



Part 1: *Personnel Policies*

Policy Manual



PREFACE

Elected and appointed members of the Tumwater City Council are subject to applicable portions of these policies and shall be considered as “employees” when referenced in the policies. Applicable personnel policies that cover Tumwater City Councilmembers include: Equal Employment Opportunity, Nepotism, Ethics Code and Sexual Harassment Prevention. Operating policies that apply to Councilmembers include: Travel Reimbursement, Personal Property in the Workplace, Emergency Planning, Employee Recognition, Information Technology Use, Safety Requirements, Compliance with the ADA, Vehicle Usage, and E-mail Newsletter.

In applying these policies to City Councilmembers, references to supervisory oversight or discipline shall be determined by Council rules.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

DATES OF ADOPTION AND REVISION

Each section of this manual has an original adoption date at which time the policy took effect. After a policy is adopted, it is sometimes necessary to revise or update the policy. When using this manual, please be sure that you are referring to the most current policy information. The date of adoption or revision of each policy is located in the lower left corner of each policy. If you are not able to determine whether policy information is current, contact the Administrative Services Department.

The adoption date and the most recent revision date of each city personnel policy and procedure is listed below.

Section	Adoption Date	Most Recent Revision Date
1	8-87	02-07
2	7-87	12-09
3	7-87	06-2012
4	7-87	07-2011
5	7-87	05-08
6	3-88	03-2013
7	11-90	06-2011
8	10-92	07-2011
9	8-93	01-2011

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

TABLE OF CONTENTS

SECTION	PAGE
1	Introduction.....P1-1
1.01	Purpose.....P1-1
1.02	PolicyP1-1
1.03	Goals.....P1-2
1.04	Administration & ResponsibilityP1-2
1.05	Distribution & MaintenanceP1-3
1.06	Employees Covered.....P1-3
1.07	SupersederP1-4
2	DefinitionsP2-1
3	General Policies & ProceduresP3-1
3.01	Appointing AuthorityP3-1
3.02	Equal Employment OpportunityP3-1
3.03	Recruitment and SelectionP3-2
3.04	NepotismP3-3
3.05	Position Designation.....P3-3
3.06	Appointments.....P3-3
3.07	Appointment StatusP3-4
3.08	Probationary Period.....P3-5
3.09	Employee Performance Evaluation ProgramP3-6
3.10	Reduction in Force (RIF)P3-7
3.11	ReemploymentP3-7
3.12	ResignationP3-8
3.13	Exit InterviewP3-8
3.14	Personnel RecordsP3-9
3.15	Employment ReferencesP3-10
3.16	Retention of Personnel RecordsP3-10
3.17	Identification of Employees.....P3-11
3.18	Education & Training Policy.....P3-12
3.19	SuggestionsP3-16
4	General Conduct, Discipline, Termination & Appeal.....P4-1
4.01	Personal Appearance, Conduct & AttitudeP4-1
4.02	Standard Work Day and Normal Operating HoursP4-1
4.03	Alternative Work SchedulesP4-2
4.04	Standard Work WeekP4-8
4.05	AttendanceP4-8

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

TABLE OF CONTENTS

SECTION		PAGE
4	General Conduct, Discipline, Termination & Appeal (Continued)	
	4.06 Break Periods.....	P4-8
	4.07 Disciplinary Action & Rules of Conduct	P4-9
	4.08 Forms of & Procedures for Disciplinary Action.....	P4-13
	4.09 Termination	P4-16
	4.10 Predisciplinary Meeting	P4-17
	4.11 Personnel Grievance Procedure	P4-18
5	Employee Position Classification & Salary Plans	P5-1
	5.01 General Provisions.....	P5-1
	5.02 Classification Plan.....	P5-1
	5.03 Salary Plan	P5-5
	5.04 Payment of Salaries.....	P5-5
6	Benefits.....	P6-1
	6.01 Applicability.....	P6-1
	6.02 Legal Holidays	P6-2
	6.03 Floating Holiday	P6-3
	6.04 Vacation Leave	P6-3
	6.05 Sick Leave	P6-5
	6.06 Sick Leave Payments.....	P6-6
	6.07 Sick Leave Sharing.....	P6-7
	6.08 Medical Leave of Absence.....	P6-10
	6.09 Family and Medical Leave	P6-11
	6.10 Family Care Leave	P6-21
	6.11 Domestic Violence Leave.....	P6-25
	6.12 Workers Compensation	P6-28
	6.13 Bereavement Leave	P6-29
	6.14 Military Leave	P6-29
	6.15 Military Family Leave.....	P6-29
	6.16 Jury Duty	P6-31
	6.17 Leave Without Pay	P6-31
	6.18 Voluntary Absence Without Pay.....	P6-32
	6.19 Leave Due to Inclement Weather or other Significant Disruptions of the Transportation System	P6-35
	6.20 Unauthorized Absence.....	P6-36
	6.21 Insurance Benefit Plans	P6-36
	6.22 Retirement	P6-37
	6.23 Optional Benefit or Investment Plans.....	P6-37
	6.24 Health Reimbursement Arrangement (HRA)	P6-37

