

RESOLUTION 2024 - 05

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SUNNYSIDE, WASHINGTON, ADOPTING  
THE PERSONNEL POLICY MANUAL**

**WHEREAS**, the City of Sunnyside employs full-time and part-time staff across various departments which provide services to the community and residents thereof; and

**WHEREAS**, the City Council must provide for benefits and working conditions for the employees of the City of Sunnyside; and

**WHEREAS**, the City of Sunnyside City Council finds and determines that the personnel policies set forth here shall be applicable to all City staff, and shall be administered by the Human Resources Department under direction of the City Manager;

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

**SECTION 1.** That Exhibit A entitled "Personnel Policy Manual" set forth herein is hereby adopted.

**SECTION 2.** Upon approval of the City Manager, the Human Resources Department is authorized to make necessary corrections to the Personnel Policy in order that the policy may remain compliant with changes to local, state, or federal laws, codes, rules, or regulations.

**SECTION 3.** This Resolution shall be effective upon passage, approval and signatures hereon in accordance with law.

**PASSED** this 22<sup>nd</sup> day of January, 2024.



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DEAN BROERSMA, MAYOR

**ATTEST:**



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JACQUELINE RENTERIA, CITY CLERK

**APPROVED AS TO FORM:**  
SAXTON RILEY & RILEY, PLLC



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BENJAMIN J. RILEY  
ATTORNEYS FOR THE CITY OF SUNNYSIDE



# **City of Sunnyside PERSONNEL POLICY MANUAL**

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ARTICLE I. HUMAN RESOURCE PERSONNEL POLICY MANUAL

**1.00 Introduction**

The purpose of this Personnel Policy Manual is to create a productive and balanced work environment by clearly defining what is expected of each member of the City team.

This manual has been prepared as a reference tool for all members of the City's work force. Although it will have different applications to employees depending upon their employment status, the manual provides an overview of City operations and incorporates State and federal mandates as well. As the workplace and related laws and regulations are always evolving, this manual will be regularly reviewed to amend these policies where necessary to reflect ongoing change in the City workplace.

It is recognized that no personnel policy can answer all questions that might arise in the normal course of municipal government. Employees of the City are expected to exercise sound judgment and discretion in the performance of their assigned duties.

The provisions of this manual do not supersede the provisions of any collective bargaining agreements or civil service rules and regulations, and when in conflict, the specific terms and conditions of the collective bargaining agreement or civil service rules and regulations will prevail.

These guidelines include, but are not limited to, classification specifications, salaries, working hours and conditions, performance-based increases and promotions, various natures of leave, disciplinary proceedings, appeal procedures, and other matters related to the efficient functioning of the City's work force.

**Important:** This Personnel Policy Manual does not create an employment contract, a promise of specific treatment in specific situations, or a guarantee of employment for any specific duration between the City of Sunnyside and its employees. The City or an employee may terminate the employment relationship at any time as allowed by law, or within the provisions of any applicable collective bargaining agreement and/or civil service rule or regulation.

Any employee with questions about any policy or its interpretation may contact their immediate supervisor, department director, Human Resources Department, or the City Manager for an explanation.

**1.01 General Policy**

A. Policy Statement. The City is committed to recruiting and hiring the most talented and qualified employees subject to budgetary constraints. To that end, the City recruits, as widely as practicable, for each position, and informs and encourages its employees to apply for City vacancies, and to continually develop their own skill base to enhance their competence and competitiveness.

B. Scope of Application. In the interest of the City of Sunnyside's employees and citizens, the City adopts guidelines and procedures to promote full communication between the City, as the employer, and its employees. The City also sets reasonable methods to resolve disputes about wages, hours, and other terms and conditions of employment and to continuously improve personnel management and employer/employee relations.

1. The Personnel Policy Manual applies to all offices, positions, and employees in City service except the following:
  - a. Elected officials;
  - b. Appointed members of boards, commissions, and committees; and
  - c. Contracted persons supplying expert, professional, or technical services as non-employee consultants.
2. The provisions of this Personnel Policy Manual do not supersede the provisions of any collective bargaining agreements or civil service rules and regulations, and when in conflict, the specific terms and conditions in the collective bargaining agreement or civil service rules and regulations will prevail.
3. New Employee Orientations. All new part-time and full-time regular employees are given a new employee orientation by the Human Resources Department as close as possible to their first day of work. This Personnel Policy Manual is an important part of this orientation. Upon arrival within their respective department a departmental orientation will occur.

D. Diversity Policy. The City of Sunnyside is committed to developing a diverse work force which reflects the diversity and composition of the community we serve, and honors and respects the differences and abilities of all our employees and residents, and provides employees with the necessary opportunities, tools, and support to achieve their maximum potential. All employees of the City of Sunnyside have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit professional conduct that reflects inclusion during work, at work functions on or off the work site, and at all other city-sponsored and participative events.

Equal employment opportunity provides a level playing field for City job applicants and must be linked with a commitment to equitably manage a diverse work force. Diversity recognizes and respects the multitude of differences that employees bring to the workplace. Diversity complements organizational values that promote teamwork, leadership, empowerment, and quality service. Diversity means striving to maintain an environment in which supervisors value the differences in their employees and take steps to ensure that all employees know they are welcomed and included.

To achieve workplace equity and inclusion, the City observes the practices outlined below:

1. We strive to ensure that we do not discriminate in employment on the basis of race, color, religion, national origin, sex, age, disability status, genetics, marital status, creed, sexual orientation, gender identity or expression, protected veteran status, political ideology or any other characteristic protected by federal, state, and/or local laws .
2. We make every effort to ensure that our recruiting efforts are designed to produce applicant pools that are both capable and diverse.
3. We are committed to making employment decisions based on job-related criteria and provide opportunities for entry and promotion to all City positions.

4. We strive to ensure a workplace free of all forms of harassment.
  5. We actively work to conduct prompt, thorough and impartial investigations of discrimination or harassment complaints and will take appropriate measures to provide remedy or relief to individuals who have been victims of unlawful discrimination or harassment.
  6. We strive to adopt measures to ensure accountability for managing diversity that will be incorporated into the performance management system for supervisors and managers. The City Manager and Human Resources Department will evaluate the effectiveness of our diversity policies and programs and shall make recommendations for changes and improvements as necessary.
  7. We are dedicated to creating a workplace where everyone can work toward their maximum potential; the City will retain quality, productive employees who will provide excellent services to our residents.
- E. Compliance with the Personnel Policy Manual. By accepting employment with the City of Sunnyside, each employee is expected to follow this Personnel Policy Manual, administrative policies and procedures established by the City Council and/or City Manager, their collective bargaining agreements or applicable civil service rules and regulations, and the guidelines and directives of the department in which they are employed.
- F. Authority of the City Manager. The City Manager, as appointing authority, has general control and supervision over the affairs of the City. The City Manager has the authority to establish such other procedures and guidelines necessary for the control and supervision of the affairs of the City. The City Manager has sole authority to remove "at-will" employees, and may remove union employees for cause as provided by the collective bargaining agreement or civil service rules and regulations. The City Manager may delegate to the department directors the authority to appoint persons to budgeted positions within their departments.
- G. Administrative Guidelines. The City Manager is authorized to issue additional administrative policies as may be necessary to carry into effect this Personnel Policy Manual, except as otherwise provided by Revised Code of Washington or other legal authority. The City Manager is authorized to approve supplementary departmental personnel guidelines not in conflict with these guidelines.
- H. Department Procedures and/or Guidelines. Department directors, upon approval of the City Manager, may create procedures and/or guidelines more specific to their respective department operations consistent with collective bargaining agreements. Departmental policies, procedures, guidelines and/or directives will not conflict with, or supersede any provisions of this Personnel Policy Manual. In the event of any conflict, the City's Personnel Policy Manual will prevail.

Department policies, procedures and/or guidelines will be made available to employees and employees will be put on notice of their existence and content. These documents will also be available from the Human Resources Department .

**1.02 Equal Employment Opportunity**

- A. The purpose of our Equal Employment Opportunity Policy is to emphasize our commitment to the creation and maintenance of a diverse workplace that promotes equality, respect and consideration for others in the daily operations of the City of Sunnyside.
- B. The City of Sunnyside is committed to providing equal employment opportunities to everyone regardless of their race, color, religion, national origin, sex, age, disability status, genetics, marital status, creed, sexual orientation, gender identity or expression, protected veteran status, political ideology, or any other characteristic protected by federal, state and/or local laws.
- C. Human resources functions shall include, but are not limited to, recruitment, testing, appointment, promotion, demotion, transfer, layoff, discipline, termination, compensation, benefits, training, risk management, and maintaining compliance with all State and Federal regulations and general treatment of employees.
- D. This policy shall not be interpreted to mean the lowering of standards for employment, promotion, or retention within City of Sunnyside service. The City of Sunnyside shall seek to hire, promote, and retain the best qualified individuals available within the labor market.
- E. Job opportunity information regarding career, project, and temporary employment with the City of Sunnyside shall be made freely available. Alternative formats of job announcements may be available upon request. The City of Sunnyside may elect to place targeted recruitment notices in newspapers and other publications focused at minority and other protected classes in addition to its traditional recruitment efforts.
- F. In all advertisements for employment or advancement within the City of Sunnyside, the announcement shall contain notice that the City of Sunnyside is an equal opportunity employer.
- G. This policy is designed to be read in conjunction with other policies.

**1.03 Employment**

- A. The purpose of this section of the Human Resource Policy is to define the types of employment offered at the City of Sunnyside and the categories of specified classes.
- B. The City is committed to recruiting and hiring the most talented and qualified employees. To that end, the City recruits, as widely as practicable, for each position, and informs and encourages its employees to apply for City vacancies that will enable them to continue to develop their own skill base to enhance their competence and competitiveness.
- C. Citizenship. All natural or legal citizens of the United States and those who meet eligibility requirements under the immigration laws are provided an equal employment opportunity with the City of Sunnyside.

- D. Application. All internal and external candidates for employment must complete an approved employment application form and submit it to the Human Resources Department. The form and its contents are established by the Human Resource Department. Additional information such as a resume, cover letter, supplemental questionnaire, transcripts, copies of applicable licenses/certifications, and/or proof of good driving record may be requested of applicants.
1. Discovery of falsified information on application materials used to hire an employee at any time during their employment with the City of Sunnyside may be grounds for disciplinary action including, but not limited to, written warning, suspension without pay and/or termination.
- E. Method for Filling Vacancies. Position vacancy notices will be posted on the City website and on the bulletin boards in all City buildings that are available for public inspection.
- F. All selection processes will be conducted by the Human Resources Department. The applicants will be ranked based on the minimum and preferred qualifications for the vacant position. Additional training and/or education will be taken into consideration during the ranking process. The top applicants will move forward to the next phase of the recruitment process. The City reserves the right to consider candidates with any combination of education and experience that would enable the applicant to satisfactorily perform the duties of the position, regardless of stated required or preferred qualifications, unless otherwise prohibited by law, collective bargaining agreement, or civil service rule or regulation.
- G. Selection Process. The selection process may consist of recognized testing techniques such as achievement tests, aptitude tests, and performance through personal interviews, examination of work samples, physical ability tests, written tests, and investigations of personal background and references. The selection process is guided by the City's diversity policy.

