

# City of Woodland

*Washington*

## Personnel Policy

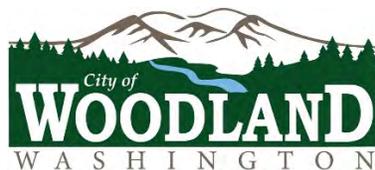
*Ordinance No. 1497*



January 3, 2022

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**ORDINANCE NO. 1497**

**AN ORDINANCE OF THE CITY OF WOODLAND RELATING TO CITY EMPLOYMENT AND EMPLOYEES; ESTABLISHING PERSONNEL POLICIES AND PROCEDURES APPLICABLE TO EMPLOYEES NOT WITHIN THE CIVIL SERVICE; ADOPTING GENERAL PROVISIONS AND DEFINITIONS; ESTABLISHING CLASSIFICATION OF POSITIONS; ADOPTING AND EQUAL EMPLOYMENT OPPORTUNITY POLICY; PROVIDING FOR RECRUITMENT AND APPLICATIONS; PROVIDING FOR APPOINTMENT TO VACANT POSITIONS; ADOPTING A COMPENSATION PLAN; ESTABLISHING STANDARD FOR PERFORMANCE OF DUTIES; ESTABLISHING HOURS OF WORK; PROVIDING FOR SICK LEAVE, OTHER LEAVES, AND VACATION; PROVIDING FOR PROMOTION, TRANSFER, REDUCTION IN FORCE, RESIGNATION AND RETIREMENT; PROVIDING FOR DISCIPLINARY ACTION; A CODE OF ETHICS; INTERNET, E-MAIL AND TECHNOLOGY USE POLICIES, AND ADOPTING A SOCIAL MEDIA POLICY AND AMENDING DEFINITIONS, BEREAVEMENT LEAVE AND JURY DUTY LEAVE AND REPEALING ORDINANCE NO. 1391.**

**WHEREAS**, the authority to create departments, offices, and employment within the City, to determine the powers and duties of each department or office, and to fix compensation of appointive officers and employees, is vested in the City Council; and

**WHEREAS**, the authority to appoint and remove department heads, officers and employees of the City, except members of the City Council and subject to laws, rules and regulations relating to civil service, is vested in the Mayor, with authority to delegate appointment and removal authority to department heads; and

**WHEREAS**, in so establishing departments, offices and employment and in so appointing officers and employees, the City Council finds that personnel policies and procedures should be adopted to provide uniformity and fairness, without discrimination, in the selection and treatment of all City employees and to provide for the development and retention of a knowledgeable, capable and efficient career work force; and

**WHEREAS**, the City Council has previously enacted the following Resolutions relating generally to employees, any and all portions of which conflict with provisions of this Ordinance should be deemed superseded by this Ordinance; and

**WHEREAS**, the City Council finds that Ordinance No. 1391 no longer meets the needs of the City and therefore is repealed and replaced by this Ordinance:

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND  
DO ORDAIN AS FOLLOWS:**

**SECTION 1. GENERAL PROVISIONS.**

- (a) **Objective.** It is the objective and purpose of these policies and procedures to provide uniformity and fairness, without discrimination, in the selection and treatment of all City employees and to develop and retain a knowledgeable, capable and efficient career work force. These policies and procedures shall not, however, apply to employees holding positions subject to civil service insofar as these policies and procedures conflict with any laws, rules or regulations relating to civil service.
- (b) **Interpretation.** Interpretation of these policies and procedures shall be consistent with the following general principles.
1. Promote and increase economy and efficiency in the conduct of City business;
  2. Provide for equitable and uniform procedures;
  3. Provide for the grouping of positions with comparable duties and responsibilities into appropriate classes;
  4. Provide for initial appointment of employees based on merit within a given classification, thus assuring the recruitment and retention of well qualified employees;
  5. Provide for advancement of city employees within the classification whenever practical;
  6. Provide for continuous employment in a classification subject to competency, good behavior and efficiency, and for the removal of unqualified or inefficient employees;
  7. Provide, as authorized by these policies and procedures, for the right of employees to appeal actions taken which affect them adversely and to be heard on all matters appealed;

8. Assure that every employee will, be given a job description as to that employee's duties and responsibilities upon hire;
  9. Provide each employee with adequate administrative and supervisory direction, with periodic review of each employee's performance, and with counseling and training to improve the level of each employee's performance and, when necessary, to provide for progressive discipline.
- (c) **Effect of Collective Bargaining.** When a collective bargaining agreement establishes a condition of employment, benefit or procedure which conflicts with any provision of these policies and procedures, the collective bargaining agreement shall take precedence with respect to those employees covered by the agreement, so long as the following conditions are met:
1. The condition of employment, benefit or procedure created by the collective bargaining agreement is lawful; and
  2. The collective bargaining agreement has been adopted by the City Council by Resolution.
- (d) **Modification of Policies and Procedures.** The City Council may modify, amend or revise these policies and procedures at any time consistent with needs of the City. Notice of any such modification, amendments and revisions shall be given to each City employee and shall also be posted on the City bulletin board.

## **Section 2. Definitions.**

- (a) **Absence.** Failure of an employee to report for duty on designated work days and during designated working hours. If any employee's absence is unauthorized, such employee is "absent without leave". If an employee's absence is authorized, such absence is a "leave."
- (b) **Absent without leave.** Any absence of an employee without specific authorization.
- (c) **Administrative Leave.** Leave granted by the Mayor for "exempt" employees.
- (d) **Allocation.** The assignment of an employment position to its proper class within the Classification Plan in accordance with the duties, authority, and responsibility of the position.
- (e) **Anniversary date.** The annual recurring calendar date on which the employee commenced employment with the City
- (f) **Anniversary Date after promotion.** This is the annual recurring date on which the employee entered into a new position that occurred due to promotion, reclassification, i.e. and is eligible for a Step increase, if applicable.

- (g) **Applicant.** A person who has applied for employment with the City.
- (h) **Applicant Form.** The official document to be completed by an applicant seeking employment with the City
- (i) **Appointment.** The selection and employment of an applicant to a position within the Classification Plan.
- (j) **Beneficiary.** The person or persons designated by an employee to receive benefits under the employee's pension or insurance, in event of the employee's death. In the absence of any such designation, the beneficiary is the employee's estate.
- (k) **Candidate.** An employee seeking a promotion or transfer.
- (l) **City.** The City of Woodland, a municipal corporation of the State of Washington.
- (m) **City Council.** The legislative body of the City of Woodland.
- (n) **Mayor.** The individual elected by the citizens of the City to have general supervision over the administrative affairs of the City as provided by state law.
- (o) **Classification Plan.** The orderly arrangement of all employment positions with the City into separate and distinct classes, so that each class contains those positions which involve substantially similar or comparable skills, duties and responsibilities.
- (p) **Close Relative.** Any of the following kin or relations: father, mother, son, son-in-law, daughter, daughter-in-law, sister, brother, spouse, half-brother, half-sister, grandparent, grandchild.
- (q) **Compensation.** Salary of wages, and benefits, paid to an employee for service in a position, but excluding any reimbursement for expenses incurred incidental to employment.
- (r) **Compensation Plan.** A list of all positions, by title, within each classification, showing a schedule of pay ranges, cost of living allowances, and on-call pay, as appropriate.
- (s) **Compensatory Time.** Leave granted with pay in lieu of overtime pay for work performed either on an authorized overtime basis or for authorized work performed on a holiday.
- (t) **Consumer Price Index (CPI).** The index measuring the change in cost of typical wage-earner purchases of goods and services expressed as a percentage of the cost of the same goods and services in a base period as published by the Bureau Of Labor Statistics as the Consumer Price Index for all urban consumers in the Portland-Vancouver metro area.

- (u) **Continuous Service.** Employment without interruption except for approved leaves of absence.
- (v) **Demotion.** The re-assignment of an employee from a position having a higher rate of pay to a position having a lower rate of pay.
- (w) **Department.** An organizational unit shown on the Classification Plan, complete in itself, the employees of which are responsible to a Department Head who reports directly to the Mayor.
- (x) **Department Head.** An employee designated by the Mayor with confirmation of the City Council to be responsible for management and supervision of a Department.
- (y) **Discharge.** The separation of an employee by the City for cause.
- (z) **Discrimination.** Any action taken in regard to employment, and any threats, harassment or abuse of an employee (including part-time and temporary employees), applicant or candidate, which is illegally based upon such person's race, color, creed, religion, national origin, age, sex, marital status, or the presence of any sensory, mental or physical handicap, unless based upon a bona fide occupational qualification.
- (aa) **Employee.** (See type of employee, ie: Full-time, Part-time, Exempt, etc). While volunteers are considered "employees" under some aspects of the law, this policy is applicable to full time, part time and exempt employees. Volunteer policies and procedures are addressed by the Departments that volunteers are assigned or per Woodland Municipal Code.
- (bb) **Exempt Employee.** An employee who holds an administrative, professional or executive position defined as exempt under the Fair Labor Standards Act. For purposes of civil service, the term refers to employees not within the civil service system pursuant to law, other ordinances of the City and rules of the Civil Service Commission.
- (cc) **Equal Employment Opportunity.** The policy set forth by federal and state law requiring that all recruitment, hiring, training, promoting, an transferring of employees shall be done without regard to race, color, creed, religion, national origin, sex, age, marital status, or the presence of a sensory, physical handicap which does not constitute a bona fide occupational qualification.
- (dd) **Full-time Employee-Regular.** A person who is hired to work a pre-determined schedule on a regular basis of at least 35 hours per week. (See (z) Employee).
- (ee) **Holidays.** Those days declared to be legal holidays by the City Council.
- (ff) **Hourly Rate of Pay.** An employee's normal hourly rate of pay, or, if the employee is salaried, such employee's monthly salary, exclusive of pay for overtime, multiplied by twelve and the product thereof divided by 2080.

- (add) **Immediate Family.** An employee's immediate family shall include: spouse, children, parents, spouse's parents, brother, sister, brother-in-law, sister-in-law, grandchild, grandparents, or a more distant relative if living with and as a member of the employee's immediate household or other relatives as approved by the Department Head or his or her designee. The term 'children' shall include adoptive children, step-children, and foster children living in the employee's household at the time of death.
- (gg) **Layoff.** Termination of service without fault on the part of the employee, due to a "reduction in force".
- (hh) **Leave.** Any authorized absence of an employee from designated work days and during designated working hours, with pay.
- (ii) **Leave of Absence.** Any authorized absence of an employee from designated work days and during designated working hours, without pay.
- (jj) **Nepotism.** The prohibited practice of appointing persons who are close relatives to positions where one might supervise the other or where one might exert, or appear to exert, direct influence on the appointment, promotion, transfer, compensation, or performance evaluation of the other.
- (kk) **On-call.** The status of an employee when required to be available after normal work hours in order to respond to emergencies.
- (ll) **Overtime.** Work performed in excess of the standard eight-hour day or forty-hour work week.
- (mm) **Overtime Pay.** The compensation paid to an employee for overtime work performed.
- (nn) **Part-Time Employee-Regular.** A person who is hired to regularly work less than 35 hours per week, but at least 20 hours a week, budgeted for and works 180 days or greater. Regular part time employees are eligible for some prorated benefits. (See (aa) Employee).
- (oo) **Part-Time Employee-Temporary.** A person who is hired to work less than 20 hours or less per week less than 180 days and the position may not continue year-to-year, but is determined as budgeted. This employee is not eligible for any benefits.
- (pp) **Performance Evaluation.** A formal review and rating of an employee's work performance.
- (qq) **Position.** A group of duties and responsibilities requiring the full-time services of an employee, having a definite title, and being allocated by the Classification Plan.
- (rr) **Position Description.** A comprehensive, written statement of the distinguishing characteristics, representative duties, knowledge, abilities, qualifications and any special requirements inherent in a position allocated by the Classification Plan.



- (ss) **Probationary Employee.** An employee of the City who is serving during a probationary period.
- (tt) **Probationary Period.** The initial one (1) year period of employment in a position, during which period an employee may be discharged without cause.
- (uu) **Promotion.** The assignment of an employee to a position having greater responsibility and/or higher compensation.
- (vv) **Provisional Employee.** An employee who is hired to fill a Civil Service vacancy for a specified period of time until a hiring eligibility list is established and a permanent employee hired.
- (ww) **Reduction In Force.** Termination of service due to lack of work, lack of funds, or due to considerations of efficiency unrelated to any employee's job performance.
- (xx) **Re-employment.** The appointment to a position of a former employee who had previously separated from employment.
- (yy) **Regular Employee.** An employee who has successfully completed his or her initial probationary period. Regular employees are credited with continuous service from the date of hire.
- (zz) **Regularly Scheduled Day Off.** A day, designated by an authorized schedule of work, on which an employee is not required to work.
- (ab) **Reinstatement.** The appointment to a position of a former employee who had been laid off or who has returned from an approved leave of absence.
- (ac) **Reprimand.** A written statement to an employee by the Department Head or Mayor for disciplinary purposes.
- (ad) **Resignation.** Termination of employment by the voluntary action of an employee.
- (ae) **Retirement.** Termination of employment in conjunction with an employee's election to exercise matured rights to a retirement or pension system.
- (af) **Salary.** The compensation paid to an employee for services rendered, excluding reimbursement for expenses incurred incident to employment.
- (ag) **Separation.** Termination of employment regardless of reason.
- (ah) **State Retirement.** The Public Employees' Retirement System (PERS) and Law Enforcement Officers and Firefighter's (LEOFF) System of the State of Washington as established by state law.

- (ai) **Step date upon promotion or reclassification.** This is the annual recurring date on which the employee entered into a new position that occurred due to promotion, reclassification. i.e. and is eligible for a Step increase, if applicable.
- (aj) **Suspension Without Pay.** A disciplinary leave of absence without pay for a specific period of time.
- (ak) **Suspension Leave.** A leave of absence for investigation or other actions for a specified or unspecified period of time until said actions can be completed and a resolution identified.
- (al) **Temporary Employee.** An employee who is employed for a specific period of time and for a special purpose such as unusual or emergency workloads, vacation relief, or other situations involving fluctuating work requirements. Such employees receive no benefits unless authorized by the Mayor and City Council.
- (am) **Transfer.** The assignment of an employee from one position to another position of substantially similar responsibilities and compensation.
- (an) **Vacancy.** A position allocated by the Classification Plan which is not filled.
- (ao) **Veteran.** Every person who has received an honorable discharge or received a discharge for physical reasons with an honorable record and:
  - (1) Has served in any branch of the armed forces of the United States between World War I and World War II or during any period of war; or
  - (2) Has served in any branch of the armed forces of the United States and has received the armed forces expeditionary medal, for opposed action on foreign soil.

A "period of war" includes World War I, World War II, the Korean conflict, the Vietnam era, and the period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. The "Vietnam Era" means the period beginning August 05, 1964 and ending on May 07, 1975. May also include certain veterans of "Desert Storm." Also, see RCW 41.04.005.

- (ap) **Volunteer.** A person who offers himself/herself for a service of his/her own free will and receives no compensation. Works under the direction of a department head or authorized designee.
- (aq) **Vital Public Services.** Certain operations in the City must provide at least partial services at all times regardless of or because of unusual or inclement weather situations. Vital Public Services include the Police and Fire Department (clerical staff are excluded) and certain Public Works Employees which include but are not limited to the Wastewater Treatment Plant and Water Treatment Plant. The Department Heads with

the responsibility for these operations, in conjunction with the Mayor, will determine what services and staffing levels must be maintained in unusual or inclement weather situations.

- (ar) **Year of Employment.** The annual interval between any two consecutive anniversary dates during which time the employee shall have been continuously employed.

### **SECTION 3. Classification of Positions.**

- (a) **Purpose.** The purpose of the Classification Plan is to provide for:
1. The orderly allocation of positions into separate and distinct classes so that each class shall contain those positions which involve substantially similar and comparable skills, duties, authorities, and responsibilities;
  2. Uniform methods of recruitment, examination and selection to positions within each classification; and
  3. Similar schedules of compensation applied equitably to all positions within each classification.
- (b) **Position Descriptions.** The Department Head with input and advice of the Personnel Committee and employees as the Department Head may deem appropriate, shall prepare a comprehensive position description for each position allocated within the Classification Plan. Each such position description shall set forth distinguishing characteristics, representative duties, knowledge, abilities, qualifications and any special requirements necessary for satisfactory performance of such duties. Position descriptions shall, however, be construed as a general description of duties and qualifications and shall not limit or restrict the authority of Department Heads, in assigning specific tasks and responsibilities related to or ancillary to the general description.
- (c) **Limitation of Employment To Classification Plan Positions.** No person shall be appointed to or be employed in any position not allocated within the Classification Plan and identified by an adopted position description.
- (d) **Amendments.** In preparing the budget for each ensuing year, the Personnel Committee shall review the Classification Plan and position descriptions, together with advice and recommendations of such Department Heads and employees as the Mayor may deem appropriate, to determine the appropriateness and accuracy of the Plan and descriptions. At a regular meeting of the City Council of each year, the Mayor shall submit for approval any proposed amendments, additions or deletions to the Classification Plan. Notwithstanding the foregoing, the City Council may amend or change the Classification Plan at any time consistent with needs of the City.
- (e) **The Classification Plan.** All positions of employment with the City are allocated into the following classifications and titles:

Classification: Supervisor - Management

City Administrator  
 Clerk-Treasurer  
 Deputy Clerk-Treasurer  
 Public Works Director  
 Police Chief  
 Building Official/Inspector  
 Community Development Planner

Classification: Office & Clerical

Clerk I  
 Clerk II  
 Clerk III  
 Clerk IV  
 Clerk Part-time  
 Planning Assistant  
 Code Enforcement Officer #

Classification: Police Department

Sergeant (^)  
 Officer (^)  
 (Police) Public Safety Clerk I-IV (^)  
 Police Reserves\*  
 Community Service Officer \*/ # (^)  
 Volunteers\*

Classification: Public Works

Operations Superintendent	Utility Service Worker II/Mechanic
Assistant Lead Worker	Utility Service Worker I/II
Lead Worker	Laborer
Wastewater Treatment Plant Superintendent	Park Laborer
Water Plant Superintendent	Engineering Technician
Treatment Plant Manager	Engineering Aide I
Treatment Plant Operator	Building Inspector
Mechanic	

\*denotes volunteer positions; #denotes combination position (full-time; part-time and/or volunteer); (^) denotes Civil Service

(f) **Supervisory Ratio.**

The number of persons reporting directly to their supervisor and/or department head must be limited. The recommended ratio for fire and police is 3 to 7 employees to 1 supervisor. Therefore to ensure unity of command, clearly defined lines of authority must be drawn so that there exists a structural relationship between each employee and their supervisor and/or department head.

**(g) Chain of Command**

Employees shall be aware of their relative position within the organization and to whom they are immediately responsible and those persons who are accountable to them. Employees should strive at all times to operate within the chain of command and to keep their supervisors informed as to their activities. The Department Head shall be available with or without an appointment to any member of the Department, as time allows. Employees are expected to routinely follow the established chain of command as shown in the City's organizational chart and/or applicable department policies and procedures. Provided, however, if the affected employee is subject to bargaining agreement protection and the matter which the employee seeks to communicate constitutes a grievance as defined by the Collective Bargaining Agreement, the employee may follow that procedure to the extent it conflicts with any portion of this policy.

All employees shall discuss daily operations and report items of concern first with their supervisor and/or department head except as provided in the preceding sentence. If the issue is not resolved and further action is required, the grievance procedure shall be followed. This Personnel Policy, outlines the procedure for grievances and disciplinary action. It is also covered in the bargaining unit agreements for the Woodland Police Officers Association (WPOA), the Woodland Public Employees Association (WPEA), Teamsters Local No. 58 (T58) and Civil Service Rules. The grievance procedure is outlined in Section 24 of this Personnel Policy. Employees making whistleblower complaints needn't follow the chain of command if the person they would otherwise report to is the subject of the complaint. Also see Section 22 Whistleblower of this Personnel Policy.

**SECTION 4. Equal Employment Opportunity Policy.**

- (a) Statement of Policy.** It is the policy of the City to provide equal employment opportunity to all persons.
- (b) Prohibition Against Discrimination.** The interpretation and implementation of these personnel policies and procedures, and all recruitment, hiring, training, promoting and transferring of employees shall be done without regard to race, color, creed, religion, national origin, sex, age, marital status, or the presence of any sensory, mental or physical handicap which does not constitute a bona fide occupational qualification.
- (c) Prohibition Against Harassment.** The Mayor, Department Heads, and all employees shall avoid, and shall not tolerate, any physical or verbal abuse or harassment of any employee, based upon race, color, creed, religion, national origin, sex, age, marital status, or the presence of any sensory, mental or physical handicap which does not constitute a bona fide occupational qualification.
- (d) Veterans' Preference.** Notwithstanding the policy of equal employment opportunity and the prohibition against discrimination, veterans shall be granted a preference in all competitive examinations, as authorized by state law, RCW 41.04.010.