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

TABLE OF CONTENTS

SECTION	PAGE
7	Substance AbuseP7-1
7.01	Purpose.....P7-1
7.02	ScopeP7-1
7.03	PolicyP7-2
7.04	Assistance Program/Voluntary Referral.....P7-4
7.05	Compliance with Drug Free Workplace ActP7-5
7.06	Compliance with Federal Regulations Applicable to Commercial DriversP7-6
7.07	Procedures for Drug/Alcohol Testing of Employees Other than Commercial DriversP7-15
7.08	Confidentiality and Record RetentionP7-18
8	Employee Code of Ethics and Policy For Protecting Employees Against Retaliation (Whistle Blower)P8-1
8.01	Purpose.....P8-1
8.02	Policy Statement.....P8-2
8.03	Definitions.....P8-2
8.04	Prohibited Conduct.....P8-3
8.05	Prohibited Conduct After Leaving City.....P8-8
8.06	Procedures for Reporting Improper Governmental Actions .P8-9
8.07	Complaints, Investigations, Review and Enforcement.....P8-10
8.08	Protection Against Retaliatory ActionsP8-12
8.09	Responsibilities..... P8-14
8.10	List of Agencies.....P8-15
9	Sexual Harassment Prevention.....P9-1
9.01	Purpose.....P9-1
9.02	Policy and Objectives.....P9-1
9.03	Definitions.....P9-2
9.04	Reporting ProceduresP9-4
9.05	Violations of PolicyP9-6

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 1 INTRODUCTION

- 1.01 Purpose
- 1.02 Policy
- 1.03 Goals
- 1.04 Administration & Responsibility
- 1.05 Distribution & Maintenance
- 1.06 Employees Covered
- 1.07 Superseder

1.01 Purpose

The purpose of the Personnel Policies is to provide for a personnel management system within the City of Tumwater government that deals with all employees in a fair and equitable manner while facilitating efficient service to the citizens of the community.

1.02 Policy

- a) The City of Tumwater will assure that recruitment, selection, retention and separation of city employees is based on qualifications and fitness, and is in compliance with federal and state laws.
- b) The city will provide for equal opportunity in employment practices and standards.
- c) The city will clarify through policies and procedures the rights and responsibilities of its employees.
- d) Employment with the City of Tumwater depends on the need for work to be performed, the availability of funds, and the effective performance, good conduct, and continuing fitness of the employee for the position.

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 1 INTRODUCTION

1.03 Goals

The goals of the policies established by this manual include:

- a) To have city services as nearly perfect as it is possible to make them by encouraging employees to perform their duties to the best of their ability and to provide city services to the citizens of Tumwater in a courteous and professional manner.
- b) To facilitate harmonious relations and clear communication between elected officials, administrators, managers, supervisors and employees.
- c) To provide fair compensation for duties performed by its employees within the financial capacity of the city, including the provision of benefits and adequate working conditions.
- d) To provide a fair and open process for employees to air grievances or complaints without fear of recrimination, and a process for handling employee disciplinary matters.
- e) To provide an efficient personnel management system that deals with all employees in an equitable and uniform manner.

1.04 Administration & Responsibility

The City of Tumwater is a noncharter code city of the State of Washington, operating under the Mayor-Council form of government.