Selection techniques are fair and impartial and relate to those areas that, in the opinion of those involved in the selection process, fairly show the candidate's qualifications and abilities to execute the duties and responsibilities of the position to which the candidate seeks appointment.

Upon completion of an impartial selection process, based on the results of testing and other relative considerations, the City Manager makes an appointment from the final candidates. An appointment is usually made upon the recommendation of the department director in which the new appointee is assigned. An appointment becomes effective only after all necessary documents have been signed and job prerequisites such as background check, drug/alcohol testing, references, etc., are completed.

Pre-Employment Testing. Prior to appointment, the City shall require a conditionally selected candidate for appointment to safety sensitive positions for City service to undergo and pass a pre-employment drug screening examination at City expense. The City may also require a candidate to pass a physical examination and/or psychological examination and/or driver's license check after a conditional offer of employment has been made and prior to the candidate's appointment. Negative information obtained from a background investigation may be cause for rejection of an applicant.



H. The following definitions are used in the interpretation and application of the human resource policies of the City of Sunnyside:

1. "City Council" means the elected policy-making authority of the City of Sunnyside.
2. "City Manager" means the chief executive officer of the City of Sunnyside appointed by the City Council.
3. "Department Director" means the person appointed by the City Manager as the administrative chief for department or division .
4. "Employee" means a person appointed to a career, project or seasonal/temporary position in the City of Sunnyside. An independent contractor or volunteer shall not be considered an employee of the City of Sunnyside nor shall the independent contractor or volunteer be eligible for any benefits provided to City employees including privileges, benefits and/or protections offered by the human resource policies of the City of Sunnyside.
5. "Volunteer" means a non-compensated person enrolled in the volunteer program of the City of Sunnyside performing work under the direction of an employee or other volunteer of the City of Sunnyside.
6. "Regular full-time" or "regular part-time position" means a position created by the City Council with the anticipation that it will be necessary to maintain the position on a continuous, year-round basis provided funds are budgeted. In general, the normal workweek for a regular full-time position is a minimum of 40 hours per week and 20 hours per week for a regular part-time position.
7. "Project position" means a position created by the City Manager for a limited duration of time and for a specific project, irregular workloads, or emergencies. Project positions are typically funded by grants or other non-continuous funding sources. Project positions may not exceed two years without the approval of the City Council.
8. "Seasonal/temporary/part-time position" means a position that is designed to be of limited duration or limited working hours and is created by a department director and the Human Resources Department to meet the workload demands of his/her department in accordance with budgeted funds.
9. "Intern" means temporary position with an emphasis of on-the-job training. Typically college or university student, but this can also include high school or postgraduate adults seeking skills for a new career.

I. Temporary Appointments. Whenever a City department requires help because of a special project, a temporary increase in workload, or the absence of a regular full-time employee or regular part-time employee on leave with or without pay, or on extended sick or vacation leave, temporary appointments may be made by the department head following consultation with the Human Resources Department for the duration of such work.

J. Temporary Reassignments. During an emergency or period of unusual workloads, the City Manager or department director may temporarily reassign City personnel within the department for a period not to exceed six months. City personnel may be temporarily reassigned from one department to another within the City. City Manager may authorize temporary differential pay up to five percent without City Council approval based upon job needs.

- K. Continued Employment. Continued employment with the City of Sunnyside is subject, unless covered by a collective bargaining agreement, contract or civil service regulations, to the at-will condition; in addition to satisfactory work performance, the need for the work performed, the availability of funds, and the continued provision of services by the City work force.
- L. Promotion. Promotional selection for vacancies is conducted as the needs of the City require. Regular employees, who meet the requirements of the classification for which a recruitment/examination is to be held, are considered eligible to compete in such a process. An employee selected for promotion shall receive a minimum five percent pay increase moving to the new salary range unless such increase would exceed the maximum range . In such instance, the employee will be placed at the maximum pay level of the respective range for the position.
- M. Exit Interviews. An interview is generally conducted with all employees separating from City service for any reason by the Human Resources Department.

**1.04 Core Job Requirements**

- A. Purpose. To define core job requirements for all jobs and classifications of employment with the City of Sunnyside.
- B. The City of Sunnyside has determined that certain core requirements are demanded of each and every employee, job and classification working or associated with the City of Sunnyside. These core requirements relate to the delivery of quality services to the community we serve, to the residents who pay taxes or fees that fund employment with the City of Sunnyside and to the creation of an effective and efficient work environment between employees.
- C. City of Sunnyside employees are expected to work in a manner consistent with the following core requirements:
  - 1. Work and act as a team player in all interactions with other City employees;
  - 2. Provide a high level of customer service at all times;
  - 3. Display and maintain a positive image with those contacted in the course of work;
  - 4. Develop and maintain collaborative and respectful working relationships with team members and others; and
  - 5. Consistently provide quality service.
- D. Violation of any of these core requirements may be grounds for disciplinary action including, but not limited to, written warning, suspension without pay and/or termination.

**1.05 Classification and Compensation**

- A. The purpose of this section is to clearly define the classifications of positions and the compensation offered by the City to its employees.

- B. Policy Statement. Washington State law requires that the legislative body fix the compensation and benefits for the City's employees. For employees represented by collective bargaining agreements, compensation is fixed as part of the collective bargaining agreement adopted by the Council. For non-represented employees, this policy shall guide the development of all compensation ranges on the City's official compensation schedule, and the placement of any individual employee within the approved salary range.
  
- C. The City Council shall be the sole authority to create or eliminate regular full-time and regular part-time positions for the City of Sunnyside. Prior to any recruitment for a position that is currently not authorized by the Council, the compensation range proposed for the position to be created shall be approved by Council with an amendment to the classification and compensation schedule. Only those positions listed on the classification and compensation schedule shall be considered positions authorized by the City Council.
  
- D. Any and all changes to the classification and compensation schedule and associated pay ranges shall require prior approval by the City Council before any change in classification or compensation schedule shall be effective.
  
- E. A non-represented employee shall not be eligible to receive any premium pay for education, advanced training, certification or other attribute, with the exception of the bilingual Spanish language incentive. The non-represented employee is presumed to fully meet the total requirements for their respective job and their salary shall fully compensate the employee for their education, training, and experience.
  
- F. The classification schedule shall list positions based on their comparable value within the City of Sunnyside. Classification is made by considering the assigned duties or responsibilities of the position and minimum qualifications, along with available market rates of pay of comparable positions, to determine the pay range of the position. Nothing in this policy shall supplant or replace what has been outlined within existing governing labor agreements.
  
- G. The classification and compensation schedule shall group positions together in a classification or salary range according to the following considerations:
  - 1. Essential functions of the position;
  - 2. Knowledge and skills utilized;
  - 3. Responsibility and accountability;
  - 4. Judgment and extent of independent discretion;
  - 5. Supervision of others and management environment.
  
- H. On an annual basis, or more frequently as may be necessary, the City Manager along with the Human Resources Department shall review and make recommendations to the City Council regarding adjustments and changes to the classification schedule as necessary. The City Council shall consider such recommendations and shall approve the changes it deems appropriate. Following the approval by the City Council, the City Manager or designee shall publish a revised listing showing the classification and compensation of positions and their corresponding pay ranges.

1. As part of the annual budget review and adoption process, the City Manager or designee shall present the Classification and Compensation Schedule to Council, which details the number of positions currently authorized; the title, classification and compensation range for each position; the number of positions requested to be funded; and the collective bargaining unit under which the position falls, if applicable.

I. The classification and compensation schedule shall be composed as follows:

1. The compensation schedule shall be composed of a pay range or step pay scale based on industry standards, a position's status as exempt or non-exempt from overtime pay in accordance with the federal Fair Labor Standards Act, and stipulations of any applicable collective bargaining agreement. .
2. For pay ranges, the spread between the minimum and maximum pay shall be no less than 10% and no more than 25%. For step scales, each step shall be five percent higher than the previous step, unless otherwise dictated by a collective bargaining agreement.
3. The interval between hierarchical classifications shall be a minimum of 10% between the maximum pay for the lower classification position and the minimum pay for the higher classification position.
4. Calculation for changes to wages due to market comparisons or Cost of Living Adjustments (COLA) shall be made to the minimum established pay amount, and adjusted within the established step or range intervals, and rounded to the nearest cent.

J. The employee's progression through the salary range or steps shall be as follows:

1. Following twelve months from the effective date of any placement on a step or within a pay range, an employee shall be eligible for a step increase or range adjustment until they reach the top of the range or the top step. For classifications in a pay range, standard increases for satisfactory performance should not exceed 5% without advanced approval from the City Manager. For classifications on a step scale, a Department Director may request in writing additional steps in the increase by citing specific examples of the employee's performance that warrant the award of an additional step increase, and such written request must be approved by the City Manager.
2. Once an employee reaches the top step or range, the employee shall not be eligible for any further increases while in their current classification except for base wage rate adjustments and/or COLAs that may be granted from time to time by the City Council.
3. Merit raises outside of the annual pay adjustments may be awarded to employees following written request from a Department Director and approval by the City Manager. The amount of a merit raise will be in alignment with the work performance being recognized not to exceed the top range/step of the position.
4. Prior to any step or range placement increase being awarded, the City Manager and/or Human Resources Department shall require the supervisor and Department Director to complete a formal, written performance evaluation.

K. No employee shall be paid below the minimum rate of pay established for the salary range of his/her current position nor shall they be paid above the maximum range for his/her current position.

L. Longevity Pay will be paid once per year in the latter half of November. Pay will be accrued on a per-pay period basis following the pay period in which the employee reaches their anniversary of service according to the schedule of years of service. Longevity Pay is calculated on the percentage of current wage for each pay period of accrual, and will accrue at the rate attained until they reach the next anniversary on the schedule.

<u>YEARS OF SERVICE</u>	<u>MONTHLY LONGEVITY PAY</u>
5	1%
10	1.75%
15	2.5%
20	3.25%

**1.06 Hours of Work, Overtime, and Standards for Payroll**

A. Purpose. The nature of the job duties for each classification shall be taken into consideration when determining standard hours of work. Not all jobs with the City of Sunnyside require business-hour interaction with the public, nor are all jobs restricted to work done within normal business hours. The purpose of this policy is to establish standard hours of work, the regular work-week, and the application of overtime pay. Hours of work established under this policy may be adjusted from time to time to meet the requirements of the City of Sunnyside, as allowed and regulated under the federal Fair Labor Standards Act (FLSA) and other applicable local, state, and federal regulations.