**SECTION 5. Recruitment and Applications.**

- (a) **The Mayor as Personnel Officer.** The Mayor or designee is the City's personnel officer. All persons inquiring about employment and all applicants and candidates shall be directed to the Mayor or designee. The Mayor shall determine if, and when, applications shall be accepted, dependent upon current and anticipated employment needs of the City. The Mayor or designee shall be responsible for the administration of recruitment, testing and interviewing pursuant to these policies and procedures. In the absence of the Mayor the designee, shall serve as the City's personnel officer. In addition, the Mayor shall retain authority to be personally involved in the recruitment and shall ultimately be responsible for appointment of department heads, with confirmation of the City Council.
- (b) **Civil Service Rules & Regulations.** Qualifications, recruitment, examination and hiring procedures for positions covered by Civil Service will be following the current edition of the City of Woodland Civil Service Rules & Regulations.
- (c) **Methods of Recruitment.** (See Policy #94-03 Hiring Policy.) As positions become vacant, or when it is anticipated that positions may become vacant, the Mayor or a designee determine the nature and extent of recruiting for each such position, based upon the desirability of attracting a number of qualified applicants within the limitations of cost and time. Job will be posted for five (5) days in a designated area.
- (d) **Notice of Qualifications.** The Mayor or a designee shall ensure that all recruiting programs provide notice, by advertisement or by written statement included with application forms, to prospective applicants of the minimum qualifications necessary for selection to the position or positions. If complete, the position description may be used for this purpose. Otherwise, any such statement of qualifications shall include the following, together with any additional qualifications the Mayor or designee shall deem necessary as per job description.
- (e) **Application Form.** An application form shall be used which complies with state laws prohibiting discrimination and with the federal equal employment opportunity laws. The form shall elicit sufficient information so that it may be determined whether an applicant possesses the basic qualifications required for the vacant position. All applicants shall be required to submit a completed application form in order to be considered for employment.
- (f) **Testing of Applicants.** Tests may be administered to candidates for a vacant position, when deemed appropriate by the Mayor, to competitively rate the candidates or to establish proficiency or knowledge at a predetermined level. All candidates for similar positions shall be tested uniformly. Test materials may be procured from reliable outside sources or may be developed by or on behalf of the City.

Under no circumstances, however, shall any candidate other than a candidate making

initial application for employment in public safety (law enforcement and fire), be required to take a polygraph, lie detector or similar test of veracity.

- (g) **Interviews.** The Mayor, Department Head and the Personnel Committee shall conduct interviews of candidates, when deemed necessary or desirable, to elicit pertinent information or to assist in evaluating or rating such candidates.
- (h) **Medical Examinations.** A medical examination may be required in order to ascertain whether the candidate meet the physical requirements of the position. However, no candidate shall be tested for the presence of HIV infection.

#### **SECTION 6. Appointment to Vacant Positions.**

- (a) **Experience As Substitute For Education.** Employees and former employees who apply for appointment to any vacant position which requires higher education, may substitute work experience with the City, or other work experience involving similar duties and responsibilities, for such higher education, on a year-for-year basis unless specified in the job description that higher education is mandatory.
- (b) **Selection.** When a vacant position is to be filled, the Mayor, together with the Personnel Committee or such Department Heads or other employees as may deemed appropriate, may review and evaluate the application forms, test results, interview results, and such other information as might properly be available.

If only one employee or former employee is being considered as a candidate for preferential appointment, or if only one applicant has applied for the vacant position, the Personnel Committee or Department Head shall ensure that the candidate or applicant meets the required qualifications. If more than one candidate or applicant has applied, the Department Head may recommend to the Mayor and Personnel Committee to select the best qualified.

1. Criminal Records Checks; a criminal record check will be obtained prior to final appointment of candidate. Generally, all convictions or prison release within the previous seven (7) years should be disclosed and will be considered for employment selection.
- (c) **Nepotism Prohibited.** No candidate or applicant shall be appointed to any position if such appointment would result in the candidate and existing employee who is a close relative of the candidate holding positions where one might supervise the other or where one might exert, or appear to exert, direct influence on the appointment, promotion, transfer, compensation, or performance evaluation of the other.
  - (d) **Appointment.** The Mayor or the appropriate Department Head, shall offer the vacant position to the candidate or applicant selected and, upon acceptance, shall appoint such candidate or applicant to that position. In the event the selected candidate or applicant shall decline the offered position, the Mayor, the appropriate Department Head, or the Personnel Committee, whichever is appropriate, shall offer the position to the next best qualified candidates or applicants. Department Head appointments will be confirmed

by the City Council.

- (e) **Probationary Period.** The initial one (1) year period of service by an employee in any position allocated by the Classification Plan shall constitute a probationary period. A probationary employee may be separated or demoted by the Department Head or the Mayor at any time during the probationary period, without cause. A probationary employee so discharged or demoted shall have no recourse to the grievance procedures contained in these policies and procedures. Upon satisfactory performance evaluation, and at the end of the one (1) year probation period, permanent employment status shall be granted.
- (f) **Performance Evaluations.** A formal review and evaluation of the work performance of each probationary employee shall be conducted at least once prior to the end of the probationary period. A formal review and evaluation of the work performance of each regular employee shall be conducted at least once per calendar year on or near the employee's anniversary. The review and evaluation shall be conducted by the Department Head, or designee. Department Heads shall be evaluated by the Mayor.

#### **SECTION 7. Compensation Plan.**

(See Union Contract for bargaining unit employees)

- (a) **Purpose.** The Compensation Plan is intended to ensure regular review and adoption by the City Council of all wages, salaries and other compensation so that:
  1. Compensation will be equivalent and competitive with compensation paid for similar employment by other public and private employers;
  2. Compensation paid by the City will attract, motivate and promote retention of skilled employees;
- (b) **Annual Review of Plan.** On an annual basis, the Personnel Committee together with Department Heads and the Mayor as appropriate, may review the current Compensation Plan to determine whether existing pay ranges, additional compensation, and benefits are adequate to meet the purposes of the Compensation Plan. Concurrent with this review, the Personnel Committee shall survey compensation currently paid by other public and private employers to employees holding positions comparable to the positions allocated by the City's Classification Plan. This survey shall be considered in determining the adequacy of the current Compensation Plan. In addition, the Personnel Committee shall obtain the Consumer Price Index for all urban consumers in the Portland-Vancouver metropolitan area, as published by the Bureau of Labor Statistics, for the year, and shall determine a recommended cost of living allowance, if any.
- (c) **Annual Adoption of Plan.** The Personnel Committee, with the advice and input of Department Heads, shall prepare a preliminary Compensation Plan for the ensuing year, with such changes as may be deemed necessary, and together with a recommended cost of living allowance, and shall submit the same to the Mayor for review. The Mayor shall submit the same, together with recommended changes, to the City Council for consideration at an appropriate regular meeting of each calendar year. The City Council



shall review the preliminary Compensation Plan and the recommended cost of living allowance, if any, shall make any revisions or modifications thereof which may be deemed necessary, and shall then adopt the same as the Compensation Plan for the ensuing year.

- (e) **Pay Periods.** There shall be one pay period in each month. The number of days in each pay period and any overlap into prior or subsequent months shall be established by the Clerk-Treasurer, or designee. Part time employees shall only be paid for actual hours worked through the period in which timesheets are due according to the schedule as set forth by the Clerk-Treasurer. Pay days shall be the last working day of each month. A draw at mid-month will be permitted. If the pay period ends on a weekend or holiday, the Friday previous to that day will be considered the end of the pay period. Full-time employees may draw up to 1/3 of their gross for the month in questions on the fifteenth (15<sup>th</sup>) day of the month or on the last work day preceding if said date is a weekend or holiday. (see Woodland Municipal Code 2.48) Part-time employees are eligible for a draw up to 1/3 of their total gross for the hours they have worked through the 15<sup>th</sup> of the month in which the pay is earned. Employees may only modify the amount of the draw no more frequently than annually unless otherwise authorized by the Clerk-Treasurer.
- (f) **Timesheets.** Employees shall turn in a timesheet to their Department Head monthly. The Department Head will then review the timesheets, approve, sign and forward to the Clerk-Treasurer department. A schedule showing the due dates will be distributed annually by the Clerk-Treasurer department.
- (g) **Compensation of New Employees.** New employees shall normally be appointed at the minimum compensation, Step 1, in effect for the position to which the appointment is made. At the request of a Department Head, or the Personnel Committee, the Mayor may approve compensation at a higher step level, not to exceed Step 3, if qualified applicants cannot be recruited at the minimum rate or if the Mayor determines that the best qualified applicant or applicants have experience and qualifications in excess of the entry requirements for a given position. The Mayor may recommend, and the City Council may approve, compensation at a step level higher than Step 3 in appropriate cases.
- (h) **Compensation upon Reinstatement.** A person who is reinstated in the same class or in a lower class within the same classification allocated by the Classification Plan shall be compensated at the same Step level as such person was compensated at the time of reduction in force or leave of absence. If reinstated to a position within a different classification, such person shall be appointed at the minimum compensation, Step 1, applicable to the position to which such person is reinstated.
- (i) **Step Increases in Compensation.** All step increases in compensation shall be based upon performance. Step increases will not, in the absence of unusual circumstances and approval by the Mayor with concurrence of the City Council, be permitted more often than once per year of service.
- (j) **Compensation upon Promotion.** Any employee who is promoted to a position within

a classification with a higher compensation range shall receive the greater of Step A compensation or compensation at such other step as results in an increase of compensation to the promoted employee.

- (k) **Compensation upon Transfer.** When an employee is transferred from one position to another within the same classification, or to a position within another classification with the same, or a lower, compensation range, the employee's compensation shall not change. However, the compensation paid to an employee upon transfer must not exceed the maximum of the compensation range for the new position.
- (l) **Compensation upon Demotion.** When an employee is demoted for reasons of physical inability to perform, or for other cause, the employee's compensation shall be reduced to the comparable Step in the compensation range for the employee's new position. When an employee in good standing voluntarily accepts demotion for reasons other than unsatisfactory performance, or other cause, the employee shall receive compensation at the highest Step for the new position which does not exceed that employee's compensation immediately prior to demotion.
- (m) **On-Call Compensation.** Compensation for on-call duty shall be in an amount determined by the Union Contract with advice of the Personnel Committee, with concurrence of the City Council. No other compensation shall be paid to an employee by reason of on-call status unless such employee is actually called to work, in which case the employee shall also be entitled to regular or overtime pay during the time worked.
- (n) **Overtime Pay.** Any employee, other than the Mayor, and Department Heads, who works more than eight (8) hours in any one day, or more than forty (40) hours in any one week, shall be paid at the rate of one and one-half (1 ½) times that employee's regular hourly rate for each such overtime hour worked. Any employee, who works on a holiday shall be paid at the rate of one and one-half (1 ½) times that employee's regular hourly rate for each hour worked during the holiday. If any such employee is salaried, such employee's hourly rate of pay shall be computed by multiplying such employee's monthly salary, as shown on the Compensation Plan, by twelve (12) and then dividing the product thereof by 2080. In every case, however, overtime work and pay must be approved, in advance, by the Department Head, or designee. If acceptable to the employee and to the Department Head, compensatory time, at the overtime rate, may be granted in lieu of overtime pay.
- (o) **Health Care, Hospitalization And Medical Aid.** Employees shall receive the benefits provided by resolution of the City Council. Regular part-time employees are covered for medical insurance per Policy No. 2001-001.

#### **1.0 Purpose.**

To establish the City policy on the provision of health insurance and leave accruals for non-union part-time employees.

#### **2.0 Policy.**

It shall be the policy of the City of Woodland to allow regular part-time employees to

participate in the Health Plan(s) offered by the City. Said eligible regular part-time employee shall be defined as working a minimum of 20 hours per week, but not more than 40 hours per week. To be eligible for coverage by the Health Plan the employee shall also meet the position requirements as defined by the State of Washington Department of Retirement Systems.

2.1 **Regular Part-time Employee. Definition.** The employee shall work an average of more than 20 hours but less than 40 hours per week. If the position is budgeted for a minimum of 20 hours per week, in a five (5) month period and meets the eligibility requirement set forth below, then the employee would be eligible for coverage and may enroll on the first of the month following the date of hire; and

2.2 **Eligible position.** The position must normally require at least (5) five months each year in which regular compensation is earned for at least 70 hours per month to be eligible for coverage.

2.3 **Exclusions.** It shall also be the policy of the City that eligible regular part-time employees will not be included in the “union pooling” per Collective Bargaining Agreements.

**3.0 Premium Payment.** A requirement to participate in the medical portion of the health insurance plan is that the employee must contribute 50% of the premium, which shall be through payroll deduction. Dependents may be covered per plan rules, but the employee, through payroll deduction shall pay 100% of the premiums.

The Dental, Vision, Life Insurance plan is not available, per City of Woodland policy, to regular part-time employees.

**4.0 Open Enrollment.** An open enrollment period for the medical and dental plans is offered annually in December. At that time, employees may join, add dependents, or transfer between plans without evidence of insurability.

**5.0 Effective Date of Coverage.** For eligible new hires that begin service on or after the first of the month, insurance coverage will commence on the first day of the month following date of hire.

**6.0 Spouse/Dependent Coverage.** New employees. Dependent coverage must be applied for at the time a new employee completes the hiring process, otherwise dependents cannot be added until the next open enrollment period. (See specific plan requirements for mandatory enrollment requirements and other plan requirements.)

**7.0 Vacation/Sick/Holiday Leave Benefits.** Vacation, Sick or Holiday leave benefits are not available for regular part-time employee, unless covered under a Collective Bargaining Agreement and said leave is bargained for.

- (p) **Dental Care.** Employees shall receive the benefits provided by Employee contracts and/or Collective Bargaining Agreements.
- (q) **Long Term Life Disability Insurance.** None provided.
- (r) **Cost Not Deemed Additional Compensation.** Pursuant to RCW 41.04.190, the cost of the premiums for health care, hospitalization, dental care, and disability insurance (when provided) is deemed not to be additional compensation to the employees of the City.

- (s) **Reimbursement of Training Costs.** It is the policy of the City to provide and encourage, within budget appropriations, training opportunities, including attendance at workshops and seminars, for any eligible employee, subject to prior approval by the Department Head or the Mayor. The objective of this policy is to encourage and motivate employees to improve their personal capabilities in the performance of their assigned duties. Tuition and fees for such approved training will be reimbursed upon verification of successful completion of the training. The city may also opt to pre-pay, use advance travel funds, or use a purchase order.
- (t) **Registration Fees.** The City shall pay, in advance, directly to the sponsoring organization, agency, or institution any registration fee for attendance at authorized conferences, seminars, conventions or training sessions. Advances will only be made upon preparation of a Travel Advance form.
- (u) **Reimbursement for Use of Personal Automobiles.** Use of personal automobiles by employees in connection with officially assigned duties and other travel for approved public purposes shall be reimbursed at what the IRS allows per mile upon submission of a duly certified claim form. The City has the option to provide a City vehicle for use.
- (v) **Reimbursement of Other Expenses.** The City shall reimburse employees for expenses of transportation, lodging, meals or other authorized activities incurred by such employees in connection with officially assigned duties or in connection with other travel for approved public purposes. Advance Travel Request form may be utilized.
- (w) **Claims for Reimbursement.** All claims for reimbursement shall be certified by the employee on a City of Woodland Travel Authorization And Expense Claim form and shall be submitted to the Clerk-Treasurer, through the appropriate Department Head, not later than thirty (30) days after completion of the travel or authorized activity.
- (x) **Deferred Compensation.** Deferred compensation plans shall be made available to employees. The administration of such plans, and benefits, are governed by state law, RCW 41.04.250 through .260.
- (y) **Public Employees' Retirement.** All eligible employees shall be covered by the Washington State Department of Retirement (DRS).
- (z) **Retirement Plan In Addition to Social Security.** Employees covered by any retirement system or plan made available by the City shall be eligible for the Federal Old Age and Survivors Insurance generally made available through the Social Security Administration. However, Medicare benefits shall, pursuant to federal law, be made available and the required employee contributions shall be deducted from employees' paychecks.
- (aa) **Exceptional Compensation: Declared Disaster Periods.** The City shall compensate all overtime exempt employees on an hourly basis for exceptional work performed which is required as a result of emergency needs created by a "declared" disaster. The "declaration" must be determined by the city, county, state or federal authority.

Exceptional compensation hours are only those hours in which the exempt employee is performing work required by the City response to the declared disaster, and performing duties which are outside the routine functions of the individual exempt employee's position. Only hours performed during the disaster declaration period qualify for exceptional compensation under this policy.

The hourly rate for exceptional compensation hours shall be determined by the Mayor or Clerk-Treasurer and shall be the salaried employee's straight time rate or the overtime rate computed in accordance with FLSA regulations based upon the regular rate of pay paid to the salaried employee.

Exempt employees must submit a report of work hours and duties performed under this policy within five (5) business days of the close of the declared disaster period, and provide such interim reports as determined by the Mayor or designee. Work assignments performed under this policy must be pre-approved by the Mayor, or designee.

The Mayor, or designee shall notify and update the Council of declared disaster conditions and projected needs under this policy, and will present a summary report for full council review within 30 days of the close of the disaster period.

The City shall seek reimbursement for exceptional payroll and other costs incurred to meet response needs during declared disasters through such sources as may be available to the City during the post disaster recovery period.

It is the policy of the City that Fire Department exempt employees who are activated and respond on State and EMAC Mobilizations are subject to overtime for work hours outside their normal duty hours for these deployments. The State of Washington will reimburse the Fire Department for the regular and overtime expenses for exempt employees on these mobilizations.

**(aa) Wellness Program.**

**1.0 Purpose:**

To create an environment that supports healthy lifestyles and offers opportunities for employees to optimize their health and well-being.

**2.0 Goal:**

To support wellness in the workplace by creating a program that meets the needs and interests of the employees of the City of Woodland.

**3.0 Policy:**

**3.1 Membership of the City Wellness Committee:**

- 3.1.2 The wellness committee shall consist of one representative per department and a management team representative.
- 3.1.2 The committee may change every year, if necessary, to give people an opportunity to participate.
- 3.13 The Clerk Treasurer Department will provide one permanent member to serve as the Wellness Coordinator.

**3.2 General Committee Requirements:**

- 3.2.1 All meetings will start promptly and end on time.
- 3.2.2 All committee members are equal participants and have equal rights and responsibility to voice opinions and ideas and share in the success of the program.
- 3.2.3 Committee members are strongly encouraged to participate in all Wellness program activities.
- 3.2.4 Attend scheduled Wellness meetings.
- 3.2.5 Representing your department and educating them of the various Wellness activities.
- 3.2.6 Assisting (as required) other members in the execution of their wellness events.
- 3.2.7 Wellness Committee members are permitted to spend 1 – 2 hours per month to attend meetings and facilitate programs.

**3.3 Wellness Coordinator Requirements:**

- 3.3.1 Setting the time and place of meetings.
- 3.3.2 Preparing an agenda in advance of all meetings.
- 3.3.3 Managing the meetings and following the presented agenda.
- 3.3.4 Applying for, obtaining, and managing annual grant funding requirements.
- 3.3.5 Managing the budget and financial program requirements.
- 3.3.6 Attending conferences and training when possible.
- 3.3.7 Preparing and distributing minutes of Committee meetings.
- 3.3.8 Finding new avenues to work with benefit administrators and businesses to maximize Wellness resources and relationships.

**3.4 Program Activities:**

- 3.4.1 Any participation in the programs and activities of the Wellness Program is on a voluntary basis.

- 3.4.2 The Wellness Committee will promote its programs through cultural change and recurring awareness. Specifically, it will advance its agenda through three types of service:
- a. Information and Awareness
  - b. Environmental Change
  - c. Behavior Change
- 3.4.3 Employees are permitted to participate in some wellness programs such as health screenings, blood donations, or health education seminars during work hours as the normal work demands are appropriately met and as approved in advance by their supervisor.
- 3.44 Resources.** Existing resources within the City which are available to the general public will be considered first for utilization by the Team in preparing their plans.
- 3.45 Program Liability and Consent.** Any employee who engages in exercise or fitness programs and activities of the Wellness Program shall be encouraged to undergo fitness evaluations and screening by their physician. Consent forms shall be utilized to provide participants in programs which may be strenuous or otherwise pose a hazard to the unprepared employee with information regarding the program, and, in appropriate situations, to require the employee to place on file with the Program Coordinator a City Employee Wellness Program consent and waiver form.
- 3.46 Program Support.** The City Council, through their annual budget review will determine which programs and activities of the City Employee Wellness Program will be funded. Some programs and activities may only require minimal supplies and staff time and may be offered as determined by the Team and/or Coordinator.
- 3.47 Wellness Incentives.** Wellness program participants may be given incentives as approved by the Mayor and recommended by the Wellness Committee. Incentives may consist of time off with pay (not to exceed eight (8) hours annually), gift certificates (funded by the annual budget process and/or grants), and mini-grants for gym or physical fitness use. Incentives will be based on participation in the Wellness program with minimum standards to be met, as established by the Wellness Committee and approved by the Mayor.
- (bb) Employee Use of City Facilities.** Regular, full-time employees and volunteers are eligible for use of City facilities to include, but not limited to the Community Center, Horseshoe Lake Park shelter, City Hall Council Chambers, Annex Conference Room, and Fire Department meeting room. The employee and/or volunteer may use a facility, at no charge, up to two (2) times per year. A written request must be made to the Clerk-Treasurer's office through the Facilities Use Agreement. The employee must be present at the event to qualify for use.
- (cc) Employee/Volunteer Recognition Program.** (Per Resolution No. 685).

## **1.0 ORIGINATION**

The employee/volunteer recognition committee or otherwise known as the Personnel Committee was asked to look into some way to recognize outstanding performance and/or contributions by its employees and volunteers. The committee met and discussed several ways and types of recognition for these employees and volunteers. These recommendations are not to be considered the end of the program, they are only the beginning of a program that will certainly change and may grow in scope depending upon its success.

## **2.0 THE PROGRAM**

If the program is implemented it will recognize employees and volunteers with the City of Woodland for “Employee of the Year” and “Volunteer of the Year” Awards. Each award will be given to employees or volunteers who have made an exceptional contribution to the City of Woodland. Nominations shall state the reason for the nomination, including ways employee / volunteer exemplifies City’s mission statement. Candidates may consist of full-time and regular part-time paid employees (not department heads), police volunteers, police reserves, Explorers, Park Board, Planning Commission, Civil Service, etc.

Also, service awards will be given to employees and volunteers as outlined below.

## **3.0 DETAILS**

Nominations will be accepted for the awards by all full-time and regular part-time City of Woodland personnel (employees and volunteers) during a specified period each year. Only one (1) vote will be allowed per person. Nominations must be submitted on the original form as supplied by the City of Woodland.

