Incident/Accident Report to their immediate supervisor within 24 hours of the incident.

When an employee is absent for one or more days due to an on-the-job incident, he/she may file a claim for Worker's Compensation with the [Washington Department of Labor and Industries \(L&I\)](#).

#### 210.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related incident should:

- (a) Ensure the employee receives medical care as appropriate.
- (b) Notify the Department of Human Resources.
- (c) Review and complete the [Incident Accident Report](#) .
- (d) Forward the completed Incident/Accident report to the Department of Human Resources within 48 hours of the incident.
  1. **In the cases below**, the supervisors should immediately notify the Department of Human Resources and Department Director as these circumstances require notification to the Washington State Department of Labor and Industries:

## *Work-Related Illness and Injury Reporting*

---

- (a) Workplace fatality or inpatient hospitalization (within 8 hours).
- (b) Non-hospitalization amputation or loss of an eye (within 24 hours).

If a serious injury or fatality occurs, the supervisor should:

- Call 911 and request medical assistance.
- Assist injured individual(s) to remove from further danger.
- Stop all work.
- Secure the area.
- Leave involved equipment as is—except for necessary rescue/safety.
- Keep everyone away from the incident site.
- Write names, addresses, and phone numbers of all witnesses.
- Advise all employees that they are required to complete an Incident/Accident Report.
- Prohibit news/media from entering the site/area and direct all inquiries to the Mayor's Office.
- Ensure work is not resumed until authorized by management.

### **210.4 WORKER'S COMPENSATION BENEFITS**

If the employee files a claim for Worker's Compensation, the City will continue to pay the employee's regular salary by use of the employee's accrued leave banks.

If the employee's Worker's Compensation claim is approved, the employee must repay the City for the time period covered by Worker's Compensation that was paid to the employee. Such repayment to the City consists of the employee bringing checks from L&I to the Finance Department for processing. Upon the repayment, the City shall restore the appropriate leave banks used by the employee. This process ensures:

- (a) That employees will receive prompt and regular payment during periods of injury or disability so long as accrued leave banks are available, and;
- (b) No employee receives more than the employee would have received had the injury not occurred.

While an employee is receiving Worker's Compensation Benefits, the City will pay the employee's medical insurance premiums for one month at a time, and the employee shall reimburse the employer for any employee benefit contributions due to the city.

The City may require an examination, at its expense, performed by a health care provider of its choice to determine when the employee can return to work and is capable of performing the essential duties and responsibilities of the position.

The City's long-term disability policy covers all employees, except those covered by LEOFF 1.

# City of East Wenatchee

Government Manual

## *Work-Related Illness and Injury Reporting*

---

If an employee cannot continue working for the City because of a disability, as defined by state law, the City will pay 25 percent of the value of his or her sick leave into a Health Reimbursement Arrangement (HRA) VEBA Savings Account in the name of the employee.

# Communicable Diseases

## 211.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of employees contracting and/or spreading communicable diseases.

Employees who receive used needles from the public are covered by this policy.

### 211.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, saliva, bodily fluid, or tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

**Exposure** - When an eye, the mouth, a mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to an employee's position with the City. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 211.2 POLICY

The City is committed to providing a safe work environment for its employees. Employees should be aware that they are ultimately responsible for their own health and safety.

## 211.3 EXPOSURE PREVENTION AND MITIGATION

### 211.3.1 GENERAL PRECAUTIONS

All employees are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to (29 CFR 1910.1030):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, N95, or other specialized equipment in the work area or city vehicles, as applicable.
- (b) Wearing city-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other Personal Protective Equipment (PPE).
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.



## Communicable Diseases

---

- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., clothing, shoes, work equipment) as soon as possible if the equipment is a potential source of exposure.
  - 1. Clothing that has been contaminated by blood or other potentially infectious materials should be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation in accordance with the [accompanying procedure](#).
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

### 211.3.2 IMMUNIZATIONS

Employees who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030) in accordance with the [accompanying procedure](#). Additional immunizations may also be required or provided.

## 211.4 POST EXPOSURE

### 211.4.1 INITIAL POST-EXPOSURE STEPS

Employees who experience an exposure or suspected exposure shall (29 CFR 1910.1030):

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practical.

Employees shall follow the [accompanying procedure](#).

### 211.4.2 REPORTING REQUIREMENTS

Supervisors should investigate every exposure or suspected exposure that occurs as soon as possible following the incident. Supervisors should document the following information (29 CFR 1910.1030) on the City's [incident/ accident report form](#) .

- (a) Identification of the employee exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

## *Communicable Diseases*

---

- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)
- (i) Controls in use at the time
- (j) Work practices that were followed
- (k) Description of the device used (including type and brand)
- (l) Employee's training

**Supervisors should advise their employees that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited.** Supervisors should notify the Department of Human Resources and complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Illness and Injury Reporting and Illness and Injury Prevention policies).

### 211.4.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

City employees have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The Department of Human Resources should request a written opinion/evaluation from the treating medical professional that contains only the following information (29 CFR 1910.1030):

- (a) Whether the employee has been informed of the results of the evaluation.
- (b) Whether the employee has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials that require further evaluation or treatment.

No other information should be requested or accepted by the Department of Human Resources.

### 211.4.4 COUNSELING

The City should provide the employee, and the employee's family if necessary, the opportunity for counseling and consultation regarding the exposure.

### 211.4.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed employee or when it is otherwise appropriate. Source testing is the responsibility of the Department of Human Resources. If the Department of Human Resources is unavailable to seek timely testing of the source, it is the responsibility of the exposed employee's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Requesting assistance from local health authorities to obtain testing.

## *Communicable Diseases*

---

- (c) Acquiring a court order in accordance with state law.

Since there is the potential for overlap between the different manners in which source testing may occur, the Department of Human Resources is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The Department of Human Resources should seek the consent of the individual for testing and consult the Mayor to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if the individual refuses. Additional information can be found in the [accompanying procedure](#).

### **211.5 MEDICAL RECORDS**

Medical information shall remain in confidential files and not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (29 CFR 1910.1030).

Medical records are maintained for each employee who has an occupational exposure to bloodborne pathogens in accordance with WAC 296-62-052, Access to Records.

The Department of Human Resources is responsible for maintaining medical records. These confidential records are kept in the employees medical file, and are retained as required by the Washington State Retention Schedule..

The Department of Human Resources will make sure appropriate employee health, OSH and WISHA records are maintained as required.

#### **211.5.1 SHARPS INJURY LOG**

In addition to WAC 296-27, Recordkeeping Requirements, all injuries from contaminated sharps are recorded in the Sharps Injury Log by the Department of Human Resources. This log includes:

- (a) Date of injury.
- (b) Type and brand of the device involved
- (c) Where the incident occurred
- (d) How the incident occurred

This log is reviewed annually and is kept for five years following the end of the calendar year. Shared copies must have personal identifiers removed.

### **211.6 TRAINING**

Training regarding communicable diseases should be provided to employees commensurate with the requirements of their position. The training (29 CFR 1910.1030):

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Should be provided whenever the employee is assigned new tasks or procedures affecting potential exposure to communicable disease.

## *Communicable Diseases*

---

- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure, and what steps should be taken if a suspected exposure occurs.

Training records are maintained for each employee upon completion of training. These documents will be kept for three years in the employee files.

Specific training requirements can be found in the [accompanying procedure](#).

## Temporary Modified-Duty Assignments

### 212.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, city rules, or applicable collective bargaining agreements. For example, nothing in this policy affects the obligation of the City to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

### 212.2 POLICY

Subject to operational and business considerations, the City may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the City with a productive employee.

### 212.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or state law shall be treated equally, without regard to any preference for a work-related injury.

No position should be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational and business needs of the City as determined by management. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational and business needs and the employee's ability to perform in a modified-duty assignment.

### 212.4 PROCESS

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their immediate supervisors or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids, or medical devices.

## *Temporary Modified-Duty Assignments*

---

- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

Supervisors will direct employees to the Department of Human Resources regarding temporary modified-duty assignments. Such assignments may be made based on the needs of the City and the limitations of the employee.

Light duty assignments for a non-work-related injury may be approved for a maximum of 60 days.

### **212.5 ACCOUNTABILITY**

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments by the Department of Human Resources or the employee's supervisor. Those assignments and schedules may be adjusted to accommodate city operations and the employee's medical appointments, as mutually agreed upon by the employee and the employee's supervisor.

#### **212.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified-duty include but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified-duty.
- (d) Submitting a written status report to the Department of Human Resources that contains a status update and anticipated date of return to full duty.

#### **212.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor should monitor and manage the work schedule of those assigned to temporary modified-duty.

The responsibilities of supervisors include but are not limited to:

- (a) Periodically updating the Department of Human Resources of the status and performance of any employee assigned to temporary modified-duty.
- (b) Ensuring that the required documentation (medical release) facilitating the employee's return to full duty is provided to the Department of Human Resources before returning.
- (c) Ensuring that employees returning to full duty have completed any required training and certification that may have lapsed.

## *Temporary Modified-Duty Assignments*

---

### **212.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The City may require a fitness-for-duty examination prior to returning an employee to full-duty status.

### **212.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under state law (see Pregnancy Accommodation policy).

#### **212.7.1 NOTIFICATION**

Pregnant employees should notify the Department of Human Resources as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the city's personnel rules and regulations regarding family and medical care leave.

### **212.8 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified-duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified-duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

---

## Illness and Injury Prevention

### 213.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for employees of the City.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, each department within the City may set its own related policies or procedures that do not conflict with this policy.

### 213.2 POLICY

The City is committed to providing a safe environment for its employees and to minimizing the incidence of work-related illness and injuries. The City should establish and maintain an illness and injury prevention plan and provide tools, training, and safeguards designed to reduce the potential for accidents, injuries, and illness. It is the intent of the City to comply with all laws and regulations related to occupational safety.

### 213.3 GENERAL SAFETY RULES

Employees should:

- Operate equipment (including hand and power tools) only if trained and follow manufacturer recommendations.
- Use the right tool for the job.
- Clean up spills and remove trip hazards as soon as possible.
- Wear safety equipment appropriate for the job (such as hard hats, gloves, eye wear, ear plugs and appropriate footwear).
- Keep electrical items in good repair.
- Do not use electrical equipment while standing or kneeling on wet surfaces.
- Remove or bend-over exposed nails in lumber.
- Remove all loose materials from stairs, walkways, ramps, platforms, etc.
- Do not block aisles, traffic lanes, fire exits, or stairs.
- Avoid shortcuts – use ramps, stairs, walkways, ladders, etc.
- Erect guardrails around all floor openings and barricade.
- Keep all tools away from the edges of scaffolding, platforms, and shaft openings, etc.
- Not remove, deface, or destroy any warnings, danger signs, or barricades
- Interfere with any form of protective device or safety practice.
- Do the following when handling materials:



## *Illness and Injury Prevention*

---

- Use hand trucks or pallet jacks whenever possible to move heavy materials.
- Tie down anything that might fall, roll, shift, or become free when transported.
- Lift with proper lifting techniques.
- Get help with heavy or bulky materials to avoid injury or damage to the materials.
- Not throw objects.
- Stack materials safely.
- Follow good housekeeping practices:
  - Remove trash piles as soon as possible. Trash is a safety and fire hazard.
  - Not allow shavings, dust scraps, oil, or grease to accumulate.
  - Obey all warning signs.
  - Make sure to comply with local fire regulations when disposing of waste material or debris.
  - Keep all solvent waste, oily rags, and flammable liquids in a fire-resistant, covered container until removed from the work site.
  - Regularly remove all scrap wire, waste material, and rubbish from the immediate work area.

### **213.4 ILLNESS AND INJURY PREVENTION PLAN**

The Department of Human Resources is responsible for developing an illness and injury prevention plan that should include:

- (a) Workplace safety and health training programs.
- (b) Review of city workplace safety policies and procedures of each department.
- (c) Regularly scheduled safety meetings in accordance with the [accompanying procedure](#).
- (d) Posted or distributed safety information.
- (e) A system for employees to anonymously inform management about workplace hazards.
- (f) Establishment of a Safety Committee in accordance with the [accompanying procedure](#).
- (g) Establishing a process to ensure illnesses and injuries are reported as required under state law.

#### **213.4.1 GENERAL FIRST AID**

First Aid at any City facility is done on a Good Samaritan basis. Every City facility and every vehicle should have a first aid kit. Each shift and crew should have a first aid trained employee.

## *Illness and Injury Prevention*

---

### **213.5 DEPARTMENT OF HUMAN RESOURCES RESPONSIBILITIES**

The responsibilities of the Department of Human Resources include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of employee illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:
  - 1. New employee orientation that includes a discussion of safety and health policies and procedures.
  - 2. Regular employee review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees.
- (d) Taking reasonable steps to ensure that all employees comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
  - 1. Informing employees of the illness and injury prevention guidelines.
  - 2. Recognizing employees who perform safe work practices.
  - 3. Ensuring that the employee evaluation process includes employee safety performance.
  - 4. Ensuring compliance with any applicable safety standards related to:
    - (a) Communicable diseases
    - (b) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)
    - (c) Emergency Action Plan
    - (d) Walking-working surfaces
- (e) Making available a form to document inspections, unsafe conditions or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.
- (g) Document the safety and health training of each employee. This documentation should include the employee's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

### **213.6 EMPLOYEE RESPONSIBILITIES**

All employees of the City of East Wenatchee must comply with this policy. In addition, employees have obligations to themselves, coworkers, property owners and the public. Employees shall:

- (a) Comply with OSHA and WISHA regulations.