B. Established Workdays and Workweeks. The standard work period is the seven-day period beginning each Monday morning at 12:00 a.m. and concluding at 11:59 p.m. on each Sunday night, consisting of forty (40) work hours per week, unless otherwise established by union contract or FLSA exemption. Hours of business for City facilities open to the public are set by ordinance of the City Council and amended from time to time based on the needs of the City. Most public offices are open to the public by 9:00 a.m. and closed at 5:00 p.m., Monday through Friday, therefore work schedules for most classifications are based around those hours of business. The City Manager has the right to change the standard workday with 30 calendar days' written notice.

Specific schedules for employees shall be based upon the following guidelines as applicable based on FLSA status, classification, and the nature of the requirements of job duties, as assigned by the Department Director:

1. FLSA Non-Exempt Positions (positions eligible for overtime pay):
  - a. Classifications requiring business-hour interaction with the public:
    - i. Five consecutive workdays (Monday through Friday) of eight work hours in nine consecutive hours per day with a one-hour unpaid lunch period followed by two consecutive days off; or
    - ii. Four consecutive workdays (Monday through Thursday or Tuesday through Friday) of 10 work-hours in eleven consecutive hours per day inclusive of a one-hour unpaid lunch period followed by three consecutive days off.
  - b. Classifications not requiring business-hour interaction with the public:
    - i. Five consecutive workdays of eight hours in nine consecutive hours per day with a one-hour unpaid lunch period, with two consecutive days off.

Consecutive days off can include the last day of one work week and the first day of the following work week (Sunday and Monday).

- ii. Four consecutive workdays of ten hours in eleven consecutive hours per day with a one-hour unpaid lunch period, with three consecutive days off. Consecutive days off can include the last day of one work week and the first day of the following work week (Sunday and Monday).
  - c. Nothing herein shall prohibit an employee and employer from occasionally flexing work days and hours upon mutual consent as allowed by local, state, and federal law; however, any time an employee subject to overtime pay per the FLSA works more than forty (40) hours within any seven-day work-week, all time in excess of forty (40) hours must be compensated at a rate of 1.5 times the employees regular rate of pay, or as compensatory time at 1.5 hours for each hour worked in excess of forty (40) hours.
2. FLSA Exempt Positions:
- a. Classifications requiring business-hour interaction with the public:
    - i. Approximately forty (40) hours per established work-week, consisting of four or five workdays, set between Monday and Friday, during business hours for the worksite.
  - b. Classifications not requiring business-hour interaction with the public:
    - i. Approximately forty (40) hours per established work-week, consisting of four or five workdays, set when most appropriate for the classification to complete the duties and expectations of the work.
  - c. It is understood that the expectation for full-time employees of the City of Sunnyside is to work forty (40) hours per week, but that by the nature of the work, positions and classifications that are exempted from overtime pay by the Fair Labor Standards Act (FLSA) may often be required to work additional hours in order to fulfill the expectations and duties required of the position. Positions classified as FLSA exempt are granted reasonable flexibility during the established work-week to adjust hours from day to day as needed and authorized by the City Manager. Additionally, to offset the expectation that these classifications will exceed forty (40) hours per work-week, FLSA exempt positions will be granted additional Executive Administrative Leave on an annual basis, as addressed in Section 1.11(C) of this policy.

C. Exceptions to Established Work Hours. A department director may change an employee's work period (hours per day/days per week) with at least seven calendar days' notice, except no notice is required in an emergency, in order to be consistent with the needs of the City.

D. Remote Work. Based upon the specifications of any position, the classification may be eligible for partially or fully remote work upon approval of the City Manager. However, there is no promise or guarantee that remote work will be allowed or available for any or all positions or classifications. Any classification that is granted the ability to work remotely may be called back to on-site work at any time without advanced notice, based upon the needs of the City. Requests for partially or fully remote work shall be reviewed on a case-by-case basis. All remote work will be done on approved equipment

provided by the City. Under no circumstances may any employee connect any unauthorized equipment or technology to the City's system

E. Attendance. Employees must report for their work assignments at the times and places set by their supervisors. Each department prepares attendance records of all employees through the approved timekeeping method of the City as approved by the City Manager. If an employee is ill and unable to come into work, the employee is responsible for informing their supervisor prior to the start of their work shift or as soon as possible as provided in the sick leave policy and consistent with local, state, and federal law.

F. Pay Periods. All employees shall be paid twice a month, the tenth (10<sup>th</sup>) and the twenty-fifth (25<sup>th</sup>) of the month. If the tenth (10<sup>th</sup>) or the twenty-fifth (25<sup>th</sup>) falls on a Saturday, employees shall be paid on the preceding Friday. If the tenth (10<sup>th</sup>) or the twenty-fifth (25<sup>th</sup>) falls on a Sunday, employees shall be paid on the next working day.

G. Deductions. Deductions from employees' pay are ruled by current laws, contracts, and this personnel policy. They include the following:

1. Deductions required by law and contracts, which may include federal withholding tax, Social Security tax, State retirement systems, recognized employee organization dues, wage garnishments, and health care insurance co-payments; and
2. Deductions can be arranged for a credit union, United Way, deferred compensation, recognized employee organizations, and other deductions as approved by the City Manager. These types of deductions are arranged only upon receipt of the written authorization from an employee.

H. Garnishment. State law requires the City to comply with writs of garnishment and deduct a part of the employee's pay and remit it to the judgment creditor. Employees are encouraged to spend time evaluating possible alternatives available to them in making payments to creditors. Disciplinary action up to and including termination may be implemented if the City receives garnishments for three or more separate debts within any period of 12 consecutive months, pursuant to RCW 6.27.170.

I. Overtime Policy. For employees not exempt from the Fair Labor Standards Act (FLSA), it is the policy of the City to avoid the need for overtime work in order to minimize the financial liability caused by accumulated overtime. Overtime may be necessary for the protection of the lives or property of the residents of Sunnyside or the efficient operation of City departments. Authorized overtime is to be kept to a minimum.

1. Prior Approval. An employee needs prior approval from their immediate supervisor or department director to work overtime.
2. Reporting. The department director or supervisor is responsible for authorizing, approving, and submitting overtime hours on the employee's timesheet for payment of overtime and/or the accrual of compensatory time earned during any workweek.
3. FLSA-Mandated Overtime. The City, according to the Fair Labor Standards Act (FLSA) as amended, pays FLSA nonexempt employees for authorized overtime as follows:
  - a. Overtime work for all covered employees is defined as any time worked in excess of 40 hours of work in a workweek, unless otherwise specified;

- b. Overtime is paid at the rate of one and one-half times the employee's regular hourly rate of pay for all hours worked beyond 40 hours worked in a workweek; and
- c. When it is necessary to direct employees to report for emergency overtime work, the minimum payment for each call-out is two hours' pay at one and one-half times the employees' regular hourly rates of pay.
- d. In lieu of cash compensation, an employee may request compensatory leave. Compensatory time accrual is limited to 40 hours and must be used within six months from the date of accrual.

**1.07 Health (Welfare) Insurance, Retirement, Social Security/Medicare and Worker's Compensation Benefits.**

- A. Purpose. To establish a human resource policy to define health (welfare) insurance, retirement, Social Security/Medicare and worker's compensation benefits Washington State law requires that the legislative body fix the compensation and benefits for the City's employees. For employees represented by collective bargaining agreements, benefits are fixed as part of the collective bargaining agreement adopted by the Council. For non-represented employees, this policy shall be the vehicle that shall fix the health (welfare) insurance benefits to be provided to non-represented employees.
- B. The City Council shall be the sole authority to determine what health (welfare) insurance benefits may be provided to non-represented employees and to fix what the employer and employee contributions shall be for the insurance coverage provided.
- C. The City Manager shall review and make recommendations to the City Council regarding adjustments and changes to the insurance premium allocations for the employer and employee for health (welfare) insurance premiums. The City Council shall consider such recommendations and shall approve those changes it deems appropriate prior to the start of the new plan year for insurance coverage. Following the approval by the City Council, the City Manager or designee shall publish a revised listing showing the employer and employee contribution rates together with the health (welfare) insurance plans to be provided to the employees.
  - 1. The City Manager is authorized to establish a Section 125 plan to provide for pre-tax payroll deductions for the payment of the employee's share of the health (welfare) insurance premiums along with additional employee payroll deductions for health care reimbursement and dependent care reimbursement in accordance with applicable IRS regulations and requirements.
- E. Eligible employees of the City of Sunnyside and their eligible dependents may be covered by a comprehensive medical, dental and life insurance plan as approved by the City Council. As part of the annual budget process, the City Council shall approve employer contributions for medical, dental, vision, and life insurance.
- F. The City of Sunnyside believes that providing comprehensive medical, dental, and vision insurance benefits is a key component to the attraction and retention of quality employees. Due to the rapidly escalating cost of these benefits the total cost of medical, dental and vision insurance coverage for the



employee and any eligible dependents may be split between the employer and employee, who will pay a portion of the cost through employee payroll deduction at a rate established by the City Council.

- G. Eligibility for insurance coverage is established by the insurance policy. To be an eligible employee or eligible dependent, the insurance policy definition and specific criteria must be met.
- H. Eligible dependents shall also include registered domestic partners. Any additions as of March 2010 will require proof of registration status.
- I. Discontinuation of dependent coverage requires completing a benefit change form with the Human Resources Department.
- J. HRA/VEBA Contribution. The City of Sunnyside may establish a Health Reimbursement Account (HRA) through a Voluntary Employees' Beneficiary Associate (VEBA). Contribution rates to the HRA/VEBA account are made by both employer and employee. The City of Sunnyside will set up and manage the account through payroll and will remit the contributions directly to the established benefit provider. The City agrees to contribute \$25 per month in conjunction with an employee contribution of \$50 per month, for a total monthly remittance of \$75 per employee, per month.
- K. Continuation of medical, dental and vision coverage under COBRA will be governed by COBRA statute and regulations. Employees eligible for COBRA benefits are required to pay the entire medical and/or dental premium costs.
- L. Under Washington State law, employees who qualify according to the laws and regulations governing the Washington State Public Employees' Retirement System (PERS) must be enrolled in PERS. The PERS system requires a premium contribution from both the City of Sunnyside and the employee. The State Department of Retirement Systems (DRS) is charged under State law with the management of the retirement system and shall establish the necessary enrollment, contribution, and retirement provisions applicable to the City of Sunnyside employees in accordance with State law and the regulations adopted by DRS. The contributions by the employee shall be made by payroll deduction on a pre-tax basis in accordance with the regulations of DRS.
- M. All City of Sunnyside employees are covered by federal Social Security and Medicare insurance with the exception of those employees assigned to the Fire Department as a firefighter/paramedic/EMS technician who are excluded from Social Security. Contributions to Social Security and Medicare are established by the federal government and include both an employee and a City of Sunnyside contribution and are made on a payroll deduction basis.
- N. All employees of the City of Sunnyside are covered by a program of industrial insurance through the Washington Department of Labor and Industries (L & I). The program is managed and administered by L & I in accordance with the laws of the State governing the industrial insurance program for the benefit of both the employee and the employer. A contribution rate is established for both the employee and the employer by L & I and is paid on a payroll deduction basis.