The City Administrator, Wellness Coordinator and 1 Wellness Committee member, along with the Department Heads will review nominations and make the decision on the finalists for the awards. Awards will be presented annually at a City sponsored event (picnic, awards banquet, etc.) as scheduled by the City Administrator and staff.

Award recipients will receive the following:

1. Engraved plaque (or similar) for “Employee of the Year” and “Volunteer of the Year”.
2. \$50.00 check to the recipient.
3. Picture in the paper (if desired).
4. Name on a permanent plaque located at City Hall.
5. Letter of commendation in personnel file from the mayor.

Other awards based on years of service:  
(Pins are 24K Gold Electroplate)



One (1) year:	Certificate	(awarded to for 1 year of service)
Five (5) years:	Pin	Gold and T-shirt with City logo
Ten (10) years:	Pin	Gold with sapphire and Denim or Polo Shirt w/# of yrs of service
Fifteen (15) years:	Pin	Gold with ruby and ¼ zip sweatshirt w/# of yrs of service
Twenty (20) years:	Pin	Gold with diamond, and coat w/# yrs of service and \$50.00 Gift Certificate/check
Thirty (30) years	Pin	Gold with diamond and coat w/# yrs of service and \$50 Gift Certificate/check

**(dd) Cellular Phone Acquisition and City Official/Employee Use.** (Per Policy No. 1996-001).

**1.0 Purpose:** The purpose of this policy is to delineate policies and procedures related to cellular telephone Acquisition and use by City officials and employees.

**2.0 Department Affected:** All Departments

**3.0 Policy:**  
Two types of telephone acquisition and use are available.

3.1 Cellular telephones issued in the name of the City, hereinafter “City-owned cellular telephone”.

3.2 Cellular telephones authorized by the Mayor, principally for private use by the requesting City official or employee, where the City agrees to be secondarily liable to the applicable Telephone company in the event of non-payment by the official/employee, hereinafter “private cellular telephone”.

3.3 With respect to private cellular telephone use, (3.2), the city finds it is a benefit to the City to assist in facilitating the acquisition of private cellular telephones by its official/employees for use in the event of a significant emergency such as an earthquake, volcanic eruption or similar catastrophe.

**4.0 Procedure:**  
The following policies and procedures shall be adhered to with respect to the acquisition and use of cellular telephone within the respective above-referenced categories:

4.1 City-owned cellular telephones:

4.1.1 Cellular telephones of the typed described in this category shall be authorized only by the Mayor or his/her designee.

4.1.2 Costs of acquisition and monthly charges shall be the responsibility of the affected department.

- 4.1.3 Cellular telephone use should be limited to business use only. In the event non-business calls are made, a check for payment shall accompany the invoice for payment that is forwarded to the Clerk/Treasurer.
- 4.1.4 Calls home or to family, etc. by City official/employee when required to work extended hours shall be considered business calls.
- 4.1.5 Billing of City-owned cellular telephones will be reviewed by the Clerk/Treasurer for authorization.
- 4.1.6 Cellular telephone use should be limited to use where two-way radio service is not available or no other less expensive method is available.
- 4.1.7 The City reserves the right to monitor and audit all calls made on City-owned cellular telephones.

#### **4.2 Private Cellular Telephones:**

- 4.2.1 Acquisition and use of cellular telephones within this category are available to City officials and regular employees, subject to the approval of the Mayor.
- 4.2.2 No portion of the billing for telephones within this category shall be the responsibility of the City unless the call or use was specifically pre-authorized by the Mayor.
- 4.2.3 The respective obligations and duties of the City official or employee and the City shall be controlled by a contract substantially in the form attached hereto as Exhibit "A".
- 4.2.4 The Mayor is hereby authorized to execute contracts in behalf of the City in the form set forth in Exhibit "A". For the duration of the contract, it shall be the Clerk/Treasurer's responsibility to insure that the City official or employee complies with the terms and conditions of the contract.
- 4.2.5 It shall be the Clerk/Treasurer's responsibility to insure that when any official or employee, who is a party to an Exhibit "A" contract, leaves the service/employ of the City that the following occurs:
  - 4.2.5 (a) That the telephone company is notified in writing that the City is no longer secondarily responsible for the City official or employee's telephone bill.
  - 4.2.5 (b) That the proper steps are taken so that a final paycheck is not issued until the City is assured that the official or employee's cellular telephone has been transferred off the City's account and all outstanding charges incurred while on the program have been paid. This policy shall be reviewed by the City Council annually to determine whether the program should be continued.

### **SECTION 8. Performance of Duties.**

- (a) **Policy as To Job Performance.** It is the policy of the City that all personnel actions, including recruitment, appointment, compensation, promotion, demotion, transfer, suspension, reduction in force, disciplinary actions, and discharge, shall be based solely upon performance of duties and fitness, or the lack thereof. Interference with employee performance, including discrimination, harassment or tolerance of such discrimination or harassment, shall also result in disciplinary action.
- (b) **Conflicts of Interest and Outside Employment.** Conflicts of interest, real or apparent, the acceptance of gratuities, and outside employment relating to services normally provided by the City, is deemed to adversely affect employee performance and is therefore subject to disciplinary action. No employee shall have any financial interest in any contract, service, or other work performed by the City, nor personally benefit directly or indirectly from any contract, purchase, sale, or service between the City and any person or company.

No employee shall personally or as an agent provide any surety, bail, or bond subject to approval by the City. No employee shall accept for personal benefit any services, compensation, reward or concession from any person or company offered as an inducement or gratuity for performance of such employee's duties. No employee shall be engaged in outside employment which interferes with that employee's performance of duties.

- (c) **Volunteering by City Employees.** (See policy 1997-003). Employees of the City of Woodland are encouraged to volunteer their services provided they meet the following criteria:
1. Employees must obtain the approval of their department head prior to providing their services to another public entity. The department head will ensure that there are no conflicts of interest and that the activity does not violate the current bargaining unit agreements and any applicable laws. This approval shall not be unreasonably withheld.
  2. Employees may volunteer for a governmental entity separate from the City of Woodland or for a different department of the city performing duties substantially different from the employee's normal duties. Should the employee volunteer for another governmental entity, performing duties which the City of Woodland normally pays them to perform, the employee may not provide any services, under the auspices of such entity, within the city limits of Woodland or for the citizens of Woodland.
    - 2.3 Because of regular-occurring first alarm and mutual aid responses, full-time Fire Department employees are not allowed to volunteer with fire agencies who directly border the Woodland City limits.
  3. When a city employee wishes to volunteer for a different department within the City of Woodland a written understanding will be prepared. This document will outline the volunteer duties to be performed and inform the employee that the volunteer activity will involve no compensation other than that received by the other volunteers.

4. Employees will not respond to the volunteer activity from their normal job duties unless released by their supervisor.
  5. When City employees are engaged in the volunteer activity they will not perform any duties normally associated with their paid job, except in case of an extreme emergency which may result in serious injury, or death, or with the approval of their department head.
- (d) **Administrator.** The Mayor and such Department Heads, and such other employees as may be designated, shall be responsible for administering the merit policy, subject to the grievance procedures contained in these personnel policies and procedures.
- (e) **Grievance.** Any employee believing himself or herself to be aggrieved by the result of any performance evaluation shall be entitled to follow the grievance procedures set forth in this Ordinance.

## **SECTION 9. Hours of Work.**

### **9.01 Reserved**

### **9.02 Standard Work Day and Normal Operating Hours:**

9.02.01 Eight hours shall constitute a day's work for all employees of the City. Five (5) days shall constitute a week's work for all employees of the City, except for Firefighter/EMT's. The normal work week consists of a work week from Monday through Friday, for 40 hours a week between the hours of 7:00 a.m. to 6:00 p.m., except those days designated as official holidays. Due to the nature of work, some departments may have differing schedules from normal operating hours. In that instance, schedules will be determined by appropriate bargaining agreements or determined by the Department Manager and approved by the Mayor.

Exempt employees and department heads may be required to work hours in excess of their normal work week. This excess time is considered part of the salary paid for the position they hold with the city. Except as authorized by the personnel policy, employee contracts or these guidelines, employees should not expect to receive extra pay or time off if they work hours in excess of their normal work week, unless governed by FLSA.

**9.02.02 Flextime:** Flextime is a work schedule that permits flexible starting times and quitting times for employees other than the standard work day. A standard number of core hours which must be worked is a typical part of a flextime schedule. The following is a typical flextime model:

Flexible Time ⇒ 6 AM - 10 AM

Core Time ⇒ 10 AM - 3 PM

Flexible Time ⇒ 3 PM - 7 PM

- 1) For Regular Employees, Flex schedules shall constitute a forty (40) hour work week and shall be arranged within that week as agreed upon by the employee and their department head. Requests shall be submitted by the employee, in advance, to the Department Head.

Vacation and sick leave accruals shall not be affected upon implementation of any flex schedule approved by the Department Head.

2) For Exempt Employees. On occasion employees may need to flex their work schedule to attend required job duties. Examples of Flex Scheduling could be:

- Taking a weekday off when the employee is required to work a weekend.
- Taking time off during or after emergencies that require excessive hours to be worked which could endanger the employee's health and welfare.
- Employee is required to extra hours early in the week and may go home early on Friday afternoon.

Flex scheduling is not a normal practice and requires approval of the Mayor. Normally any flexing of schedules will occur during the same pay period the extra hours are worked.

### **9.03 Alternative Work Schedules**

**9.03.01 ELIGIBILITY:** All regular full-time employees of the City are eligible to request the available alternative work schedules as described in this policy. Final decisions on participation will be made by Department Managers and the Mayor or designee, and will be based upon an objective review of the individual circumstances, the demands of the position, the needs of the department and the needs of the City. An employee with a documented performance problem or an employee in a probationary or trial performance status may be denied their request for an alternative work schedule, depending on the nature of the performance problem or the preference of the supervisor in a probationary or trial performance situation.

**9.03.02 Definitions.** For the purposes of the alternative work schedule, the following terms are defined:

**Non-exempt employee:** an employee who is eligible for overtime compensation, as defined by the Fair Labor Standards Act (FLSA)

**Exempt Employee:** an employee who is not eligible for overtime compensation, as defined by the FLSA

**Flexible Work Schedule:** A work schedule which permits flexible starting and quitting times for employees other than the standard work day.

1) **Compressed Work Week/Modified Compressed Work Week:**

Employees work a standard number of hours within fewer days during the same week, or each work day is an extra 30-60 minutes long, with one day off every two or three weeks. For employees eligible for overtime pay under the Fair Labor Standards Act (FLSA), the following compressed work week options will be considered under this policy:

2) 4/40 - Four 10-hour days each week.

3) 9/80 - The 80 hours in a two week period are scheduled over 9 working days. The normal work day is extended by one hour five days one week and three days the next week, with one regular eight-hour day. This produces one extra day off every two weeks. To comply with the

FLSA and prevent an overtime obligation, the seven day work week must be formally designated and the schedule must be approved by the Department Head and Clerk-Treasurer for compliance with the FLSA.

4) 14/120 - The normal work day is extended by approximately 30 minutes each day, so that 120 hours in three work weeks are worked over 14 work days. This produces an extra day off every three weeks.

a) A 14/120 schedule is available only for employees exempt from overtime under the FLSA. Exempt employees are also eligible for the 4/10 and 9/80 schedules.

### **9.03.03 APPLICATION FOR ALTERNATIVE WORK SCHEDULES**

1) The interested employee(s) will complete a standard application, which will include the proposed alternative work schedule, the employee circumstances leading up to the request, potential impacts identified and recommended solutions. Additional information may be attached to the standard application. The application must be submitted to the Department Manager.

2) If circumstances require a group of employees to adopt an alternative work schedule in order to make the schedule feasible, a current employee who is opposed to the alternative work schedule change will be allowed to continue the current schedule, unless the Department Manager determines that the modified schedule is necessary to meet department needs.

a) After a group of employees has agreed to an alternative schedule, the continuation of the schedule shall be based on the preference of the majority of the employees involved, except that the Department Manager can end any alternative work schedule pursuant to Section 9.03.05 below.

3) The Department Manager receiving the employee application, will review the request by assessing the form submitted, reviewing job descriptions, and speaking with supervisors and co-workers. If the Department Manager does not approve of the proposed schedule, he/she will return the form to the employee with documentation of the reasons for denial. If the Department Manager approves the schedule, he/she will advance the form with documentation of the approval to the Mayor.

4) The Mayor will consider the written application and the Department Manager's recommendation and may contact other individuals deemed able to provide additional information or assistance in decision making. The Mayor will confer with the Clerk-Treasurer Department to ensure that the proposed schedule is in compliance with the Fair Labor Standards Act (FLSA).

Upon completion of a review of the request, the Mayor will provide a written approval or denial to the Department Manager who will then provide the approval or denial to the employee. If approved, the department affected will work with the Clerk-Treasurer Department to appropriately implement the approved schedule and a copy of the application and the approval document will be forwarded to the Clerk-Treasurer Department for coordination with the payroll process.

5) If an application is not approved, the employee may submit a new application only if circumstances (of the employee, the department or position) significantly change.

**9.03.04 STANDARDS OF REVIEW:**

An alternative work schedule will be implemented for any eligible individual who can demonstrate to the satisfaction of the Department Manager and Mayor that the impacts of the schedule will not, in their judgment, unacceptably impact the City and its operations.

1) Minimum Standards: No alternative schedule will be approved which, in the judgment of the Department Manager or Mayor, has the effect of compromising facility security or employee safety; of reducing, banking or eliminating rest breaks; of reducing lunch breaks to less than thirty minutes; of creating an overtime liability for the City; of regularly scheduling work on Saturday or Sunday for the sole purpose of accommodating the preferred schedule; and/or of preventing the City from meeting its legal and fiscal obligations for the manner in which City operations are conducted.

2) Assessment of Impacts: In assessing the impacts of a proposed alternative work schedule, the Department Manager and Mayor will balance negative impacts with positive impacts and make a final determination on the basis of overall benefit to the City.

The following categories of impacts will be assessed by the Department Manager and the Mayor in evaluating an alternative work schedule proposal: overall customer service; interference with regular business operations of the City; telephone call coverage and responsiveness; overall employee productivity; employee accountability for time and results of work; reduction of commute trips; and improved service hours for the public; equipment sharing efficiencies; improved employee morale; improved time management flexibility; and reduced overtime costs.

**9.03.05 MODIFICATION OF AN APPROVED ALTERNATIVE WORK SCHEDULE**

1) A Department Manager or the Mayor may at any time, with thirty days notice to affected employees, terminate any approved alternative schedule, if it is determined that the conditions under which approval had been granted have changed or, if, in the judgment of the Department Manager or Mayor, the schedule proves to cause unforeseen impacts that are not in the best interest of the city. If an alternative work schedule is discontinued, the employee may submit a new application should circumstances (of the employee, the department, or position) significantly change.

a) Changes in workload, funding, legal mandates, changes in legal interpretations or other needs of the City and/or individual departments could cause the City to revise or cancel the alternative work schedule options offered.

2) If an employee working under an approved alternative work schedule wishes to modify the alternative work schedule, a new application per Section 4.03.03 is required if: 1) The proposed modification is from one approved work schedule to another or 2) if the Department Manager determines that the proposed modification creates significant impacts that were not addressed by the original application (Example: changing the work schedule in a manner that creates a loss of coverage or that makes another employee's schedule unworkable).

a) A minor modification of an approved alternative work schedule, that does not involve the changes described above, can be implemented upon approval of the Department Manager.

3) Employees may be asked to fill in on their regularly scheduled day off for employees who are absent. Supervisors and employees will provide as much advance notice as possible and will be flexible in working out an alternative schedule for the employee asked to work on their regular day off.

**9.03.06 ACCRUING AND USING SICK LEAVE, VACATION LEAVE AND HOLIDAY PAY WHILE ON AN ALTERNATIVE WORK SCHEDULE:**

1) Sick leave and vacation leave will continue to accrue at the regular rate. When an employee takes a full day of sick or vacation leave, the time charged will be equivalent to the full number of hours the employee was scheduled to work. This compensates for actual time absent for regularly scheduled work hours. For example, an employee accruing eight (8) hours per month in sick leave is absent for a full day that he/she is scheduled to work ten (10) hours. The time charged for sick leave would be ten (10) hours.

2) When a paid holiday falls on an employee's regularly scheduled work day, the employee will be paid eight (8) hours of holiday pay. If the regularly scheduled work day is greater than eight (8) hours, the employee may be required to use either accrued vacation time or, if approved by the supervisor, to make up the time during the work week.

3) When a paid holiday falls on an employee's regular day off, the employee will be credited with eight (8) hours of holiday pay which may be used at a later date. Any accrued paid holiday hours must be utilized in the calendar year in which they have been earned. Accrued holiday hours not used by December 31st of each year will be lost to the employee.

**9.04 Standard Work Week**

9.04.01 Full-time city employees work 40 hours per week. Unless otherwise approved in writing by the City the 7 day work week for each employee will be 12:00 a.m. Sunday through 11:59 p.m. Saturday.

9.04.02 Due to the nature of work performed in each department, some employees' work schedules may vary from normal weekly work schedules. These schedules must be approved by the Department Manager.

**(b) Overtime Policy.** The providing of city services may necessarily require overtime work, from time to time. However, all overtime work must be specifically authorized by the Department Head. Overtime pay, or compensatory time in lieu of overtime pay, shall be at the rates provided for by this Ordinance.

**(c) Holidays.** Employees, with the exception of Police and full time, shall be granted holidays with pay on those days declared to be legal holidays by state law, which are presently the following days:

NEW YEAR'S DAY

1st day of January;



MARTIN LUTHER KING, JR. Day	3rd Monday of January;
PRESIDENT'S DAY	3rd Monday of February;
MEMORIAL DAY	Last Monday of May;
INDEPENDENCE DAY	4th day of July;
LABOR DAY	1st Monday of September;
VETERAN'S DAY	11th day of November;
THANKSGIVING DAY	4th Thursday of November;
DAY IMMEDIATELY FOLLOWING THANKSGIVING DAY	4th Friday of November;
FLOATING HOLIDAY	Scheduled with department head;
CHRISTMAS	25th day of December;

1. The above holidays shall be observed on the dates listed, except that when the day recognized as the holiday falls on a Saturday, the preceding Friday shall be observed as that holiday, and when the days recognized as the holiday falls on a Sunday, the Monday which immediately follows will be observed as that holiday.
  2. Any work performed by an employee at the request of the Employer on holidays recognized in (i) of this section shall be paid at the rate of pay specified in Section 7(n) Overtime.
  3. Employees will be paid for above holidays provided that they work all time scheduled on the work day which immediately precedes the holiday, and all scheduled time on the work day which immediately follows the holiday. Employees who receive authorized sick pay or authorized vacation pay for the workday immediately preceding or immediately following the holiday shall be paid for the holiday.
  4. An employee who is on authorized vacation or sick leave for a recognized holiday shall receive pay at straight time for the holiday, and will not have his or her vacation or sick leave accrual as the case may be charged for the holiday.
  5. Police Officers and Firefighter/EMT's do not have holidays off and are paid overtime for the holidays they work.
- (d) **On-Call Policy.** To meet emergency needs of the City, the Department Heads, or the Mayor, may require certain employees to be on call each weekend from 5:00 p.m. Friday to 8:00 a.m. Monday. On-call employees shall remain able to respond to an emergency call within one hour or less from the time the call is received and, for that purpose, shall have on or near such employee's person a portable radio at all times. Additional compensation shall be paid for on-call duty, in addition to overtime pay earned when responding to emergencies or trouble calls while on-call. For union employees, this will be applied pursuant to the Collective Bargaining Agreements.
- (e) **Compensatory Time.** All work which has been authorized by the City in excess of the regularly scheduled shift shall be paid at one and one half (1 ½) times the employee's

regular rate of pay. Upon request, an employee may have time off in lieu of pay at one and one half (1 ½) times the employee's base rate. In no event shall the supervisor approve additional compensatory time accumulation for any employee who has accrued forty eight (48) hours in their compensatory time off bank.

Scheduling of compensatory time off shall be at the discretion of the supervisor, however, employees will at no time be required and/or directed to use compensatory time. Work attributable to programs funded by outside sources shall be paid for and not subject to compensatory time credit.

Upon separation, an employee shall be paid for any accumulated compensatory time. Conversion of compensatory time to payment as cash for active employees shall be requested by the employee in writing and submitted with the employees monthly timesheet with the Department Head's signature.

- (f) **Administrative Time.** Management/Designated Exempt positions are eligible for up to 96 hours of "Administrative Leave" per year at the Mayor's (or person appointed by the Mayor) discretion. This is in recognition of the amount of additional time necessary to perform their tasks. There is no carryover of these hours from one year to the next, except December accrual which must be used prior to the following December. No payment for unused hours will be made if employee leaves the employer.
- (g) **Attendance.** Employees must be in attendance at their work station or work site in accordance with the rules regarding hours of work, holidays and leaves as set forth in these policies. Employees are expected to be at their work station or work site and be prepared to begin work at the starting time. Abuse of attendance or hours of work rules may result in disciplinary action.