## *Illness and Injury Prevention*

---

- (b) Not work in conditions that are unsanitary, hazardous or dangerous to their health or safety. Employees may refuse to work in such conditions and request another assignment.
- (c) Use PPE, safety materials, equipment, devices, and clothing as provided for their protection by the City for the specific job or task.
- (d) Follow all prescribed procedures and all instructions from their supervisor with respect to safety and health.
- (e) Actively participate in and cooperate with the overall safety program to ensure their safety, the safety of their fellow workers, and any person likely to be affected by their acts.
- (f) Cease unsafe work practices until there is an opportunity for corrective action.
- (g) Utilize all equipment in accordance with manufacturer's operating and maintenance requirements.
- (h) Not use unsafe tools and equipment.
- (i) Maintain cleanliness and good personal health habits.
- (j) Cooperate fully with all safety and claims investigations.
- (k) Not remove, displace, damage, destroy or carry off any safety device, safeguard, notice or warning, furnished for use in any area, building, or piece of equipment.
- (l) Not wear torn or loose clothing while working around machinery.

### **213.7 SUPERVISOR RESPONSIBILITIES**

Supervisor responsibilities include but are not limited to:

- (a) Ensuring employee compliance with illness and injury prevention guidelines and answering questions from employees about this policy.
- (b) Training, counseling, instructing, notifying, or disciplining any time safety performance is deficient.
- (c) Establishing and maintaining communication with employees on health and safety issues.
- (d) Completing required forms and reports relating to illness and injury prevention and submitting such [forms](#) and reports to the Department of Human Resources in accordance with the [accompanying procedure](#).
- (e) Notifying the Department of Human Resources when:
  - 1. New products, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
  - 2. New, previously unidentified hazards are recognized.
  - 3. Work-related illnesses and injuries occur.

## *Illness and Injury Prevention*

---

4. New and/or permanent or intermittent employees are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

### **213.8 HAZARDS**

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisors). Any employee who observes a safety hazard must immediately report the hazard to a supervisor.

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately addressed without endangering employees or property, supervisors should protect or remove all exposed employees from the area or item, except those necessary to correct the existing condition. Supervisors should document identified hazards in accordance with the [accompanying procedure](#) through use of the [Record of Hazard Observed form](#).

Employees who assist in correcting any hazardous condition shall be provided with the necessary protection.

All significant actions taken to correct unsafe, unhealthy, and hazardous conditions and the dates on which the actions are completed shall be documented. This documentation shall be forwarded to the Department of Human Resources.

### **213.9 INSPECTIONS**

Safety inspections by department personnel are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards and should be performed in accordance with the [accompanying procedure](#). A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Department of Human Resources should ensure that the appropriate documentation is completed for each inspection.

Employees are charged with daily inspections of their assigned equipment or work environment, as applicable, prior to beginning their workday. Employees should notify their supervisor if an unsafe condition cannot be immediately corrected.

### **213.10 EQUIPMENT AND FACILITY SAFETY**

Signs and barricades are used to keep employees and the public safe from dangers and hazards. Employees will not enter unsafe work areas and will obey all posted signs and barricades.

## *Illness and Injury Prevention*

---

### 213.10.1 EMERGENCY EYEWASH AND SHOWER

In accordance with [Washington Administrative Code 296-800-15030](#), a functional and readily accessible emergency eyewash is available in specified City facilities.

All plumbed emergency washing facilities will be inspected once a year (Facilities Inspection Checklist form 3-5) to make sure they function correctly. The emergency washing facilities should be flushed monthly to remove debris accumulation from pipes.

### 213.11 INVESTIGATIONS

Any employee sustaining any work-related illness or injury, as well as any employee who is involved in any work-related accident or hazardous substance exposure, shall report such an incident in accordance with the [Work -Related Illness and Injury Policy](#). Employees observing or learning of a potentially hazardous condition are to promptly report the condition to their supervisor.

A supervisor receiving such a report should complete the supervisor's investigative report section of the [incident/accident report form](#) . Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured employee and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

### 213.12 SAFETY BULLETIN BOARD

In accordance with Washington Administrative Code 296-307-036, the City provides safety bulletin boards for posting:

- Safety bulletins
- Safety newsletters
- Safety posters
- Accident statistics – OSHA 300 Log
- OSHA 300 Log (as required to be posted from February 1 to April 30 annually)
- Other safety educational material

### 213.13 TRAINING

Employees, including supervisors, should be provided with training on general and job-specific workplace safety and health practices. Training should be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed.

## *Illness and Injury Prevention*

---

- (b) To all employees with respect to hazards specific to each employee's job assignment.
- (c) To all employees given new job assignments for which training has not previously been provided.
- (d) Whenever new products, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the City is made aware of a new or previously unrecognized hazard.

### **213.13.1 TRAINING TOPICS**

Training topics should include, as applicable:

- (a) Reporting unsafe conditions, work practices, and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Provisions for medical services and first aid.
- (e) Handling of bloodborne pathogens and other biological hazards.
- (f) Prevention of heat and cold stress.
- (g) Identification and handling of hazardous materials, including chemical hazards to which employees could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (h) Mitigation of physical hazards.
- (i) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (j) Back exercises/stretchers and proper lifting techniques.
- (k) Avoidance of slips and falls.
- (l) Good housekeeping and fire prevention.
- (m) Other job-specific safety topics to include, but not be limited to:
  - 1. Fall protection
  - 2. Respiratory/fit testing
  - 3. Trenching and shoring
  - 4. Pits/Elevating work platforms
  - 5. First aid/CPR

### **213.14 RECORDS**

Records and training documentation relating to illness and injury prevention will be maintained by the Department of Human Resources in accordance with the established records retention schedule.

---

# Speech, Expression, and Social Networking

## 214.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of employee speech and expression with the needs of the City.

This policy applies to all forms of communication, including but not limited to film, video, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under local, state, or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of an employee group, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

## 214.2 POLICY

Employees of public entities occupy a trusted position in the community, and thus, their statements have the potential to contradict the policies and performance of the City. Due to the nature of the work and influence associated with local government employees, it is necessary that city personnel be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the City will carefully balance the individual employee's rights against the needs and interests of the City when exercising a reasonable degree of control over its employees' speech and expression.

## 214.3 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

Employees should demonstrate sound judgment in speech, expression, and conduct that relates to or affects the City. In order to meet the safety, performance, and public-trust needs of the City, the following are prohibited unless the speech is otherwise protected (e.g., an employee is speaking as a private citizen, including acting as an authorized member of an employee group, on a matter of public concern):

- (a) Speech or expression that is disruptive to the work environment, undermines authority, and negatively affect close working relationships (such as local agency, interdepartmental, or other).
- (b) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.

## *Speech, Expression, and Social Networking*

---

- (c) Knowingly or recklessly false speech or expression that is significantly linked to, or related to, the City and tends to compromise or damage the mission, reputation, or professionalism of the City or its employees. Examples may include:
  - 1. Making a false accusation of wrongdoing without exercising reasonable caution to verify the truth of the matter.
  - 2. Intentionally misrepresenting on social media actions taken by the City that would damage the city's reputation.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of city employees. Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment or appointment with the City for financial or personal gain, or any disclosure of such materials without the express authorization of the Mayor or the authorized designee.
- (e) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of city logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the City on any personal or social networking or other website or web page, without the express authorization of the Mayor or the authorized designee.
- (f) Distributing any form of literature or other materials in their work areas unrelated to the City's business purpose or authorized by the Mayor.
- (g) Soliciting other employees for any cause during their assigned work time.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

### 214.3.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of employee groups, employees may not represent the City or identify themselves in any way that could be reasonably perceived as representing the City in order to do any of the following, unless specifically authorized by the Mayor or the authorized designee:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social, or nonprofit publication; in any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that an employee, acting in an individual capacity or through an outside group or organization, including as an authorized member of an employee group, is affiliated with this city, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the City.



## *Speech, Expression, and Social Networking*

---

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

Any City employee who meets with or may be observed by the public or otherwise represent the City to the public, while performing their official duties may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours.

Employees retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of employee groups on political subjects and candidates at all times during non-work hours. However, employees may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

### **214.4 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, Twitter, LinkedIn) that is accessed, transmitted, received, or reviewed on any city technology system (see the Information Technology Use Policy for additional guidance).

However, the City may not require an employee to disclose a personal username or password or to open a personal social website, except when legally permitted and relevant to the investigation of allegations of work-related misconduct.

### **214.5 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Mayor or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the ability to deliver public services.
- (b) Whether the speech or conduct would be contrary to the mission of the City or negatively impact employee morale.
- (c) Whether the speech or conduct would reflect unfavorably upon the City.
- (d) Whether the speech or conduct would negatively affect the appearance of impartiality in the performance of the employee's duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the City.

## *Speech, Expression, and Social Networking*

---

### **214.6 TRAINING**

Subject to available resources, the City should provide training regarding the limitations on speech, expression, and use of social networking to all employees.

---

## Workplace Violence

### 215.1 PURPOSE AND SCOPE

The purpose of this policy is to make clear that the City does not tolerate any direct or implied threats of violence or violent behavior in the workplace or any act or behavior that is or can be perceived as threatening, hostile, and/or violent.

### 215.2 POLICY

The City of East Wenatchee is strongly committed to providing a safe workplace for its employees, volunteers, and members of the public.

In responding to any violent behavior in the workplace, the City is committed to protecting all involved parties, including protection from physical and mental harm and the protection of the legal rights of victims, witnesses, and those instigating the harm.

### 215.3 PROHIBITED BEHAVIOR

No employee shall engage in, encourage, or promote violent behavior toward any person while conducting city business or on city property.

No employee engaged in city business shall carry or possess weapons or explosives unless either:

- (a) Permitted by city policy.
- (b) State or local law prohibits the City from restricting the possession of the weapon or explosive.

Threats, threatening language or any other acts of aggression or violence made toward or by any City employee will not be tolerated.

### 215.4 REPORTING AND INVESTIGATING

#### 215.4.1 EMPLOYEE RESPONSIBILITY

Employees who experience, observe, or have knowledge of prohibited behaviors and actions in the workplace have a responsibility to report the situation as soon as practicable to a supervisor, a manager, or a human resources representative. Employees should also contact the local police department if a threat has been made or a crime has occurred. If the situation is still dangerous, the employee should call 911.

If the employee is the recipient of a threat made by an outside party, that employee should follow the steps detailed in this policy.

#### 215.4.2 SUPERVISOR AND MANAGER/ADMINISTRATOR RESPONSIBILITIES

Upon receipt of a report of potential or actual workplace violence, the involved supervisor shall notify the Department of Human Resources. The supervisor shall gather as much information as possible to assess and determine the severity and potential of the situation. If the report is found to be credible, the Department of Human Resources should notify the Mayor as soon as practicable.

## *Workplace Violence*

---

Local law enforcement personnel shall be notified immediately of all threatening or violent behavior.

### **215.4.3 INVESTIGATION**

The Department of Human Resources will promptly, impartially, and with as much confidentiality as practicable, coordinate the investigation of all reports of violent or threatening behavior.

City employees are required to cooperate in any investigation. A timely resolution of each report should be reached and communicated to all parties involved as quickly as possible.

### **215.4.4 REPORTING NON-WORK-RELATED THREATENING OR VIOLENT BEHAVIOR**

City employees who are victims of domestic violence or other threatening behavior outside of the workplace, or who believe they are potential victims of such behavior and fear it may enter the workplace, are encouraged to report the situation as soon as possible to their supervisor or the Department of Human Resources.

Supervisors receiving any such report shall contact the Department of Human Resources and local law enforcement as soon as practicable so that any appropriate safety measures or plans may be developed.

### **215.5 RETALIATION PROHIBITED**

Any form of retaliation against an employee for making a report concerning violent or threatening behavior in the workplace is prohibited.

Any employee who becomes aware of any retaliation or threatened retaliation shall immediately notify a supervisor or the Department of Human Resources.

### **215.6 RESTRAINING ORDERS**

Employees who obtain a restraining order listing their workplace, person, or the City property as a protected area must provide a copy of the restraining order to both their immediate supervisor and the Department of Human Resources. The City needs this information in order to provide a safe workplace.

### **215.7 FOLLOW-UP ACTION**

Any employee reported to have exhibited violent or potentially violent behavior will be afforded all rights provided by law and applicable employment agreements before the City takes any disciplinary action.

At the completion of the investigation, actions to ensure overall workplace safety may include but are not limited to:

- Placing the employee on paid administrative leave pending investigation into an alleged threat or act
- Corrective/disciplinary action up to and including termination
- Criminal arrest and prosecution

## *Workplace Violence*

---

- Referring the employee to conflict resolution training sessions
- Referring the employee to the employee assistance program (EAP)
- Requiring the employee to attend a fitness-for-duty evaluation
- Developing workplace violence procedures specific to the involved individuals for incident response, prevention, and corrective actions
- Mandatory participation in counseling

If, upon investigation, it is determined that an allegation is false or was made maliciously, the employee who provided the false information will be subject to disciplinary action, up to and including termination, as well as possible criminal arrest and prosecution.