- O. All City of Sunnyside employees are covered by a state-run insurance benefit program administered by the Washington State Employment Security Department (ESD) called the Paid Family and Medical Leave program. The Employment Security Department establishes the contribution rates for the employer and employee on an annual basis and is paid to ESD on a payroll deduction basis.
- P. All City of Sunnyside employees are required to contribute to the long-term care insurance benefit established by Washington State law in 2019. Employees have the option to apply for an exemption to this premium and once written approval is received from ESD and provided to the Human Resources Department then the payroll deduction will cease. Beginning in July 2026 these benefits can be used for long term care services. The premiums are paid by employees only and the annual contribution rates are set annually by the Employment Security Department and is paid to ESD on a payroll deduction basis.
- Q. The City Council may authorize employee participation in additional insurance programs such as disability insurance, supplemental life insurance, and similar programs through employee payroll deduction.
- R. The City of Sunnyside retains the right to modify or terminate this benefit coverage at any time.

**1.08 Sick Leave**

- A. The purpose of this portion of the Human Resources policy is to establish and define the sick leave usage allowances.
- B. Sick leave shall be used as allowed by applicable State and/or Federal law for employee's self or family member and documentation of authorized usage shall be provided by the employee when requested by the employer consistent with any such laws.
- C. Activities Incompatible with Sick Leave. Any employee who is absent after requesting sick leave or who is on leave as provided by this chapter or other chapters in the human resource policy manual may not engage in work or other activities that are in conflict with the reasons given by the employee for being on sick leave. While on sick leave, an employee must not engage in any activity that would hamper their ability to return to work.
- D. Abuse of Sick Leave. The abuse of sick leave privileges may result in disciplinary action against an employee up to and including termination.
- E. Licensed Medical Provider's Statement. If the employee is absent three or more days, the employee's immediate supervisor, department director, or the City Manager may require a written statement from the employee's attending physician that confirms the employee is/was unable to work during his/her absence due to illness, disability, or medical treatment. The statement must also give the doctor's opinion as to when the employee may return to work, and describe any restrictions on their ability to perform all of the duties required by their position upon their return. Such a statement may also be required from a second or alternate physician designated by the City Manager at the City's expense.

Management may require a physician's statement for absences of less than three days if the employee has been using an excessive amount of sick leave and/or management suspects abuse of sick leave privileges, as permitted by law. Where an employee is absent three or more days to care for a child or other relative, the employee may be required to provide a note from the relative's physician or other health care provider.

F. Eligibility. Regular full-time, regular part-time and regular temporary employees are eligible to accrue and use sick leave. Emergency employees are not eligible to accrue sick leave.

G. Accrual. Regular full-time employees accrue sick leave at the rate of eight hours for each full calendar month of service beginning with the date of employment, up to a cap of 960 hours of accrued sick leave. Regular part-time employees accrue sick leave in proportion to the number of hours worked per week. Sick leave accruals during months when an employee works less than the standard workweek are prorated based on the number of hours actually worked. Sick leave may be used after the first month of employment and is based on an employee's current balance of accumulated sick leave hours. New full-time employees or currently serving full-time employees who have served as volunteer firefighters or reserve police officers for the City of Sunnyside shall be granted one day sick leave for each year of past service as a volunteer firefighter or reserve police officer, prior to full-time employment with the City.

H. Accumulation and Sick Leave Benefit upon Death or Retirement.

1. Upon death, 50 percent of their accrued sick leave will be paid out in the final pay check.
2. Upon retirement from the City of Sunnyside provided the employee is eligible to draw a pension from the State Department of Retirement Systems and files for benefits within two months of leaving service with the City of Sunnyside, 25 percent of their accrued sick leave will be paid out in the final pay check.

I. Workers' Compensation and Disability Payments. All regular full-time employees will be covered by State Worker's Compensation or some program with equal or better benefits. Any employee who is eligible for time off because of an on-the-job injury, will be paid their regular salary by the City when they are absent from work for the first 90 days by the Kept on Salary (KOS) program established by the Department of Labor & Industries. While the employee is being paid under the KOS program, their regular accruals will be paused, so that while no leave is used, they will not gain additional hours during the period of KOS. The use of KOS pay is in conjunction with the City's desire to bring employees back to work on light duty or with transitional work as soon as practical. If an employee is unable to return to work in any capacity following ninety (90) days, the City may evaluate the employee's condition and determine whether to keep the employee in KOS status or change to Time-Loss compensation. In the event the employee is changed to Time-Loss compensation following the ninety (90) day KOS period, employees will begin using and accruing leave during the remainder of their time away from work. Employees receiving Time-Loss compensation from the State of Washington must remit the payment to the City and have their leave bank reimbursed by the number of hours proportionate to the time-loss pay.

**1.09 Vacation Leave**

- A. Purpose. To establish a human resource policy to define vacation leave.
- B. Eligibility. Regular full-time employees and regular part-time employees are eligible to use accumulated vacation leave after six months from date of hire. Use of these accrued and accumulated vacation hours is subject to approval by the employee's department head. An employee's vacation may not exceed the amount of vacation time the employee has actually accrued.
- C. Seasonal and emergency employees are not eligible to earn vacation leave with pay.
- D. Use of Vacation.
  - 1. Scheduling. Accrued vacation must be used in increments of at least one hour. The dates and length of time an employee uses accumulated vacation leave require prior approval by the employee's immediate supervisor. Employees are expected to plan as far in advance as is practical their request for and use of vacation time and communicate those requests to their supervisor. The supervisor takes into consideration the wishes of the employee as well as the needs of the City.
  - 2. Maximum Hours. Vacation leave may be used as accumulated. Vacation leave is, however, not available for use until earned and posted to the employee's accrued vacation leave following the end of the current pay period. As of December 31st of each year, no employee will be permitted to have an accumulated amount of accrued vacation leave in excess of 300 hours.
    - a. Any accrued vacation leave in excess of 300 hours will be forfeited on an annual basis.
    - b. The City Manager is authorized, in writing, to extend the period for use beyond December 31st for an additional 90 days provided the employee has previously requested to use an adequate amount of vacation leave to bring their accrual balance below 300 hours and had their vacation leave cancelled or denied by the City due to the City's need to restrict employee leave.
    - c. Employees are expected to responsibly manage their vacation leave balance to avoid shortfalls and excesses.
    - d. Non-represented employees shall be able to sell back to the City forty-eight (48) hours of accrued but unused vacation hours provided they have utilized 48 hours of their annual vacation accrual in the current year and they have a vacation balance of at least 48 hours.
- E. Non-represented Employees. Vacation leave is accrued starting on the employee's first day, with the following amounts being accrued each year:
  - 1. One year to three years of service: 96 hours.
  - 2. Four years to five years of service: 120 hours.
  - 3. Six years to Nine years of service: 140 hours.
  - 4. 10 years to 15 years of service: 160 hours.
  - 5. 16 years to 19 years of service: 190 hours
  - 6. 20 years to 24 years of services: 205 hours
  - 7. 25 years of service and beyond: 225 hours

- F. Vacation hours will be accrued on a pay period basis. No accrued vacation time may be used until after six months' employment.
- G. Vacation Payoff at Separation. A separating employee is paid for accrued vacation leave at the rate of pay in effect at the time of separation up to a maximum of 240 hours.
- H. When separation is caused by an employee's death, payment for accrued vacation leave is paid in the employee's name.

**1.10 Holidays**

- A. Policy. The City of Sunnyside recognizes that certain days of the year are celebrated as holidays. The City further recognizes that holidays serve as a time to afford employees paid time off to celebrate or reflect on such events with family and friends.
- B. The City of Sunnyside recognizes as paid holidays the following:
  - 1. New Year's Day: January 1st;
  - 2. Martin Luther King Day: third Monday in January;
  - 3. President's Day: third Monday in February;
  - 4. Memorial Day: last Monday in May;
  - 5. Juneteenth Day; June 19th
  - 6. Independence Day: July 4th;
  - 7. Labor Day: first Monday in September;
  - 8. Veteran's Day: November 11th;
  - 9. Thanksgiving Day: fourth Thursday in November;
  - 10. Day after Thanksgiving;
  - 11. Christmas Day: December 25th;
  - 12. Floating holiday.
- C. In general, when a holiday falls on a Sunday the following Monday will be observed as the holiday. When a holiday falls on a Saturday the previous Friday will be observed as the holiday. Upon mutual agreement between employees and their supervisors, an alternate day off may be taken if an employee has a non-standard schedule.
- D. Should an employee be required to work on a holiday, they shall be compensated at the following:
  - 1. Nonexempt employees shall receive one and one-half times their regular rate of pay or, at the employee's option, an equivalent amount of compensation time for the hours worked. Should a full-time employee work less than their normal schedule on the holiday, holiday time in an amount necessary to equal their normal day schedule of hours will be added to the employee's time card.
  - 2. Exempt employees shall take an alternate day off in lieu of the Holiday.

E. If a holiday occurs during an employee's vacation, the employee shall utilize the holiday in lieu of vacation for the day.

F. Religious Holiday. An employee who wishes to be excused from work in observance of a religious holiday will request approval of the absence from the department director. If approved, any time off will be charged against vacation leave or compensatory time. Employees may request unpaid time off.

#### **1.11 Other Leaves of Absence**

A. The purpose of this section of the Human Resources policy is to define other paid and unpaid leaves allowed by the City of Sunnyside.

B. Bereavement Leave. Forty (40) hours of bereavement leave will be granted per occurrence for immediate family members of the employee or the employee's spouse (for purposes of such leave, immediate family of the employee or spouse of the employee includes: parent, child, spouse, brother, sister, son-in-law, daughter-in-law, grandparent, grandchild, and equivalent step relatives); up to twenty-four (24) work hours per occurrence for other extended family members (i.e., aunts, uncles, nieces, nephews or cousins) where overnight travel out of town is required. Eight (8) hours of leave may be granted for employees following the loss of another relative or friend for the purposes of attending funeral services.

C. Exempt Employee Executive Administrative Leave. Positions which are exempt under the FLSA are not entitled to compensatory time or overtime. Positions which are exempt under the FLSA shall receive executive leave of 80 hours each year, to be identified as "Executive Administrative Leave."

1. This leave shall be used in the year earned and shall not be accumulated.

2. At separation for whatever reason, any remaining Executive Administrative Leave shall be forfeited and the employee shall not receive any compensation for the forfeited leave.

D. Military Leave of Absence. Employees required to take training by virtue of military order for the Military Reserve or National Guard membership shall be granted leave for such training for periods not to exceed 21 working days per year and shall be paid for such periods and benefits shall continue to accrue for the employee during this period. This provision shall be subject to applicable State and federal laws.

E. In the event that an employee is absent due to being called into active military service of the United States or the State of Washington, he or she will be placed on military leave without pay.