#### **SECTION 10. Sick Leave.**

- (a) **Accrual of Sick Leave.** An employee shall accrue sick leave at the rate of eight (8) hours for each month of employment in paid status, including the probationary period of employment. Sick leave is accruable to no more than 1,200 hours. Sick leave is not earned during a leave without pay. Employees do not earn sick leave and may not use any earned but unused sick leave, during a suspension without pay.
- (b) **Use of Sick Leave.** Sick leave shall not be available for use during the first thirty (30) days of the probationary employment period and, thereafter, will be granted for, and shall be used for, the following purposes only:
  1. Personal illness, hospitalization, or out-patient medical care;
  2. Medical quarantine;
  3. Personal dental care;
  4. Death of a member of the employee's immediate family when three days of funeral leave has been used;

5. Care of a member of an employee's immediate family (spouse, child, grandchild, parents, grandparents, brother or sister) or any family member or other person dependent upon the employee, with a health condition that requires treatment or supervision.
- (c) **Procedure for Claiming Sick Leave.** An employee shall promptly report to the Department Head or their designee any condition or anticipated condition necessitating the use of sick leave and shall keep the Department Head informed of the duration of the employee's absence. Upon return to work, the employee shall complete any required sick leave forms, and if the Department Head so requires, shall supply a doctor's or dentist's certificate concerning the employee's or child's medical or dental condition, or a copy of a death certificate or obituary notice, as appropriate.  
Note: Employee calling in sick should talk to someone in charge, not leave message on voice mail.
- (d) **Transfer To Leave of Absence or Vacation.** If any employee exhausts all accrued sick leave, but still unable to return to work, such employee shall request, in writing, vacation or leave of absence from the Department Head.
- (e) **Penalties for Abuse of Sick Leave.** Any employee found to have abused sick leave benefits by falsification or misrepresentation shall be subject to disciplinary action.
- (f) **Payment of Accumulated Sick Leave.** Upon death, termination or retirement, an employee (or a deceased employee's beneficiary) shall receive payment equal to twenty-five percent (25%) such employee's then accrued and unused sick leave hours at the employee's last hourly rate of pay: Provided, however, that under no circumstances may an employee's payment for accumulated sick leave and vacation leave exceed two hundred forty (240) hours. Sick leave is accruable to no more than 1,600 hours.
- (g) **Leave Sharing. (See Ordinance No. 804).**
- A. The Department Supervisor, with the Mayor's approval, may permit an employee to receive shared leave under this ordinance if:
- i. The employee suffers, or has an immediate family member suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to: a) go on leave without pay status; or b) terminate City employment;
  - ii. The employee's absence and the use of shared leave are documented by a qualified medical professional;
  - iii. The employee has depleted or will shortly deplete his or her monthly vacation leave, sick leave and compensatory reserves and is ineligible for any other benefits which might be available, with the exception of state public assistance; and
  - iv. The employee has been found to be ineligible for benefits under RCW Chapter 51.32 (Worker's Compensation) and ineligible to receive or is not receiving disability insurance payments. LEOFF I Members are excluded from

giving or receiving under this ordinance; and

v. The employee has been eligible for sick leave and abided by City rules regarding sick leave use.

- B. The Clerk-Treasurer shall determine the amount of sick leave and/or vacation leave, if any, which an employee may receive as outlined in Section (A). The amount of sick leave and/or vacation leave which an employee may receive as a donation shall be based on the expected duration of the absence from work. No employee shall receive more than a total of 90 days.
- C. Donated leave shall be utilized in the order of receipt by the Clerk-Treasurer (first in, first out). Such leave shall be donated in eight (8) hour increments.
- D. An employee who has an accrued sick and vacation leave balance of more than thirty (30) days may request that the Clerk-Treasurer transfer a specified amount of sick or vacation leave to another employee authorized to receive leave under subsection (A) of this section. To be eligible to donate sick or vacation leave, the donating employee must retain 25% of their accrued sick and vacation leave, or not less than thirty (30) days, after the transfer of shared leave.
- E. Transfers of leave authorized by the Department Supervisor and the Mayor under subsection (D) of this section, shall not exceed the approved amount. All donations of shared leave shall be entirely voluntary.

- F. While an employee is on leave transferred under this section, he or she shall continue to be classified as a City employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued monthly sick and/or vacation leave. All such current accruals shall also be depleted prior to any continuing use of donated hours.
- G. The amount of any leave transferred under this section which remains unused may be returned to the employee(s) who transferred the leave if the Clerk-Treasurer finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred. To the extent administratively feasible, the unused leave shall be returned on a pro-rata basis.

**(h) Leave of Absence.** All leaves without pay will be submitted by the employee through his/her Department Head to the Mayor for review and approval. If approved, the employee will be reinstated as follows:

- a. If the leave was due to an industrial injury, to the position held at the time of the leave, provided the position is still available, or, if it is not available, to another available position that the employee can perform.
- b. If the leave was due to a non-industrial injury or illness, to any available position that the employee can perform.

An employee on an approved leave of absence without pay will have the first thirty (30) calendar days counted for purpose of computing sick leave and vacation pay provided he/she has completed at least one (1) year continuous employment with the Employer.

**(i) Leaves of Absence - General.** A personal leave of absence is a privilege the City may extend to qualified employees for specific periods of time under certain circumstances. It allows an employee to take time off from work for medical or personal reasons, or to fulfill a military obligation in excess of fifteen (15) calendar days per year. All such leaves are taken without pay.

A leave of absence must be requested in writing and submitted to the employee's immediate supervisor as soon as the need for such a leave is known. The City reserves the right to grant or deny any leave request. All leaves granted are without pay unless the policies provide that previously accrued fringe benefits may be used to offset loss of pay during the leave. No benefits such as vacation or sick leave are earned while on leave. Employees on leave may return early from leave if they notify the supervisor at least three (3) work days in advance. Failure to return from leave on or before the agreed upon date, however, will result in termination.

A leave of more than fifteen (15) consecutive days will affect an employee's salary

review date. This date will be adjusted forward until the employee has completed as many days of continuous employment as the length of the leave of absence.

Employees who are on approved leave of absence for sixty (60) or less consecutive days will not be replaced. An employee will normally be assured of returning to his/her position for a leave of absence of less than thirty (30) days duration.

Because of staffing requirements, however, it may be necessary to fill the current position for a leave of absence in excess of thirty (30) days. In this event, efforts will be made to place the employee in an available, open, comparable position.

During any unpaid leave of thirty (30) days or more, an employee may keep health, life, and dental insurance in effect by paying the premium amount to the City in advance.

Sick leave accrual shall not be used for non-medical leaves of absence.

#### **SECTION 11. On-The-Job Injury.**

An employee who is eligible for sick leave accrual and is injured on the job shall be paid during any resultant period of disability up to 120 days for each new and separate injury, in addition to, and prior to, the use of sick leave accumulations, as provided hereafter in this Section:

- a. The employee's eligibility for payment and the extent thereof will be based on the determination of the State Industrial Insurance Division under the State Workmen's Compensation Act.
- b. The employee shall be paid an amount by the City which when combined (through the use of accrued sick leave hours) with the payment received from the State Industrial Insurance Division will equal 100% of the employee's normal wage. Amount from Labor and Industries will be endorsed to the City. A portion of sick leave shall be deducted for each day absent for an employee who is receiving time loss payments. Time loss payments, as determined by Labor and Industries, will be begin immediately if the employees sick leave balance is exhausted at the time of the filing of the claim.

No employee shall be required to use vacation or compensatory leave when off work with a job related injury and drawing worker's compensation, but they may upon written notification to their supervisor and to the clerk-treasurer.

- c. Such payments shall be made during the period of disability up to 120 days, and for as long thereafter as the employee's sick leave accruals provide, according to the following schedule:
  1. Charges shall be made against sick leave accruals, if any, for the date of injury and for the three day waiting period not covered by the State Workmen's Compensation Act. If injury time loss exceeds fourteen (14) calendar days, then sick leave used during the three day waiting period shall be returned and compensation computed at the 100% level as provided above;

2. After such payments during the initial 120 days of disability, charges shall be made against sick leave accruals, if any, at the rate of one-half day per day for any further time loss due to the injury. Compensation shall continue at the 100% level as provided above;
  3. Charges may be made against sick leave accruals, if any, in any case where the City of Woodland is contesting that the injury occurred on the job. In the event the State determines in favor of the employee, sick leave so charged shall be re-credited to the employee's sick leave accrual balance and all payments in excess of the difference between the employee's regular pay and that received from the State shall be recovered by the City and may be deducted from future payments due the employee from the City;
  4. In the event eligibility for payment under the Workmen's Compensation Act is denied by the State, the employee shall be eligible to utilize sick leave accruals, if any, retroactive to the date of injury, subject to the provisions of Section 10 of this Ordinance;
  5. Upon making such payments as are provided for in this Section, the City shall be subrogated to all rights of the employee against any third party who may be held liable for the employee's injuries to the extent necessary to recover the amount of payment made hereunder, Provided: that where actual recovery is made against a third party hereunder, sick leave charged against the employee's accruals shall be re-credited to the extent such funds reflect recovery for payments attributable to compensated sick leave;
  6. In order to limit the obligation of the City for each new and separate injury, the City may require the employee to furnish medical proof or submit to a medical examination by the City at its expense to determine whether a subsequent injury is a new and separate injury or an aggravation of a former injury received while in the service of the City.
- d. Notwithstanding the foregoing, the City's obligation to supplement the income of an employee disabled by an on-the-job injury shall terminate upon the date on which the employee commences receiving disability benefits under any insurance plan paid by the City.

## **SECTION 12. Other Leave.**

- (a) **Maternity Leave.** (See Medical Leave of Absence).
- (b) **Medical Leave of Absence.** Medical leaves of absence may be granted to employees who are recovering from illnesses or an accident. Medical leaves may also be used for periods of actual disability associated with pregnancy or childbirth.

This medical leave of absence requires a doctor's certification and cannot exceed six months. During medical leave, the employee may receive previously earned sick leave and earned but unused vacation benefits. A written request for medical leave of absence must be returned to a supervisor along with a doctor's certification, indicating the nature

of the medical problem and the anticipated length of absence.

A medical leave of absence may be extended upon written request when accompanied by an explanation from the employee's doctor of the need for an extension period.

Employees returning from medical leaves of absence must provide a doctor's written certification of their ability to return to work.

Employees returning from medical leaves are entitled to return to the same position or a similar position of like pay and status if the leave of absence is only for the actual period of disability and the leave of absence in no case exceeds six months.

If business necessity requires the city to fill the position before or during the medical leave of absence, it will be filled by a temporary employee.

The city does not pay its share of any employee group insurance premiums during the medical leave. The employee may continue his/her group medical insurance coverage after the city discontinues paying its portion of the premiums by prepaying the entire premium during any affected period of the sick leave. Employees must arrange for a continuation of such coverage with the city prior to the commencement of the medical leave extension period.

**Medical Leave of Absence without Pay.** If the employee has exhausted all sick, vacation and compensatory leave balances, they will be placed on non-paid status. (Also see section 10. H).

- (c) **Family and Medical Leave.** Not applicable because City has fewer than fifty (50) employees.
- (d) **Military Leave.** Every employee who is a member of the Washington National Guard or of the Army, Navy, Air force, Coast Guard, or Marine Corps Reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted military leave, with compensation, for a period not exceeding fifteen (15) days during each calendar year. Military leave shall be granted in order that the employee may take part in active training duty in such manner and at such time as the employee may be ordered to active training duty. Such military leave is in addition to vacation time. Additionally, any employee, who is a member of the organized militia of Washington and who is ordered upon active duty, shall be entitled to military leave without compensation, and shall be reinstated thereafter unless such active tour of duty shall have continued for a period longer than three (3) months.
- (e) **Jury Duty Leave.** When an employee is summoned for Jury Duty, the employee shall notify their department head, in writing, on the next regularly scheduled work day. Upon presentation to the Department Head of a summons for jury duty, an employee shall be granted jury duty leave for such period of time as the employee is required to serve on jury duty. If the employee is summoned during a critical work period, the City may ask the employee to request a waiver from duty. The employee shall continue to keep their department head informed as far in advance as possible, as to the dates that they are required to appear. During such leave, the employee will be paid his or her regular compensation less any juror's fee received. The fee received from Jury Duty shall be



retained by the employee and is considered de minimis. The mileage portion of the payment shall also be retained by the employee.

- (f) **Bereavement Leave.** An employee shall be granted up to three (3) working days, but no more than thirty (30) hours respective of what shift applies, of bereavement leave with regular pay in the event of a death in the immediate family. An employee's immediate family shall include: spouse, children, parents, spouse's parents, brother, sister, brother-in-law, sister-in-law, grandchild, and grandparents or a more distant relative if living with and as member of the employee's immediate household and other relatives as approved by the Department Head or his or her designee. For the purposes of this section, the term 'children' shall include adoptive children, step-children, and foster children living in the employee's household at the time of death. Bereavement leave for aunts, uncles, or cousins shall be granted through the use of sick leave. Employees shall be excused from work, with pay, to attend the funeral of a deceased city employee formally employed at the time of death with the approval, obtained in advance of the funeral of the Employer. An employee shall promptly report to the Department Head any death necessitating the use of bereavement leave. Upon return to work, the employee shall, if the Department Head so requires, supply a copy of death certificate or obituary notice.
- (g) **Unusual/Inclement Weather Conditions.** During times of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work without endangering their personal safety. An inclement weather situation is generally one in which snow, ice or other conditions present a significant hazard to employees and customers in getting to and from City facilities. Certain operations in the City must provide at least partial services at all times regardless of or because of unusual or inclement weather situations. Vital Public Services include the Police and Fire Department (clerical staff are excluded) and certain Public Works employees, which include but are not limited to the Wastewater Treatment Plant and Water Treatment Plant. The Department Heads with the responsibility for these operations, in conjunction with the Mayor, will determine what services and staffing levels must be maintained in unusual or inclement weather situations. An employee who is unable to get to work or leaves work early because of unusual/inclement weather conditions may charge the time missed to: vacation, special day off, compensatory time, or leave without pay. The employee shall advise the supervisor by phone as in any other case of late arrival or absence.

#### **Closures.**

1. The Mayor or designee retains authority to determine when inclement conditions warrant closing down City offices and services. The Mayor may choose to delegate this authority to a Department Head who is authorized to make the closure decision.
2. Once a closure directive has been issued, department heads are authorized to determine which services and facilities will remain open to provide vital critical or emergency services. They are encouraged to develop specific written inclement weather policies and procedures, keyed to the general requirements of this policy.
3. When a closure directive has been issued, all departments will be notified through

the department head or a designated contact person.

**Staffing Levels.** When an inclement weather closing is directed, department heads or the Mayor must determine which employees and services must remain available during the shut-down. For services that must continue, they shall determine the level of staffing required, and the process by which it is decided which employees can be released and which must remain on duty.

**Employee-Initiated Time Off.**

1. In hazardous conditions, but short of a shut-down declaration, employees are authorized some discretion in deciding not to report for work or to leave work early. When employees legitimately believe that travel to or from work is overly hazardous, or circumstances at home require their presence, they may request the time off and may use paid leave to continue compensation during the absence. Leave charged for this purpose may be vacation, Special Day Off or comp time. Sick leave may not be used.
2. Time off under this section must be requested and approved by the employee's immediate supervisor or the person they would normally contact for time off. Requests will be honored provided the circumstances reasonably justify the employee's concern and the employee's presence is not required for critical services.

**Pay During Shut-Downs.**

1. When the determination is made to close down a facility, on duty employees will be paid for the remainder of their scheduled shift and paid leave need not be charged. This time is considered inclement weather leave and is authorized by the Mayor's declaration of a shut-down.
2. If the shut-down is announced in advance of the work day and employees do not report on that basis they must use their own paid leave for the day.
3. When a shut-down is declared, employees who had left work or did not report due to personal concerns relating to the inclement weather situation are eligible for inclement weather leave from the beginning of the shut-down to the end of their shift. Personal leave accounts need only be charged for their absence prior to the shut down. For example, an employee who leaves at 9:00 AM on a day a shut-down is declared at 11:00 AM must use two hours of leave and will receive five hours of inclement weather pay beginning at 11:00 AM. This section does not apply to employees who were off duty for the full day due to other reasons -- scheduled vacation, sick leave, etc. They must use paid leave for the full day as originally planned.
4. Non-critical employees must have their supervisors approval to continue working once a shut-down has been announced. The inclement weather leave will not count as time worked for the purposes of overtime calculation for the week.

**SECTION 13. Vacation.**

**POLICY:** It is the policy of the City of Woodland to establish vacation accruals, requests, when vacation may be taken, caps on vacation and payment of accumulated vacation.

### **13.01 Vacation:**

13.01.01 Accrual of Vacation. Each employee shall be entitled to the following vacation time to be awarded the month end after one year of employment. No vacation time will be awarded until employee has been employed by the City for one (1) year, unless otherwise approved by the Mayor.

The following schedule is for all employees employed on or before 10/19/2015:

Continuous Full-time employment	Hours per month	Annual
0-2 years	8.00	96.00
At the beginning of the 3 <sup>rd</sup> year	8.67	104.04
At the beginning of the 4 <sup>th</sup> year	9.33	111.96
At the beginning of the 5 <sup>th</sup> year	10.00	120.00
At the beginning of the 6 <sup>th</sup> year	10.67	128.04
At the beginning of the 7 <sup>th</sup> year	11.33	135.96
At the beginning of the 8 <sup>th</sup> year	12.00	144.00
At the beginning of the 9 <sup>th</sup> year	12.67	152.04
At the beginning of the 10 <sup>th</sup> year	14.00	168.00
At the beginning of the 12 <sup>th</sup> year	15.33	183.96
At the beginning of the 14 <sup>th</sup> year	16.67	200.04
At the beginning of the 16 <sup>th</sup> year	18.00	216.00
At the beginning of the 18 <sup>th</sup> year	19.33	231.96
At the beginning of the 20 <sup>th</sup> year	20.67	248.04

The following schedule is for all employees employed on or after 10/19/2015:

Continuous Full-time employment	Hours per month*	Annual*
0-2 years	8.00	96.00
At the beginning of the 3 <sup>rd</sup> year	9.33	111.96
At the beginning of the 5 <sup>th</sup> year	10.67	128.04
At the beginning of the 8 <sup>th</sup> year	12.00	144.00
At the beginning of the 10 <sup>th</sup> year	13.33	159.96
At the beginning of the 15 <sup>th</sup> year	16.67	200.04
At the beginning of the 20 <sup>th</sup> year	18.00	216.00

*\*This schedule mirrors the 2012 WPOA, 2014 Teamster Public Works and Clerical vacation schedules.*

13.02 Vacation Requests. Vacation requests for the year must be received by the Mayor or Department Heads for subordinates, no later than February 28th. Requests received after that date will be processed based on the date of receipt, availability, and not necessarily by seniority.

13.03 [Reserved]

13.04 Accumulated Vacation Time. Unless otherwise approved by the Mayor, an employee may carry over no more than a maximum of one (1) year accrued vacation plus the unused vacation accrual of the current anniversary year at their current rate. However, at the end of any anniversary year, any annual leave balance above the unused vacation accrual of the

current anniversary year plus a maximum of one (1) year will lapse; that is, an employee at the beginning of any anniversary year shall have no more than two (2) years accrued vacation. Such approval shall be based on a finding that the employee was unable to schedule and take accumulated vacation within the prescribed time period.

13.05 When Vacation may be taken. Vacation may be taken during the month of employment following the month of employment in which it was earned, unless employee is in the first year of employment (see “a” above). Vacation may be taken for any reason that sick leave may be used after exhaustion of sick leave benefits. Vacations shall be scheduled by the Department Head, or Mayor, so as to cause the least possible interference with operations of the City. Weekends and holidays shall not be counted as vacation days.

13.06 Payment of Accumulated Vacation.

1) Upon death, termination or retirement, an employee (or a deceased employee's beneficiary) shall receive payment equal to such employee's then accrued and unused vacation time at the employee's last hourly rate of pay.

2) Exempt employees may request payment for accrued vacation hours in lieu of taking time off work by submitting a *Request for Vacation Cash Out* form to the Mayor. Payment for vacation hours will then be included in the employee's paycheck for the next regular pay period after approval by the Mayor. The opportunity to receive pay for vacation is limited to twice per calendar year and may not exceed a total of 160 hours for the year for full time employees.

13.06 Reporting vacation leave.

Absences for vacation leave shall be deducted from the vacation leave bank. If sufficient leave is not available, the City may dock an FLSA Exempt employee's salary based on the percentage of the pay period in an unpaid status, pursuant to State and Federal laws.

**APPENDIX A**



**Request for Vacation Cash Out**

**Amount of hours requested:** \_\_\_\_\_

**To be cashed out (maximum of 160 annually)**

**Pay period to receive request:** \_\_\_\_\_

**Comments:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Employee's Signature:** \_\_\_\_\_

Date

**Department Head's Signature:** \_\_\_\_\_

Date

**Mayor's Signature:** \_\_\_\_\_

Date

**SECTION 14. Promotion.**

- (a) **Preference for Promotion.** It is the policy of the City to fill vacancies, whenever possible, by promotion of qualified employees, subject only to preference for reinstatement.
- (b) **Preparation for Promotion.** On-the-job training, variation of work assignments, advice and encouragement by Department Heads, performance evaluations, and counseling and formal training courses shall be utilized to assist employees in qualifying themselves for promotion.
- (c) **Selection for Promotion.** When vacancy is to be filled by promotion, the Mayor, with the assistance of the Department Head and Personnel Committee as may be deemed necessary, shall review the personnel files on all employee applicants possessing the minimum qualifications for the position. Appointments shall be made on the basis of past performance, skill level and completion of appropriate training. In the case of employees who are equal in performance and training, selection shall be made on the basis of longest continuous service. The Department Head may require an examination in the best interest of the City.
- (d) **Promotion/Probationary Period.** Upon promotion, an employee shall serve a one (1) year probationary period in the new position.
- (e) **Compensation upon Promotion.** Compensation to be paid upon promotion shall be as set forth as one (1) of the following:
  - 1. Resolution of the City Council; or
  - 2. Employment Contract(s); or
  - 3. Collective Bargaining Agreements; or
  - 4. Annual adoption of City Budget (by Ordinance)

**SECTION 15. Transfer.**

- (a) **Preference for Transfer.** When a vacancy cannot be filled by promotion of a qualified employee, preference may be given to filling the vacancy by transfer of a qualified employee who is willing to accept the new position.
- (b) **Preparation for Transfer.** To the extent possible, on-the-job training, variation of work assignments, advice and encouragement by the Department Head, performance evaluations, and counseling and formal training courses shall be utilized to cross-train employees and to assist employees in qualifying themselves for transfer.
- (c) **Selection for Transfer.** When a vacancy is to be filled by transfer, the Department Head, together with the assistance of the Personnel Committee as may be deemed necessary, shall review the personnel files of all employees possessing the minimum qualifications for the position. Appointments shall be made on the basis of past performance, skill level and completion of appropriate training. In the case of employees who are equal in performance and training, selection shall be made on the basis of longest continuous service. The Department Head may require an examination in the best interest of the City.