- a) City Council - The City Council determines the budgetary appropriations for all personnel costs, and approves personnel levels and positions through the budgetary process.
- b) Mayor - The Mayor is the Chief Administrative Officer of the city and is responsible for the initiation and administration of personnel policies for all employees. The Mayor may delegate the administration of policies as deemed appropriate. Where these policies specify Mayoral authority, those duties may be performed by the Mayor's designee as assigned.

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 1 INTRODUCTION

1.04 Administration & Responsibility

- c) City Administrator - The City Administrator supervises all departments in the best interests of the city and its employees.
- d) Department Managers - The Department Managers are responsible for specific departmental provisions of the personnel program. These provisions include, but are not limited to promotions, performance evaluation, training and discipline.
- e) Individual Employee - The City of Tumwater strives to provide efficient, professional and courteous service to all city residents. To accomplish this goal, the Mayor and the City Council ask that every employee perform their duties to the best of their ability as a representative of the city.

Each employee should understand these personnel policies, keeping in mind the City's public service mission. It is the employee's responsibility to meet desirable levels of performance of these public duties. Employees are encouraged to ask their Department Manager any questions about the Policy Manual, and discuss concerns or suggestions regarding the employee's job.

1.05 Distribution & Maintenance

Upon request, each department will be issued a copy of this Manual and will be responsible for its maintenance and upkeep. Department managers will assure that employees read and understand these policies and any subsequent revisions.

1.06 Employees Covered

These personnel policies apply to all city employees except elected officials, independent contractors, or employees specified as exempt by the Mayor or as otherwise specified in these policies; provided however, in cases where these personnel policies conflict with collective bargaining agreements duly agreed upon between authorized employee organizations or unions and the city, the conflicting provisions of the collective bargaining agreements shall

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 1 INTRODUCTION

govern.

1.07 Superseder

The city specifically reserves the right to repeal, modify or amend these policies at any time, with or without notice. None of these provisions shall be deemed to create a vested contractual right in any employee nor to limit the power of the Mayor or City Council to repeal or modify these policies. The policies are not to be interpreted as promises of specific treatment.

All prior rules, regulations, policies and manuals of the city which may be in conflict are superseded by this manual, unless otherwise specified.

Should any conflict arise between the policies established in this Manual and any ordinance of the city, such ordinance shall take precedence. If any section, subsection, paragraph, sentence, clause or phrase of this Manual is found by a court of competent jurisdiction to be invalid or illegal, such findings shall not affect the validity of the remaining portions of this Manual.

These policies and procedures are subject to all applicable existing or future laws or regulations of the State of Washington and the Federal government (as amended from time to time). Wherever there is a conflict between the provisions of these policies and procedures and any applicable law or regulation, the provision of the law or regulation shall govern.

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 2 DEFINITIONS

- 2.01 Anniversary Date: The anniversary date shall be the first day of the month closest to the date of initial appointment to a regular budgeted position, and shall be used to calculate sick and annual leave accrual, and years of service. For years of service, employment must be continuous or broken only by approved leave of absence. The calendar month shall be divided from the 1st to the 15th and the 16th to the last day, with the anniversary date established by determining in which half the date of appointment occurred.
- 2.02 Appointing Authority: The Mayor of the City of Tumwater.
- 2.03 Appointment Status - Regular: The assignment of a person to a budgeted position.
- 2.04 Appointment Status - Probationary: A probationary work period of six months from the date of employment or as set forth in the appointment letter or contract; a probationary work period as a result of disciplinary action.
- 2.05 Appointment Status - Temporary: An appointment for a limited period of time to fill a temporary or emergent need. Seasonal employment is considered a temporary appointment.
- 2.06 Appointment Status - Acting: An appointment for a limited period of time of a current employee to a higher classification to fill a temporary or emergent need.
- 2.07 City: The municipal corporation of the State of Washington known as the City of Tumwater.
- 2.08 City Council: The elected legislative body of the City, composed of seven members.
- 2.09 Classification Specification: A written documentation of all job duties and responsibilities for each position classification in the City, in the form of a classification specification for each authorized classification.