### **215.8 LEGAL ACTION**

The Department of Human Resources, in consultation with legal counsel, the Mayor, and the Chief of Police, will determine if a temporary restraining order or injunction should be sought on behalf of the City to reduce future or threatened violent behavior in the workplace.

### **215.9 WORKPLACE VIOLENCE PREVENTION**

All city employees are responsible for assisting in the prevention of violence in the workplace.

The City will provide appropriate training to employees regarding workplace violence.

In the event a violent incident occurs in the workplace, the Department of Human Resources, in consultation with legal counsel, the Mayor, and the Chief of Police, is responsible for ensuring that all responsibilities have been met and actions carried out, as detailed in this policy, and shall review the results of any investigation and ensure appropriate action is taken.

---

# Outside Employment

## 216.1 PURPOSE AND SCOPE

This policy provides guidelines for city employees who seek to engage in authorized outside employment.

### 216.1.1 DEFINITIONS

Definitions related to this policy include:

**Outside employment** - Duties or services performed by employees of the City for another employer, organization, or individual when wages, compensation, or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those employees who are self-employed and receive compensation or other consideration for services, products, or benefits rendered.

## 216.2 POLICY

City employees shall obtain written approval from the Mayor or the authorized designee prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Mayor or the authorized designee in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment, or engaging in outside employment that is prohibited by this policy, may lead to disciplinary action.

## 216.3 OUTSIDE EMPLOYMENT

### 216.3.1 REQUEST AND APPROVAL

Employees must submit a written request to engage in outside employment to their immediate supervisors. The request will then be forwarded to the employee's Department Director or the authorized designee for consideration.

If approved, the employee will be provided with a written notification of approval and a copy will be provided to the Department of Human Resources along with the employee's written request.

If a Department Director is requesting approval for outside employment, the Department Director will submit their request to the Mayor.

### 216.3.2 DENIAL

Any employee whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial and a copy will be provided to the Department of Human Resources along with the employee's written request.

### 216.3.3 REVOCATION

Any employee whose approval for outside employment is revoked or suspended should be provided with a written notification of the reason for revocation or suspension and a copy will be provided to the Department of Human Resources.

## *Outside Employment*

---

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the employee's performance is failing to meet standards and the outside employment may be related to the deficient performance.
  - 1. Approval for the outside employment may be re-established when the employee's performance has reached a satisfactory level and with a supervisor's authorization.
- (b) When an employee's conduct or outside employment conflicts with city policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the City.

### **216.4 REQUIREMENTS**

#### **216.4.1 PROHIBITED OUTSIDE EMPLOYMENT**

The City reserves the right to deny any request for outside employment that involves:

- (a) The use of city time, facilities, equipment, or supplies.
- (b) The use of any city badge, uniform, or influence for private gain or advantage.
- (c) The employee's receipt or acceptance of any money or other consideration for the performance of duties or services required or expected of the employee in the normal course of employment or appointment.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other employee of the City.
- (e) Demands upon the employee's time that would render the employee's work performance for the City deficient or substandard.
- (f) Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a part of the employee's job.
- (g) Activities that may conflict with any other policy or rule of the City.
- (h) Engages in or accepts private employment when such employment would impair the independence of judgment or ability to perform official duties.
- (i) Employment with a firm which contracts with or does business with the City.

#### **216.4.2 LOCAL GOVERNMENT RESOURCES**

Employees are prohibited from using any city equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against employees using their position with the City to gain access to official records or databases.

#### **216.4.3 CHANGES IN OUTSIDE EMPLOYMENT STATUS**

Employees who terminate their outside employment shall promptly submit written notification of such termination to their immediate supervisor. Any subsequent request for renewal or continued

## *Outside Employment*

---

outside employment must thereafter be processed and approved through the procedures set forth in this policy.

### 216.4.4 LEAVE OR RESTRICTED DUTY STATUS (E.G., LNI & LIGHT DUTY)

Employees who are placed on leave or other restricted duty status shall inform the Department of Human Resources in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The Department of Human Resources shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and notify the Department Director or the authorized designee and the employee regarding whether such employment should continue.

In the event that the Department of Human Resources determines that the outside employment should be discontinued, or if the employee fails to promptly notify the Department of Human Resources of the employee's intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the employee and a copy attached to the original outside employment request.

Criteria for revoking approval due to leave or restricted duty status include but are not limited to:

- (a) The outside employment is medically detrimental to the recovery of the employee.
- (b) The outside employment requires performance of the same or similar physical ability as would be required in the employee's city job.
- (c) The employee fails to give timely notice of intent regarding outside employment to an immediate supervisor.

When the employee returns to full duty with the City, a written request may be submitted to the Department Director or the authorized designee to approve the outside employment request.



## Personal Appearance Standards

### 217.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of city employees.

Dress code requirements for uniformed and non-uniformed employees are addressed in the Dress Code Policy.

### 217.2 POLICY

City employees shall maintain their personal hygiene and appearance to project a professional image that is appropriate for public service and for the department in which they work. Personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served.

### 217.3 GROOMING

The following appearance standards shall apply to all employees unless the employee's supervisor has granted an exception.

#### 217.3.1 PERSONAL HYGIENE

All employees must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair.

Employees should adhere to the following general guidelines in their personal appearance when presenting to work. Employees may be subject to additional personal hygiene standards set forth in supplemental policies established by each department.

- (a) Hair shall be neatly trimmed or arranged.
- (b) Facial hair (e.g., beards, sideburns, mustaches, eyebrows) must be clean and well-groomed. Facial hair for certain employees may be prohibited if it creates a safety hazard (i.e., facial hair for employees who regularly wear certain types of respirators).
- (c) Fingernails should be clean and neatly trimmed to a length that does not present a safety concern.

### 217.4 APPEARANCE

#### 217.4.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the employee or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

#### 217.4.2 TATTOOS

At no time while an employee is representing the City in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those

## *Personal Appearance Standards*

---

that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

### **217.4.3 BODY PIERCING OR ALTERATION**

Body piercing (other than earlobes) or alteration to any area of the body that is visible while representing the City in any official capacity, that is a deviation from normal anatomical features, and that is not medically required, is prohibited. Such body alteration includes but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).
- (c) Abnormal shaping of the ears, eyes, nose, or teeth (i.e., enlarged or stretched out holes in the earlobes).
- (d) Branding, scarification, or burning to create a design or pattern.

### **217.4.4 DENTAL ORNAMENTATION**

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while representing the City in any official capacity. Such ornamentation includes but is not limited to:

- (a) Objects that are bonded to front teeth.
- (b) Gold, platinum, or other veneers or caps used for decorative purposes.

### **217.4.5 GLASSES AND CONTACT LENSES**

Eyeglasses and sunglasses shall present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited during work hours and while representing the City in any official capacity.

### **217.4.6 COSMETICS AND FRAGRANCES**

Cosmetics shall present a professional image. Use of cologne, perfume, aftershave lotion, and other items used for body fragrance shall be kept to a minimum.

## **217.5 EXEMPTIONS**

City employees may request exemptions from portions of this policy when application would affect a disability, a religious practice or belief, or other protected characteristics. Requests for exemptions should be addressed to the Department of Human Resources.

## Dress Code

### 218.1 PURPOSE AND SCOPE

This policy provides dress code guidelines for city employees.

Other related topics are addressed in the Local Government-Owned and Personal Property (Policy 400) and Personal Appearance Standards policies (Policy 617).

### 218.2 POLICY

It is the policy of the City that the appearance of all employees is suitable and appropriate for their position.

### 218.3 WORK ATTIRE FOR NON-UNIFORMED EMPLOYEES

Non-uniformed employees shall dress in a manner appropriate for their position and any department-specific standards. The following guidelines apply to all non-uniformed employees:

- (a) Clothing shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- (b) Employees assigned primarily to an office environment, including management, administrative, and support positions, shall wear business-appropriate attire.
- (c) Variations from this policy are allowed at the discretion of the employee's immediate supervisor or Department Director based upon the employee's assigned job duties.
- (d) No attire that would unfavorably represent the City or adversely affect employee morale may be worn during work hours.
- (e) The following items shall not be worn during work hours or when representing the City in any official capacity:
  - 1. Clothing that reveals cleavage, the back, chest, stomach, or buttocks
  - 2. T-shirt alone or exposed undergarments
  - 3. Swimsuits, tank tops, tube tops, or halter tops
  - 4. Sweatshirts, sweatpants, or similar exercise clothing
  - 5. Spandex-type pants or transparent clothing
  - 6. Denim pants that are torn or have holes
  - 7. Cutoff or athletic shorts
  - 8. Clothing, buttons, or pins displaying racial, sexual, discriminatory, gang-related, or obscene language
- (f) Clothing shall be appropriate to the job duties being performed (for example, long pants and suitable footwear shall be worn when operating equipment).
- (g) All loose clothing and hair must be tied up or secured while working around equipment.

## *Dress Code*

---

### **218.4 UNIFORMS**

The City will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's employment agreement, if applicable. The City may provide other employees with uniforms at the direction of the Department Director.

Uniforms shall be worn as specified in this policy and any department policies.

The following shall apply to those employees assigned to wear city-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear pressed, as necessary for the position.
- (b) Uniforms shall be worn in compliance with any applicable city specifications.
- (c) Uniforms are only to be worn during work hours, at official city functions or events and while in transit to or from work.
- (d) Employees are not to purchase or drink alcoholic beverages while wearing any part of city-issued uniforms.

All uniforms and equipment issued to city employees shall be returned to the City upon separation.

### **218.5 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES**

City employees may not wear any uniform item, accessory, or attachment unless specifically authorized by the Department Director.

Employees may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized by the Department Director.

## Family and Medical Leave

### 219.1 PURPOSE AND SCOPE

The purpose of this policy is to allow eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons, with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave, including (29 USC § 2612):

- The birth, adoption, or foster care placement of a child.
- To care for an immediate family member (spouse, child, or parent) with a serious health condition.
- When an employee is unable to work because of the employee's own serious health condition.
- To care for a spouse, son, daughter, parent, or next of kin who is a service member of the United States Armed Forces and who has a serious injury or illness incurred in the line of duty.

This policy does not address all possible situations and circumstances that may arise when an employee requests leave for family or medical reasons. As these leave situations arise, supervisors should consult with the Department of Human Resources to obtain specific guidance regarding leave rights and obligations.

Nothing in this policy supersedes any provision of any employment agreement, civil service or other local rule, or any law that provides greater family or medical leave rights.

#### 219.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - A child under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability (29 USC § 2611; 29 CFR 825.102; 29 CFR 825.122). An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, or foster child; stepchild; or a child for whom the employee is standing in loco parentis (in place of a parent).

**FMLA** - The federal Family and Medical Leave Act (29 USC § 2601 et seq.).

**Qualified health care professional** - A physician, surgeon, doctor of osteopathy, podiatrist, dentist, psychologist, optometrist, nurse practitioner, nurse midwife, clinical social worker, or physician assistant duly licensed and authorized to practice medicine; chiropractors for some purposes; any health care provider from whom the City's benefit plan will accept certification of the existence of a serious health condition to substantiate a claim for benefits (29 CFR 825.125).

**Spouse** - The person with whom an employee has entered into a marriage defined or recognized by the location in which the marriage was entered into (29 USC § 2611(13); 29 CFR 825.102; 29 CFR 825.122).

## *Family and Medical Leave*

---

### **219.2 POLICY**

It is the policy of the City to manage unpaid leave for eligible employees for qualified medical and family reasons in compliance with federal law and any applicable employment agreement.

### **219.3 ELIGIBLE EMPLOYEES**

Employees are eligible for FMLA after working for the City for at least one year and completing 1,250 hours over the 12 months prior to the commencement of the leave (29 USC § 2611; 29 CFR 825.110). Employees may not be eligible for leave if there are fewer than 50 other employees within 75 miles of the employee's work site.

### **219.4 TYPE AND DURATION OF LEAVE**

Generally, eligible employees are entitled under FMLA to 12 workweeks of unpaid leave during a 12-month period (29 USC § 2612; 29 CFR 825.100). Up to 26 weeks of unpaid leave during a single 12-month period may be available to care for certain injured military service members. The 12-month period is measured backward from the first date leave is taken and continuously with each additional leave day taken. If an employee's request for leave is more than 12 months after a previous FMLA leave, the first date of the current FMLA leave will be the beginning of the new 12-month period.

#### **219.4.1 SERIOUS HEALTH CONDITIONS**

Eligible employees may take up to 12 weeks of leave to care for a spouse, child, or parent with a serious health condition or when the employee is unable to work because of the employee's own serious health condition (29 USC § 2612(a)(1); 29 CFR 825.200).

If both spouses are employed by the City, the combined number of workweeks to care for a sick parent is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.201).

Generally, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves (29 USC § 2611; 29 CFR 825.113):

- An overnight stay in a hospital, hospice, or residential medical care facility (29 CFR 825.114).
- Continuing treatment by a qualified health care professional due to a serious health condition of more than three full consecutive calendar days (29 CFR 825.115(a)).
- Any period of incapacity due to pregnancy complications or prenatal care (29 CFR 825.115(b)).
- A chronic condition that requires treatment (29 CFR 825.115(c)).
- A permanent condition for which treatment may not be effective (such as Alzheimer's or the terminal stages of a disease) (29 CFR 825.115(d)).
- Any period of absence to receive multiple treatments, including any recovery period, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar

## *Family and Medical Leave*

---

days without medical intervention or treatment (such as cancer chemotherapy or physical therapy for arthritis) (29 CFR 825.115(e)).