- (d) **Promotion/Probationary Period.** Upon transfer, an employee shall serve a one (1) year probationary period in the new position.
- (e) **Compensation upon Promotion.** Compensation to be paid upon transfer shall be as set forth in this Ordinance.

#### **SECTION 16. Reduction in Force.**

- (a) **Authorization of Reduction.** The Department Head, with concurrence of the Mayor, shall order a reduction in force when necessary due to lack of work, lack of funds or considerations of efficiency. The ordered reduction in force shall specify which positions within classifications allocated by the Classification Plan shall be vacated and employees holding those positions shall be laid off.
- (b) **Order of Layoffs.** When a reduction in force vacates a class which consists of only one position, filled by one employee, that employee shall be laid off. If a class consists of more than one position or more than one employee, and not all of the positions will be vacated, then the order of layoff of employees shall be on the basis of continuous service. An employee to be laid off shall be given written notice not less than two (2) calendar weeks prior to the effective date of the layoff. Any employee laid off shall be placed on the recall list for a period of six (6) months.
- (c) **Transfer or Demotion.** In lieu of layoff, upon a reduction in force, employees shall be considered for transfer or demotion to any vacant positions. An employee selected for demotion in lieu of layoff shall be given written notice two (2) calendar weeks before the effective date of the demotion and shall, during that period of time, be entitled to accept either the demotion or layoff.
- (d) **Preference for Reinstatement.** In the event of position vacancies after reduction in force, preference shall be given to reinstatement of laid off employees prior to promotion or transfer or recruitment of new employees if the layoff has not exceeded six (6) months.
- (e) **Notification for Reinstatement.** Any notice of re-employment to an employee who has been laid off shall be made by phone or certified mail. The employee shall keep the employer advised of his/her current address and phone number. Failure of such employee to report for work within ten (1) working days of notification to report for reinstatement shall result in loss of job.
- (f) **Compensation upon Reinstatement.** Compensation to be paid upon reinstatement shall be as set forth in this Ordinance. Employees on the recall list that are recalled for up to this six (6) month period will not suffer any reduction in wages or job grade upon return to work.

#### **SECTION 17. Resignation.**

- (a) **Resignation Procedure.** An employee who desires to resign shall notify the Department Head, in writing, at least two (2) calendar weeks before the last anticipated day of work. If this required notice is not given by the employee, the employee's personnel record shall so indicate.

- (b) **Severance Pay.** If the Department Head determines to release the employee immediately upon receiving notice of intention to resign, then the employee shall be paid a severance pay equal to two (2) work weeks at the employee's normal rate of compensation.
- (c) **Automatic Resignation.** Failure to return to work at the expiration of a leave of absence, other authorized leave, or vacation, shall be considered as an automatic resignation. Such automatic resignation may be rescinded by the Department Head, with concurrence of the Mayor, if the employee presents satisfactory reasons for the failure to return, within three (3) days of the date of automatic resignation.
- (d) **Exit Interview.** In all separations from employment of regular status employees, an exit interview will be conducted with the employee prior to issuance of the final check.
  - 1. In the case of any separation from employment, the exit interview will be conducted by the Department Head and may include the Clerk-Treasurer, and will consist of a discussion of:
    - a. The reasons for separation from employment, i.e. resignation, termination, and lay-off including re-employment options, if any.
    - b. Determination of any complicating factors of the separation, including whether work related injuries have been sustained by the employee.
    - c. Arrangement for the return of all City-owned uniforms, equipment and other City-owned items.
  - 2. The employee will be afforded the opportunity to constructively comment on city employment through a discussion with the Department Head or Mayor.
- (e) **Employment References.** Unless otherwise required by a valid court order, the city will furnish only the following information about past or present city employees to persons outside city government.
  - 1. Dates of Employment
  - 2. Current job title or job title at date of termination
  - 3. Verification of salary information
  - 4. Employment references.

All requests for any information regarding past or present city employees will be directed immediately to the Clerk-Treasurer or designee. All other personnel will not respond directly to any requests for information. Due to potential liability to the City, all requests for employment references are to be referred to the Clerk-Treasurer.
- (f) **Letters of Recommendation.** Letters of recommendation may be written or given at the discretion of the Department Head. If employees write or give a letter of recommendation under the authority of the City, the letter must be approved, in advance by the department head, before it is released. A copy of all letters of recommendation are to be placed in the employee's personnel file or city correspondence file which is located in the Clerk-Treasurer's department.



## **SECTION 18. Retirement.**

- (a) **Retirement Procedure.** All eligible employees shall be covered by the Washington State Department of Retirement System (DRS). Eligibility for retirement and procedures for retirement are governed by State Law, Chapter 41.40 RCW and Chapter 41.50 RCW. An employee who desires to retire shall notify the Department Head, in writing, at least ninety (90) days before the anticipated last day of work, in order to permit adequate time for processing in accordance with those statutes and applicable regulations.

## **SECTION 19. Disciplinary Action.**

### **19.1 Overview of Disciplinary Process**

City employees are subject to disciplinary action up to and including discharge should the Mayor determine that such action is necessary for the good of the City. Chapter 19 describes the City's disciplinary process. The circumstances which prompt disciplinary or corrective action are rarely the same and the City retains complete discretion to apply disciplinary or corrective measures as the particular facts may require. The City also retains complete discretion as to what form and what level of discipline or corrective action is appropriate in any given situation. Neither past practice nor discipline imposed in prior disciplinary actions will prevent the City from exercising its discretion as it sees fit on a case by case basis. (This process described in this Section is not and is not intended to be a policy of progressive discipline.) The City may employ any disciplinary action described in Section 19.4 or combination of actions it deems in the best interest of the City.

### **19.2 Application to Specific Employees**

1) Employees subject to Collective Bargaining Agreements, Civil Service Rules and Individual Contracts – The sequence, applications or imposition of disciplinary or corrective actions depends on the seriousness of the infraction and is subject to those alternate procedures set forth in any applicable collective bargaining agreement pursuant to Section 1(c) of this Policy, civil service rules and regulations pursuant to Section 1(a) of this Policy, or individual unwritten employment contracts. Section 19.3 provides guidance regarding specific conduct which may violate more general prohibitions contained in collective bargaining agreements, civil service rules and regulations and individual written employment contracts.

2) Department Heads – Disciplinary action listed in Subsection 19.4 may be taken against a Department Head by the Mayor, for any reason, including, but not limited to, the specific reasons listed in Subsection 19.3 of this Section, which, in the judgment of the Mayor, is sufficient to show that the best interests of the City will be served by such disciplinary action. If the disciplinary action is discharge, the Mayor shall give to the Department Head written notice not less than two (2) calendar weeks prior to the Department Head's last day of work. In lieu of such notice, the Mayor may pay two (2) weeks compensation to the Department Head and make the discharge immediately effective. No notice or payment is required when discharge of the Department Head is,

in whole or in part, based upon the conviction of crime or actions involving moral turpitude.

3) Volunteers – Volunteers are not employees and participate in City activities at the pleasure of the mayor. Volunteers can be separated from volunteer service at any time with or without cause. However, for purposes of guidance, a volunteer whose actions violate any of the provisions set forth in Section 19.3 will be asked to discontinue his or her volunteer service. Policies applicable to volunteer firefighters are set forth in Woodland Municipal Code Title 2.16 as presently enacted or later amended.

### **19.3 Acts or Omissions Subject to Discipline**

To provide guidance to employees, the following are examples of conduct which, if engaged in by a city employee, would be detrimental to the City's objective of providing good service to city residents and maintaining a healthy, non-adversarial relationship of trust with the community. Because the listed conduct is the type of conduct considered detrimental to the City's objective and mission, engaging in such conduct may lead to disciplinary action by the City. The examples should be considered illustrative and not comprehensive or exclusive. City employees should be aware of City policies otherwise described in this Policy or set forth in other documents adopted by the City. Violations of those policies can also lead to disciplinary action.

- 1) Knowing, reckless or negligent violation of City policies.
- 2) Making a false or misleading statement of fact or practicing any deception, fraud or misconduct in connection with securing employment with the City, including withholding pertinent facts at time of application.
- 3) Illegal or unauthorized use or misuse of any City facilities/property, supplies, equipment, services, funds or time.
- 4) Unauthorized operation, use or possession of machines, tools, or equipment to which the employee has not been specifically assigned.
- 5) Violation of any policy or other provision of this handbook, including violation of the anti-discrimination, anti-harassment or anti-retaliation policy. (See Sexual Harassment Policy No. 99-01)
- 6) Unauthorized use of position with the City for personal gain or advantage, accepting unlawful gratuities or bribes.
- 7) Lying and purposeful misrepresentation.
- 8) Insubordination.
- 9) Violation of a lawful duty.
- 10) Smoking in unauthorized areas or creating fire hazards in any area.
- 11) Violation of appearance and behavior standards.
- 12) Failure to report an occurrence causing damage to, or misuse of, City, customer or public property.

- 13) Failure to properly secure City facilities or property.
- 14) Vending, soliciting, or collecting contributions for any purpose whatsoever during work time on the premises without the permission of the supervisor or in violation of the non-solicitation policy.
- 15) Unauthorized recording of another employee's time record (both employees can be subject to disciplinary action).
- 16) Intentional falsification of records or paperwork.
- 17) Habitual tardiness or absence from work; absence without proper notification to immediate supervisor, excessive absenteeism, absenteeism unrelated to an approved leave or insufficient reason for absenteeism; or loitering, goofing off or failing to assist others in a work situation.
- 18) Making malicious, false, or derogatory statements that are intended to or could reasonably be expected to damage the integrity or reputation of the City or its employees, on or off premises.
- 19) Disorderly conduct, including fighting on the premises.
- 20) Rudeness, discrimination, harassment, intimidation, coercion, use of obscene language, gesture or lack of courtesy to the public or fellow employees.
- 21) Immoral conduct while on duty.
- 22) Inability, inefficiency, or negligent work performance, including a refusal or failure to perform assigned work.
- 23) Concealing defective work.
- 24) Failure to observe safety practices, rules, regulation and instructions; negligence which results in injury to others; failure to wear required safety clothing and equipment; or any conduct that impairs job safety or endangers another or the employee.
- 25) Failure to promptly report an on-the-job injury or accident involving an employee, equipment, property or visitor to the employee's immediate supervisor.
- 26) Dishonesty or theft, including deliberate destruction, damage or removal of the City's or another's property from City property, facilities or any job site.
- 27) Possession, use, sale, distribution, or being under the influence of alcohol, illegal drugs or other controlled substances in the workplace or while on City business, including while on standby duty; arriving on the job under the influence of, or while in possession of, alcohol, illegal drugs or other controlled substances; abuse of non-prescription or prescription drugs on the job; or failure to notify supervisor of any on-the-job use (including already being under the influence of) or possession of prescription or over the counter drugs which could impair the employee's work efficiency or the safety of the employee or others. (*See City of Woodland Drug Free Workplace Policy*)
- 28) Possession of explosives, firearms, or weapons on the premises or at any job site, except when required for the job.

- 29) Conviction of a felony, gross misdemeanor, or misdemeanor involving moral turpitude, which impacts the employee's ability to effectively perform all of the duties of his or her position or the public's confidence in the employee for the duties the employee carries out; or the filing of criminal charges against the employee alleging such a felony or gross misdemeanor, which charges are reasonably believed by the City to be true.
- 30) Any act of dishonesty or willful disregard of the City's interest.
- 31) Failure to maintain skills, certifications, licenses or other requirements of the job.
- 32) Violation of the duties or rules imposed by this Manual or any other City ordinance, resolution, rule, regulation, administrative order or applicable state or federal law.
- 33) Garnishments served upon the City on three or more separate indebtedness with in any period of twelve consecutive months.

#### **19.4 Types of Disciplinary Actions**

Disciplinary action may consist of any one, or a combination of the following:

**1) Oral Warning** – An oral warning should be given to an employee in private, if possible. This type of discipline should be applied for infractions of a relatively minor degree. Department Heads should inform the employee that he or she is administering an oral warning, that the employee is being given an opportunity to correct the condition, and that if the condition is not corrected, the employee may be subject to more severe disciplinary measures.

**2) Written Warning** – This notice may be issued by the Department Head and/or Mayor in the event the employee continues to disregard a verbal warning, or if the infraction is severe enough to warrant a written record in the employee's personnel file.

a. The Department Head or Mayor will put in writing the nature of the infraction in detail and sign the notice. The Department Head and/or Mayor will discuss the written warning with the employee to be certain that the reasons for the warning are understood.

b. A copy of the written warning will be given to the employee at the time of the discussion of the warning. The original copy will be placed in the employee's personnel file.

c. At the request of the Department Head or the Mayor, a written warning may be removed from the employee's personnel file after a period of one (1) year provided that no further disciplinary action is taken during the one (1) year period. If subsequent disciplinary action takes place within that one (1) year period, the written warning becomes a permanent record in the employee's file.

#### **3) Written Reprimand**

a. A written reprimand may be issued by the Department Head and/or Mayor in the event the employee continues to disregard previous disciplinary measures of verbal

or written warnings, or the severity of the infraction is such to warrant a written reprimand to be made a permanent record in the employee's file.

b. The Department Head and/or Mayor will put in writing the nature of the infraction in detail and sign the notice. The Department Head and/or Mayor will discuss the reprimand with the employee to be certain that the reasons for the reprimand are understood. A copy of the written reprimand will be given to the employee at the time of the discussion of the infraction. The original copy will be placed in the employee's personnel file.

**4) Probation** – An employee may be required to serve an additional (6) six month probationary period for disciplinary reasons, which may be extended once for an additional six months. If placed on probation for disciplinary reasons, all provisions of probationary status apply, unless otherwise specified. At the end of the probation, the employee may be returned to regular status, demoted or terminated. Probation and extensions of probation must receive final approval of the Mayor. A pre-disciplinary meeting is required prior to requiring probation or an extension of probation.

**5) Demotion** – Demotion should be used in rare instances where an employee is clearly unable to satisfactorily perform the responsibilities of their position but is capable of performing in a position of less responsibility and otherwise exhibits the qualities of a good public employee. Demotions may be recommended by the Department Head but must receive a final approval by the Mayor. A pre-disciplinary meeting is required prior to a demotion for disciplinary reasons.

**6) Suspension** – This form of discipline should only be used for a severe infraction of rules or standards, or for continued violation after the employee has received one or more written warnings and has not made a satisfactory effort to improve performance. It can be applied only after a thorough evaluation and with final approval by the Mayor.

a. The Department Head will put in writing all facts leading to the recommended suspension, and the duration recommended.

b. A pre-disciplinary meeting will be held with the employee to make certain that the employee is fully aware of the reasons for the considered action and has an opportunity to respond and supply additional information. A pre-disciplinary meeting is required prior to a suspension for disciplinary reasons.

c. Exempt personnel are not subject to unpaid disciplinary suspensions except in increments of full work weeks unless the infraction leading to the suspension is for a violation of a safety rule of major significance.

## **19.5 Pre-disciplinary Hearing**

In the case of possible suspension, demotion or termination of an employee, other than probationary or trial employees, the City will conduct a pre-disciplinary hearing. The pre-disciplinary hearing serves as a check against mistaken decisions and as an opportunity for an employee to furnish additional facts before a final disciplinary decision is made. A pre-disciplinary hearing shall be conducted informally.

In the event a Department Head or the Mayor desires to discipline an employee using a

level of discipline which requires a pre-disciplinary hearing, the employee shall be provided with a notice of the proposed disciplinary action. The notice will include:

- 1) Identification of the charges or grounds on which the proposed disciplinary action is based;
- 2) An explanation of the City's evidence;
- 3) The date, time and location of the pre-disciplinary hearing;
- 4) Notice of the employee's opportunity at the hearing to respond to the charges, either verbally or in writing, including a chance to explain why the City should not go ahead with discipline; and
- 5) Notice of the employee's right to have a representative present at the

hearing.

If the employee fails or refuses to appear at the designated time and place, the disciplinary action may proceed or, at the option of the City, be continued to another time within 24 hours of the originally designated time, for reasonable cause. Pre-disciplinary hearings will be presided over by the Mayor or a designated representative. The employee may have legal counsel or union representation present at the pre-disciplinary hearing and shall notify the City if attending with legal counsel so that the City can also be represented by its legal counsel.

Although the written notice of the City's evidence should be sufficient to inform the employee of the basis for discipline, this procedure shall not be construed to limit the City at any subsequent hearing or proceeding from presenting a more detailed and complete case related to the basis for discipline, including the presentation of witnesses and documents not introduced at the pre-disciplinary hearing.

If the Mayor decides to proceed with termination, or some other disciplinary action, the City will give the employee written notice of termination or the other discipline to be imposed.

## **19.6 Termination**

All City employees serve at the pleasure of the Mayor. Subject to any applicable state or federal laws, or specific provisions in collective bargaining agreements, civil service rules and regulations, or employee contracts, the Mayor, or his/her designee, may discharge any employee at any time with or without cause. Removal from employment should normally follow oral and/or written warnings previously given and made a part of the employee's personnel file. A pre-disciplinary meeting is required for all terminations.

- 1) A regular employee terminated from employment will normally be given at least two (2) weeks notice with a letter of dismissal. However, in the event the infraction or situation is so serious that it requires "on the spot" removal or the employee's return to work will disrupt City operations, the employee will leave his work station immediately, if so directed by the appointing authority or his designee. Such removal is not a termination. The employee shall remain available to receive pre-termination hearing notice and termination can only follow such hearing.

- 2) Copies of all disciplinary actions and termination letters are to be placed in the appropriate personnel record.

3) A final written performance appraisal will be completed on any terminated employee.

#### **19.7 Resignation**

An employee is requested to provide two (2) weeks notice of resignation. This time limit maybe waived by the employee's Department Head or the Mayor.

An employee wishing to leave the City service in good standing shall file with the Clerk-Treasurer, at least two (2) weeks before leaving, a written statement as to the reasons for leaving and the effective date of leaving. A copy of the resignation shall be forwarded to the Mayor.

#### **19.8 Other Hearings**

The City retains the authority to conduct any additional meetings or hearings as may be required by statute, court decision, or constitutional provisions following any disciplinary action, including those pertaining to any property interest or liberty interest as those are defined by the appellate decision of the Courts of the State of Washington or of the United States.

### **SECTION 20. Employee Responsibilities and Code of Ethics.**

(a) **Purpose.** The purpose of this Section is to acknowledge that all public employees hold a public trust and are expected to adhere to a standard of behavior that does not violate, provide an opportunity to violate, or appear to violate that trust. In addition, it is declared to be the policy of the City that no employee shall use his or her public employment for the private financial gain of that employee, or to secure special privileges for that employee or any other person.

(b) **Use of City Property.** No employee shall request, or permit, the use of City vehicles, equipment, materials or property for personal use, personal convenience or profit. The use of all City property shall be restricted to the authorized conduct of official business and to such services as are available to the public generally.

Employees shall take care to properly use, maintain and avoid damage of City property and shall be held accountable and responsible for all items of personal property assigned to them during the course of their employment.

(c) **City Vehicle Use.**

#### **1. Policy.**

The City may from time to time, or on a regular basis, provide city vehicles for use by select City employees. This policy defines appropriate uses of City vehicles by employees authorized to use such vehicles. City-owned vehicles shall be used for the conduct of municipal business. Use of a vehicle shall be authorized by the Department Head and/or Mayor where the normal operation of a City department requires the

transportation of employees, materials, and/or other equipment in order to effectively and efficiently accomplish the work responsibilities of a department and/or the City.

Where the normal operations of a City department extend beyond the established work headquarters and/or work hours, and based upon the substantiated need of such departments for adequate supervision of job performance, vehicles may be assigned on the following basis:

- a. Employees who, on a continuous basis, have primary supervisory responsibilities (first call-out) in case of an emergency and whose immediate response is required to save life or property; or
- b. Employees who, on a continuous basis, are on call in case of emergency and who require special tools and equipment carried in their assigned vehicles in order to perform their emergency duties.

Assigned vehicles shall be used in the conduct of municipal business only and, when authorized, may be stationed during non-working hours at the residence of the individual to whom assigned. Vehicles stationed at the residence of an officer or employee of the City shall be locked and secured when not in use.

Employees shall not perform any mechanical maintenance on City vehicles on off-duty time. All mechanical maintenance shall be scheduled, performed, or coordinated by the applicable City Department.

No one other than City employees, volunteers, police reserve officers or persons under arrest will be allowed in a City vehicle, unless permission is granted by the Department Head or Mayor.

City vehicles shall be provided to City departments to be used by duly licensed and authorized employees in the furtherance of approved City programs and projects.

## **2. Rules applicable to all city vehicles.**

- a. City vehicles and equipment are intended to be used for official City business.
- b. Each driver must have a valid Washington drivers license.
- c. Each driver will annually have their motor vehicle driving record reviewed by the City. Drivers without a clean driving record, as determined by the City, may have their City driving privileges suspended or revoked. The Department Head, with the Mayor's approval, will be responsible for recommending reinstatement of driving privileges.
- d. Each driver shall be at least 18 years of age.
- e. Seatbelt use is required pursuant to Washington State laws.
- f. At all times, City vehicles and equipment shall be driven and operated in a manner consistent with standard safety guidelines and procedures.
- g. All tool and City garage use is limited to only City vehicles or equipment.
- h. City gasoline and petroleum products will be used in City equipment only.