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 2
DEFINITIONS

- 2.10 Classification Plan: A written documentation of all job duties and responsibilities for each position classification in the city, in the form of a classification specification for each authorized classification.
- 2.11 Day: Means a twenty-four (24) hour period.
- 2.12 Days: Means consecutive calendar days, unless otherwise specified.
- 2.13 Demotion: The movement of an employee from a position in one pay grade to a position with a lower pay grade; or the movement of an employee from one pay step within a pay grade to a lower pay step within the same pay grade.
- 2.14 Department Manager: An employee of the City who, for the purpose of this manual, serves as the department supervisor or who has been designated by the City Administrator as a member of the city's management team.
- 2.15 Domestic Partner: A same gender or opposite gender person who establishes a long term, exclusive relationship with an employee of the City as documented by a sworn statement which affirms specific characteristics of the relationship as required by the City or on file with the Secretary of State of Washington. Once established through a sworn statement, a domestic partner may participate in the City's benefit programs in a manner similar to a spouse of an employee.
- 2.16 Employee - Individual: Any individual appointed to a position of service with the City.
- 2.18 Employee - Full Time: An employee who has received an appointment to a budgeted position on a full work week, year around basis.
- 2.19 Employee - Part Time: An employee who has received an appointment to a budgeted position on less than 40-hour work week basis.
- 2.20 Exemptions (Exempt Employees): An employee determined to be exempt from the provisions of the Fair Labor Standards Act.

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 2 DEFINITIONS

- 2.21 Family - Immediate: A relative by blood or marriage, or legal adoption, who is a member of the employees household under the same roof, a member of an employee's household who is on record with the City of Tumwater or the Secretary of State of Washington as a domestic partner; or, regardless of residence, any parent, step-parent, grandparent, spouse, child, brother, sister, or grandchild of the employee.
- 2.22 Grievance: An employee's verbal or written expression of dissatisfaction with some aspect of these rules and regulations affecting him or her, for the purpose of resolving their concern.
- 2.23 Holiday: Those special days off granted to the employees in addition to vacation and sick leave.
- 2.24 In-law: The named relative (i.e. Sister, Brother, Parent) of the spouse or registered domestic partner of an employee.
- 2.25 Lateral Transfer: An employee transfer from one classification to another classification with the same pay grade, or within the same classification or pay grade from one department to another.
- 2.26 Layoff: Non-disciplinary termination of an employee, either permanently or for a specified period of time, due to financial circumstances or a change in the need for which the position held was created.
- 2.27 Leave: An authorized absence from regularly scheduled work hours which has been approved by the proper authority.
- 2.28 Letter of Appointment: The document officially assigning a person to a position within the City which may also be a two-party agreement or contract if signed by the employee.
- 2.29 Merit Increase Date: The date on which the employee receives the annual pay increment within the current salary range.
- 2.30 Overtime: Time a non-exempt employee is directed or authorized to work in excess of the regular work day or week.

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 2 DEFINITIONS

- 2.31 Performance Evaluation: A written appraisal of work performance of an employee designed to inform management and the employee of the manner in which the employee is meeting established work standards and to offer constructive suggestions or requirements for improvement.
- 2.32 Position: A combination of duties and responsibilities assigned to and performed by an individual.
- 2.33 Probationary Period: An extension of the selection process during which an employee is required to demonstrate ability to perform the duties of the position.
- 2.34 Promotion: The movement of an employee from a position in one pay grade to a position requiring duties and responsibilities of higher qualifications and a higher pay grade.
- 2.35 Qualified Month of Service: A month with enough service time to qualify for benefits as further described in 5.03.03 of this manual.
- 2.36 Reallocation: The movement of a position from one pay grade to another pay grade found to be more appropriate as a result of an analysis of the duties of the position and classification specification.
- 2.37 Reclassification: The revision of a classification specification as a result of analysis of the duties, responsibilities, minimum qualifications, and salary requirements; may include classification title change.
- 2.38 Resignation: A voluntary separation from employment initiated by or submitted by an employee.
- 2.39 Salary Plan: A series of salary ranges for each classification of the City, setting forth each pay step for each pay grade and adopted by the City Council.
- 2.40 Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct as defined in State and Federal Laws and in accordance with Resolution No. 225.