### 219.4.2 BIRTH OR PLACEMENT OF A CHILD

Eligible employees may take up to 12 weeks of leave for the birth, adoption, or foster care placement of a child of the employee (29 USC § 2612; 29 CFR 825.200). The leave must be concluded within one year of the birth or placement of the child (29 CFR 825.120; 29 CFR 825.121).

If both parents are employed by the City, the combined number of workweeks of leave is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.120; 29 CFR 825.121).

### 219.4.3 MILITARY EXIGENCY LEAVE

Eligible employees may take service member leave of up to 12 weeks for qualifying exigencies occurring because a spouse, child, or parent is on covered active duty or has been notified of an impending order to active duty (29 USC § 2612(a)(1)(E); 29 CFR 825.200). This type of leave is available to a family member of a person in the National Guard, Reserves, or members of the regular Armed Forces deployed to a foreign country. Qualifying exigencies include (29 CFR 825.126):

- Addressing issues that arise from a short notice (seven or less days) deployment.
- Attending military events related to the active duty or call to duty.
- Attending family support or assistance programs.
- Making child care or educational arrangements or attending school activities arising from active duty or a call to active duty.
- Making financial and legal arrangements.
- Spending time with a military member who is on short-term rest-and-recuperation leave during a period of deployment.
- Attending post-deployment activities.
- Addressing issues that arise from the death of a military member, such as making funeral arrangements.
- Caring for a military member's parent who is incapable of self-care, such as providing care on an immediate-need basis or arranging for alternative care.

### 219.4.4 MILITARY CAREGIVER LEAVE

Eligible employees may take up to 26 weeks of leave in a single 12-month period to care for a spouse, son, daughter, parent, or next of kin who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the family member medically unfit to perform work (29 USC § 2612; 29 CFR 825.200).

Military caregiver leave is also available to family members of covered veterans who were members of the Armed Forces, including the National Guard or Reserves, at any point in the five

## *Family and Medical Leave*

---

years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy (29 USC § 2612; 29 CFR 825.127).

During the single 12-month period, employees are entitled to no more than a combined total of 26 weeks of FMLA leave. In any case in which both spouses are employed by the City, the combined number of workweeks of leave is limited to 26 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.127).

Service member FMLA leave runs concurrent with other leave entitlements provided under federal, state, and local law. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

### 219.4.5 INTERMITTENT LEAVE

An employee may take leave for the employee's own serious health condition, for the serious health condition of the employee's spouse, child, or parent, or to care for a covered service member with a serious injury or illness, intermittently or on a reduced schedule if medically necessary, and if that medical need can best be accommodated by an intermittent schedule as defined in federal law (29 USC § 2612(b); 29 CFR 825.202; 29 CFR 825.124).

Leave due to a military exigency may be taken on an intermittent or reduced leave schedule (29 CFR 825.202).

Intermittent leave for the birth, adoption, or foster care placement of a child is only available if granted at the discretion of the Mayor, unless the employee has a serious health condition in connection with the birth or if the newborn child has a serious health condition (29 CFR 825.120; 29 CFR 825.121).

Intermittent leave for any employee shall be tracked and calculated.

### 219.4.6 PREGNANCY DISABILITY LEAVE

Pregnant employees who are disabled by pregnancy may be entitled to a disability leave in addition to any FMLA leave. The duration of leave is dependent on the circumstances. The Mayor shall defer to a pregnant employee's qualified health care professional in assessing the employee's ability to work.

## **219.5 EMPLOYMENT BENEFITS WHILE ON LEAVE**

While on leave, employees will continue to be covered by any group health insurance to the same extent that coverage is provided while the employee is on the job (29 USC § 2614(c); 29 CFR 825.209). During an approved family and medical leave of absence, the City will continue to pay its pro-rata share of the employee's medical insurance coverage for the first 12 weeks of FMLA leave under the City's family and medical leave policy. However, employees will not continue to be covered under non-health benefit plans.

Employees are responsible for any health plan employee contributions while on leave (29 CFR 825.210). Employee contribution rates are subject to any change in rates that occurs while the



## *Family and Medical Leave*

---

employee is on leave. If an employee fails to return to work after the leave entitlement has been exhausted or expires, the City may recover its share of health plan premiums for the entire leave period unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member that would entitle the employee to leave, or because of circumstances beyond the employee's control (29 CFR 825.213). The City may recover premiums through deduction from any sums (e.g., unpaid wages, vacation pay).

Employees may not earn additional time off while on unpaid leave.

### **219.6 SUBSTITUTION OF PAID ACCRUED LEAVES**

Subject to applicable employment agreements and civil service rules, employees are required to exhaust all applicable paid accrued leave before taking unpaid leave. Paid accrued leave includes vacation leave, sick leave, personal leave, and compensatory time earned in lieu of overtime, pursuant to the Fair Labor Standards Act, during FMLA leave. Employees may not use paid accrued leave to extend FMLA leave beyond 12 workweeks per year.

### **219.7 USE OF FMLA LEAVE**

If an employee takes a leave of absence for any reason that is FMLA qualifying, the City may designate that non-FMLA leave as running concurrently with the employee's 12-week FMLA leave entitlement.

### **219.8 PROCEDURES**

The following procedures will apply for all employees requesting leave under FMLA:

- (a) When a leave is requested for a medical or other FMLA-related treatment appointment, the employee must make a reasonable effort to schedule the appointment at a time that minimizes disruption to city operations (29 USC § 2612; 29 CFR 825.302).
- (b) An employee who wishes to take FMLA leave must provide the employee's supervisor with 30 days' advanced notice when the leave is foreseeable or as soon as practicable if the need for leave is not foreseeable (29 USC § 2612; 29 CFR 825.302; 29 CFR 825.303).
- (c) An employee who wishes to take FMLA leave must submit a written request.

Requests for medical leave shall be accompanied by a qualified health care professional statement, including the date on which the serious health condition began and the estimated date of return to work (29 USC § 2613; 29 CFR 825.302).

Employees are required to provide medical certification of a qualified health care professional or military documentation (29 CFR 825.305; 29 CFR 825.308; 29 CFR 825.309; 29 CFR 825.310).

Once the leave is requested or designated by the Department of Human Resources, the Department of Human Resources should ensure the employee is provided with the necessary forms and FMLA information and required notices within five business days (29 CFR 825.300).

## *Family and Medical Leave*

---

Employees shall be required to periodically report on their status and intent to return to work (29 USC § 2614; 29 CFR 825.311). This may assist in avoiding a delay in reinstatement when the employee is ready to return to work.

Employees returning from a medical leave for the employee's own serious health condition will be required to present medical verification from a qualified health care professional of the employee's ability to return to work and a list of any restrictions that need to be accommodated (29 USC § 2614; 29 CFR 825.100; 29 CFR 825.312).

### **219.9 REINSTATEMENT FOLLOWING LEAVE**

Generally, employees returning from FMLA leave within the qualified period will be restored to their original job or to an equivalent job with equivalent pay and benefits (but not seniority). If the position previously held by the employee has been eliminated (such as through layoff), then the employee is no longer entitled to return to the position previously held (29 USC § 2614; 29 CFR 825.214; 29 CFR 825.216).

If the same position is no longer available, such as in a layoff, the employee will be entitled to a position that is comparable in pay, job content, and promotional opportunities and geographic location, if such a comparable position exists.

If upon return from leave an employee is unable to perform the essential functions of the job because of a physical or mental disability, the supervisor should work with the Department of Human Resources to engage in an interactive process with the employee to identify a potential reasonable accommodation.

After exhausting paid FMLA leave, non-paid leave will continue until the conclusion of the protected 12- or 26-week time limit. Following the protected leave, the Department of Human Resources in consultation with the legal counsel will determine whether non-FMLA leave should apply.

### **219.10 RESPONSIBILITY**

The responsibilities of the Department of Human Resources include but are not limited to (29 CFR 825.108; 29 CFR 825.110; 29 CFR 825.112; 29 CFR 825.300; 29 CFR 825.301):

- (a) Attempting to determine whether an employee absence of four or more days may qualify as FMLA leave.
- (b) Determining if an employee is eligible for FMLA leave.
- (c) Determining if leave is for an FMLA-qualifying reason.
- (d) Granting or denying a request for FMLA leave and providing designation notice to the employee within five business days of designation.
- (e) Providing eligibility notice to the employee within five business days of the request for FMLA leave or when acquiring knowledge that an employee's leave may be for FMLA.
  1. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible.

## *Family and Medical Leave*

---

- (f) Providing a written rights and responsibilities notice each time the eligibility notice is provided to an employee.

The Department of Human Resources should work with legal counsel regarding questions relating to leave or reinstatement from leave under this policy.

### **219.11 RECORDS**

The City will maintain leave-related records as required by 29 CFR 825.500 for at least three years and in compliance with the city's established records retention schedule.

Records and documents related to doctor certifications and other medical information created for purposes of complying with FMLA and this policy shall be maintained as confidential medical records in separate files from employee personnel files.

### **219.12 NOTICE TO EMPLOYEES**

The Department of Human Resources should ensure that a notice explaining the FMLA's provisions and procedures is prominently posted in conspicuous places in the City where it can be readily seen by all employees and applicants for employment. Electronic posting is sufficient as long as the other posting requirements have been met as provided by 29 CFR 825.300 (29 CFR 825.300).

## Washington Paid Family & Medical Leave

### 220.1 PURPOSE AND SCOPE

The City of East Wenatchee shall comply with all state-mandated laws including the Washington Paid & Medical Leave (WPFML). WPFML allows Washington employees to take paid time off to care for themselves or a family member. Employees apply for WPFML directly with the Washington State Employment Security Department (ESD).

An employee may be eligible for WPFML for a serious health condition that prevents an employee from working when time is needed to care for a family member, welcome a new child, or for certain military-related events. Learn more at [Washington Paid Family Medical Leave's website](#).

### 220.2 BENEFIT APPLICATION PROCESS

For eligibility, type and duration of leave, and definitions visit the WPFML website.

1. **Employee applies for Paid Leave:** When an employee has a qualifying event, they will apply for leave directly with the Washington State Employment Security Department at [paidleave.wa.gov](http://paidleave.wa.gov).

2. **Employee shall notify the City that they plan to take leave—30 days prior, if possible:** If the employee's leave is expected (for example, they are expecting a baby), they must give you written notice at least 30 days in advance. If the leave is unexpected (for example, the employee's spouse is in a serious car crash), the employee must give their supervisor or the Department of Human Resources notice as soon as they are able. The written notice should let the city know the employee needs to take paid family or medical leave and how long they expect to be out. Emails, text messages, and handwritten notes all are considered written notices.

3. The Washington State Employment Security Department will notify the city of the employee's approved application for WPFML. The notice will include the employee's name, leave start, and end dates.

### 220.3 HOW IT'S FUNDED

WPFML is funded through premiums paid by both employees and the city. The premium is a percentage of employees' gross wages excluding tips, with the contribution divided between the employee and the city.

**Note:** The premium rate for employee and employer shares may change at the discretion of the State of Washington.

### 220.4 REPORTING HOURS TO EMPLOYER - TIMESHEETS

Once approved, the employee must notify their immediate supervisor of the date when WPFML weekly reporting will begin. While receiving paid leave, employee hours will be reported as unpaid on their timesheet.

## *Washington Paid Family & Medical Leave*

---

Supervisors shall notify the Department of Human Resources to ensure the employee is provided with the necessary WPFML information and State required notices.

### **220.5 HOW THE EMPLOYEE IS PAID BY WASHINGTON STATE EMPLOYMENT SECURITY DEPARTMENT**

If an online application is submitted by the employee, they may choose to be paid via direct deposit or a prepaid debit card.

If a paper application is submitted by the employee, they shall receive a prepaid debit card.

Hours worked and other types of leave that may affect the employee's payments:

1. **If an employee worked or received other benefits**, like employer-provided paid time off, the employee must include benefits received in their weekly claim. It will reduce the employee's payment that week. This includes time worked at a second job, even if the employee is not taking leave from that job.
2. **An employee cannot collect unemployment insurance** or workers' compensation benefits at the same time as WPFML.

The City of East Wenatchee does not offer supplemental paid time off while on WPFML.

### **220.6 EMPLOYEE BENEFITS WHILE ON LEAVE**

During an approved WPFML leave of absence, and when the city has been properly notified, the City will continue to pay its pro-rata share of the employee's medical insurance coverage for the first 12 weeks, only if the event is an FMLA qualifying event and as provided under the City's "Family and Medical Leave Policy" is run concurrently with FMLA.

Employees are responsible for any employee contributions/deductions to medical insurance benefits, Deferred Compensation, Department of Retirement Systems, union dues, etc., while on leave. Employee contribution rates are subject to any change in rates that occur while the employee is on leave.

## Sick Leave and Bereavement Leave

### 221.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave and bereavement leave. Additional terms may be covered in another applicable city policy. Employees subject to union contracts addressing this topic should consult their applicable collective bargaining agreement.

This policy is not intended to cover all types of sick leave. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as addressed in the Family and Medical Leave Policy.

For work-related illnesses and injuries, employees should reference the Work-Related Illness and Injury Reporting Policy.