F. The City will abide by the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) for employees called to active duty for longer than 21 days. Employees will present a copy of their active duty orders to their supervisor before commencing military leave.

G. Leave for Spouses of Deployed Military Personnel. Employees who are the spouse or registered domestic partner of a member of the Armed Forces of the United States, National Guard, or Reserves during times of military conflict, who have been notified of an impending call or order to active duty, or

have been deployed, may be granted 15 days of unpaid leave per deployment after the military spouse has been notified of (1) an impending call or order to active duty and before deployment, or (2) when the military spouse is on leave from deployment. An employee who seeks to take such leave must provide the City with notice of their intent to do so within five days of receiving official notice of an impending call or order to active duty or leave from deployment. Leave is unpaid but an employee may elect to substitute any accrued leave for any part thereof.

#### H. Subpoena.

1. Related to Employment. An employee who is subpoenaed to appear in court as a witness in a matter arising from their job-related duties with the City is on paid status when the employee is appearing during their workday. If the employee appears when off-duty, the employee is entitled to overtime pay or compensatory time, if applicable per FLSA regulations. Compensation received by the employee for witness or subpoena fees, and for mileage when traveling in a City-owned vehicle, must be remitted to the City. Compensation for mileage when traveling in a private vehicle is retained by the employee.
2. Not Related to Employment. If an employee is subpoenaed to appear in court during their workday as a witness in a matter not arising from their job-related duties with the City, they must provide a copy of the subpoena to their immediate supervisor and may use accrued leave if they wish to be paid for the time away from work. In such a case, compensation for witness or subpoena fees, mileage, and subsistence is retained by the employee.
3. The determination as to whether the subpoena is related to employment or nonrelated to employment shall reside solely with the City Manager.

I. Jury Duty. A regular employee required to report for jury duty during the employee's workday is granted leave with pay. The employee receives base pay (regardless of the number of hours served in excess of a standard workday) from the City for the time served on the jury, provided the employee remits to the City all fees for jury duty as soon as the duty fees are received. Compensation for mileage will not be considered as fees and may be retained by the employee.

1. Notice. Before a regular employee can be granted leave with pay for jury duty, the employee must give their immediate supervisor a copy of the summons to serve on a jury. In addition, the employee must present documentation from the court clerk showing evidence of jury duty pay and time served. After reporting for jury duty, if an employee is released from the jury duty by the court prior to the end of the workday, the employee shall return to work as soon as possible unless the employee's return to work would be after the end of their normal workday.
2. If an employee serving jury duty poses a hardship to the City, the supervisor shall request that the court excuse the employee from jury duty.

#### J. Leave without Pay (LWOP) and Absence without Leave (AWOL).

1. Leave without pay (LWOP) is a short-term, temporary nonpaid status and absence from duty which may be granted by the City Manager at the employee's request. Even though the employee will not be paid during their LWOP absence, it cannot be assumed that LWOP will be approved in all cases. Just like other types of leave, LWOP must be requested in advance so that adequate arrangements can be made for completion of the employee's work while they are out

on LWOP. LWOP will not be granted when an employee has vacation, compensatory time or sick leave (when applicable) available for use.

2. LWOP and AWOL are treated much the same way since no pay is received in either case.
3. There is, however, a significant difference. LWOP is an approved absence, i.e., a nonpaid status which the employee has requested and has been approved by the City Manager. Being charged with AWOL (absent without leave) means that the employee's absence is not authorized even though they may have requested leave. AWOL is considered a serious misconduct matter and can result in disciplinary action, up to and including termination of employment.
4. It is important to note that LWOP and AWOL will affect certain employee benefits.
  - a. Leave Accrual. When an employee is in a non-pay status for any part of the pay period, the prorated amount of vacation or sick leave for the pay period shall be accrued for those days only that the employee was in a paid status;
  - b. Insurances. Except when the LWOP period is associated with an FMLA-eligible period, the City portion of health care and life insurance benefit premiums shall only be paid for those hours that the employee was in a paid status during the pay period. All remaining portions of the premiums shall be the employee's responsibility, and must be paid to the City within 45 days of the end of the pay period in which LWOP or AWOL hours were accumulated; and
  - c. Holidays. Employees must be in paid status on both the workday before and the workday after a legal holiday to be eligible to receive holiday pay. Employees who are on an extended period of leave without pay may not return to duty solely in order to be paid for a holiday.

**K. Job Abandonment.**

1. If an employee fails to return from LWOP within three regular workdays from the scheduled date of the employee's return to work and fails to contact their department director and receive an extension of the LWOP, the employee shall be deemed to have abandoned their job with the City of Sunnyside and shall be terminated from their position and shall have no right of reinstatement.
2. If an employee is AWOL for whatever reason for three consecutive work shifts, the employee shall be deemed to have abandoned their job with the City of Sunnyside and shall be terminated from their position and shall have no right of reinstatement.

L. All leave provided in this human resource policy, if taken for purposes covered by the Family and Medical Leave Act, run concurrently with FMLA and apply toward an employee's 12-week entitlement, unless otherwise indicated.

**1.12 Family and Medical Leave**

A. Purpose. To establish a human resource policy to define family and medical leave.

B. Policy Statement. In accordance with the federal Family Medical Leave Act (FMLA) and the Washington State Paid Family Medical Leave Act (PFML), the City grants job-protected, unpaid family and medical leave to eligible employees for up to 12 weeks..



1. Family Medical Leave Act. Each employee requesting leave for any purpose permitted under the Family Medical Leave Act shall be required to use any and all accrued paid leave time available for such purposes, including but not limited to, vacation, sick leave compensatory time. Any such leave shall be counted against the total leave time available to such employee under the Family Medical Leave Act. The twelve (12) weeks is based on a “rolling” 12-month period measured backward from the date an employee uses any FMLA leave.
2. Washington State Paid Family Medical Leave. The City will comply with the State Paid Family Medical Leave (PFML) program outlined in RCW 50A.04.010. Eligibility for leave benefits, is established by Washington Law and is therefore independent of this agreement. The parties will each pay the portions of the PFML premiums that are specified in RCW 50A.04.115. Sick leave pay may be used to supplement the Washington PFML program. Payment of sick leave benefits to supplement the PFML benefits shall not exceed one hundred percent (100%) of the regular rate of pay for any one (1) day.

#### C. Definitions.

1. “Twelve-month period” means a rolling 12-month period measured backward from the date family and medical leave is taken. The period continues with each additional family and medical leave day taken.
2. “Child” means a person younger than 18 years of age, or a person older than 18 years of age and incapable of self-care due to a mental or physical disability. An employee’s “child” is one for whom the employee has actual day-to-day responsibility. A “child” includes a biological, adopted, foster, or step-child.
3. “Serious health condition” is an illness, injury, impairment, or a physical or mental condition involving inpatient care or continuing treatment by a health provider. Continuing treatment involves:
  - a. A period of incapacity of more than three consecutive calendar days (not working days) and subsequent treatment including either two visits to a health care provider or one visit followed by continuing treatment under the health care provider’s supervision;
  - b. A period of incapacity due to pregnancy or for prenatal care;
  - c. Treatment for chronic serious health conditions such as asthma and diabetes which
    - (i) requires periodic visits for treatment by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider;
    - (ii) continues over an extended period of time (including recurring episodes of a single underlying condition);and
    - (iii) may cause episodic rather than a continuing period of incapacity; and
  - d. Treatments for serious conditions such as cancer that may not be incapacitating but without treatments would result in a period of incapacity of more than three consecutive days.
4. “Health care provider” means any health care provider that is recognized by the City or accepted by the City’s group health plan. This may include physicians, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse midwives and clinical social workers.
5. “Covered service member” means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or

therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

6. "Serious injury or illness" is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.

D. Eligibility for Leave. To be eligible for family and medical leave, an employee must have been employed by the City for at least 12 months. Employees must have worked 1,250 hours during the 12 months prior to the commencement of leave. Vacation, personal leave, sick leave or unpaid leave is not included in the 1,250-hour calculation.

E. Intermittent or Reduced Leave. An employee may take FMLA or PFML leave on an intermittent basis (a few days or few hours at a time) or on a reduced leave schedule for conditions and/or situations approved under the parameters of the Family Medical Leave Act and/or the Washington State Paid Family Medical Leave and if the City and the employee agree to such a schedule.

1. Leave for a serious health condition may also be taken intermittently or on a reduced leave schedule when medically necessary. The City may request certification from the health care provider of the employee or family member of the medical necessity of the intermittent leave schedule and its expected duration. Employees are required to schedule intermittent leave that is foreseeable so as not to unduly disrupt the City's operations. The City may assign employees on intermittent FMLA or PFML leave temporarily to alternative positions with equivalent pay and benefits that better accommodate such recurring periods of intermittent leave.
2. For regular part-time employees and employees who work variable hours, the FMLA or PFML entitlement will be calculated on a prorated basis. A weekly average of the employee's hours worked over the 12-week period before the beginning of the family and medical leave will be used for calculating the employee's normal workweek.

F. Substitution of Paid Leave. An employee on family and medical leave (either FMLA or PFML) must use any accumulated vacation and sick leave they have available. After an employee on family and medical leave has exhausted their accumulated vacation and sick leave, the remainder of the leave will be unpaid.

1. An employee who incurs a work-related illness or injury may be eligible to receive worker's compensation benefits. Anytime off due to the work-related illness or injury will count toward the employee's family and medical leave entitlement.
2. The FMLA Act does not allow for the substitution of compensatory time for unpaid FMLA leave.

G. Designating Leave as FMLA Leave. The City has the authority to designate before leave starts whether any paid leave to be taken counts towards an employee's family and medical leave entitlement, and will notify the employee immediately upon learning that it qualifies as family and medical leave. The initial notification to the employee may be oral, but will be confirmed in writing by the next regular payday. The City's designation is based upon information obtained from the employee or the employee's spokesperson (e.g., spouse, parent, physician, etc. if the employee is incapacitated). The employee must

provide enough information to enable the City to make a determination; if not, the City may make a tentative designation until further inquiry is made to obtain the additional information.

H. Requesting Military Family Leave. An employee requesting military family leave must substantiate the request as follows:

1. Qualifying Exigency. Leave for a qualifying exigency must be supported by a copy of the covered military member's active duty orders and certification, providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.
2. Care for Covered Service Member. Leave to care for a covered service member with a serious injury or illness must be supported by a certification completed by an authorized health care provider or by a copy of an invitational travel order (ITO) or invitational travel authorization (ITA) issued to any member of the covered service member's family.

I. Employee Notice Requirements. An employee must provide the City with at least 30 days' advance notice before family and medical leave is to begin if the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition. Failure to provide the notice with no reasonable excuse will give the City the right to delay the taking of leave until at least 30 days after the date the employee provides notice to the City of the need for family and medical leave. If 30 days' notice cannot be provided, notice must be given as soon as practicable. Verbal or written notification to the City shall be provided within one or two business days of when the need for leave becomes known to the employee. When planning medical treatment, the employee must consult with his/her supervisor and make a reasonable effort to schedule the leave so as not to unduly disrupt the City's operations, subject to the approval of the health care provider.