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 2
DEFINITIONS

- 2.41 Sexual Orientation: Actual or perceived male or female heterosexuality or homosexuality including a person's attitudes, preferences, beliefs and practices pertaining thereto.
- 2.42 Spouse: The wife or husband of an employee, not legally separated from the employee.
- 2.43 Supervisor: An employee having the authority to direct another employee or employees within their department and recommend the hiring, transfer, suspension, layoff, promotion, dismissal, assignment, reward, or discipline of another employee, and the responsibility to adjust the employee's grievances.
- 2.44 Suspension: A temporary removal from duty with or without pay of an employee for disciplinary purposes or for the purpose of investigating accusations brought against an employee.
- 2.45 Termination: Involuntary separation of an employee from employment with the City.
- 2.46 Work Week: The total of scheduled work hours in a calendar week.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 3
GENERAL POLICIES & PROCEDURES

- 3.01 Appointing Authority
- 3.02 Equal Employment Opportunity
- 3.03 Recruitment and Selection
- 3.04 Nepotism
- 3.05 Position Designation
- 3.06 Appointments
- 3.07 Appointment Status
- 3.08 Probationary Period
- 3.09 Employee Performance Evaluation Program
- 3.10 Reduction-In-Force
- 3.11 Re-Employment
- 3.12 Resignation
- 3.13 Exit Interview
- 3.14 Personnel Records
- 3.15 Employment References
- 3.16 Retention of Personnel Records
- 3.17 Identification of Employees
- 3.18 Education and Training
- 3.19 Suggestions
- 3.20 Voluntary Separation Program

3.01 Appointing Authority

The Mayor is the appointing authority with power of appointment, discipline or removal of all employees. The Mayor may delegate the authority to approve the appointment, discipline or removal of employees as deemed appropriate, subject to any applicable Civil Service Rules or provisions of valid labor contracts.

3.02 Equal Employment Opportunity

It is the policy of the City of Tumwater to foster and maintain a harmonious and non-discriminatory environment for employees, officials and members of the public who do business with the City.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 3
GENERAL POLICIES & PROCEDURES

3.02 Equal Employment Opportunity

The City of Tumwater treats all job applicants and employees equally and without regard to race, religion, creed, color, national origin, religion, sex, disability, sexual orientation, age or other basis prohibited by state or federal law.

This policy extends to all areas of City employment and to all recruitment selection, placement, promotion, job assignment, compensation, disciplinary measures, demotions, layoffs, job terminations, testing, training awards, benefits, daily working conditions, and all other terms and conditions of employment.

Any person who believes he/she has been or is subject to discrimination by an employee of the City of Tumwater is encouraged to immediately bring the matter to the attention of the employee's department manager or to the City's Equal Employment Opportunity Officer for investigation and appropriate action. Violations of this policy will be subject to discipline; up to and including termination.

3.03 Recruitment and Selection

Available positions are publicized for a reasonable period by announcements posted on city department bulletin boards and by such other means as deemed appropriate. Announcements may specify the title, rate of pay, duties to be performed and required minimum qualifications. All current employees are encouraged to apply for available positions if they so desire. The City of Tumwater is an equal opportunity employer and selection for any position will be based solely on merit, efficiency and fitness for that position.

Retirees of any Washington State Retirement System are required to notify the City upon hire that they are a retiree. Retirees may be limited in the number of hours and/or days they can work without affecting their retirement. As an Equal Opportunity Employer, the City of Tumwater will not discriminate against any retiree of a Washington State Retirement System seeking employment. Retirees will be treated like any other applicant for an open position. Should a retiree be hired, the City will document the process used and decisions made during that process, and will retain the documentation and make it available in the event of an audit.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 3
GENERAL POLICIES & PROCEDURES

3.04 Nepotism

Members of the immediate family of city employees or elected officials members will not be hired if one or more of the following applies, as determined by the Mayor:

- a) One member would have the authority or practical power to supervise, hire, remove or discipline the other; or
- b) One member would be responsible for financially auditing the work of the other; or
- c) One member would handle confidential material which may create the appearance of improper or inappropriate access to that material by the other.

3.05 Position Designation

All budgeted positions are designated as either full-time or part-time. Employees in part-time positions work less than a standard 40-hour work week and are normally not entitled to benefits, unless otherwise specified in the letter of appointment, employment contract or bargaining agreement, and approved by the Mayor.