- i. An accident control kit is provided for each vehicle. A kit is to be kept in the glove compartment of each city vehicle. This kit contains the materials employees need at the scene of an accident. Employees are to report any accident, and complete an accident report regardless of who is at fault or how "minor" it may be.
- j. All accidents/incidents will be reported to the Department Head and Clerk-Treasurer's Office within 24 hours of occurrence.

### **3. Public Works vehicles and equipment.**

- a. Public Works vehicles and equipment will not be used for personal commuting, except when approved by the Public Works Director and/or the Mayor.
- b. The Public Works Director may authorize after hour use of public works vehicles, if it is in the best interest of the City. For example, vehicles can be taken home if personnel have to leave early or return late from a school or meeting.
- c. Specialized Public Works equipment will not be used for tasks other than City approved projects.
- d. Drivers: Only City employees will drive a city vehicle, unless authorized by the Department Head or Mayor.

### **4. Public safety vehicles and equipment.**

- a. Due to need for immediate response in a public safety situation, public safety vehicles or equipment may be used for commuting when authorized by the Police Chief, Fire Chief and/or the Mayor.
- b. Public safety vehicles may not be used for personal use when off duty; EXCEPT, when an employee is on mandatory standby ordered by the Police Chief or Fire Chief, a city Public Safety vehicle may be used for personal business within Cowlitz and Clark County.
- c. Drivers: Only City employees, fire volunteers and/or police reserve officers shall drive a city vehicle, unless authorized by the Department Head or the Mayor.
- d. Riders: Police and Fire vehicles: During working hours civilian riders are permitted as set forth in City of Woodland Police Department and Fire Department Policies.

**(d) Interest Defined.** "Interest", for purposes of this Section, means direct or indirect monetary or material benefit accruing to an employee as a result of a transaction or contract which is, or may be, the subject of an official act or action by or with the City, except for such transactions or contracts which confer similar benefits upon all other persons and/or property similarly situated. For purposes of this Section, an employee shall be deemed to have an interest in the affairs of:

- 1. Any close relative of the employee, or any person with whom the employee has a close or on-going business relationship;

2. Any business entity in which the employee is an officer, director or employee;
3. Any corporation in which the employee holds the legal or beneficial ownership of more than one percent of the outstanding stock, directly or indirectly;
4. Any person or business entity with which the employee has a contractual relationship: Provided, that a contractual obligation of less than Five Hundred Dollars (\$500.00), a commercially reasonable loan made in the ordinary course of business, or a contract for a commercial retail sale shall not create an interest in violation of this Section.

(e) **Conflict of Interest - General.** No City employee shall engage in any act which is in conflict with, or creates an appearance of conflict with, the performance of official duties. An employee is deemed to have a conflict of interest if the employee:

1. Employs or uses any person, property, or money under the employee's official control, or in the employee's official custody, for the private benefit or gain of that employee or any person or entity other than the City;
2. Uses, or attempts to use, his or her official position to secure privileges or exemptions for that employee of any other person or entity;
3. Accepts, agrees to accept, or solicits any gift, favor, reward, gratuity, or anything of economic value based upon an implicit or explicit understanding that the official services of the employee will be provided, or official actions of the employee would be influenced, thereby;
4. Accepts, agrees to accept, or solicits any gift, favor, reward, gratuity, or anything of economic value from any person, corporation, or entity involved in a transaction or contract which is, or may be, the subject of official action by the City: Provided, that the prohibition against such acceptance shall not apply to:
  - A. Attendance at a hosted reception or meal when provided in conjunction with a meeting directly related to the conduct of City business or where official attendance by the employee as a staff representative is appropriate;
  - B. An award publicly presented in recognition of public service; or
  - C. Any gift which would have been offered or given to the employee irrespective of employment with the City.
5. Accepts employment or engages in any business or professional activity which reasonably could conflict with performance of the employee's official responsibilities, or which reasonably could require the disclosure of confidential information acquired by reason of public employment;
6. Engages in, accepts private employment from, or renders services for private interests when such employment or services are incompatible with the proper discharge of official duties, or would tend to impair independence of judgment

or action in the performance of official duties.

- (f) **Conflict of Interest - Contracts.** No City employee shall be beneficially interested, directly or indirectly, in any contract, sale, lease, or purchase which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of that employee, and no City employee shall accept, directly or indirectly, any compensation, gratuity, or reward from any other person or entity beneficially interested therein, except as permitted by State law, RCW 42.23.030 and 42.23.040.
- (g) **Disclosure of Information or Records.** Employees shall not disclose to any unauthorized person any confidential City information. No employee shall disclose or use confidential City information for direct or indirect personal gain or benefit. Although records and documents maintained by the City are generally public records available for public inspection and copying, the following are exempt from public inspection and copying and shall not be disclosed or provided by any employee:
- a. Personal information and any files maintained for prisoners;
  - b. Personal information in any files maintained for City employees, appointees or elected officials to the extent the disclosure would violate their right to privacy;
  - c. References or other information pertaining to the employment of former City employees, other than the fact of employment, job position and term of employment, unless the request for such reference or information be in writing and unless the former employee shall have filed a written consent with the City;
  - d. Information required of any taxpayer or City license holder in connection with the assessment or collection of any tax or license fee if the disclosure of the information to other persons would violate the taxpayer or licensee's right to privacy or would result in unfair competitive disadvantage to such taxpayer or licensee;
  - e. Specific intelligence information and specific investigative files compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the non-disclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;
  - f. Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or if the complainant has indicated a desire for non-disclosure;
  - g. Test questions, scoring keys and other examination data used to administer license, employment or civil service examinations;
  - h. Except as provided by RCW Chapter 8.25, the contents of any real estate appraisals

made for or by an agency, including the City, relative to the acquisition of property by the City until the property is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the date of the appraisal;

- i. Valuable formulas, designs, drawings and research data obtained or produced by the City, its officers, employees and agents within five years of any request for disclosure thereof, when disclosure would produce private gain and public loss;
- j. Preliminary drafts, notes, recommendations and intra- departmental memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the City in connection with any public action;
- k. Records which are relevant to a controversy to which the City or any of its officers, employees or agents is a party, but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts;
- l. Lists of individuals requested for commercial purposes;
- m. Any public record access which the Cowlitz County District Court or the City of Woodland Municipal Court has found would damage any person or vital governmental function;
- n. Residence addresses and telephone numbers of City employees, volunteers, utility customers, and any other person who has, in writing, requested non-disclosure by reason that such disclosure would endanger that person's life, physical safety, or property;
- o. Applications for employment, including the name of applicant, resume, and other related material submitted with respect to an applicant.

**(h) Employee Political Activity.** Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political office or participate in the management of a partisan, political campaign. Employees shall further have the right to participate fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices. However, the said rights shall be reasonably restricted as follows:

- 1. No employee shall use, or authorize the use of, any public facilities for the purpose of assisting the campaign of a candidate of the promotion or opposition of a ballot proposition;
- 2. No employee who may reasonably be expected to come into contact with the public shall wear or display any campaign buttons or campaign literature during City business hours;
- 3. No employee shall, directly or indirectly, campaign or assist any campaign

during City work hours;

4. Employees hosting or participating in fund raising activities, and other campaign activities, shall make clear that the employee does not represent the City, and that the City does not endorse any particular candidate or position, unless the City has lawfully taken action of endorsement;
  5. No employee shall attempt to obtain political contributions from fellow employees by promise of, or threat of, disciplinary action, unusual treatment or preferential treatment.
- (i) **Sunshine Funds.** Employees may voluntarily donate funds in small amounts for the purchase of birthday cards, cakes, flowers, etc. for related events including birthdays, funerals, farewells, or similar events for the benefit of fellow employees. Collection of such “sunshine” funds, if done, will involve no City funds. Solicitation of sunshine funds must be conducted in accordance with the City’s solicitation policy. The fund coordinator will be a volunteer City employee. All membership or participation in the fund is to be voluntary.
- (j) **Solicitations.** Most forms of selling and solicitations are inappropriate in the workplace. They can be an intrusion on employees and citizens and may present a risk to employee safety or to the security of City or employee property. The following limitations apply:
1. Persons not employed by the City may not solicit, survey, petition or distribute literature on City premises at any time. This includes persons soliciting for charities, salespersons, questionnaire surveyors, labor union organizers, or any other solicitor or distributor. Employees may accept deliveries of orders made, but must keep such deliveries to a minimum and may consider this as part of their break period, as deemed necessary. (Exceptions to this rule may be made, by the Mayor or his designee, in special circumstances where the City determines that an exception would serve the best interests of the organization and the employees. An example of an exception might be the United Way campaign or a similar, community-based fund raising effort.)
  2. Employees may not solicit for any purpose during work time. Reasonable forms of solicitation are permitted during non-work time, such as before or after work or during meal or break periods. Soliciting employees who are on non-work time may not distribute literature for any purpose during work time or in work areas. The employee lunchroom is considered a non-work area under this policy.
- (k) **Personnel Records.** Personnel records will be maintained for each employee and are the property of the City. Personnel records will show the employee’s name, title of position held, the department assigned, salary, change in appointment status, training received, (with the exception of Police and Fire Department in-service training maintained in Departmental files), performance evaluations, fringe benefits administration, including vacation and sick leave rates of accumulation and use, notes regarding disciplinary action or other counseling sessions, and such other information as may be considered pertinent.

Employee records are confidential and accessible only to the employee, the employee's Department Head, the Clerk-Treasurer and the Mayor, or other staff assigned to the personnel file. Employee records will also be accessible to an employee's collective bargaining representative under circumstances when such access is appropriate under RCW 41.56.

Employees are entitled to review their own personnel file as often as reasonably necessary to remain informed as to what documents exist in the file. Requests for review will be made in advance and scheduled with the Department Head and the Clerk-Treasurer or Mayor's designee. Those responsible for maintenance of such files shall not unreasonably delay access when requests are made. If an employee wishes to review their personnel file more often than once per calendar year, they shall notify the Clerk-Treasurer and their Department Head in advance of the request, to review the file. A log noting the date and time of inspection, signed by the employee and Clerk-Treasurer or Mayor's designee, will be placed in the personnel file. Employee review will be conducted in the presence of authorized personnel in the Clerk-Treasurer's office.

If the employee requests copies of documents contained in their personnel file, they should request them through the Clerk-Treasurer or Mayor's designee pursuant to records requests and appropriate copy fees will apply.

Confidential personnel records will not be released to any unauthorized individuals except with the written consent of the employee or in response to valid court orders or government requests directing the provision of information from personnel records.

Employees have the opportunity to submit a letter of rebuttal regarding any information contained in their file that is in dispute.

## **SECTION 21 Electronic Mail and Internet Policy.** (See Policy No. 2016-02).

### **Statement of Purpose**

To ensure that use of the Internet among employees of the City of Woodland is consistent with City policies, all applicable laws, and the individual user's job responsibilities.

#### **1. Electronic Mail (e-mail)**

This policy applies to all City employees and officers who use e-mail either on the local area network or through the City's Internet capabilities. In addition, this policy applies to all persons who use e-mail as a representative or agent of the City of Woodland.

##### **1.1 Repelling Unwanted E-Mail**

There may be occasions when e-mails are received which the recipient did not

solicit and which do not comply with this policy. No employee shall be subject to discipline for receiving such e-mail provided the employee promptly replies by e-mail to discourage the sender with the following or similar message to the sender:

*"You have sent me e-mail at the City of Woodland government which is not in compliance with City policies. E-mail sent to City of Woodland government e-mail address must be for City business purposes only. I do not wish to receive e-mail of the nature you sent at work. Please do not send me any additional material of this kind at a City of Woodland e-mail address."*

## **1.2 Liability**

The same consideration and care must be used in e-mail communications regarding official actions or statements on behalf of the City that would be used in other forms of written correspondence. Any ongoing e-mail messages which express an opinion that has not been authorized as the official City position on the subject must include a disclaimer that the opinion is not that of the City of Woodland but the employee's own personal opinion.

## **1.3 Discipline/Enforcement of Policy**

Violators of this policy shall be subject to discipline. It is the responsibility of the Mayor or department head to enforce these policies, and to monitor and audit use of e-mail within each department. Employees who are found in violation of this policy may be subject to disciplinary action under current Personnel Policy. However, employees will not be disciplined for "deminimis" personal use of the electronic mail system or the Internet. The deminimis (too minor to warrant concern) standard would mean that some personal communications while not sanctioned, are not prohibited by this policy. Generally this would include such uses as adding a personal comment to an official e-mail, sending a short personal note to a colleague or other personal interactions that are routinely a part of day to day business interaction. Reasonable judgment should be applied to individual circumstances. The City retains sole discretion to determine what is deminimis and to discipline for all other use.

## **1.4 Types of E-Mail/Restrictions**

Employees are accountable for their use of electronic communications just as they are for other conduct and communications in the workplace. Therefore, use of the electronic mail system is as follows:

1. The e-mail system is not to be used to create, send or copy any offensive, harassing or disruptive messages. Messages will be considered offensive if they contain information or language that would violate the City's Harassment Prevention policy. The City will view the appropriateness of any communication on the basis of how it would have been perceived and dealt with had it been conducted by telephone, in person or on paper.
2. The e-mail system is not to be used to send, receive, or download copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.

3. Confidential and sensitive information such as performances reviews, disciplinary and/or corrective actions, attorney-client privileged information, personnel information, and health or medical information should not be communicated via e-mail unless required as part of the job duties and responsibilities. Employee shall reference in subject line “Confidential or Attorney Client Privilege, etc.”.
4. Communications, which would be inappropriate under other City policies, are equally unacceptable if delivered via electronic communication. These communications may include, but are not limited to, harassing or discriminatory comments, breached of confidentially and insubordinate statements.
5. The electronic mail system may not be used for sales or to solicit anything for commercial ventures, religious, or political causes, outside organizations or other non-job related solicitations.

### **1.5 Technical Support**

Employees may call the Clerk/Treasurer’s office for answers to questions concerning implementation of e-mail or about how to properly configure and use e-mail capabilities. The Clerk/Treasurer shall have the authority to establish procedures for the implementation of this policy. All users of the City’s e-mail systems must abide by any procedures established by the Clerk/Treasurer pursuant to this policy.

## **2.0 Internet and Intranet Usage**

This policy applies to all City employees and officers who use e-mail either on the local area network or through the City’s Internet capabilities. In addition, this policy applies to all persons who use e-mail as a representative or agent of the City of Woodland.

### **2.1 Internet Use Limited to City Business**

The City’s Internet capabilities may be used for City business purposes only. The term “internet” means the electronic information system of that name which connects smaller groups of linked computer networks. The term “City’s Internet capabilities” means any and all access to the Internet obtained through City sponsorship, ownership, or financial contribution, or by any employee or officer as a representative or agent of the City of Woodland, during work hours. The term “City business purposes” means the official work of City government undertaken for public benefit, as opposed to activities undertaken for personal, non-City or private purposes. Unacceptable sites or uses include, but are not limited to, the following:

- Content and images posted on the City’s Intranet, Internet FTP, Social Media sites or sent via Twitter should be consistent with the City’s policies and practices, and should conform to professional standards in tone and format.
- All information that is posted, copied or shared, either on the City’s Intranet, servers and desktops or on the City’s Internet or Social Media sites, must be done so in accordance with the laws that govern copyrighted materials including, but not limited to, photographs, magazines, books, copyrighted



- music, the installation of any copyrighted software for which the City or end user does not have an active license, or the installation of “pirated” software.
- Web usage that significantly impacts network bandwidth may be restricted. Individuals should utilize only the City’s tools (such as the City-standard browser) and recommended best practices to manage their connections when viewing, downloading, sharing and printing information to ensure that these shared resources are not negatively impacted.
- The City’s Intranet bulletin board will be used to disseminate information, employee news, programs and events that are pertinent to the employee base. The citywide (City) e-mail distribution list should be used for critical and time-sensitive City business information only.
- Any attempt to misrepresent one’s identity on the Internet (via newsgroups, chat rooms, blogs, etc.) is prohibited.

## **2.2 Incidental Personal Use**

The City's technology resources including e-mail and Internet web browser are City property and intended for use to conduct City business by its authorized employees, contractors, consultants, temporaries, supplementals, volunteers and other workers including all personnel affiliated with third parties; hereafter referred to as the user. Limited personal use is permitted as long as it does not result in a cost to the City, does not interfere with the responsibilities and fulfillment of job duties, is brief in duration and frequency, does not distract from the conduct of City business and does not compromise the security or integrity of City information or software. As noted previously, there is no right to privacy in the course of using the City’s technology resources, whether for City business or incidental personal use.

## **2.3 Prohibited Uses**

*A prohibited use* is any use related to the conduct of an outside business; a use for the purposes of supporting, promoting, or soliciting for any non-City sponsored outside organization or group; or religious activity, campaign or political use; commercial use; posting to or buying from online auction or sales sites; use to conduct illegal activities;

any entertainment uses; and/or uses which result in the City being placed on electronic mailing lists related to prohibited uses.

Unacceptable sites or uses include, but are not limited to visiting, referencing, downloading and/or storing materials that are inappropriate in a work environment is prohibited unless such activity is specifically related to your job. Examples include but are not limited to data from sexually explicit sites, and those associated with violence, hate crimes or illegal activities.

While this policy does restrict Internet Use to official business, limited personal use (within acceptable use guidelines) during breaks or before/after work hours will be allowed as a way to encourage staff to become more proficient in using the Internet as a research and communication tool. Authorized personal use is subject to adequate capacity in the system. Internet and e-mail maybe used for minor personal matters to

accommodate the demands of daily living so long as the use is occasional and does not cost the City money or interfere with City work. However, City departments may enforce more restrictive policies on computer, Internet, and e-mail use.

#### **2.4 Security, Storage and Protection**

Effective security requires the participation and support of every user in the organization. The City employs enterprise tools to manage, monitor and protect the organization from internal and external security threats and data loss. In addition to these measures, it is the responsibility of individuals to remain vigilant in their awareness and protection of the City's resources, including equipment and data they have access to and while in their possession.

Specific due diligence requirements are outlined below:

- City devices and computer equipment must be logged out or "locked" when unattended.
- All users must either lock or log off of their pc and leave it powered on at the end of their shift to enable off-shift maintenance and security updates Desktop PC's must be powered on at all hours to enable off-shift maintenance, backups and security updates. Laptops may be turned off or suspended though due to their shorter lifespans.
- Intruding or attempting to intrude into any gap in system or network security is prohibited. Sharing of information with others that facilitates their unauthorized access to the City's data, network or devices, or their exploitation of a security gap is also prohibited.
- It is the responsibility of each individual to prevent unauthorized and indiscriminate access to employee electronic records that could pose the threat of identity theft, thus risking a person's privacy, financial security and other interests. This would include, but is not limited to, any documents or forms that include home addresses, birth dates, and social security numbers of employees, elected officials, or volunteers.
- User accounts and passwords may not be shared. The individual logged onto the City network must be present while logon credentials are being used to access Network resources. An exception may be sharing passwords with IT personnel for troubleshooting purposes.
- In general it is not permissible to download "personal information" to any removable/portable device, including laptop computers, unless access to that information is within the scope of your job, your manager has approved the copy of information to a portable device and the data or device is encrypted. Personal information is defined in this policy as name, home addresses, birth dates, social security number, etc.
- Removable devices such as USB drives and PDA/handhelds/smart phones, cameras, etc., must always be password-enabled, if possible.
- Transmitting confidential data in part or full via e-mail or other unencrypted medium is Prohibited unless required as part of job duties.
- Leaving personal, sensitive or confidential information exposed to view while unattended, either on paper or on screen, is prohibited.
- Whenever possible, laptop and desktop hard drives and removable devices should only contain *copies* of source files, not the original file.

- Individuals must report to the City any equipment, software or data that is lost, damaged or stolen at their first available opportunity. Reports will be made to a supervisor, manager or director. Unrecoverable equipment may incur additional replacement costs.
- Lost equipment, especially that containing sensitive or confidential information as defined here, must be reported immediately to the Department Head. Stolen computers, laptops, PDA's, thumb drives, etc. must be reported immediately (24 hours per day) to the Department Head and your local Police Department.
- Individuals must utilize City provided anti-virus software and scanning tools regularly to scan material from removable devices prior to use.
- Storage of any copyrighted material on a network server or local hard drive including, but not limited to, photographs from magazines, books or other copyrighted sources, copyrighted music, the installation of any copyrighted software for which the City or end user does not have an active license, or the installation of “pirated” software is strictly prohibited.

## **2.5 Authorized Users**

No City employee or officer shall be authorized to use the City’s Internet capabilities until he or she has signed a document indicating that the employee or officer has read and agrees to be bound by the terms of this policy. (See Policy 2016-02 for Attachment “A”)

## **2.6 No Privacy Rights**

Electronic communications are not private or confidential. All Internet communications utilizing the City’s Internet capabilities are the property of the City of Woodland and may be public records under the Public Disclosure Act (RCW 42.17.). There are no rights to individual privacy in any communications or information obtained through the City’s Internet capabilities.

## **2.7 Professional and Courteous Communications**

The standards for conduct for City of Woodland employees apply to use of the City’s Internet capabilities. All communications across the Internet shall be professional and courteous.

## **2.8 Duty to abide by Procedures Established by the City Clerk Treasurer**

The City Clerk/Treasurer shall establish procedures for posting content on the Internet, accessing information (including downloading information or software), virus detection and control, access controls and related security mechanisms for use of the City’s Internet capabilities.

Employees should keep personal log-ons and passwords confidential, and through the system administrator, will change passwords on a regular basis. A six-month auto-prompt/change password feature will be set for each PC, unless stricter guidelines are set by other agency requirements (such as Homeland Security, Police and HIPPA standards.) Failure to adhere to this policy jeopardizes network security and puts users at risk of potential misuse of the system by other individuals, network user’s may be held responsible for all actions taken using their personal network access permissions.