J. Medical Certification. If the employee's leave is to care for the employee's seriously ill spouse, child, or parent, or due to the employee's own serious health condition, the request must be supported by a certification issued by the health care provider of the employee or the employee's ill family member. When the leave is foreseeable and at least 30 days' notice has been provided, the medical certification shall be provided before the leave begins. The City will allow 15 calendar days for the employee to comply with a request for medical certification.

K. Second Opinion. The City may require a second medical opinion (at the City's expense). Pending receipt of the second opinion, the employee is provisionally granted leave. The City may also request periodic reports on the employee's status and intent to return to work, and a fitness-for-duty report from the employee's attending physician advising that the employee can return to work.

L. Third Opinion. If the opinions of the employee's and the City's designated health care providers differ, the City may require a third opinion (at the City's expense). The third health care provider will be designated or approved jointly by both the employee and the City. The third opinion is final and binding. The City will reimburse an employee or family member for any reasonable travel expenses incurred to obtain the second and third opinions.

M. Confidentiality. All documentation related to the employee's or family member's medical condition is held in strict confidence and maintained in the employee's confidential file.

N. Payment of Group Health Premiums. The City will maintain (including the continuation of paying the City's share of the premiums) the group health insurance coverage for an employee's family and medical leave period whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. Any portion of group health plan premiums which the employee has paid before starting family and medical leave must continue to be paid by the employee during the leave. Any changes to premium rates and levels of coverage or other conditions of the plan that apply to other active employees also apply to eligible employees on family and medical leave. The City will give advance written notice to employees of the terms for payment of premiums during family and medical leave. If family and medical leave is unpaid, the City requires that payment of the employee's portion of the payment of health benefit premiums will be made by the employee to the City. Payment is required at the same time as if it would be made by payroll deduction.

1. The City's obligation to maintain group health benefits ends after an employee's premium payment is more than 30 days late. The City will provide 15 days' notice that coverage will cease if the employee's premium is more than 30 days late. If coverage lapses while the employee is on family and medical leave, they will be restored to equivalent coverage upon return to work and will not be required to meet any qualification requirements imposed by the health care plan such as preexisting waiting periods or passing a medical exam to obtain coverage.

O. Failure to Return to Work. The City may recover its share of health plan premiums during a period of unpaid family and medical leave from an employee if the employee fails to return to work at the end of leave. The only exception is where the employee does not return due to the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member or other circumstances beyond the employee's control.

P. Rights upon Return to Work. When an employee returns from family and medical leave, they will be restored to the same or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The FMLA and PFML do not require the City to place a returning employee in the same position. If a position in which an employee is placed is equivalent, the employee has no right to be restored to the original job.

1. The employee's restoration rights are the same as they would have been if the employee had not been on family and medical leave. For example, if the employee's position would have been eliminated, or if the employee would have been terminated, regardless of the employee having taken leave, the employee does not have the right to be reinstated upon return from family and medical leave.
2. Seniority. An employee is not entitled to seniority or benefit accruals during periods of unpaid family and medical leave. However, an employee does not lose seniority or benefits accrued prior to family and medical leave.
3. Early Return. If an employee requests to return to work earlier than originally scheduled, he/she shall give the City reasonable advance notice, generally at least two working days. The City may require that, before returning, the employee present a certification from his/her health care provider that the employee is able to resume work.

- Q. Request for Extension. In certain circumstances, a family and medical leave of absence may be extended beyond 12 weeks, upon request, when accompanied by an explanation of the need for an extension period from your health care provider. The employee shall give reasonable notice to the City of the need for an extension, and provide updated medical certification, prior to the expiration of the originally scheduled leave period.
- R. An employee who does not (or is unable to) return to work after exhausting available family and medical leave is no longer protected by the FMLA and/or PFML. Group insurance coverage may terminate at the end of the month in which the extended leave begins. If the employee desires to continue group coverage he/she must make arrangements to prepay individual and dependents' premiums each month. These arrangements must be taken care of before beginning the extended leave of absence, but in no case later than 30 days after the end of the month in which the extended leave began.
- S. The City cannot guarantee that an employee will be able to return to the same or equivalent job after his/her return from an extended leave of absence. Failure to return from an extended leave on or before the agreed-upon date may result in termination.

### **1.13 Shared Leave**

- A. Purpose. To establish a human resource policy to define shared leave.
- B. Policy Statement. The purpose of shared leave is to permit City employees to come to the aid of a fellow City employee who is in need of additional leave time due to extenuating circumstances. The severity of the emergency would cause the employee to take leave without pay or to terminate employment without shared leave. Shared leave also may be donated to enable an employee out on FMLA and/or PFML leave to continue to be paid during his/her absence. Application of shared leave will not affect the duration of the employee's 12-week FMLA entitlement.
- C. Eligibility Criteria. The City Manager may permit an employee to receive shared leave if:
1. The employee suffers, or has an immediate family member or registered domestic partner suffering from, an illness, injury, impairment, physical or mental condition which is of an extraordinary or severe nature and which would otherwise cause, or be likely to cause, the employee to go on a leave without pay or terminate employment with the City;
  2. The employee has or shortly will have exhausted all vacation leave, sick leave, personal leave, compensatory time, and/or admin leave;
  3. Prior to the use of shared leave the employee has abided by the City's sick leave policy;
  4. The employee has diligently pursued and is found to be ineligible for worker's compensation insurance benefits, if the illness, injury, impairment, or condition is work related;
  5. The use of shared leave will not significantly increase the City's costs, except for those costs which would otherwise be incurred in the administration of this program or which would otherwise be incurred by the employee's department; and

6. The employee provides appropriate medical justification and documentation both of the necessity for the leave and the length of time which the employee reasonably can be expected to be absent due to the condition.

D. Amount of Leave Received. The Human Resources Department will verify the amount of shared leave, if any, the employee needs to receive per the guidelines below:

1. An employee may not receive more than one month (defined as 160 hours) of shared leave per occurrence;
2. To the extent possible, shared leave is to be used in a consecutive and continuous basis; and
3. The maximum amount of shared leave that an employee may receive is limited to 160 hours per consecutive 12-month period and no more than 320 hours during their employment with the City of Sunnyside.

E. Transfer Process. Employees may request the City Manager to approve the transfer of a specified amount of sick leave to an employee who is authorized to receive shared leave as provided therein.

1. To be eligible to donate sick leave, an employee must have a minimum accrued balance of 320 hours of sick leave after donation. All transferred leave will be in increments of one hour and is voluntary;
2. While on shared leave, an employee continues to be classified as a City employee and is eligible for all compensation (salary and benefits) they would otherwise be receiving if using paid leave;
3. The employee's total compensation, including self-insured worker's compensation insurance, may not exceed the compensation the employee would have received while in regular paid status; and
4. For those employees who prefer to donate or receive shared leave in confidence, every effort will be made to respect the individual's privacy.
5. Sick leave hours will not be transferred to the eligible employee until such time as the eligible employee will utilize the transferred leave. If more than one employee desires to donate sick leave time to the eligible employee, the leave time shall be transferred from each employee's accrued sick leave on an equal basis not to exceed the amount of leave to be donated by each employee, and not to exceed the total amount of leave to be received by the receiving employee.

F. "Value" of Leave. Shared leave will be transferred on an hour-for-hour basis.

1. Shared leave will be converted to sick leave for the recipient; and
2. Payroll is responsible for transferring the donated hours to the leave balances of shared leave recipients.

G. Monitoring. The Human Resources Department will monitor the use of shared leave to ensure equal treatment of all City employees. Inappropriate use may result in the cancellation of donated or unused shared leave.

H. An employee currently receiving shared leave who leaves City service is not paid for the remaining balance of any donated and unused shared leave.

**1.14 Corrective Action and Discipline**

- A. Policy Statement. All employees of the City are “at-will” employees unless specifically provided additional rights in a collective bargaining agreement, written contract or pursuant to civil service rules. As such, the City may terminate the employment relationship at any time, for any reason, with or without cause or notice. When making decisions as to discipline, the City will review each situation independently and make a decision on what it deems to be appropriate corrective action and discipline, up to and including termination, and may conclude that progressive discipline is not appropriate or necessary in some circumstances.
- B. If the City chooses to pursue progressive discipline, the focus is on the corrective nature of discipline and provides employees an opportunity to correct deficiencies in their performance by providing notice, setting goals and measures, monitoring procedures, providing feedback, and including clearly defined disciplinary measures that may be taken if performance does not improve. It also provides the employer an opportunity to document the reasons for the outcomes of the disciplinary procedure. However, as noted above, the decision to use or not use progressive discipline in a given case does not change the at-will nature of the employment relationship.
- C. Causes for Corrective Action and Discipline. Examples of causes for disciplinary action against an employee may include, but are not limited to, the following:
1. Fraud or dishonesty in securing appointment;
  2. Incompetence, inefficiency, dereliction of duty or failure to maintain required licenses and certifications;
  3. Insubordination (unwillingness to submit to authority) or willful disobedience;
  4. Dishonesty during the performance of their official duties;
  5. Being under the influence of or consuming any alcoholic beverage while on duty (refer 1.17, Substance abuse and physical or psychological examination), except for authorized undercover police officers;
  6. Unlawfully possessing, selling, using, or being under the influence of any drug, except as authorized by a physician;
  7. Unauthorized leave of absence, tardiness, or abuse of sick leave or other leaves;
  8. Conviction of a felony or conviction of a misdemeanor that impacts the employee’s ability to perform his or her job;
  9. Discourteous behavior or treatment of the public or other employees;
  10. Unlawful use of City resources for political activity;
  11. Misuse or abuse of City property, time, equipment, or supplies, or the appropriation of such for personal use;
  12. Violation of any of the provisions of this personnel policy and/or departmental guidelines;
  13. Unlawful workplace harassment;
  14. Possession of unauthorized firearms or other weapons while on duty (with the exception of commissioned police personnel);
  15. Off-duty employment that negatively affects the City and/or performance of the employee while in City service;

16. Solicitation or acceptance of gifts of value or gratuities for performing duties that are expected during an employee's work period or workday;
17. Engagement in any off-duty activity which may later be subject to review, inspection, or enforcement by that employee in the exercise of their City duties;
18. Smoking in a City-owned facility, automobile, or common area; and
19. Other grounds reflected in applicable statutes, case law, and/or understood to be normal causes for disciplinary action.