3.06 Appointments

- a) All appointments to vacancies are made solely on the basis of merit, efficiency and fitness for the position as determined through evaluation and/or testing procedures appropriate for the position.
- b) All appointments to positions in the City of Tumwater will be by letter of appointment or employment contract, setting forth conditions of employment and appointment status. The employment relationship is at will of the parties and may be terminated at any time in accordance with applicable personnel rules, contract or Civil Service Rules and Regulations.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 3
GENERAL POLICIES & PROCEDURES

3.06 Appointments

- c) Subject to the approval of the City Administrator, any new employee hired by the city, whose permanent residence is more than one hundred miles from Tumwater, may be reimbursed for all or part of the actual cost of moving the employee, his/her family, and/or personal property to the Tumwater area. The actual amount or limit for reimbursements of moving expenses must be determined prior to the initial employment date and must be detailed in the letter of appointment or employment contract. Once the letter of appointment or employment contract has been signed by both the employee and the City Administrator, the reimbursement arrangement is final. In no case will the decision to reimburse employee moving expenses be made after an employee has accepted a position and begun employment with the city.

3.07 Appointment Status

- 3.07.01 Regular. All appointments to positions in the City of Tumwater are regular status unless special employment conditions are necessary. If it is determined that special conditions apply, they will be specified in the appointment letter and made a condition of employment.
- 3.07.02 Probationary. All new employees appointed to regular positions are in probationary status and subject to the conditions of the probationary period.
- 3.07.03 Temporary. A temporary appointment may be made to any position in the City of Tumwater. Temporary appointments are for a limited period of time and employees are not entitled to city benefits unless authorized by the Mayor as special conditions. All conditions of a temporary appointment will be specified in the letter of appointment or contract. Seasonal employment is considered temporary appointment status. Temporary employees do not attain regular status in the classification, have no grievance rights and may be terminated at will.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 3
GENERAL POLICIES & PROCEDURES

3.07 Appointment Status

3.07.04 Acting. When the need arises to fill a position due to approved leave of absence, disciplinary actions or when a vacancy exists, a current regular status employee may be appointed “acting” to a position of higher pay grade or to a position of differing classification. Such appointments are for a limited time to fill a temporary vacancy. Employees will not attain regular status in the higher position from an acting appointment and will be returned to the previous classification. No probationary period is required for an acting appointment.

3.07.05 Trial Performance. A regular status employee promoted to a position of changed responsibility, new duties, or higher pay within the city will serve a six-month trial performance period in the new position. This trial performance is to ensure the employee meets the desired performance levels of the higher position which will be determined through written performance evaluations. If it is determined that the promoted employee cannot for any reason perform the duties of the higher position as required, they will be returned to the former, or similar position.

3.08 Probationary Period.

3.08.01 All regular status employees with the exception of a Department Manager, whether part-time or full-time, will be required to serve a probationary period for six months from the date of employment. A current employee in any appointment status may be placed on probation for disciplinary reasons after the initial six month probationary period has been served.

Department Managers will be required to serve a probationary period for twelve months from the date of employment.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 3
GENERAL POLICIES & PROCEDURES

3.08 Probationary Period

- 3.08.02 At appropriate intervals, the Department Manager will determine through a written Employee Performance Evaluation whether each employee is performing the job satisfactorily. If the employee's performance is satisfactory after the appropriate probation period the Department Manager will recommend to the Mayor through the final written evaluation that the employee be taken off probation and placed on regular status.
- 3.08.03 If an employee's performance is not satisfactory during the probationary period, the Department Manager may recommend termination of employment at any time during the probation or, in special circumstances, request that the Mayor extend the probationary period up to an established period of time, specified in writing to the employee. In the event the employee's performance is still unsatisfactory, the employee may be terminated at any time within the extended probationary period.
- 3.08.04 A probationary status employee will accrue vacation and sick leave and receive all other benefits of regular status employees.
- 3.08.05 A probationary status employee has no grievance rights and may be terminated at will.
- 3.08.06 Provisions for length of probationary period and termination during the probationary period are subject to any applicable Civil Service rules for those classifications covered under Civil Service Rules and Regulations.