## **2.9 Supervision**

It is the responsibility of the Mayor, City Administrator or department head to enforce these policies, and to monitor and audit use of the City's Internet capabilities within each agency or department.

## **2.10 Discipline/Enforcement of Policy**

Violators of this policy shall be subject to discipline. It is the responsibility of the Mayor, City Administrator or department head to enforce these policies, and to monitor and audit use of e-mail within each agency or department. Employees who are found in violation of this policy may be subject to disciplinary action under current Personnel Policy. However, employees will not be disciplined for "de minimis" personal use of the electronic mail system or the Internet. The de minimis (too minor to warrant concern) standard would mean that some personal communications while not sanctioned, are not prohibited by this policy. Generally this would include such uses as adding a personal comment to an official e-mail, sending a short personal note to a colleague or other personal interactions that are routinely a part of day to day business interaction. Reasonable judgment should be applied to individual circumstances. The City retains sole discretion to determine what is de minimis and to discipline for all other use.

## **2.11 Reporting and Administration**

Anyone who observes or suspects a violation of these policies and requirements, or a potential gap in security or protection of the City's assets or data, should immediately report these to their department supervisor, manager or director, or the Human Resource Department. Violations may result in disciplinary action up to and including termination of employment. Requests for exceptions to any of the Technology Usage Policy definitions must be submitted in writing from department directors to Information Services. Exceptions require the approval of both the requesting department's director and Information Services' Manager. Approvals must be documented in writing and limited in duration to provide for periodic re-evaluation.

# **3.0 Technology Use**

This policy applies to all City employees and officers who use City technology either on the local area network or through the City's Internet capabilities. In addition, this policy applies to all persons who use technology as a representative or agent of the City of Woodland.

## **3.1 Acquisition of Technology Resources**

The City's Information Services contractor and/or the Clerk-Treasurer will evaluate and approve all software, hardware, removable devices and related maintenance and support contracts, whether the selected products or solution will be on the network or off; used by one or many people; and for all program and project funding sources. In addition, acquisition of technology resources should conform to existing purchasing policies and procedures as defined in the Finance Policy. Most City-owned technology has a pre-

determined lifecycle replacement period and must be surrendered for replacement on a 1:1 basis or retired, according to that schedule. Such technology may not be redeployed or otherwise put back into use without approval from Information Services Contractor and the Clerk-Treasurer.

### **3.2 Access to the City's Technology Resources**

- Information Services contractor and Clerk-Treasurer must approve the setup of new user accounts.
- Users are responsible to establish and maintain passwords consistent with the City's standards.
- User accounts and ALL passwords may not be shared with anyone other than the named owner. Examples include co-workers, subordinates, business associates, household members, etc. An exception is sharing passwords with IT personnel for trouble-shooting purposes.
- The individual logged onto the City network must be present while the logon credentials are being used to access Network resources, or must ensure that the account is locked or logged off and not being used by others when not present.
- Information Services must approve connection of all devices using the City's infrastructure (i.e. Internet, network, wireless channels and telephone lines).
- Information Services must approve installation of all software, including shareware, freeware\* and software that is obtained for evaluation purposes.
- Direct peer-to-peer\* connections and modems are provided only in unique circumstances, requiring prior approval from Information Services.
- Connection or installation of personally-owned hardware or software with the City-provided infrastructure (i.e. network, Internet, fax lines, telephone lines, and other computers) is not allowed.
- All activity resulting from device\*, network or software application access is the responsibility of the person assigned the user account.

## **4.0 Social Media Policy**

### **Purpose**

City of Woodland departments/divisions may utilize existing and emerging social media tools to provide information to and interact with the public. Social media is broadly defined as internet-based communications technology that provides immediacy, interactivity, and the sharing of information across multiple platforms.

The City encourages the use of social media, where appropriate, to further the goals of the City and the missions of its departments/divisions.

The City of Woodland has an overriding interest and expectation in deciding what is

“spoken” on behalf of the City through social media. This policy establishes guidelines for the use of social media by City departments/divisions.

#### 4.0 **Policy**

- 4.1 Use of any and all social media by City of Woodland departments and/or divisions must receive prior approval from the City’s Clerk-Treasurer or designee and will be subject to review by the City Administrator.
- 4.2 The City of Woodland’s website (ci.woodland.wa.us) will remain the City’s primary and predominant internet presence.
- 4.3 The best, most appropriate City of Woodland uses of social media tools fall generally into two categories:
  - a. As channels for disseminating time-sensitive information as quickly as possible (example: emergency information).
  - b. As communications/outreach tools which increase the City’s ability to provide messages to the widest possible audience.
- 4.4 Unless otherwise approved by the Clerk-Treasurer or designee, content posted to official City of Woodland social media sites will first be posted on the City’s official website(s).
- 4.5 Whenever possible, content posted to official City of Woodland social media sites should contain links directing users back to the City’s official website(s) for in-depth information, forms, documents, or online services necessary to conduct business with the City of Woodland.
- 4.6 Designated department/division staff will be responsible for the content and upkeep of any official social media sites their department/division may create. All postings and comments made to official City social media sites will be approved by the Clerk-Treasurer or other assigned managerial staff.
- 4.7 Designated City staff will read and understand this policy and have a signed copy of this policy on file.
- 4.8 Social media sites currently approved for use by City departments/divisions include:
  - a. Twitter
  - b. Facebook
  - c. YouTube
  - d. Blogs

#### 4.9 Links:

- a. Links to other Social Media Sites and External Websites Provided on City of Woodland Social Media Sites. The City of Woodland may select links to other Social Media sites and outside websites that offer helpful resources for users. Once an individual links to another page or site, the City's Policies no longer apply and employees become subject to the policies of that page or site. The City of Woodland's Social Media sites are intended specifically to share information about City programs, events and services. The City of Woodland is not responsible for the content that appears on these outside links and provides these links as a convenience only. Users should be aware that these external pages and sites and the information found on those pages and sites are not controlled by, provided by or endorsed by the City of Woodland. The City reserves the right to delete links posted by outside individuals that violate the City's Posts Policy at any time without notice.
- b. Links by Other Entities to City of Woodland Social Media Sites. It is not necessary to get advance permission to link to City of Woodland Social Media sites; however, entities and individuals linking to City of Woodland Social Media sites may not capture any of the City's Social Media sites within frames, present City of Woodland content as their own or otherwise misrepresent any of the City's Social Media site content. Furthermore, they shall not misinform users about the origin or ownership of City of Woodland Social Media site content. Links to City of Woodland Social Media sites should not in any way suggest that the City of Woodland has any relationship or affiliation with that organization or that the City endorses, sponsors or recommends the information, products or services of that site.

- 4.10 Any additional social media sites proposed for City use must be approved by the City's Clerk-Treasurer prior to activation.
- 4.11 Use of official City of Woodland social media sites shall comply with the City of Woodland Charter, the Woodland Municipal Code, and all applicable policies, rules, and regulations of the City of Woodland.
- 4.12 Public Records and Retention. Official City of Woodland social media sites are subject to State of Washington public records laws. Any content maintained in a social media format that is related to City business, including a list of subscribers and posted communication, is a public record. The department/division maintaining the site is responsible for responding completely and accurately to any public records request related to the City's use of social media. Content related to City business shall be maintained in an accessible format so that it can be produced in response to a request. Whenever possible, such sites shall clearly indicate that any content posted or submitted for posting is subject to public disclosure. Users shall be notified that public disclosure requests must be directed to the City's Public Disclosure Officer.
- 4.13 Washington State law and relevant City of Woodland records retention schedules apply to social media formats and social media content. The department/division maintaining a site shall preserve records required to be maintained pursuant to a relevant records retention schedule for the required retention period on a City server in a format that preserves the integrity of the original record and is easily accessible.

4.14 Official City of Woodland social media sites shall include notification to site users/visitors that the following content will not be allowed on the site:

- a. Comments not topically related to a particular social media thread
- b. Political statements, including comments that endorse or oppose political candidates or ballot propositions, are prohibited under state law (RCW 42.52.180); Profane language or content
- c. Content that promotes, fosters, or perpetuates discrimination of any kind
- d. Posts and comments that include vulgar, offensive, threatening or harassing language, personal attacks or unsupported accusations;
- e. Sexual content or links to sexual content
- f. Posts and comments that promote or advertise commercial services, entities or products except as stipulated in City marketing plans and determined by the City to be essential to economic development
- g. Conduct or encouragement of illegal activity
- h. Information that may tend to compromise the safety and/or security of the public and/or public systems
- i. Content that violates a legal ownership interest of any other party
- j. Anonymous posts

Any content removed based on these restrictions must be retained, including the time and date of the posting and the identity of the poster (if available).

4.15 The City of Woodland reserves the right to restrict and/or remove any content posted to official City of Woodland social media sites that it deems to be in violation of this Social Media Policy or other applicable law, rule, or regulation.

4.16 City employees and/or elected officials are prohibited from disclosing any information via social media posts that may be confidential or may otherwise compromise the City.

Only official City social media sites may be used by City employees and/or Mayor to conduct official City business. All social media site posts by City employees and/or elected officials regarding official City business are subject to Washington State public disclosure laws, open meetings laws, and all other applicable laws, rules, and regulations.



- 4.17 Personal use of City equipment and/or facilities by City employees, elected officials, or others to access social media sites is prohibited unless issued equipment that is for both purposes per policy.
- 4.18 This policy may be amended as necessary by approval of the City Council.
- 4.19 This policy applies to all City of Woodland departments, divisions, and employees.

**Definitions**

- 4.20 Social Media: the use of third party hosted online technologies that facilitate social interaction and dialogue provides alternative ways for the City of Woodland to share information with a broader audience. Social Media includes social networking sites like Facebook, micro-blogging tools such as Twitter and audio-visual networking sites such as YouTube.
- 4.21 Site Manager: a designated City contact who creates a department-specific Social Media site and is responsible for posting information and monitoring comments on that site.
- 4.22 Site Contributor: a designated City contact who posts information and monitors comments under the direction of a site manager.
- 4.23 Post: an article or short statement or other content posted to a City social media site by a City site manager or site contributor.
- 4.24 Commenter: a member of the public who submits a comment for posting in response to the content of a particular City post or social media content.
- 4.25 Comment: a response to a City post or social media content submitted by a commenter.
- 4.26 Subscriber: a member of the public who subscribes to a social media site to receive regular updates (such as "followers" in Twitter and "friends" in Facebook).

**SECTION 22 Sexual Harassment Policy & Procedure (1999-001)**

**a) Purpose**

Sexual Harassment of employees is prohibited by the City of Woodland. This policy is intended to establish standards for defining and preventing Sexual Harassment and offensive behavior of a sexual nature, to establish a means for reporting and complaining about Sexual Harassment and to define the range of disciplinary action that will be taken by the City in cases where Sexual Harassment has occurred.

Harassment based on unlawful discrimination such as to race, ethnicity, religion, marital status, age, disability or national origin is also prohibited and is subject to the reporting procedures of this policy.

**b) Policy And Objectives**

It is the policy of the City of Woodland:

To communicate this Sexual Harassment policy to all employees, volunteers, and supervisors in order to assure that all employees, volunteers and supervisors understand that Sexual Harassment is prohibited.

To recognize the unique nature of complaints of Sexual Harassment, to encourage early reporting by employees, victims or witnesses, and to resolve complaints promptly, confidentially, and, when possible, at the lowest levels of the organization.

To prohibit retaliation against any employee because he or she has made a report of alleged Sexual Harassment, or retaliation against any employee who has testified, assisted, or participated in any manner in an investigation of the allegations.

To prohibit and prevent actions which unlawfully discriminate on the basis of race, gender, religious belief or national origin in areas such as compensation, benefits, privileges, transfers, layoffs, returns from layoff, training and social programs.

To provide education to employees or, under some circumstances, to non-employees; to raise awareness of Sexual Harassment as a workplace issue; to prevent Sexual Harassment by providing information about Sexual Harassment in general and about this policy in particular.

Sexual harassment does not refer to occasional compliments of socially acceptable nature. Instead, it refers to behavior that is not welcome, that is personally offensive, that lowers morale and that, therefore, interferes with productivity. Conduct or actions that arise out of a personal or social relationship and that are not intended to have a discriminatory effect on employment may not be viewed as harassment.

All employees are to be advised of this policy to assure them that they are not to endure insulting, degrading or exploitive sexual treatment.

To the extent appropriate, this policy shall also be applicable to volunteers while performing city related functions.

**c) Definitions:**

“Sexual Harassment” means unwelcome sexual advances, requests for favors and other offensive verbal or physical conduct of a sexual nature when:

- a) submission to such conduct is made either explicitly, or implicitly, a term or condition of an individual’s employment;
- b) submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

“Intimidating, hostile, or offensive working environment” means a workplace in which:

- a) repeated, unwelcome, sexually-oriented jokes, innuendoes, obscenities, pictures or any action with sexual connotation has the cumulative effect of making an employee feel uncomfortable in the workplace; or
- b) aggressive, harassing behavior in the workplace whether or not sexual in connotation, is directed toward an employee based on the employee’s gender.

“Offensive conduct of a sexual nature” means physical contacts, sexual comments, obscenities, gestures, propositions, unnecessary touching, sexually explicit, or offensive pictures, discussion of sexual activities, commenting on another person’s anatomy or attributes, using demeaning or diminutive terms toward officers, employees or members of the public such as “babe”, “hunk” or “honey”, ostracizing employees of one gender by employees of another, granting job favors to those who participate in consensual sexual relationships or activities, or any other action with sexual connotation whether at, or away from work, which is unwelcome or which makes an employee feel uncomfortable in his/her employment.

“Management” means the immediate or first level supervisor who is not involved in the alleged harassment and other managers in the direct line of authority above these supervisors.

“Employee” means any person employed in a full-time, part-time, temporary, appointed or elected position with the City of Woodland.

“Retaliation” means acts of reprisal such as: open hostility to the complainant, participant or others involved; exclusion/ostracism of the complainant or others; creation of or the continued existence of a hostile work environment; gender-based negative remarks about the complainant, participants or others; special attention to, or assignment of the complainant, participant or others to demeaning duties not otherwise performed; tokenism or patronizing behavior; discriminatory treatment; subtle harassment; or unreasonable, supervisory-imposed time restrictions on employees on preparing complaints or compiling evidence of Sexual Harassment activities or behaviors.

**d) Reporting Procedures:**

**Complainant’s Responsibility:**

An employee who believes he or she has been a victim of Sexual Harassment is encouraged to report the incident(s) or working conditions as soon as possible after the alleged harassment occurs.

The complainant shall submit, in writing, the complaint of Sexual Harassment to the immediate supervisor. Victim's written complaint shall contain the name of the alleged offender, a description of events, dates, times, locations, the names of any witnesses, and the desired remedy.

Prompt reporting is encouraged because the ability of management to investigate and act on reports diminishes with time. Employees may bring reports to the attention of any or all of the following:

- a. The alleged harasser. When reporting or giving notice to the alleged harasser, the employee should clearly request that the action stop immediately;
- b. The immediate supervisor or the first level of management who is not directly involved in the alleged harassment;
- c. The Clerk-Treasurer; or
- d. The Mayor may be contacted if the Clerk-Treasurer is unavailable or implicated in the allegation, or if the employee for other reasons, is not willing to disclose the matter to the Clerk-Treasurer.

It shall be a responsibility of the employee to cooperate with management, the Clerk-Treasurer or the responsible management official in all efforts to investigate and verify such reports.

**e) Management's Responsibility:**

All reports of alleged Sexual Harassment received by management, shall be promptly referred to Clerk-Treasurer. The Clerk-Treasurer shall immediately initiate an investigation or recommend another appropriate management representative to initiate the investigation. Both the complaint and the investigative steps and findings shall be documented as thoroughly as possible.

Any report of Sexual Harassment and its investigation is confidential. Dissemination of confidential information shall be limited to persons with a need to know to participate in the investigation or implement an action resulting from the investigation. If discipline is anticipated, it may be necessary to disclose the name of the complaining employee to the employee accused of harassment.

The standard to be applied in evaluating allegations of Offensive Conduct of a Sexual Nature or an Intimidating, Hostile or Offensive Working Environment shall be that of a reasonable victim. For instance, if an allegation is made by a female employee, the standard under this policy shall be whether, to a reasonable woman, such conduct would have the effect of making a woman feel offended, uncomfortable, threatened or intimidated. If the allegation is made by a male employee, the allegation shall be evaluated from the perspective of a reasonable male.

If, as a result of investigation, sufficient facts are gathered to support the complaint, management will contact the alleged harasser to obtain a response to the complaint. If the alleged harasser denies the allegation, he/she may be afforded an opportunity to provide details, witnesses or documentation to support his/her denial of the allegation.

Records pertaining to the investigation shall be maintained in a file separate from the complainant's personnel file.

**f) Employees' Responsibility (not the alleged victim):**

Employees who are not personally victims of Sexual Harassment, but who observe actions which they have interpreted to be harassment or offensive conduct of a sexual nature, are strongly encouraged to immediately report such matters to management.

Supervisors and members of management must report observations which they have interpreted to be harassment or offensive conduct of a sexual nature.

**g) Alleged Harasser's Responsibility:**

It shall be the responsibility of any employee accused of sexual harassment to fully cooperate with management in its investigation of complaints and to refrain from retaliating against the complainant for coming forward with the complaint.

**h) Violations of Policy:**

The investigator of the complaint will determine whether violations of this policy have occurred on the basis of facts verified during the investigation and after consultation with the City Attorney. If a violation of the policy has occurred, the investigator of the complaint will recommend disciplinary action to the Mayor or his/her designee. False accusations will result in disciplinary action up to and including termination.

Substantiated violations of this policy may result in disciplinary action in accordance with the City of Woodland Personnel Policy and Procedure Manual. Appropriate discipline may include discharge, if the initial violation is sufficiently severe, if the violator's position within the organization has had the effect of worsening the harassment, or if lesser violations are repeated after discipline or warnings have been given.

In addition, or as an alternative, to traditional disciplinary actions, violators of this policy may be subject to corrective measures such as educating the harasser about Sexual Harassment, requiring counseling or reassignment.

Disciplinary action taken under this policy may be subject to the City's grievance policy as described in the City of Woodland Personnel Policy and Procedure Manual, to applicable civil service rules and procedures or to collective bargaining agreements.

**i) Attachments:**

Sexual Harassment Procedural Checklist

-Informal

-Formal

**SECTION 23. Drug-Free Work Place.**

- (a) **Expectations of Employees.** Employees are expected and required to report for work in appropriate mental and physical condition. Use, possession, or working under the influence of any substances that adversely affect alertness, coordination, decision-making, safety, or job performance will not be tolerated. Employees must, as a condition of employment, abide by the terms of this policy. Violations will result in disciplinary action

up to and including termination, and may have legal consequences.

- (b) **Tobacco Use.** (See Resolution No. 353). The State Legislature by its adoption of Chapter 70.160 of the Revised Code of Washington recognized that tobacco smoke creates danger to the health of some citizens of the State. RCW prohibits persons from smoking in public places except in designated areas. The City Council seeks to regulate the emanation of tobacco smoke and to also regulate the use of other tobacco products on City premises.
1. The use of tobacco products is prohibited in City facilities and vehicles except in designated areas as identified by the Mayor.
  2. Said use of tobacco products shall also be prohibited in the City Library, Woodland Community Center, and City Shops except in designated areas identified by the Mayor.
  3. City parks and other outdoor facilities of the City shall be excluded from the prohibitions set forth in Sections 1 and 2 above.

#### **SECTION 24. SUBSTANCE ABUSE (SEE POLICY NO. 2002-001).**

##### **a) Purpose**

The City of Woodland recognizes that its employees are its most important resource in fulfilling its charge of effective public service. The city has promulgated this policy in the interest of the safety and well-being of its employees and the efficiency of its workforce. This document outlines the City of Woodland policy regarding alcohol and drug abuse and provides guidance to supervisors in addressing substance abuse issues. This policy is intended to comply with the federal Drug Free Workplace Act of 1988 and with Federal Department of Transportation regulations governing commercial drivers.

##### **b) Scope**

This policy applies to all City of Woodland employees except that employees included in bargaining units are subject to drug testing only if: 1) the labor contract covering them specifically allows for such testing; or 2) the issue of drug testing has been legally bargained to final impasse; or 3) a written agreement between management and the employee's bargaining agent has been signed and executed to provide for drug testing.

All other provisions of this policy, apart from the limits to drug testing as specified above, shall apply to all city employees. In cases where the provisions of this policy conflict with collective bargaining agreements duly agreed upon between the authorized employee organizations or unions and the city, the provisions of the collective bargaining agreements shall govern.

None of the exclusions mentioned in this Section shall waive or in any way diminish the City's Personnel Policy Section 19. "Disciplinary Action and Rules of Conduct Policy" which covers all employees.

Neither the provisions nor the exclusions cited in this policy waive or modify the "employment at will" status of any city employee subject to that status either by law or as allowed under a collective bargaining agreement.