D. Types of Corrective Action and Discipline. Corrective action and discipline, if implemented, may include but are not limited to:

1. Verbal Warning. A verbal warning is a counseling session between an employee's supervisor and the employee on the subject of the employee's conduct and performance, or the employee's failure to observe a rule, regulation, procedure or policy, etc. It is intended to bring an employee back on course and increase an employee's efficiency and value to the City of Sunnyside by changing the employee's conduct, attitude, habits or work methods. Following the counseling session, the supervisor shall document the verbal warning.
2. Written Warning. A written warning is a formal written disciplinary action for misconduct, inadequate performance, or repeated infractions. Written reprimands are placed in the employee's central personnel file and are made part of the employee's permanent file. At the request of an employee, after a period of one year and there has been no occurrence of any subsequent or new correction action and discipline, the employee may request removal of the written warning from their personnel file. The City Manager has the final decision on whether or not to remove a written warning.
3. Suspension Without Pay. A suspension without pay is a temporary, unpaid absence from duty which may be imposed as a penalty for significant misconduct or repeated infractions. A suspension without pay is a disciplinary action which is made a permanent part of the employee's central personnel file. Any suspensions without pay of exempt personnel must be in full-week increments (unless the discipline is for violation of a safety rule of major significance).
4. Demotion. A demotion is the lowering of an employee's position to a lower classification. A demotion is a disciplinary action which is made a permanent part of the employee's central personnel file.
5. Pay Reduction. A pay reduction is the lowering of an employee's pay rate. A pay reduction is a disciplinary action which is made a permanent part of the employee's central personnel file.
6. Termination. Termination is the removal of the employee from City of Sunnyside service and is the most severe corrective action/discipline possible. A termination is made a permanent part of the employee's central personnel file.
7. Nothing in this policy shall prohibit management from bypassing the oral warning, written warning or suspension actions and imposing the most severe disciplinary action, up to and including termination, should management determine that such corrective or disciplinary action is warranted (e.g., sexual harassment, health or safety risks, theft, etc.).

E. Authority to Take Disciplinary Action. The City Manager, an employee's department director, or an employee's immediate supervisor may take disciplinary action against an employee.



1. Immediate supervisors may issue an official (verbal or written) warning to an employee under their supervision. An immediate supervisor may recommend suspension without pay or termination of an employee under his/her supervision to the department director.
2. Department directors may recommend suspension without pay or termination of an employee under his/her supervision to the City Manager.
3. City Manager. Suspension without pay and termination are actions that may be taken only by the City Manager. A department director may submit a written recommendation for suspension without pay or termination of an employee to the Human Resources Department. The recommendation must include the specific allegations and the basis of the recommendation. A copy will be provided to the employee. The Human Resources Department will advise the employee in writing if there is to be a pre-disciplinary hearing. The employee will also be notified in writing of the basis of the recommendation for disciplinary probation or discharge and when to meet with the City Manager to discuss the proposed disciplinary action.

F. Discipline Records. A complete record of discipline imposed and supporting materials will be placed in the employee's personnel file.

G. Appeal Procedure. An appeal of discipline shall be considered an employee grievance and shall follow the policy guidelines contained in the grievance policy.

H. The City Manager will render a decision on the matter, generally within 14 calendar days after receipt of the appeal. The City Manager's decision on the appeal is final and binding.

### **1.15 Grievance Resolution**

A. Purpose. To establish a human resource policy to define grievance resolution.

B. Applicability to Union Employees. The policies and procedures set forth in this chapter do not apply to employees covered by collective bargaining agreements.

C. Policy Statement. Retaliatory or discriminatory action against an employee for using this procedure or discrimination in the application of this human resource policy may constitute a violation of City policy. The purpose of this procedure is:

1. To promote full communication between the City and employees in City service by providing a reasonable method for resolving disputes regarding terms and conditions of employment between the City and an employee and/or a City-recognized employee organization;
2. To assure an employee of a prompt and fair discussion and resolution of the issue involved;
3. To provide that grievances will be settled as near to the point of origin as possible;
4. To provide a mechanism by which grievances can be resolved verbally before the initiation of a formal written procedure;
5. To enable employees to make their grievances known in an orderly process in which grievances will be heard and settled appropriately.

D. Grievance. A grievance is a written statement of a dispute regarding the interpretation and application of the human resource policies, rules and laws.

E. Department Level Discussion. When possible, any grievance arising out of employment is considered within an employee's department.

F. Discrimination Complaints. Discrimination and harassment complaints are given to the Human Resources Department for investigation.

G. Process.

1. Employees must bring any grievance, as defined in this personnel policy, in writing to the attention of the employee's immediate supervisor as soon as possible. If an employee fails to bring the written grievance to the attention of the immediate supervisor within seven (7) calendar days from the date of the action or incident causing the grievance, an employee has waived the right to submit the grievance.
2. The employee's immediate supervisor will address the grievance in writing and notify the complainant of their action or decision within a reasonable time, generally seven (7) calendar days from the date the grievance was submitted to the supervisor. If the matter can be resolved by the employee's immediate supervisor to the satisfaction of the employee, then the grievance will be terminated.
3. If the matter cannot be resolved by the immediate supervisor within a reasonable time, the employee may submit the written grievance to their department director. The employee may also submit the written grievance to the department director if the employee is still dissatisfied after the supervisor's decision. The grievance will be submitted in writing to the department director within ten (10) calendar days from the date of the immediate supervisor's decision, or the grievance will be terminated.
4. The department director shall confer with the complainant, the immediate supervisor, and such other persons as necessary, to gather all the facts. The department director will issue a written decision and notify the complainant of the department director's action or decision within a reasonable time, generally seven (7) calendar days from the date the grievance was submitted to the department director.
5. If the complainant is not satisfied after informal discussion(s) regarding the department director's decision, the complainant may, within ten (10) calendar days from the date of the department director's decision, submit a written grievance to Human Resources Department. Failure by the complainant to submit a written grievance to the City Manager within the ten (10) day period terminates the grievance.
6. Upon receiving the written grievance, the Human Resources Department will within a reasonable time, generally seven (7) calendar days, discuss the grievance with the complainant, the complainant's representative, if any and all principals involved for the purpose of addressing the grievance. The Human Resources Department conducts any inquiry, investigation, or compilation of facts deemed necessary to assist in reaching a decision.
7. The City Manager renders a decision in writing to the complainant within a reasonable time, generally fourteen (14) calendar days from the date the City Manager receives the complainant's written request. The City Manager also gives copies of the decision to the

complainant's immediate supervisor and department director. The decision of the City Manager is final.

8. The timelines referenced above for management level decisions may be extended by management based on the complexity of the issues and/or the need for investigations.

### **1.16 Termination**

- A. Purpose. To establish a human resource policy to define termination of employment.
- B. At-Will Employment. Unless specifically provided additional rights in a collective bargaining agreement, written contract or pursuant to civil service rules or statute, the employment relationship may be terminated at any time by either the City or the employee without notice and with or without cause.
- C. Resignation Process. Management and exempt employees shall give the City one month's notice. All other employees shall give two weeks' notice; however, more notice is desirable whenever possible.
  1. Each resigning employee is required to submit a letter of resignation at the time notice is given. The letter of resignation will be routed to the Human Resources Department through the department director.
  2. Resignation Process for Department Directors. A department director, to be considered as having resigned in good standing, must submit a written notice of resignation to the City Manager at least 30 calendar days before the effective date of the resignation. The City Manager may authorize a resignation in good standing upon shorter notice for sufficient cause.
  3. In lieu of a written letter of resignation, a department director or the City Manager may accept a verbal notice of resignation. The department director or City Manager shall note the date and time of the verbal resignation together with any other pertinent information in a memorandum addressed to the Human Resources Department.
  4. A resignation by the employee, once offered and accepted by the department director or City Manager, may not be rescinded without the written permission of the City Manager.
- D. Separation Date. In order to minimize the City's liability, the separation date is the last workday of an employee's employment. Exception: In the case the employee notifies the City in writing of their intent to resign, elects to work through the end of the given month, and the last day of that work month is a recognized holiday, the employee will be eligible to receive holiday pay for their last official day of employment with the City. No vacation or sick leave is accrued from that date forward. Accumulated leave may not be used to extend the effective date of separation.
- E. Layoff for Lack of Work, Lack of Funds, or Reorganization. Employees may be laid off by the City Manager because of a change in duties or reorganization, elimination of a position, shortage of work or funds, contracting out City services, or completion of work for which employment was created.
  1. Layoff Order. The order of layoff of regular employees is based, in part, on the recommendation of the department director. In preparing a recommended order of layoff, the department director may consider the lengths of service and the job performances of the employees involved. The final decision shall be determined by the City Manager.

2. Preference for employees to be retained will be given to those employees deemed most capable of performing the remaining work duties based upon an assessment by the department director and the final decision of the City Manager.
  3. Notifications. In cases involving a regular full-time or regular part-time employee, notice of layoff is given to the employee within a reasonable time, generally at least 14 calendar days before the effective date of termination. These terminations are not subject to appeal.
- F. Reinstatement from Layoff. The names of regular full-time and regular part-time employees are placed on the official layoff reinstatement list for a period of 12 months. Employees on a layoff reinstatement list are eligible for reinstatement to the same classification if a position comes open. Employees on the layoff list may also be considered for any open position for which they meet the minimum qualifications. Laid-off employees are recalled in the inverse order to the layoff with consideration given to qualifications. Laid-off employees who are reinstated to full-time employment with the City within 12 months of the effective day of the layoff shall be reinstated with an accrual rate for vacation, sick leave, and longevity benefits as if there were no break in service.
- G. Retirement. Six months prior to retirement, employees shall contact the Human Resources Department for information and instructions regarding retirement benefits. All regular full-time and regular part-time employees in City service who retire under the provisions of any present or subsequent retirement policy or plan are treated as having been separated from City service in good standing.
- H. Requirements. An employee who becomes unable to meet the physical, psychological, licensing or certification requirements of the employee's position may be terminated from City employment. The recommendation of termination will be made by the department director to the City Manager.
- I. Unused Annual Leave. Upon termination of employment for any reason other than death or retirement, such employee shall, as soon as practicable, be paid for:
1. Accrued and unused vacation leave.
  2. Accrued and unused compensatory time.
  3. Overtime for which pay has been authorized.
  4. 25% of accrued and unused sick leave.
  5. Provided, that payment for accrued and unused annual leave shall not exceed 240 hours.
- J. Return of City Property. An employee shall return to the City all equipment and/or documents belonging to the City and used by the employee during the course of his or her employment.
- K. Job Abandonment. Absent extenuating circumstances deemed acceptable solely by the City Manager, an employee shall be terminated for job abandonment if they are absent from the workplace for three consecutive workdays and have not contacted their supervisor and received permission for the absence and the employee returns to work as scheduled.

### **1.17 Substance Abuse and Physical or Psychological Examination**

- A. Purpose. To establish a human resource policy to define substance abuse and physical examination.