#### 221.1.1 DEFINITIONS

For purposes of this policy, "family member" includes the following (RCW 49.46.210):

- (a) Child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status
- (b) Biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child
- (c) Spouse
- (d) Registered domestic partner
- (e) Grandparent
- (f) Grandchild
- (g) Sibling

### 221.2 POLICY

It is the policy of the city to provide eligible employees with a sick leave benefit and a bereavement leave benefit.

### 221.3 SICK LEAVE ACCRUAL

All regular full-time employees accrue sick leave benefits at the rate of eight hours for each full month of service. Regular part-time employees accrue sick leave benefits pro-rata according to hours worked.

Employees do not accrue sick leave benefits during a leave without pay or during any leave, other than vacation, lasting longer than ten consecutive days.

Employees may carry a maximum 960 hours of sick leave forward from one calendar year to the next.

## *Sick Leave and Bereavement Leave*

---

Temporary employees are not eligible to earn sick leave benefits.

### **221.3.1 SEPARATION FROM EMPLOYMENT/DEATH OF AN EMPLOYEE**

If an employee who has worked for the City for at least five years of continuous service is separated from employment for reasons other than cause, the City will pay 25 percent of the value of the accrued sick leave hours into a Health Reimbursement Arrangement (HRA) VEBA Savings Account in the name of the employee.

If retiring employees provide at least six month's notice to the city in writing and have worked for the City for at least five years of continuous service, the City will pay 30 percent of the value of the accrued sick leave hours into a Health Reimbursement Arrangement (HRA) VEBA Savings Account in the name of the employee.

If an employee dies during his or her employment with the City and if an employee has worked for the City for at least five years of continuous service, the City will pay 25 percent of the value of the accrued sick leave hours to the employee's designated beneficiary or the employee's estate. All sick leave payments are based on the employee's current rate of pay at the time of this separation or death. Monies received from this section will not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

If a previous employee is reinstated within twelve months of separation by the City, whether at the same or a different position, previously accrued unused sick leave shall be reinstated and the previous period of employment shall be counted for purposes of determining the employee's eligibility to use paid sick leave.

### **221.4 USE OF SICK LEAVE**

Sick leave is intended to be used for qualified absences as provided under state law (RCW 49.46.210) and applicable federal law. These qualified absences include:

- (a) An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care.
- (b) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care.
- (c) When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason.
- (d) When approved by an employee's supervisor, up to 16 hours of sick leave may be used for bereavement purposes in addition to the regular bereavement leave.
- (e) An employee may use paid sick leave for absences that qualify for leave under the Domestic Violence Leave Act (chapter 49.76 RCW).

## *Sick Leave and Bereavement Leave*

---

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during an employee's non-working hours when it is reasonable to do so.

Employees must use sick leave in 30-minute increments.

### **221.4.1 NOTIFICATION**

All employees should notify the appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, an employee is unable to contact the supervisor, every effort should be made to have a representative for the employee contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the employee shall, whenever possible and practicable, provide the City with no less than 10 days' notice of impending absence.

Upon return to work, employees are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

### **221.5 EXTENDED ABSENCE**

Employees absent from work for more than three consecutive days may be required to furnish verification from a health care provider supporting the need to be absent and/or the ability to return to work. Employees on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's verification for an absence of three or fewer days.

If the City requires verification from a health care provider, such verification must be provided to the City within a reasonable time (15 days) period during or after the leave. The City's requirements for verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

### **221.6 BEREAVEMENT LEAVE**

If a death of an employee's family member occurs, the City will grant an employee three days of bereavement leave. If the death of a family member requires an employee to travel out-of-state, the City will grant an employee two additional days of bereavement leave. In accordance with the qualified uses of sick leave, as provided above, an employee may also use 16 hours of sick leave when approved.



## *Sick Leave and Bereavement Leave*

---

### **221.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of employees to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as FMLA by consulting with the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the employee's performance evaluation when excessive or unusual use has:
  - 1. Negatively affected the employee's performance or ability to complete assigned tasks.
  - 2. Negatively affected city operations.
- (d) When appropriate, counseling employees regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible employees to the City's employee assistance program when appropriate.

## Pregnancy Accommodations

### 222.1 PURPOSE AND SCOPE

This policy provides information about reasonable accommodations for pregnant employees in accordance with state law.

Related policies include:

- [Family Medical Leave Act \(FMLA\)](#)
- [Lactation Breaks](#)
- [Sick Leave](#)
- [Temporary Modified-Duty Assignments](#)

### 222.2 POLICY

In compliance with state law (RCW 43.10.005), the City of East Wenatchee will not discriminate against employees in relation to pregnancy and pregnancy-related health conditions. The City will provide reasonable accommodations related to pregnancy and pregnancy-related health conditions unless the accommodation would pose an undue hardship on the City's program, enterprise, or business or it creates a direct threat to the safety of the employee, co-workers or others.

### 222.3 REASONABLE ACCOMMODATIONS

Reasonable accommodations related to pregnancy and pregnancy-related health conditions may include:

- (a) Providing more frequent, longer or flexible restroom breaks.
- (b) Modifying a no food or drink policy.
- (c) Job restructuring, including:
  1. Part-time or modified work schedules.
  2. Reassignment to a vacant position.
  3. Acquiring or modifying equipment, devices or the employee's work station.
- (d) Providing seating or allowing the employee to sit more often if an employee's job requires the employee to stand.
- (e) Providing for a temporary transfer to a less strenuous or less hazardous position.
- (f) Providing assistance with manual labor and limits on lifting.
- (g) Scheduling flexibility for prenatal visits.

The City will not require an employee to take leave if another reasonable accommodation can be provided for the employee's pregnancy and pregnancy-related health conditions.

## *Pregnancy Accommodations*

---

In consultation with information provided on pregnancy accommodation by the Washington Department of Labor and Industries or the employee's health care provider, the City must give reasonable consideration to any further pregnancy accommodation the employee may request.

### **222.3.1 WRITTEN CERTIFICATION**

With the exception of a, b, and d, above, the City may request that the employee provide a written certification from the employee's treating health care professional regarding the need for reasonable accommodation or limits on lifting subject to applicable law.

### **222.4 EMPLOYMENT ACTIONS**

The City is not required to create additional employment that would not otherwise have been created or discharge any employee, transfer any employee with more seniority, or promote any employee who is not qualified to perform the job, unless the City does so or would do so for other classes of employees who need accommodation.

The City will not take adverse action against the employee who requests, declines or uses an accommodation under this policy. Further, the City will not deny employment opportunities to an otherwise qualified employee or prospective employee if such denial is based on the City's need to reasonably accommodate the employee's or prospective employee's condition related to pregnancy, childbirth or a related medical condition.

---

## Temporary Employees

### 223.1 PURPOSE AND SCOPE

This policy provides guidelines regarding the use and compensation of temporary employees.

### 223.2 POLICY

The City uses temporary employees to supplement regular staff and in the absence of regular employees who are on leave.

### 223.3 USE OF TEMPORARY EMPLOYEES

Temporary employees may be used:

- (a) During emergencies or other peak workload periods
- (b) To temporarily replace regular employees due to:
  - 1. Disability
  - 2. Illness
  - 3. Vacation leave
  - 4. Other approved leave
- (c) To fill a vacancy until a regular employee is hired

### 223.4 REQUIREMENTS FOR TEMPORARY EMPLOYEES

In order to fill a temporary position, a Department Director must notify the Department of Human Resources. The Department of Human Resources will notify the Mayor, the Finance Department, and any applicable bargaining unit. The Mayor's approval is required prior to filling any temporary position. Temporary employee positions are exempt from competitive recruitment and examination processes.

Temporary employees:

- (a) May not work more than 90 hours per month. PERS I retirees may not work more than 70 hours per month.
- (b) May not work more than five consecutive months in a 12-month period.
- (c) Are eligible for overtime pay as required by law.
- (d) Are not eligible to receive any City benefits during their employment unless mandated by federal or state law.

---

## Professional Development

### 224.1 PURPOSE AND SCOPE

This policy provides guidelines for professional development including training, memberships in professional organizations, and attendance at conferences or workshops, as well as tuition reimbursement. Employees subject to union contracts addressing this topic should consult their applicable collective bargaining agreement. Travel reimbursement is addressed in the Travel Expenses Policy.

### 224.2 POLICY

The City of East Wenatchee encourages employees to enhance knowledge and skills and to network with other professionals, thus improving potential for future opportunities. The City recognizes that for development purposes, employees may need to attend training conferences, or workshops conducted off-site or join professional associations that will enable them to remain abreast of best practices in their respective fields. Thus, the purpose of this policy is to outline parameters for attending external training functions and joining/renewing memberships in professional associations. This policy is subject to the annual City budgets established for external training and memberships.

The City pays the cost of tuition for all courses that the City requires employees to attend. The City may also reimburse employees the cost of tuition for courses that the City does not require employees to attend in accordance with this policy.

### 224.3 CONFERENCES, MEMBERSHIPS, AND CERTIFICATIONS

The City offers training benefits to regular employees who have been employed by the City for at least six months. The benefit can be used for costs associated with:

- Conferences and workshops
- Memberships in professional associations
- Professional exams
- Certifications
- Preparation courses

#### 224.3.1 CONFERENCES AND WORKSHOPS

A Department Director or designee may authorize an employee to attend conferences or workshops annually that will be paid for by the City. The conference or workshop must have a direct relationship to the job the employee performs. For scheduling purposes, the employee's request to attend must provide reasonable time for the department to plan for the absence.

## *Professional Development*

---

### **224.3.2 PROFESSIONAL ASSOCIATIONS**

A Department Director or designee may authorize an employee to join a professional association paid for by the City. The association membership must have a direct relationship to the employee's job. Any request for membership should outline the benefits to the employee's job and the City.

### **224.3.3 PROFESSIONAL EXAMS, CERTIFICATIONS, AND PREPARATION COURSES**

A Department Director or designee may authorize payment for costs related to professional exams, certifications, and preparation courses and materials related to an employee's position. If an employee does not receive a passing score on any such exam, the City will not pay for the employee to retake the exam. The employee will be responsible for costs associated with subsequent testing in order to obtain the certification.

### **224.4 TUITION REIMBURSEMENT**

The City will reimburse employees for the tuition cost of a course, if all of the following conditions are met:

- (a) The Mayor determines that the City has the financial capacity to pay for the cost of tuition
- (b) The Mayor determines, in advance of enrollment, that the proposed course directly applies to the employee's job
- (c) The course is accredited by the Northwest Commission on Colleges and Universities

The employee must provide a transcript, certification, or other acceptable document showing they have successfully completed the course and received a grade of B or better.

The City shall not pay more than \$250 per credit hour.

### **224.4.1 SEPARATION FROM EMPLOYMENT**

Upon separation from employment (voluntary or involuntary), an employee must repay any tuition reimbursement the employee received from the City during the preceding two years. Any sum due the City may be withheld from the employee's last paycheck.

# Separation from Employment

## 225.1 PURPOSE AND SCOPE

This policy provides guidance regarding separation from employment with the City of East Wenatchee. Employees subject to union contracts addressing this topic should consult their applicable collective bargaining agreement.

### 225.1.1 DEFINITIONS

**COBRA** - The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides eligible employees and eligible dependents who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss.

**Eligible dependent** - An employee's spouse, qualified domestic partner, biological child, stepchild, adopted child, legal ward, or child of a qualified domestic partner eligible for coverage according to the terms and conditions of the City's insurance carrier and who is not enrolled in another medical/dental/orthodontia/vision plan.

**Eligible employee** - Regular full-time employee and regular part-time employee.

## 225.2 POLICY

Employees separating from employment with the City of East Wenatchee may be eligible for certain benefits dependent upon the type of separation and length of service.

## 225.3 GENERAL PROCEDURES FOR SEPARATION

Regardless of the reason for separation, separating employees should contact the Department of Human Resources to:

- Ensure that all necessary forms have been completed
- Leave a forwarding address for the mailing of the W-2 at the end of the year
- Ensure that all City property has been turned in

City property includes uniforms, keys, identification tags, badges, and other issued City equipment.

### 225.3.1 GROUP INSURANCE BENEFITS

Upon separation from City employment, at the employee's option and expense, the employee may elect to continue medical insurance benefits to the extent provided by COBRA.

## 225.4 RESIGNATION

An employee should provide a written two-week notice of resignation when possible.

## *Separation from Employment*

---

### **225.5 RETIREMENT**

For succession planning employees intending to retire should notify their Department Director of their intent to retire at least six months prior to retirement. The Department Director should immediately notify the Department of Human Resources of this intention.

Retiring employees who provide at least six months notice to the city in writing shall receive compensation for unused sick leave in accordance with the Sick Leave Policy 621.3.1 at 30%.

### **225.6 RELEASE FROM EMPLOYMENT/TERMINATION**

Washington is an at-will employment state. The City may release an employee at any time, for any or no reason, as long as the City is not violating any employee protection laws.

### **225.7 LAY OFF**

The City may lay off employees for lack of work, budgetary restrictions, elimination of position, or other changes that have taken place. The City will lay off temporary employees and probationary employees before other regular employees. In determining who is laid off, the City will consider individual performance and the qualifications required for remaining jobs.

Employees laid off may be eligible for reinstatement if a vacancy occurs in a position for which they are qualified.

### **225.8 DEATH OF AN EMPLOYEE**

Upon death of an employee, all compensation due shall be paid to the surviving spouse/domestic partner/dependents or the estate of the employee.