3.09 Employee Performance Evaluation Program

An employee performance evaluation program, as authorized by the City Administrator, will be conducted for all employees as determined necessary by the supervisor/rater, but not less than yearly. Probationary status employees will be evaluated per Section 3.08.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 3
GENERAL POLICIES & PROCEDURES

3.10 Reduction-In-Force

Fluctuating revenue and budget conditions may from time to time force the city to reduce personnel in one or more departments or programs. This reduction may be accomplished by either of the following methods:

3.10.01 Lateral Transfer

This is a method of employee transfer from one classification to another classification with the same pay grade or within the same classification or pay grade from one department to another. When done for budgeting purposes, such transfer would normally be for the duration of the financial problem only. A lateral transfer must be approved by the Mayor.

3.10.02 Layoff

A layoff is a method of permanent termination of the employee due to financial circumstances or a change in the need for which the position or positions was created. A layoff must be approved by the Mayor. No regular employee shall be laid off while another person in the same classification is employed on a probationary, temporary, acting or part-time basis. In determining which employees in any classification are to be laid off, consideration is to be given to individual performance and then to seniority in the positions to be affected.

3.11 Re-Employment

Regular full-time employees terminated as a result of lay-off may be offered the first opportunity to fill comparable vacant positions that become available. These employees will be placed on the City's job announcement mailing list for a period of one year from the effective date of lay-off to assist them in applying for other job vacancies with the city for which they are qualified.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 3
GENERAL POLICIES & PROCEDURES

3.12 Resignation

3.12.01 An employee wishing to leave city service in good standing will file with the Department Manager a written resignation, including a statement as the reasons for resigning and the effective date of resignation. The written resignation notice will be completed at least two weeks prior to the effective date of resignation. Notice requirements may be waived by the Department Manager.

3.12.02 The City Administrator and Department Managers shall be subject to Rule 3.12.01 except that they shall be required to give at least four weeks' notice to the Mayor. Notice requirements may be waived by the supervisor.

3.12.03 A copy of the resignation notice and a final performance evaluation report shall be placed in the personnel file of the employee.

3.13 Exit Interview

3.13.01 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 Administrative Services Department 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.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 3
GENERAL POLICIES & PROCEDURES

d) An explanation to the employee of the effects of separation of employment on benefits provisions and contributions to the Public Employees Retirement System, the amount of vacation leave accrued and the method and amount of payment.

2) The employee will be afforded the opportunity to constructively comment on city employment through a discussion with the department Manager, City Administrator or Mayor.

3.13.02 A summary of the exit interview will be placed in the personnel file of the employee.

3.14 Personnel Records

3.14.01 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.

3.14.02 Employee Records are confidential and accessible only to the employee, the employee's Department Manager and the Mayor, or other staff assigned to the personnel file except as provided for elsewhere in this manual for processing of the city payroll.

3.14.03 Employees are entitled to review their own personnel file annually, or upon approval of the Department Manager. Employee review will be conducted in the presence of authorized personnel.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 3
GENERAL POLICIES & PROCEDURES

3.14 Personnel Records

3.14.04 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 except as provided for elsewhere in this manual for processing of the city payroll.

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

3.15 Employment References

3.15.01 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

3.15.02 All requests for any information regarding past or present city employees will be directed immediately to the Administrative Services Department. 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 appropriate Department Manager, the City Administrator or Mayor.

3.16 Retention of Personnel Records

Personnel records that are not confidential will be maintained and destroyed in accordance with established policy regarding public records. Confidential personnel records and payroll records may be destroyed five (5) years after the employee has ceased to work for the city, or at an earlier date as determined by the Mayor.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 3
GENERAL POLICIES & PROCEDURES