##### **c) Policy**

1. The City of Woodland recognizes that alcoholism and drug abuse may have an adverse effect on job performance and it is concerned with this impact

2. The City of Woodland recognizes that alcoholism and drug abuse can be successfully treated, enabling the employee to return to a satisfactory job performance level.
3. Employees who are concerned about their alcohol and/or drug use are strongly encouraged to voluntarily seek assistance. Supervisors and department heads are available to all employees as a resource.
4. It is the employee's responsibility to demonstrate satisfactory job performance.
5. It shall be the responsibility of supervisors at every level to encourage employees to use the resources available through city employment when deteriorating or unsatisfactory job performance does not respond to usual supervisory actions, or when a specific on-the-job incident is cause for concern. These resources include employer provided health insurance and leave benefits, which may be coordinated to enable assistance or treatment for the employee. The supervisor's role is to observe and record behavior and performance of employees. Supervisors should not attempt to medically diagnose an employee's problems.
6. The employee's compliance with the recommendations of a health care professional is voluntary. Use of a remedial or treatment program does not replace normal disciplinary procedures for unsatisfactory job performance.
7. The employee's job security and/or promotional opportunities will not be jeopardized by use of a remedial or treatment program. Paid or unpaid leave status during participation in a remedial or treatment program will be determined on a case-by-case basis, depending upon the circumstances involved.
8. Confidentiality is an essential element of substance abuse treatment. Any employee violating this confidentiality will be subject to disciplinary action.
9. Reporting to work under the influence of alcohol or drugs, or any substance, legal or illegal, which impairs an employee's mental or physical health will not be tolerated.  
When there are reasonable grounds to believe that the employee is under the influence of alcohol or drugs, the supervisor may direct the employee to submit to drug screening and blood alcohol tests. Refusal to submit to such tests can subject the employee to disciplinary action up to and including dismissal.  
Under no circumstances will an employee be allowed to operate city equipment or drive a city motor vehicle after a supervisor has established reasonable grounds to believe that the employee is impaired.  
Any employee using medication or prescribed drugs which may impair job performance must report this fact to his/her supervisor prior to accepting an assignment, which might be adversely affected by the side effects of the medication.  
It is the responsibility of employees who are called out to work after regular hours to comply with the provisions of this policy. If the employee called out to work has been involved in activities that may have left him/her in an impaired or intoxicated condition, the employee must inform the person making the call

out, so that an alternate can be found.

10. The unauthorized use, sale, purchase or possession of alcohol or controlled substances at the worksite is prohibited and shall be grounds for discipline up to and including dismissal. The unauthorized use of the employee's position with the city to make, purchase or sell alcohol, controlled substances or illegal drugs is also prohibited and shall be grounds for discipline up to and including dismissal.

**d) Assistance Program / Voluntary Referral**

The City of Woodland supports employees who volunteer for treatment of alcohol or drug abuse. Employees are encouraged to seek treatment voluntarily and to utilize the Employee Assistance Program. Any employee who comes forth and notifies the City Woodland of alcohol or drug abuse problems will be given the assistance extended to employees with any other illness. Any such program, however, may not interfere with the tests required by these rules. For example, a driver may not identify himself/herself as unfit to drive after having been notified of a random or reasonable suspicion test and expect to avoid the consequences for a positive test or a refusal to test. In addition, voluntarily seeking assistance does not excuse any failure to comply with all of the provisions of this policy or other policies of the city.

Sick leave, vacation leave or leave of absence without pay will be granted for treatment and rehabilitation as in other illnesses subject to City policy and / or contract language governing use of leave. Insurance coverage for treatment will be provided to the extent of individual coverage. Confidentiality of information will be maintained as much as possible at all times.

**e) Compliance with Drug Free Workplace Act**

It is the policy of the City of Woodland to comply with the federal, Drug Free Workplace Act of 1988. Toward that end, the following provisions and procedures shall be in effect:

1. In the event that an employee is convicted of any criminal drug statutory violation for a violation occurring in the workplace, the employee must notify his/her supervisor within five working days. The supervisor must inform his/her department manager within 24 hours of the notification. The department manager will notify the Mayor immediately. If the employee is directly involved in the performance of a contract for which the city receives federal funding, the contracting agency must be informed of the incident in writing within 10 days of the employer's notice. A copy of the notification shall be sent to the Clerk-Treasurer.

The city is responsible to take appropriate disciplinary action and/or to require the employee to seek approved drug abuse treatment or rehabilitation within 30 days of receiving notice of the employee's conviction.

2. All employees shall receive a copy of this policy. All employees will be required to sign a statement acknowledging that they have received a copy of this policy.
3. The city will make information and education on the prevention of alcohol and drug abuse available to its employees.



**f) Compliance with Federal Regulations Applicable to Commercial Drivers**

It is the policy of the City of Woodland to comply with the federal Department of Transportation regulations (Title 49, CFR subtitle B, chapter 382) which mandate prohibited behaviors and employer responsibilities for employee's holding safety sensitive positions which require the possession of a valid commercial driver's license.

- 1. Definitions** - For purposes of this section, the following terms shall be defined as following:

**Accident** - *Accident means an occurrence involving a commercial vehicle on a public road which results in a fatality or a citation under state or local law for a moving violation and (1) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; and/or (2) one or more motor vehicles incurring disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.*

**Driver** - *This term includes all employees whose positions may involve driving a commercial vehicle and that require the possession of a Commercial Driver's License.*

**Commercial Vehicle** - *A commercial vehicle is one that either: 1) has a gross vehicle weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); 2) is designed to transport 16 or more persons, including the driver; or 3) is used to transport hazardous materials.*

**Drugs** - *For the purposes of Section 6, in accordance with the applicable federal regulations, "drugs" refers to the following five substances: marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines.*

**Medical Review Officer (MRO)** - *The Medical Review Officer is the licensed physician responsible for receiving and interpreting laboratory results from the urine drug tests.*

**Safety Sensitive Position** - *For purposes of this policy, these are positions associated with the driving of commercial vehicles.*

**Substance Abuse Professional (SAP)** - *A Substance Abuse Professional is a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders. The SAP is responsible for evaluating employees with positive test results.*

- g. Prohibited Behaviors:** In addition to any other prohibitions on the use of alcohol or controlled substances established through city policy or by contract, the following behaviors by employees whose positions require the possession of a valid commercial driver's license are prohibited:

**1.) Alcohol Concentration:** Reporting to duty and performing safety-sensitive

functions while having an alcohol concentration of 0.04 or greater.

- 2.) **Alcohol Possession:** Unauthorized possession of alcohol while on duty or operating a commercial motor vehicle unless the alcohol is an insignificant ingredient in a medication that is either prescribed or a commonly recognized over-the-counter remedy and notice has been given to the employee's manager in advance.
- 3.) **Alcohol Use Following an Accident:** Use of alcohol within eight hours following an accident or before undergoing a post-accident alcohol test, whichever occurs first.
- 4.) **Alcohol Use on Duty:** Use of Alcohol while performing safety-sensitive functions. (This includes alcohol, which may be in medications).
- 5.) **Alcohol Use Prior to Duty:** Performing safety sensitive functions within four hours after having used alcohol. An on-call employee who consumes alcohol within four hours of being called in must acknowledge the use of alcohol and may not report for duty.
- 6.) **Controlled Substance (Drug) Use:** Reporting for duty or remaining on duty performing safety-sensitive functions after having used any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. The proper and lawful use of drugs is permitted provided their use does not interfere with the individual's ability to perform the essential functions of his/her job. Any employee taking prescribed medication that may impair his/her ability to work safely and productively must notify his/her department head/supervisor prior to commencing to work. The department head, in consultation with the employee's physician, if necessary, will make the determination regarding the employee's qualifications to work. Information provided to the department head will be treated as confidential. Disclosure by the City will only be required by law or in the event of a proceeding initiated on behalf of the employee. Failure to notify the department head in advance of commencing to work will be cause for disciplinary action up to and including discharge.
- 7.) **Positive Drug Test:** Reporting for duty, remaining on duty, or performing safety sensitive functions after having tested positive for a controlled substance.
- 8.) **Refusal to Submit to a Required Test:** Refusing to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substance test as directed pursuant to this policy.
- 9.) **Tampering with a Required Test:** An employee may not tamper with, adulterate, alter, substitute or otherwise obstruct any testing process required under this policy.

#### **h. Mandatory Training for Commercial Drivers**

The City shall provide all affected employees with copies of this policy and any

other information as required by the federal regulations.

Each driver shall sign a receipt upon having been provided the above referenced information including a copy of this plan and accompanying procedures for drug testing.

Department heads and supervisors designated to determine whether reasonable suspicion exists to require a commercial driver to undergo alcohol or drug testing will receive at least 60 minutes of training on alcohol and 60 additional minutes of training on substance abuse. The training will convey the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

**i. Drug and Alcohol Testing Program for Commercial Drivers** *(pursuant to RCW)*

**1.) Pre-employment Drug Testing:** All individuals who are covered by this policy must pass a drug test as a post-offer condition of employment.

**2.) Reasonable Suspicion Testing:** Employees subject to this policy shall submit to a drug and/or alcohol test when the City of Woodland reasonably suspects that this policy (except the prohibitions against unauthorized possession, transfer or sale of alcohol) may have been or is presently being violated. A referral for testing will be based on contemporaneous, articulable observations. Such referrals will be made by supervisory personnel who have received training concerning the signs and symptoms of drug and alcohol use.

Alcohol testing for reasonable suspicion may be conducted at any time during working hours. If removed from duty based on reasonable suspicion of alcohol use and an alcohol test is not administered within eight hours, the employee will not be allowed to perform or continue to perform covered functions until:

a.) An alcohol test is administered (normally within 2 hours of the determination of reasonable suspicion) and the driver's breath alcohol concentration measures less than 0.02; or

b.) 24 hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated this policy concerning the use of alcohol.

**j. Post-Accident Testing:** Following an accident (as defined above) involving a commercial vehicle, the driver is required to submit to alcohol and drug tests when the driver receives a citation under state or local law for a moving traffic violation, or where a fatality occurs as a result of the accident. Testing should occur as soon as possible, but may not exceed eight hours after the accident for alcohol testing and 32 hours after the accident for drug testing.

A driver who is subject to post-accident testing must remain readily available for such testing and may not take any action to interfere with testing or the results of testing. Drivers who do not comply with post-accident testing requirements will be considered to have refused to submit to testing and will be subject to sanctions for refusal to test as provided in this policy.

While awaiting a post-accident test, the driver will be in a paid status.

- k. **Random Testing:** Employees covered by this policy will be subject to random, unannounced alcohol and drug testing.
- l. **Return to Duty Testing:** Employees who have violated this policy, including those who have tested positive on a drug or alcohol test, and who under the discipline policy are allowed to return to work, must test negative prior to being released for duty. A return to duty test following alcohol misuse shall be less than an alcohol concentration of 0.02.
- m. **Follow-up Testing:** An employee who is referred for assistance related to alcohol misuse and/or use of drugs is subject to unannounced follow-up testing for a period as directed by a Substance Abuse Professional. The number and frequency of follow-up testing will be based on the recommendation of the Substance Abuse Professional, but will not be less than six tests in the first 12 months following the employee's return to duty.
- n. **Re-Tests:** Employees who test positive for drugs may request a second test of the untested portion of the split sample within 72 hours of notification of a positive test result by the Medical Review Officer.
- o. **Test Results:** Test results will be expressed as positive or negative based on detection of levels of alcohol or controlled substances as established by federal Department of Transportation standards.
- p. **Challenges to Test Results:** An employee who wishes to challenge a positive drug test must do so within 72 hours notification of the positive result. The employee must notify the City's medical review officer that he/she wishes to challenge the test and must pay for the retest. The retest must be processed at a DHHS-NIDA-certified laboratory. If the MRO certifies that the second drug test is negative, an employee will be reimbursed for the cost incurred including any lost compensation.
- q. **Refusal by a Commercial Driver to Submit to an Alcohol or Drug Test:** Refusal to submit to a directed test is a prohibited behavior in section 24.g which shall subject the employee to the consequences outlined in section 24.s. No employee shall refuse to submit to an alcohol or drug test as directed under this policy. A refusal to submit shall include:
  - 1) Failure to provide adequate breath for testing without a valid medical explanation after an employee has received notice of the requirement for breath testing in accordance with established procedures;
  - 2) Failure to provide adequate urine for controlled substances testing without a valid medical explanation after an employee has received notice of the requirement for urine testing in accordance with the procedures manual; and/or
  - 3) Engaging in conduct that obstructs the testing process.
- r. **Securing Information from Previous Employers:** If a person is to be hired into a

position subject to this policy and during the previous two years has worked as a driver of a commercial vehicle, that person must authorize a request of all employers of the driver within the past two years of information on the following: a) positive alcohol or drug tests; or b) refusal to be tested.

The City of Woodland will make a good faith effort to obtain and review the Information from prior employers within 14 days of the person performing safety sensitive duties for the first time.

If the information obtained from previous employer indicates either a positive test or that a refusal to be tested occurred within the past two years, that person will not be permitted to drive commercial vehicles unless subsequent information indicates that an evaluation by a Substance Abuse Professional was made and return to duty testing was administered.

**s. Consequences for Commercial Drivers of Engaging in Prohibited Behaviors and/or of Positive Drug or Alcohol Test Results:**

Employees found to have engaged in prohibited behavior as defined in Section 24.g. Prohibited Behaviors, or to have tested positive for drugs shall be subject to discipline up to and including termination from employment.

The following provisions apply to those employees who are not terminated for their policy violations:

1. If an employee tests positive for drugs or has an alcohol test that indicates a breath alcohol level of .04 or greater from a random, reasonable suspicion or post-accident test, or engages in prohibited conduct as outlined in Section 24.g., the employee will be immediately removed from duties requiring the driving of a commercial vehicle. The employee will not be permitted to return to work unless he/she:
  - a. Has been evaluated by a qualified Substance Abuse Professional; and,
  - b. If recommended by a Substance Abuse Professional, has properly followed any rehabilitation prescribed; and,
  - c. Has a verified negative result on a return-to-duty alcohol (<0.02) and/or drug test.

Upon completion of a recommended rehabilitation program and successful return to work, an employee will be subject to follow-up random testing as recommended by the Substance Abuse Professional, with a minimum of six such unscheduled tests within the first twelve months of returning to duty.

2. Employees with a breath alcohol concentration of at least 0.02 but less than 0.04 and who have not engaged in any other prohibited conduct, shall be removed from the duty requiring the driving of a commercial vehicle for at least 24 hours. The time away from work shall be charged to vacation, sick leave, or leave without pay at the employee's option, and will be considered an unscheduled absence.

**t. Procedures for Drug or Alcohol Testing of City Employees other than Commercial Drivers**

1. **Supervisory Responsibility:** If a supervisor has reasonable grounds to believe that an employee is under the influence of alcohol or drugs when reporting for work or during the work shift, the supervisor must verify the employee's condition and relieve the employee of his/her duties until the matter is resolved.
2. **Observation:** If a supervisor observes an employee who seems to be under the influence of alcohol or drugs, he/she should, if practical, seek the opinion of at least one additional department head, the Clerk-Treasurer or the Mayor.

For purposes of this policy, reasonable grounds to believe that an employee is impaired and/or under the influence of drugs or alcohol include a combination of various factors such as slurred speech, red eyes, dilated pupils, incoherence, unsteadiness on feet, smell of an alcoholic beverage or marijuana emanating from the employee's body, inability to carry on a rational conversation, carelessness, erratic behavior, inability to perform the job, or other unexplained behavioral changes. Employees will be tested when they are involved in a reportable vehicle collision and/or an accident involving employee negligence which causes serious injury or death. The supervisor shall document these observations in writing and forward his/her report to the department head within 24 hours of the incident. A copy of this document will be provided to the employee upon request.

3. **Referral for Testing:** If the department head determines that reasonable grounds exist to require a drug test and/or alcohol, the department head or supervisor shall direct the employee to accompany the supervisor to a testing site designated by the City for a drug screening and blood alcohol test to determine fitness for duty. The initial alcohol testing could be done using the BAC Datamaster machine. The department head shall be notified before the supervisor and employee leave city premises for the drug-testing site. The Mayor shall be notified of the incident, in writing, within 48 hours.

The employee should be informed that the tests will be conducted on city time, paid for by the city, and are part of his/her job responsibilities. The employee should be informed that refusal to take the test may result in disciplinary action up to and including dismissal. Additionally, an employee who refuses to take the test should be informed that he/she will be sent home on sick leave for at least the rest of the workday.

Employees will be required to authorize release of test results to the City's designated test services provider and to the employer. Refusal to authorize release of test results to the city may result in disciplinary action up to and including dismissal. The test services provider will contact the Clerk-Treasurer with the results.

The supervisor should accompany the employee back to the worksite pending the results. The supervisor shall notify his/her department head immediately upon returning to the work site.

Tests, which are found to be positive, will be verified by additional tests, which may include a legal alcohol, and full drug screen. The City's designated test services provider will ensure adequate chain-of-custody for sample

collection and testing.

4. **Test Results:** Employees who test positive on the day of testing shall be considered unfit for work and shall be relieved from duty for that day. It is the responsibility of the department head and/or the Mayor to notify the employee. The employee should not be allowed to drive a motor vehicle. Employees who comply with the testing procedures of this policy will be on paid leave on "City Business" until the status of the tests and the circumstances surrounding the impairment are determined.

5. **Discipline/Treatment:** If tests determine that the employee has the presence of alcohol and/or drugs in his/her system in violation of this policy, the department head shall contact the Mayor within 24 hours of test results notification. The Mayor and/or the department head shall, within 48 hours of receiving the test results, contact the employee to provide the employee an opportunity to respond to the test results.

Following the employee's response opportunity, the Mayor and the department head shall meet to discuss the appropriate level of disciplinary action. The degree of disciplinary action depends on the factual circumstances and the severity of the infraction.

It is the responsibility of the department head, in conjunction with the Mayor, to evaluate the circumstances and facts thoroughly and objectively. Any disciplinary action shall be in accordance with provisions of the City Personnel Policies and Procedures Manual. If discipline is necessary, the discipline to be taken, shall be recommended by the department head to the Mayor. The Mayor shall then act on the recommendation.

6. **Sale or Transfer of Drugs:** A supervisor who observes an employee using alcohol or drugs; or an unauthorized employee selling, purchasing, transferring, or possessing alcohol or drugs while on the job should take prompt action. Observations about the employee's behavior, as well as the discussions and contacts with him/her, should be documented as soon as practicable. The supervisor should report such observations to his/her own department head and appropriate disciplinary action should be taken in accordance with the procedures outlined in this policy.

In cases involving the unauthorized sale, purchase or transfer of illegal drugs or controlled substances at the workplace, the department head is required to notify the Woodland Police Department immediately. Employees who are found to have illegally sold, transferred, or delivered a controlled substance to another while on duty will be terminated.

Employees of the police department who are found to have illegally sold, transferred, or delivered a controlled substance to another will be terminated.

**u. Confidentiality and Record Retention**

All records related to drug and alcohol testing will be maintained in a secure location with controlled access. These records will be kept separate from records pertaining to all other employees.

**SECTION 25. Whistleblower.** (pursuant to Resolution No. 338)

It shall be the policy of the City of Woodland to encourage the reporting of improper governmental actions by any City employee and will protect all employees against retaliatory employment actions for reporting improper governmental actions when the reports are made in compliance with the Employee Whistle-Blower Policy as adopted by resolution of the City Council and directed by the Local Government Employee Whistle-Blower Act.

- (1) It is the policy of the City to provide a work environment for all employees that is harmonious and free from unlawful retaliation. Therefore, the City will not tolerate any form or degree of unlawful retaliation.
  - (2) An employee who engages in improper behavior may be in violation of federal and state law in addition to violating City policy.
  - (3) Prompt disciplinary action, up to and including termination, will be taken against an employee found guilty of violating this policy. Employees who report improper governmental action shall not be subjected to any form of retaliation. Any employee responsible for any form of retaliatory conduct shall be subject to disciplinary action.
- (b) The City of Woodland adopts by reference the State of Washington RCW 42.40 as it relates to Whistleblower.

**SECTION 26. Americans with Disabilities.**

- (a) **Employment.** City of Woodland will not discriminate in employment practices against people with disabilities.
- (b) **Accommodations.** Reasonable accommodation will be made for the employee or applicant with a disability.
- (c) **Policy.** The City of Woodland will comply with the federal and state laws concerning "reasonable accommodation" for employees with disability.

**SECTION 27. Grievance Procedures.**

- (a) **Eligibility.** Any employee who believes himself or herself to be aggrieved by some condition of employment, adverse personnel action, or disciplinary action, shall be eligible to invoke these grievance procedures.
- (b) **Step 1. Review By Immediate Supervisor.** Within five (5) working days after the event giving rise to the grievance, the employee involved shall personally present the grievance to his or her immediate supervisor for resolution. If the matter is settled at this point, an appropriate memo shall be placed in the employee's personnel file. If the aggrieved employee has no immediate supervisor, the employee may proceed directly to Step 2.
- (c) **Step 2. Review By Department Head.** If the grievance cannot be settled at Step 1, the employee must reduce his or her complaint to writing and present it to the Department Head within five (5) working days after the event. The Department Head, with the assistance of the Mayor or Personnel Committee, may conduct a hearing, investigation or take other appropriate action and shall render a decision in writing not more than ten (10) working days after the receipt of the complaint. If the matter is resolved at this point, it shall be so noted in the employee's personnel file.



- (d) **Step 3. Review By Mayor.** If the grievance cannot be settled at Step 2, the matter shall be referred by the Department Head to the Mayor for disposition. The Mayor shall conduct a hearing, investigation or take other appropriate action and shall render a decision in writing not more than ten (10) working days after receipt of the matter. If the grievance is resolved at this point, it shall be so noted in the employee's personnel file. The decision of the Mayor shall be final and there shall be no appeal therefrom.

**SECTION 28. Severability.**

Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**SECTION 29. Repealer.**

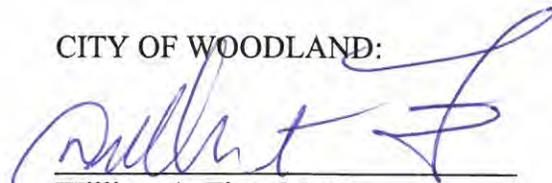
Ordinance No. 1375 is hereby repealed.

**SECTION 30. Effective Date.**

This Ordinance shall become effective five (5) days after passage, approval and publication as provided by the law.

**ADOPTED this 3<sup>rd</sup> day of January, 2022.**

CITY OF WOODLAND:



\_\_\_\_\_  
William A. Finn, Mayor

ATTEST:



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Georgina D. Anderson, Deputy Clerk-Treasurer

APPROVED AS TO FORM:



\_\_\_\_\_  
Frank Randolph, City Attorney