### **225.9 COMPENSATION UPON SEPARATION**

Regardless of the reason for separation, separating employees receive compensation for any unpaid balances of the following:

- (a) Regular wages
- (b) Overtime
- (c) Holiday pay
- (d) Vacation up to 240 hours
- (e) Compensatory time

Employees who retire or are laid off also receive compensation for unused sick leave in accordance with the Sick Leave Policy.

### **225.10 EXIT QUESTIONNAIRE/INTERVIEW**

The City provides departing employees with the opportunity to provide feedback regarding their employment through an exit interview with the Department of Human Resources or the Mayor. The exit interview provides the City with an opportunity to:



## *Separation from Employment*

---

- (a) Understand the reason(s) for an employee's departure
- (b) Identify trends
- (c) Improve employee retention
- (d) Ascertain levels of employee satisfaction
- (e) Reduce turnover

## Insurance Benefits

### 226.1 PURPOSE AND SCOPE

This policy provides a brief outline of the benefits programs the City provides employees. The information presented here is intended to serve only as a guideline.

#### 226.1.1 DEFINITIONS

**COBRA** - The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides eligible employees and eligible dependents who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss.

**Eligible dependent** - An employee's spouse, qualified domestic partner, biological child, stepchild, adopted child, legal ward, or child of a qualified domestic partner eligible for coverage according to the terms and conditions of the City's insurance carrier and who is not enrolled in another medical/dental/orthodontia/vision plan.

**Eligible employee** - Regular full-time employee and regular part-time employee.

### 226.2 POLICY

It is the City's intention to provide a combination of group insurance benefits to all eligible employees.

### 226.3 GROUP HEALTH AND WELFARE INSURANCE

Eligible employees may participate in the City's group health and welfare insurance programs. Under these plans, employees may receive comprehensive medical, dental, orthodontia, vision, and Long Term Disability (LTD) insurance coverage for themselves and eligible dependents. Coverage is subject to the eligibility requirements, terms, conditions, and limitations of any applicable plan documents. For regular full-time employees, the City pays:

- (a) 100 percent of the premium for the eligible employee for all group insurance.
- (b) 100 percent of the premium for the first eligible dependent for all group insurance except LTD.
- (c) 50 percent of the premium for each additional eligible dependent for all group insurance except LTD.

For regular part-time employees, the City pays a pro-rated amount for group health and welfare insurance programs. The City pays 100 percent of the LTD premium for regular part-time employees.

The City will only pay one premium for each eligible employee. If an eligible employee is also an eligible dependent, the eligible employee must elect to receive insurance as an employee or as a dependent.

Premiums are subject to change.

## *Insurance Benefits*

---

### 226.3.1 DISCLAIMER

The City may change a group insurance carrier at any time for any reason. The City evaluates carriers and insurance packages in determining what group insurance coverage will be provided. If the City chooses to change a group insurance carrier, the City will make a good-faith effort to provide benefits that are substantially similar to those currently in effect.

### 226.3.2 EMPLOYEE WAIVER

Eligible employees may waive City-provided health and welfare benefits. If an eligible employee waives these benefits, the City will contribute \$375 per month into a Health Reimbursement Arrangement (HRA), Voluntary Employees' Benefit Association (VEBA) Savings Account in the name of the employee. An employee must elect such a waiver during open enrollment which is November 1 through November 30 of each year. This deadline may be extended by the employee if contract negotiations are not completed. If contract negotiations are not completed, the employee shall have up to 30 days from ratification to elect the waiver. Once an employee elects a waiver, they are ineligible to sign up for City benefits until the next open enrollment period, or as provided by law.

### 226.3.3 PARTNER COVERAGE

If an employee's spouse or qualified domestic partner is eligible for coverage according to the terms and conditions of the City's insurance carrier and is enrolled in another group insurance plan, the spouse or qualified domestic partner may not enroll in a City-sponsored group insurance plan. The City, however, will contribute \$375 per month into an HRA/VEBA Savings Account in the name of the employee.

### 226.3.4 ADDITIONAL DEPENDENT COVERAGE

If an employee's additional (non-partner) dependent is eligible for coverage according to the terms and conditions of the City's insurance carrier and is enrolled in another group insurance plan, the dependent may not enroll in the City-sponsored health and welfare insurance plan. The City, however, will contribute 50 percent of the saved premium per month, up to a maximum of \$200 per dependent, with a maximum of two dependents, into an HRA/VEBA Savings Account in the name of the employee. The maximum contribution of the City under this section may not exceed \$400.

### 226.3.5 HRA/VEBA MAXIMUM

The maximum that the City will contribute to an employee's HRA/VEBA Savings Account, for any reason, is \$1,150 per month.

### 226.3.6 COVERAGE DURING UNPAID LEAVE OF ABSENCE

The City will continue health insurance coverage at the employee's expense during a non-FMLA approved unpaid leave of absence. COBRA continuation rights may apply if coverage is not extended through the City.

## **226.4 LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT (AD&D) INSURANCE**

The City pays 100 percent of basic life/AD&D insurance for regular full-time employees and regular part-time employees. Employees may purchase additional coverage at their own expense.

*Insurance Benefits*

---

## Recognition and Service Awards

### 227.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable acts and outstanding service.

### 227.2 POLICY

It is the policy of the City of East Wenatchee to recognize and acknowledge contributions and service of employees, volunteers, and community members through commendations and awards.

### 227.3 ACHIEVEMENT AWARDS

The Mayor may reward outstanding performance and productivity by presenting achievement awards at their discretion. The City uses the following process:

- (a) City staff may nominate employees, volunteers, and community members for achievement awards.
- (b) The Mayor will consider the merits of each nomination.
- (c) The Mayor will present the achievement award(s) at a regular City Council meeting.

### 227.4 SERVICE RECOGNITION AWARD

All regular full-time and regular part-time employees are eligible to receive a Service Recognition Award after each five consecutive years of service for the City.

## Jury and Witness Leave

### **228.1 PURPOSE AND SCOPE**

This policy provides general guidance regarding the use of jury and witness leave. Employees subject to union contracts addressing this topic should consult their applicable collective bargaining agreement.

### **228.2 POLICY**

The City will grant time off with pay to employees required to serve on a jury or as a witness in a judicial or quasi-judicial proceeding if they are neither the plaintiff nor defendant in the judicial action. An employee maintains their regular pay during such leave with no charges to their vacation bank.

### **228.3 PROCEDURE AND COMPENSATION**

An employee receiving notification to report to jury duty or a subpoena to serve as a witness shall notify their Department Director or designee immediately.

An employee who is empaneled for jury service or who is subpoenaed to testify at a trial shall receive their regular rate of pay, not to exceed their normal workday hours for each day served. The employee is entitled to keep reimbursement for mileage expenses paid by the court and any other payments for jury service.

If the court excuses an employee from jury duty, the employee shall immediately notify their department head or designee. At its discretion, the City may require the employee to report to work.

## Military Leave

### 229.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of military leave. Employees subject to union contracts addressing this topic should consult their applicable collective bargaining agreement.

### 229.2 ANNUAL MILITARY LEAVE

As required by state law, employees are entitled to a period not to exceed 21 days of military leave (regardless of the scheduled shift) during each year, from October 1 through September 30 (RCW 38.40.060).

The City shall grant military leave of absence to any employee who is a member of the National Guard or Reserves of the United States and ordered to active military duty for training. Any working days taken beyond 21 working days shall be charged to any eligible accrued leave bank or taken as leave without pay. (Sick leave is excluded.)

The employee will be paid their regular salary during military leave regardless of whether the person was ordered to undertake military service or training or whether they volunteered (RCW 38.40.060).

### 229.3 UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects civilian job rights and benefits for veterans and members of reserve components.

#### 229.3.1 MILITARY LEAVE OF ABSENCE

Service members are able (but are not required) to use accrued vacation or annual leave while performing military duty that exceeds 21 days from October 1 through September 30.

#### 229.3.2 RE-EMPLOYMENT DEADLINES

The period an individual has to make application for reemployment or report back to work after military service is based on time spent on military duty. For service of:

- (a) **30 days or less:** The service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period.
- (b) **31-180 days:** The service member must submit an application for reemployment within 14 days of release from service.
- (c) **181 days or more:** An application for reemployment must be submitted within 90 days of release from service.

## *Military Leave*

---

### 229.3.3 RE-EMPLOYMENT RIGHTS

Under the terms of USERRA, a person who leaves a civilian job to enter active duty is entitled to return to their civilian job after discharge or release from active duty (38 U.S.C. § 4301-4335). An employee must meet all of the basic eligibility criteria under federal law. The employee must:

- (a) Ensure that the City of East Wenatchee receives advance written or verbal notice of the employee's service;
- (b) Have five years or less of cumulative service in the uniformed services while with the City of East Wenatchee;
- (c) Return to work or apply for reemployment in a timely manner after conclusion of service; and
- (d) Have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If the employee is eligible to be reemployed, the employee must be restored to the job and benefits they would have attained if the employee had not been absent due to military service or, in some cases, a comparable job.



---

## Domestic Violence Leave

### 230.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use of domestic violence leave.

#### 230.1.1 DEFINITIONS

**Intermittent leave** - Leave taken in separate blocks of time due to a single qualifying reason.

**Reduced leave schedule** - A leave schedule that reduces the usual number of hours per workweek or per workday.

### 230.2 POLICY

An employee who has been a victim of domestic violence may take reasonable leave from work, intermittent leave, or leave on a reduced leave schedule, with or without pay. To request domestic violence leave, an employee should contact the Department of Human Resources.

### 230.3 USE OF DOMESTIC VIOLENCE LEAVE

Employees may request domestic violence leave (RCW 49.76.030) in order to:

- (a) Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking.
- (b) 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.
- (c) Obtain, or assist a family member in obtaining services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking.
- (d) 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.
- (e) Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault, or stalking.

---

# Reasonable Accommodation for Applicants and Employees

## 231.1 PURPOSE AND SCOPE

This policy demonstrates the City's compliance with the Americans with Disabilities Act (ADA), the Washington Law Against Discrimination (WLAD), as well as all other applicable federal, state and local fair employment practices laws.

## 231.2 POLICY

The City of East Wenatchee will provide a reasonable accommodation to applicants for employment and employees with disabilities if the reasonable accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship to the City.

## 231.3 REQUESTING A REASONABLE ACCOMMODATION

If an applicant for employment or employee believes they need an accommodation due to a disability, the individual is responsible for requesting a reasonable accommodation from the Department of Human Resources. The applicant or employee may make the request orally or in writing, although the City encourages applicants and employees to make their request in writing and to include relevant information if applicable, such as:

- (a) A description of the accommodation being requested.
- (b) The reason the accommodation is needed.
- (c) How the accommodation will help the employee perform the essential functions of their job.

After receiving the request, the Department of Human Resources will engage in an interactive process to determine the precise limitations of the identified disability and explore potential reasonable accommodations. Applicants and employees are encouraged to suggest specific reasonable accommodations that they believe would allow them to perform the job. However, the City is not required to make the specific accommodation requested and may provide an alternative effective accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the City of East Wenatchee.

## 231.4 MEDICAL INFORMATION

The Department of Human Resources requires supporting documents of a disability within the meaning of the law, and that the identified disability necessitates a reasonable accommodation. If the information provided is insufficient, the Department of Human Resources may require an evaluation by a qualified health care professional of the City's choosing, at the City's expense. If the applicant or employee does not provide the requested information, the request for reasonable accommodation may be denied.

## *Reasonable Accommodation for Applicants and Employees*

---

### **231.5 DETERMINATIONS**

The City makes determinations about reasonable accommodations on a case-by-case basis, considering various factors and based on an individualized assessment in each situation. The City strives to make determinations on reasonable accommodation requests expeditiously, and will inform the individual once a determination has been made. Questions about reasonable accommodation requests should be directed to the Department of Human Resources.

### **231.6 NO RETALIATION**

Individuals will not be retaliated against for requesting an accommodation in good faith. The City of East Wenatchee expressly prohibits any form of discipline, reprisal, intimidation, or retaliation against any individual for requesting an accommodation in good faith.

---

## Compensation

### 232.1 PURPOSE AND SCOPE

This policy provides guidance regarding employee compensation specific to pay. Other forms of compensation such as benefits provided by the City are included in other policies. Employees subject to union contracts addressing this topic should consult their applicable collective bargaining agreement.

### 232.2 POLICY

The City of East Wenatchee strives to provide competitive compensation to its employees including pay commensurate with each classification.

### 232.3 JOB CLASSIFICATIONS

Each job title within the City is classified for salary into one of the City's classifications based on job qualifications, level of responsibility, difficulty, working conditions, skill hazard, and amount of supervision required for the specific position. Each classification is assigned a range that corresponds to the general market conditions for a similar classification at other comparative Washington State public entities (Eastern Washington is given preference). The city uses the Association of Washington Cities (AWC) Salary and Benefits Survey as the primary source of information to determine comparative Washington State public entities.

The City Council should review and establish, by resolution, which public entities are comparable to the City on even years.

### 232.4 PAY RANGES

The pay range for each job classification is divided into 11 steps. The sixth step is the middle point that corresponds to the median salary by comparable public entities. The median salary paid by comparable public entities will be based upon the approximate average of the high and low pay for each of the comparable public entities. The City uses the Association of Washington Cities (AWC) Salary and Benefit Survey as the primary source of information to determine the high and low pay. The Department of Human Resources may use other sources to supplement this information as deemed necessary. The differential between a step is 2.5 percent and the annual salary figure is rounded up to the nearest whole dollar.