- B. The City supports a drug-free community and desires to set an example for the citizens and more particularly the youth of our City. The City will maintain a drug-free workplace in accordance with the Drug-Free Workplace Act of 1988.
- C. All City employees must submit to a drug and/or alcohol test when the City reasonably suspects the employee may be under the influence of alcohol or illegal drugs. A referral for testing will be based on reasonable observations. Any employee convicted of a State or federal drug statute conviction must notify the City within five days after the conviction.
- D. Any employee who tests positive for any alcohol or illegal drugs, or prescription drugs which could negatively affect their job performance and for which they do not have a valid prescription or which they are not using as directed by their physician, or who refuses to take such test will be subject to disciplinary action including termination. In lieu of termination, the City may, at its sole discretion, provide an employee an opportunity to enter into a last chance agreement.
- E. The City adopts and incorporates by reference the Omnibus Transportation Employee Testing Act of 1991, including rules 49 C.F.R. Part 382 and 49 C.F.R. Part 40.
- F. Any employee who voluntarily advises their department head that they have a drug or alcohol problem and who agrees to a plan of treatment or rehabilitation shall not be subject to disciplinary action so long as they fully comply with the terms of the treatment or rehabilitation program. The treatment or rehabilitation program must be approved by the department head and the employee must agree that the provider of the program shall share with the department head periodic reports on the employee's participation and the final results of the program. Any employee who fails to meet the terms of the program shall be subject to termination of employment with the City.

**1.18 Ethics, Standards and Personal Activities**

- A. Purpose. To establish a human resource policy to define ethics, standards and personal activities.
- B. Policy Statement. City employees shall abide by the highest set of ethics, values, and principles in providing services to customers inside and outside of City employment. City employees shall be fair, honest, consistent, and committed to high levels of customer service and professionalism. Any employee who fails to live up to such ethical standards reflects negatively on the entire City work force.
- C. General Principles. Employees shall adhere to the following principles in connection with their work for the City:
  - 1. Employees shall not engage in financial transactions using nonpublic City government information or allow the improper use of such information to further any personal or private interest;
  - 2. Employees shall not hold financial interests that conflict with or may appear to conflict with the conscientious performance of their duties;

3. To ensure that every citizen can have complete confidence in the integrity of the City government, each employee shall respect and adhere to the principles of ethical conduct set forth in applicable laws, policies, and regulations;
4. Employees shall not accept gifts or other items of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the City, or whose interests may be affected by the performance of the employee's duties;
5. Employees shall put forth honest effort in the performance of their duties;
6. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the City government;
7. Employees shall provide equal treatment to and for all;
8. Employees shall not use City equipment or property for unauthorized activities;
9. Employees shall not engage in outside employment or activities that conflict with official assigned City job duties and responsibilities;
10. Employees shall not refuse to pay any City related debt or obligation;
11. Employees shall adhere to all laws and regulations that provide equal opportunity for all citizens and City employees regardless of race, color, religion, sex, national origin, age, sexual orientation, marital status, disability, or other legally protected status;
12. Employees are expected put in a full day's work; excessive socializing with other employees shall not be tolerated and all employees shall be responsible to control this type of behavior so as to minimize interruptions during the workday;
13. Employees have the right to work in an environment where mutual respect and consideration are shown among all employees, officials and with the public. The City expects that employees shall conduct themselves in a respectful and professional manner in the workplace and avoid any behavior that may be construed to be harassing, menacing, demeaning, and/or of a violent nature;
14. Employees are expected to be at work on time unless they have provided an excuse to their immediate supervisor prior to reporting late for work;
15. Employees are to recognize and respect the authority of their supervisors, department heads and the City Manager and strive to follow the chain of command at all times where practical.

D. Employees who violate these principles will be subject to disciplinary action up to and including termination.

E. Incompatible Personal Activities of City Employees. An employee will not engage in any off-duty employment or activity that is inconsistent, incompatible or in conflict with the employee's duties in City service. The City Manager determines which activities are inconsistent, incompatible, or in conflict with duties in City service. Examples of prohibited activities include, but are not limited to:

1. The use of City time, facilities, equipment, or supplies for private gain or advantage;
2. The use of the badge, uniform, prestige, or influence of an employee's position for private gain or advantage.
3. The direct or indirect solicitation or acceptance of any gratuities, loans, gifts, merchandise, meals, beverages, or any other thing of tangible value in connection with or resulting from an employee's official position. Employees shall not use their official position, badges, or identification cards to obtain privileges not otherwise available to them; and

4. The performance of an act when an employee is off duty that may later be subject to direct or indirect control, inspection, review, audit, or enforcement by that employee of the City in the exercise of his/her City duties to the greatest extent possible.

F. Off-Duty Employment. Employees shall not, directly or indirectly, engage in any outside employment or have a financial interest which may conflict with the best interests of the City of Sunnyside or interfere with the employees' ability to perform their assigned jobs without the prior written approval of the employee's department head. Examples include, but are not limited to, outside employment or financial interests which:

1. Prevent the employee from being available to work beyond normal working hours, such as during emergency or peak work periods, when availability of the employee is a regular part of his/her job;
2. Are conducted during the employee's work hours for the City of Sunnyside;
3. Are with a firm that has a contract with or does business with the City of Sunnyside; or
4. May reasonably be perceived by members of the public as a conflict of interest or otherwise a discredit to public service.

G. Political Activities of Public Employees. In compliance with RCW 42.17.130, employees may not: campaign or solicit political contributions during work hours, using public telephones or other equipment, or on City property; carry or display political material in or on publicly owned vehicles; display or distribute campaign posters, placards or other promotional materials on City-owned or operated premises; use City supplies, equipment or facilities to print, mail, or otherwise produce or distribute campaign materials; or solicit signatures for any initiative, recall or referendum campaign on publicly owned or operated premises. Employees who are seeking an elected office will not use their positions to influence another person or persons for political purposes.

H. Dress Policy. All employees shall dress in a professional manner that is consistent with their duties.

I. Employee Privacy.

1. Searches of Employees' Property. The City shall not be responsible for any theft or damage to the personal belongings of City employees. Therefore, the City encourages its employees to avoid bringing private articles or property to work. Employees are also advised that they have no expectation of privacy with respect to personal property kept or stored on the City's property. The City may conduct searches of employee property on the City's property without advance notice and with probable cause. The City retains a copy of the key or combination to all locks that are provided for use by employees in the workplace. Employees who do not consent to the inspections described above may be disciplined up to and including termination.
2. Use and Surveillance of Computers and E-Mail Communications. Employees shall not gain access to another employee's file or e-mail messages without that employee's authority. However, employees have no right to privacy with respect to the City's computers and computer systems. The City reserves the right to enter, search, and/or monitor its computers, e-mail system, and the files/transmission of any employee without advance notice. Authorized City personnel will have unrestricted access to information stored on computers and in the e-mail system. Therefore, no files, documents, or messages generated or received on or stored in

City-owned computer equipment are private. Employees shall grant the Technology Systems Manager permission to access their computers.

J. Reporting of Criminal or Civil Offenses by Employees. Whenever an employee is arrested or issued a citation by any law enforcement agency for any criminal or civil matter, the employee shall notify his/her department director immediately upon reporting for the next work duty shift.

### **1.19 Workplace Violence Prevention**

A. Purpose. To establish a human resource policy to define workplace violence prevention.

B. Policy Statement. To establish a policy and procedure for the City of Sunnyside protecting employees from acts of workplace violence.

C. Policy. The policy of the City is to conduct its operations in an environment free of violence. Accordingly, the City has a zero-tolerance policy on workplace violence. Any form of workplace violence will not be tolerated and will be acted upon immediately. Any City employee who engages in workplace violence will be subject to discipline up to and including termination. Further, any person who visits a City facility and engages in violent and/or threatening behavior will be referred to local law enforcement and be subject to applicable laws.

1. The policy of the City is to ensure that any form of threat (direct, confrontational, or veiled) be immediately confronted/acted upon, and then documented and assessed.
2. It is not the intent of this policy to infringe upon or negate any rights afforded by the United States Constitution or the Washington State Constitution.

D. Definitions.

1. "Workplace violence" means a violent act or threatening behavior that is directed at an employee or member of the public at a work location. "Workplace violence" does not include the use of reasonable force in self-defense or the defense of others.
2. "Violent act" means any nonconsensual contact (including, but not limited to, hitting, pushing, kicking, holding or blocking the movement of another person) that results in physical harm or would cause a reasonable person to feel threatened with physical harm.
3. "Threatening behavior" means any physical or verbal communication that would cause a reasonable person to feel threatened with physical harm.
4. "Unauthorized weapon" means any firearm, knife, explosives, dangerous chemical or any object that is not necessary and authorized for a City employee's job (e.g., commissioned police officers), and has the potential to cause substantial injury to others, as determined by the appropriate department director.
5. "Prohibited activities" include, but are not limited to, violent acts and threatening behavior; destruction of property belonging to the City or its employees; the possession or use of unauthorized weapons in or on any City premises or vehicles; frightening or menacing behaviors in the workplace including stalking or continuous unwelcome contact, in any form, by an employee towards another, and offensive comments regarding violent threats or events.



## E. Procedures.

1. All City employees shall:
  - a. Not engage in workplace violence;
  - b. Not bring unauthorized weapons to work locations. For purposes of this restriction, City-owned vehicles and equipment and job sites also constitute a work location;
  - c. Upon suffering or witnessing prohibited activities or workplace violence:
    - i. Protect themselves or others based on reasonable judgment; and/or
    - ii. Call 9-1-1 for police assistance when necessary;
  - d. After being involved in a prohibited activity or witnessing workplace violence, immediately report the incident to the employee's supervisor;
  - e. Immediately provide to their supervisor a copy of court-issued protective or restraining orders (either temporary or permanent) that include any City work areas/locations as protected areas; and
  - f. Participate in training sponsored by the City on identifying and defusing workplace problems or conflicts that could potentially lead to workplace violence.
  - g. Employees must give serious consideration to making their supervisor aware of potential threatening or violent situations occurring in their personal life that may become problematic for the safety and security of the workplace. The purpose for this notification is to heighten the supervisor's awareness of any possible dangerous and preventable violent situations that may occur in the workplace.
2. All supervisors shall:
  - a. When workplace violence occurs, make reasonable effort to ensure that persons involved are safe;
  - b. Notify police when necessary;
  - c. Immediately provide verbal notification of incidents of prohibited activities and workplace violence to their department director and document the incident in writing as soon as practicable;
  - d. Provide to the department director a copy of any court-issued protective/restraining order that includes any City work areas/locations as protected areas;
  - e. Consult with the department director regarding communication with the affected work group and others regarding potential workplace violence situations.
3. Department directors shall:
  - a. Immediately upon observing or receiving a report of an incident of prohibited activity or workplace violence:
    - i. Make reasonable effort to ensure that persons involved are safe;
    - ii. Notify the police, when necessary;
    - iii. Ensure the incident is appropriately documented;
    - iv. Contact the City Manager and/or the Human Resources Department to jointly initiate an investigation;
  - b. Take appropriate disciplinary action against any employee who engages in a prohibited activity or workplace violence, up to and including termination. Factors such as the nature of the conduct, past disciplinary action and work history of the employee, and other mitigating or aggravating circumstances may be considered in the disciplinary process;