New employees begin employment at the minimum salary range for their classification. Upon the request of a Department Director, a new employee may be appointed up to the ninth step if:

- (a) The new employee's experience, training, and/or proven capabilities warrants a higher salary, and
- (b) There is sufficient budget available, and
- (c) The Mayor provides authorization.

## Compensation

---

### **232.5 SALARY ADJUSTMENTS**

All salary adjustments will take effect on January 1 of the year following an employee's annual performance evaluation in accordance with the [Performance Evaluation Policy](#).

### **232.6 LONGEVITY PAY**

Full-time regular employees shall receive longevity pay based on the continuous years of service from the last date of hire. Longevity pay shall be in addition to the employee's base rate of pay:

<u>Years of Service</u>	<u>Total Amount</u>
5 or more	One percent
10 or more	Two percent
15 or more	Three percent
20 or more	Four percent
25 or more	Five percent

Longevity pay begins on the employee's anniversary date, prorated for the month, and paid on the next scheduled pay date.

### **232.7 FITNESS INCENTIVE**

The City will pay \$300 (less deductions required by law) to an employee who meets or exceeds the East Wenatchee Physical Ability Test (PAT). Employees are eligible to test in October of each year as scheduled and administered by the East Wenatchee Police Department. If an employee fails to meet the Fitness Standards on a testing date, the employee is ineligible to receive fitness pay for that period. An employee is not entitled any type of compensation for participating in a fitness test. Neither the Union nor an employee may grieve a failed fitness test.

### **232.8 BILINGUAL INCENTIVE**

The City shall pay employees competent in foreign language(s) utilized in daily performance of work activities or in service to the City, two percent of base rate pay.

To receive bilingual incentive pay, an employee must demonstrate competency by obtaining certification from the Department of Social and Health Services or an equivalent test with the Mayor's approval.

---

## Retirement Benefits

### 233.1 PURPOSE AND SCOPE

This policy provides a brief outline of the retirement benefit programs the City makes available to employees. The information presented here is intended to serve only as a guideline. Employees subject to union contracts addressing this topic should consult their applicable collective bargaining agreement.

#### 233.1.1 DEFINITIONS

**Eligible employee** - Regular full-time employee and regular part-time employee working at least 20 hours per week.

### 233.2 POLICY

The City offers retirement programs to employees in eligible employment classifications, which are funded in part by the City, and in part by those eligible employees. Eligible employment classifications are specific to each type of program, subject to the terms and conditions as described in this policy.

### 233.3 RETIREMENT COVERAGE

For all eligible employees, the City contributes to Social Security and to the Washington State Department of Retirement Systems (DRS).

### 233.4 COMMISSIONED PUBLIC SAFETY EMPLOYEES

All commissioned eligible full-time employees in the City of East Wenatchee Police Department are covered by the Law Enforcement Officers and Firefighters Retirement System (LEOFF). Benefit levels and contribution rates are set by DRS.

### 233.5 NON-COMMISSIONED EMPLOYEES

All non-commissioned eligible full-time and part-time employees are covered under the Public Employees Retirement System (PERS). Benefit levels and contribution rates are set by DRS.

### 233.6 DEFERRED COMPENSATION PROGRAM (DCP)

DCP is a voluntary, tax-deferred, 457(b) retirement savings program administered by DRS. The City provides no matching contributions to the program.

---

## Vacation Leave

### 234.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of vacation leave. Employees subject to union contracts addressing this topic should consult their applicable collective bargaining agreement.

### 234.2 POLICY

In an effort to promote work-life balance, the City of East Wenatchee will attempt to accommodate vacation leave requests as submitted. Vacation requests must provide sufficient notice and are subject to approval by employee's supervisor.

### 234.3 ELIGIBILITY

New employees accrue vacation during the first six months of their employment with the City. However, new employees must satisfactorily complete six months of employment with the City before they may use vacation leave. Regular part-time employees will receive vacation leave pro-rata according to the hours worked.

Temporary employees are not eligible for vacation leave benefits.

### 234.4 ACCRUAL OF VACATION LEAVE

Eligible employees accrue vacation commensurate with the years of service with the City of East Wenatchee, as provided in the [accompanying procedure](#).

Employees do not accrue vacation leave benefits during a leave without pay.

### 234.5 USE OF VACATION LEAVE

Employees must use vacation leave in 15-minute increments.

Each department schedules its employees' vacation leaves without undue disruption of department operations.

Every employee must submit a leave requests to their Department Director at least two weeks before the employee intends to take vacation leave expected to last more than one day.

### 234.6 ANNUAL MAXIMUM CARRY FORWARD

Employees may carry 240 hours of vacation leave forward from one calendar year to the next. Any amount of vacation leave in excess of 240 hours shall be lost.

## Holidays

### 235.1 PURPOSE AND SCOPE

This policy addresses paid holidays for employees of the City of East Wenatchee. Employees subject to union contracts addressing this topic should consult their applicable collective bargaining agreement.

#### 235.1.1 ELIGIBLE EMPLOYEE

**Eligible employee** - Regular full-time employee and regular part-time employee working at least 20 hours per week.

### 235.2 POLICY

The City recognizes the following holidays:

<u>Holiday</u>	<u>Occurrence</u>
New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Veterans' Day	November 11
Thanksgiving	Fourth Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Day	December 25
Two floating holidays	Per calendar year

### 235.3 FLOATING HOLIDAYS

New employees are eligible for floating holidays upon the successful completion of six months of continuous service.

Floating holidays may be scheduled only upon approval of each employee's supervisor.

Floating holidays cannot be carried over to the next year and must be taken in consecutive 8-hour increments.

### 235.4 WEEKEND HOLIDAYS

The City will observe any holiday falling on Saturday on the preceding Friday, and it will observe any holiday falling on Sunday on the following Monday.



## *Holidays*

---

### **235.5 COMPENSATION**

Eligible regular full-time employees shall receive one day's pay at their regular hourly rate for each of the holidays listed above. If an employee is on an 8-hour work schedule, they shall receive 8-hours of holiday pay. If an employee is on a 10-hour work schedule, they shall receive 10-hours of holiday pay. If an employee is on a 12-hour work schedule, they shall receive 12-hours of holiday pay. Part-time employees shall be prorated based on the regular full time equivalent.

Non-exempt regular full-time employees shall be paid their overtime rate of pay for any time worked on an observed holiday. Such time must be pre-authorized by the supervisor.

Part-time regular employees shall be paid at their regular straight time rate for hours worked on a holiday on a prorated basis.

When an employee is off due to sick leave or any other type of leave on a holiday, no time for such leave will be charged to the employee.

---

## Leave without Pay

### 236.1 PURPOSE AND SCOPE

This policy provides general guidance regarding leave without pay including faith or conscience leave. Employees subject to union contracts addressing this topic should consult their applicable collective bargaining agreement.

Family Medical Leave is addressed in the Family Medical Leave Policy.

### 236.2 POLICY

The Mayor may grant leaves of absence without pay for absences from work not covered by any other type of leave or when other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off for personal reasons, pursuing an education, or fulfilling military obligations in accordance with the Military Leave Policy.

### 236.3 GENERAL ELIGIBILITY AND REQUIREMENTS

Only regular full-time and regular part-time employees who have worked for the City for at least six months are eligible for leave without pay. The following requirements apply:

- (a) The Mayor may grant leave without pay to an employee for a period of up to 90 days. Further extensions are at the discretion of the Mayor.
- (b) An employee must exhaust all eligible accrued leave before taking any leave without pay.
- (c) An employee's benefits are suspended during the period of unpaid leave until the employee returns to work.
- (d) Vacation, sick leave and/or any other benefits do not accrue while an employee is on leave without pay.
- (e) If an employee fails to report for work as scheduled at the end of the approved unpaid leave period, the City will presume that the employee has resigned.

### 236.4 FAITH OR CONSCIENCE LEAVE

As provided by state law (WAC 357-31-052), employees may take two days of unpaid leave per calendar year for any of the below:

- (a) A reason of faith
- (b) A reason of conscience
- (c) An organized activity conducted under the auspices of a religious denomination, church, or religious organization.

## *Leave without Pay*

---

### 236.4.1 FAITH OR CONSCIENCE LEAVE REQUIREMENTS

To take an unpaid faith or conscience leave, an employee must submit a written request for leave at least 30 days in advance to their supervisor. The City will allow an employee to take the unpaid leave as requested unless an employee's absence would:

- (a) Impose an undue hardship
- (b) The employee is necessary to maintain public safety
- (c) Cause significant difficulty or expense to the City

The City adopts the definition of "undue hardship" as provided in [WAC 82-56-020](#).

---

## Administrative Leave

### 237.1 PURPOSE

This policy addresses administrative leave for employees of the City of East Wenatchee. Employees subject to union contracts addressing this topic should consult their applicable collective bargaining agreement.

### 237.2 POLICY

An employee may be placed on an administrative leave, with or without notice, to permit the City to review or investigate circumstances including dishonesty, theft, or misappropriation of company funds or property; violence on the job; gross safety, negligence, or acts endangering self or others; insubordination or any other conduct that warrants removing the employee from the worksite. Administrative leave is paid.

### 237.3 PROCEDURE

Department Directors, in consultation with the Department of Human Resources, may place an employee on administrative leave in accordance with the above-stated guidelines.

The Department Director shall notify the employee that they are being placed on administrative leave, the reason for the leave, and the anticipated process. City property (e.g., keys, electronic equipment, files, records) should be collected from the employee before the employee leaves the worksite.

The administrative leave must be confirmed in writing to the employee upon commencement of the leave or no later than two working days after commencement. This written notice must explain the reasons for the administrative leave, and notify the employee that they must be available to accept phone calls at the phone number on file with the City between the hours of 8:00 a.m. and 5:00 p.m. on regular City business days. The written notice must also direct the employee that they shall not access or enter any City property unless instructed or approved to do so by the Department Director or Department of Human Resources. A copy of the written notice will be placed in the employee's personnel file.

# Attachments

## **03-7 COEW Record of Hazard Observed.pdf**



**200**

**Information\_Technology\_\_Electronic\_Messaging\_\_and\_Internet\_Use.pdf**



---

# Information Technology, Electronic Messaging, and Internet Use

## 200.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use of city information technology including electronic messaging systems and internet access provided by the city.

### 200.1.1 DEFINITIONS

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the city that are provided for official use by its employees. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the city or city funding.

**Electronic messaging** - Includes but is not limited to electronic mail (e-mail), text messaging, and instant messaging (IM).

**Hardware** - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), modems, or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes but is not limited to all computer programs, systems, and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file, or file** - Any electronic document, information, or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

## 200.2 POLICY

Employees shall use information technology, including electronic messaging systems and internet access, in a professional manner in accordance with this policy and current public records laws. Occasional or incidental use of such technology for personal, non-city purposes, should be done in a manner that does not negatively affect the systems' use for city purposes or employee productivity. Information technology use, including electronic messaging and internet access, 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.

Failure on the part of any elected official, contractor, consultant, or non-employee to comply with the provisions of this policy will constitute grounds for revocation of privileges, termination of their contract.

## 200.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to electronic messages accessed, transmitted, received, or reviewed and anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or

## *Information Technology, Electronic Messaging, and Internet Use*

---

reviewed on any city technology system. Accordingly, if an employee has personal sensitive information to transmit electronically, they should use other personal means not provided by the city.

### **200.4 USE DURING NON-WORK HOURS**

Employees shall only use technology resources provided by the city during work hours unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email, or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access city resources.

Refer to the Personal Communication Devices Policy for guidelines regarding use of personally owned technology during non-work hours.

### **200.5 APPROPRIATE USE OF INFORMATION TECHNOLOGY**

Employees shall not access computers, devices, software, or systems for which they have not received prior authorization or required training. Employees shall immediately report unauthorized access or use of computers, devices, software, or systems by another employee to their supervisors. Data stored on or available through city computer systems shall only be accessed by authorized employees who have a legitimate city-related purpose to access such data.

Employees shall not use another person's access passwords, logon information, and other individual security data, protocols, and procedures unless directed to do so by a supervisor. No electronic communications can be sent that attempt to hide the identity of the sender or represent the sender as someone else.

Use of city information technology for an employee's outside business endeavors is prohibited. Under no circumstances may any employee use city resources including information technology to run, support, or operate a personal business.

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.

Anyone obtaining electronic access to other companies' or individuals' materials must respect all copyrights and cannot copy, retrieve, modify, or forward copyrighted materials except as permitted by the copyright owner.

No privately owned devices may be connected to the City's system without the authorization of the person's department head or the City Manager.

Computer equipment will not be removed from City premises without the prior authorization of the IT Director or Department Head except for portable equipment such as laptops or PDAs assigned to the individual employee.

## *Information Technology, Electronic Messaging, and Internet Use*

---

### 200.5.1 SOFTWARE RESTRICTIONS AND USE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software being downloaded and/ or transmitted through the city's network system, employees shall not download or install any unlicensed or unauthorized software or programs of any kind on any city computer. Employees shall not install personal copies of any software on any city computer. Only software registered through the city and installed by authorized Information Technology personnel may be downloaded. Employees should contact the city's Information Technology Department if they have any questions.

No employee shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the city while on city premises, computer systems, or electronic devices. Such unauthorized use of software exposes the city and involved employees to severe civil and criminal penalties.

Disrupting or threatening to disrupt the efficient operation of City network and/or connected systems (for example, sabotage or introducing a computer virus). Unauthorized use, monitoring, or accessing of any computer or communication system's files or activities for the purpose of idle curiosity or obtaining data or information that has no business-related purpose; and forging of any City computer or communication systems file, log, messages, or recording.

Introduction of software by employees should only occur as a part of the automated maintenance or update process of city-approved or installed programs by the original manufacturer, producer, or developer of the software. Any other introduction of software requires prior authorization from a supervisor and a full scan for malicious attachments.

### 200.5.2 HARDWARE RESTRICTIONS USE

Access to technology resources provided by or through the city shall be strictly limited to city-related activities. Any exceptions to this policy must be approved by a supervisor.

### 200.5.3 SECURING CITY PROPERTY

Whenever possible all portable computing equipment (laptop computers other handheld computers etc.) will be maintained under the direct supervision of the user that they are issued to. The equipment must never be left unattended in locations such as airports and hotel lobbies. When equipment must be left unsupervised, it must be made as inconspicuous as possible (i.e. do not leave the computer sitting on the seat of an unattended vehicle). Wherever practical, the computer shall be secured with the supplied security device(s).

## **200.6 APPROPRIATE USE OF ELECTRONIC MESSAGING**

Messages transmitted over the city's electronic messaging systems are restricted to official city business activities or shall only contain information that is essential for the accomplishment of city business-related tasks or for communications that are directly related to city business,

## *Information Technology, Electronic Messaging, and Internet Use*

---

administration, or practices. Under no circumstances may any employee use city electronic messaging systems to access, run, support, or operate a personal business.

Sending, receiving, displaying, printing or otherwise disseminating material that is fraudulent, illegal, sexually suggestive, revealing, explicit or obscene, derogatory, defamatory, obscene, disrespectful, harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline. Employees or users encountering such material should immediately report it to their supervisor/ manager or a Human Resources representative. Unauthorized soliciting or proselytizing others for commercial ventures, religious or political causes or other non-City business related matters.

The email system shall not be used to plan for or coordinate work slowdowns or strikes, or to incite employees or otherwise disrupt the work environment. The email system shall not be used for campaigning for union issues or running for office.

Electronic messages addressed to the entire City are only to be used for official city business-related items that are of particular interest to all users. In the event that an employee has questions about sending a particular email communication, the employee should seek prior approval from a supervisor.

It is a violation of this policy to transmit a message under another employee's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Employees are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of an employee's email, name, or password. Any employee who believes the employee's password has become known to another person shall change the password immediately.

No electronic messages can be sent that attempt to hide the identity of the sender or represent the sender as someone else. Anyone obtaining electronic access to other companies' or individuals' materials must respect all copyrights and cannot copy, retrieve, modify, or forward copyrighted materials except as permitted by the copyright owner.

City business conducted on any device may also be subject to public records requests.

### 200.6.1 ELECTRONIC MAIL FOR ELECTED AND APPOINTED OFFICIALS

The city will provide an electronic mail account to elected and appointed officials. This account shall be used for city business only, enabling communications with the public, city staff, and other elected and/or appointed officials. Elected and appointed officials must also follow city e-mail policy. The electronic mail account will be deactivated when the elected or appointed official completes a term without re-election or resigns.

### 200.6.2 ELECTRONIC MESSAGE RECORD MANAGEMENT

Electronic messages may, depending upon the individual content, be a public record and must be managed in accordance with the established records retention schedule and in compliance with state law.

## *Information Technology, Electronic Messaging, and Internet Use*

---

The City Clerk should ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

### **200.7 APPROPRIATE INTERNET USE**

Internet access provided by or through the city shall be strictly limited to city-related activities. Internet sites containing information that is not appropriate or applicable to city use and that shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of an employee's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files. Online chat/instant messenger (IM) programs for non business related activity is strictly prohibited. City staff should remember that any messages or information sent using city-provided computers and equipment to one or more individuals via an electronic network (e.g., internet mailing lists, bulletin boards, chat rooms, and online services) are subject to public records requests. City business conducted on any device may also be subject to public records requests. The installation or use of external online instant messaging programs is prohibited without prior city approval.

The city recognizes that participation in some forums may be important to the performance of an employee's job. For instance, an employee may find the answer to a technical problem by consulting members of a user group devoted to a particular technical area.

### **200.8 PROTECTION OF SYSTEMS AND FILES**

All employees have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Employees shall ensure city computers and access terminals are not viewable by unauthorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed.

Employees shall not allow unauthorized users to access the computer system at any time or for any reason. Employees shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

In order to prevent security breaches of the city's information systems, an employee's computer should be manually locked when an employee leaves the workstation regardless of the length of time that the employee will be away. Employees should not rely on auto-lock features that lock the computer after a pre-set number of minutes.

## *Information Technology, Electronic Messaging, and Internet Use*

---

Employees are prohibited from breaching, testing, or monitoring computer or network security measures.

Encryption software may be utilized for purposes of safeguarding sensitive or confidential business information. Employees who may use encryption on files stored on a city computer must provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all of the passwords and/or encryption keys necessary to access the files.

### 200.8.1 USER LOG FILES

The city reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the city, including the city email system, computer network, and/or any information placed into storage on any city system or device. This includes records of all keystrokes or web-browsing history made at any city computer or over any city network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through city computers, electronic devices, or networks.

The city gathers and stores daily user log files for most electronic activities and monitors employee communications directly (e.g., telephone numbers dialed, emails sent and received, internet sites visited, call length, and time at which calls are made).

**2020-06 \_ COEW Incident  
Accident Report w Cover Page.pdf**



# CITY OF EAST WENATCHEE

271 9th Street  
East Wenatchee, WA 98802  
509-886-6103 fx.(509) 884-6233

## INCIDENT/ACCIDENT REPORTING

**Employee:** When a personal injury occurs, you must notify your supervisor (if your supervisor is unavailable then contact your director or Human Resources) as soon as able after seeking necessary treatment (which may include dialing 911). Complete and provide the incident/accident report to your immediate supervisor within 8-24 hours of injury.

**Supervisor:** Immediately\* notify HR via [HR@EastWenatcheeWA.Gov](mailto:HR@EastWenatcheeWA.Gov), complete incident/accident report supervisor section and route to Human Resources within 48 hours (if more time is needed please communicate with Human Resources). *There are circumstances that require Human Resources to notify L&I directly, such as workplace fatality or inpatient hospitalization (within 8 hours) and non-hospitalization amputation or loss of an eye (within 24 hours). In these cases, notify your department director who will personally call the HR Department.*

\*Sedgwick, our Workers' Comp claims administrator, requires quick reporting and tracks what they call "Lag Time" which is the time from when an injury happens to when it is reported with Sedgwick. We need your quick action to ensure our lag time reporting numbers remain low.

If you require assistance completing the incident/accident report, the employee needs assistance communicating with occupational medicine, or information regarding filing a workers' compensation claim, contact Human Resources.

***Page intentionally left blank***



**CITY OF EAST WENATCHEE  
INCIDENT / ACCIDENT REPORTING**

PERSONAL INJURY

NEAR MISS

VEHICLE ACCIDENT

**First Aid only**

**Refusal to seek medical care**

Dept Incident No. \_\_\_\_\_

**Part I - EMPLOYEE'S STATEMENT OF FACTS**

Employee Name (Last, First, M.I.) \_\_\_\_\_ Shift Start Time \_\_\_\_\_ Equipment or Vehicle Number \_\_\_\_\_

Job Title \_\_\_\_\_ Department \_\_\_\_\_ Location of Incident \_\_\_\_\_

Date & Time of Incident \_\_\_\_\_ Date & Time Reported \_\_\_\_\_ Incident Reported to (Name & Job Title) \_\_\_\_\_

How did the injury, near miss, or damage occur? Include environmental conditions:

Extent of injury, specify body part, left or right, and/or property damage:

Object or substance which directly injured employee:

List protective equipment or clothing used:

Did the injury require treatment?  Yes  No

Treatment Provider: \_\_\_\_\_ Treatment Location: \_\_\_\_\_

If treatment given, please describe:

L&I Claim Form Completed?  Yes  No

Provide witness name(s) below: Address: Phone:

1. \_\_\_\_\_

2. \_\_\_\_\_

**Employee Signature:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

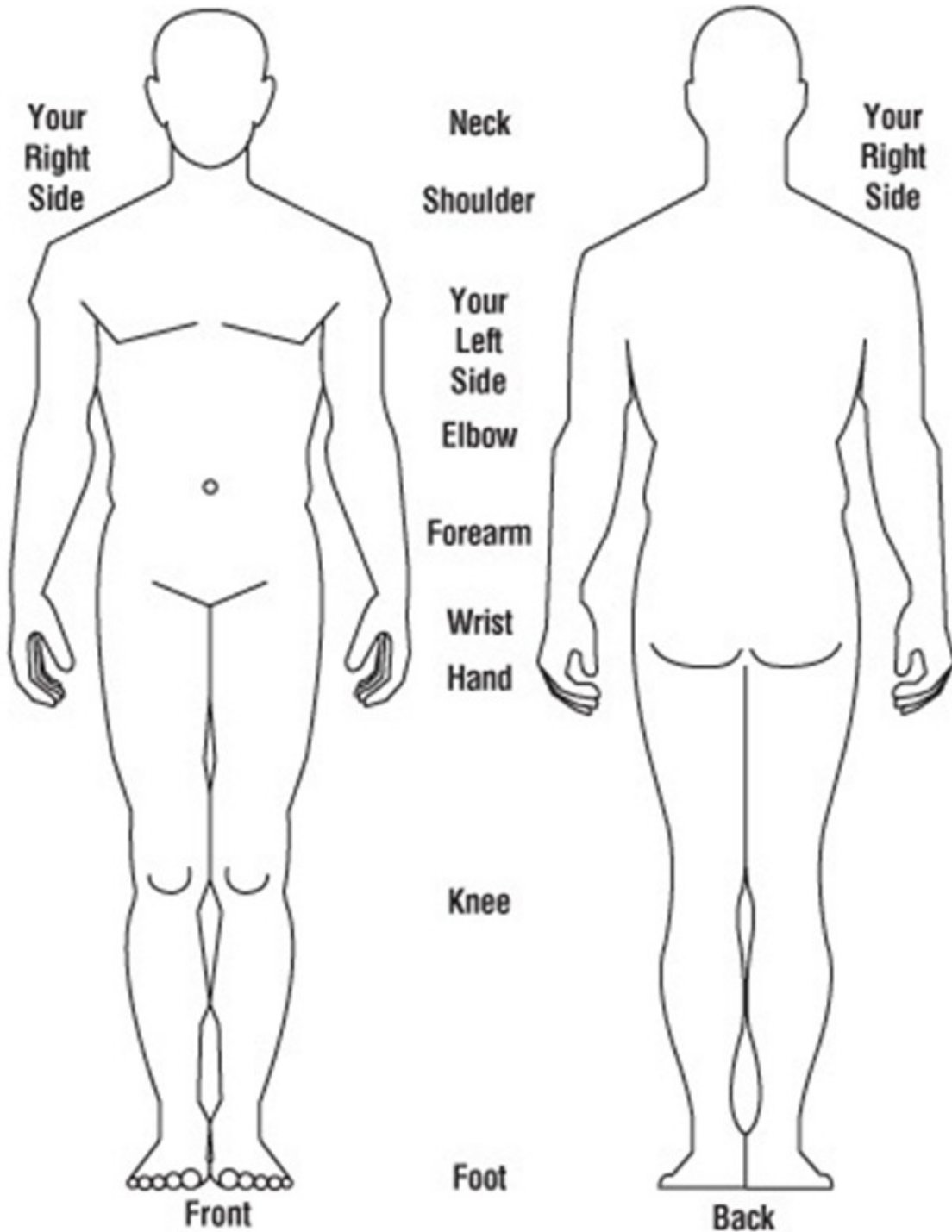
**Address:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*If employee unable to complete due to injury - Supervisor complete Part-2*

**Supervisor Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**CITY OF EAST WENATCHEE  
INCIDENT / ACCIDENT REPORTING**

Please mark location of injury or pain.



**CITY OF EAST WENATCHEE  
INCIDENT / ACCIDENT REPORTING**

**Part 2 - SUPERVISOR'S INVESTIGATIVE REPORT**

Describe the incident and why or how it occurred:

Did employee receive first aid?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Did employee visit physician?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Did employee visit emergency room?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Was hospitalization required?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Did injury cause time loss?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If so, how many hours/days?	_____hrs.	_____days

Returned to work (date): \_\_\_\_\_

Expected Date of return: \_\_\_\_\_

Results/Findings of **Investigation**:

What could have been done to prevent this?

Corrective action taken to prevent recurrence:

Supervisor Name: \_\_\_\_\_ Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Please Print Clearly

**Part 3 - DEPARTMENT DIRECTOR REVIEW**

Division/Department Management Review                      Signature: \_\_\_\_\_

Department Director comments & recommendations:

Director Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF EAST WENATCHEE  
INCIDENT / ACCIDENT REPORTING**

**Part 4 - SAFETY COMMITTEE REVIEW**

Comments, actions, follow-up required:

Safety Committee Chair Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# INDEX / TOPICS