3.17 Identification of Employees

- 3.17.01 It is the policy of the city that when on duty, all employees be visible and identifiable to the public to the maximum extent compatible with assigned work duties. All city furnished uniforms or work clothing are to be maintained in a presentable manner by the employee. "Presentable manner" will be determined by the Department Manager.
- 3.17.02 City-furnished uniforms remain the property of the city at all times. Uniforms will be worn only on duty or during additional approved volunteer activities that are identical to those performed while on duty. Wearing of uniform items while commuting between a home and the work location may be permitted providing that the wearer does not participate in any interim activity where the image and good name of the city might be negatively affected. For example, city uniforms are not to be worn in an establishment while consuming alcoholic beverages.
- 3.17.03 The outer garment of each uniform furnished by the city will bear the official insignia of the city and other such markings or emblems as each Department Manager may specify, except that rain gear may be identified otherwise. The Department Manager will determine the appropriateness of the employee name on the uniform. Proper location of such insignia and names on the uniform will be determined by the Department Manager.
- 3.17.04 All employees who come in direct contact with the public outside the City-owned buildings may be required to carry an identification card issued by the city. The card will contain name, title, department, address and telephone number of work location; and in some circumstances, a head and shoulders photograph and certification that said person is an employee of the City of Tumwater.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 3
GENERAL POLICIES & PROCEDURES

3.17 Identification of Employees

3.17.05 All City-issued identification, uniforms and other City-owned materials or property in the employee's possession must be surrendered to the city before issuance of a final paycheck upon termination of that employee.

3.18 Education and Training

It is the intent of the city to provide maximum flexibility as well as good budgetary control of schooling and training for employees. All training required by the City must be job related and included in departmental budgets.

3.18.01 Education and training as required by the Department Manager will be paid wholly by the city.

3.18.02 Compensation for time spent by employees on training programs will be in accordance with the Fair Labor Standards Act.

3.18.03 Tuition reimbursement applies to all non-represented, regular status employees and to union employees when specified in a bargaining agreement. Reimbursement for part-time employees will be pro-rated on the basis of the number of hours worked.

- a) Tuition is defined as a registration or other course fee charged by college or university, vocational school or a professional training organization for a formal educational course (includes correspondence course). Does not include registration fees for conferences, workshops, professional seminars or meetings.
- b) The ability to offer tuition reimbursement is subject to availability of funds.
- c) Department Managers may deny an employee the opportunity to participate in the tuition reimbursement program on the basis of an employees' documented job performance deficiencies.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 3
GENERAL POLICIES & PROCEDURES

3.18 Education and Training

- d) Reimbursement for courses which may reasonably be applied toward the completion of a degree, certification program, or job-related enhancement and taken at an accredited college, university, or vocational education institution, will be given the highest priority.
 - 1) The highest priority will be given to a course, or the degree program related to the employee's current position or reasonable career opportunity within the City. If limited funds are available, preferences will be given first to courses directly related to the employee's current job. Second, to courses applicable to a degree program directly related to the employee's current employment. Third, to courses related to career opportunities reasonably available to the employee with the City of Tumwater.
 - 2) The lowest priority will be given to courses which otherwise provide enrichment to the employee but may not necessarily provide employment related skills.
 - 3) Under the Constitution of the State of Washington, the City cannot use public monies for religious education, worship or instruction. Therefore, the City cannot provide tuition reimbursement for an employee whose degree and goal is devotional in nature (e.g. a theology degree). Additionally, the City will not provide tuition reimbursement for any devotional class.
- e) No reimbursement will be allowed for books, travel expenses, materials costs or other expenses.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 3
GENERAL POLICIES & PROCEDURES

3.18 Education and Training

- f) It is expected that employees will select educational opportunities at the least possible expense. As such, regardless of the educational institution attended, reimbursement will be limited to the actual eligible expense incurred or the following:
 - 1) Community and Technical Colleges - 100% of Washington state resident tuition.
 - 2) Four Year Colleges and Universities - 100% of the University of Washington resident tuition for undergraduate courses.
 - 3) Graduate Level Courses - 100% of the University of Washington resident tuition for graduate and post-graduate courses.
- g) The maximum reimbursement under this program shall be the equivalent of ten quarter credits or six semester credits per academic term for undergraduate courses and eight quarter credits or six semester credits for graduate level courses.
- h) No individual employee shall receive more than one-fourth of the year's total tuition reimbursement budget. If, at the end of the budget year, funds remain in the program budget, excess funds will be distributed on a pro-rated basis to the year's participants based on credits earned up to the lesser of the eligible expense incurred by the participant or the year's program budget.
- i) Reimbursement is limited to actual out-of-pocket expenses. The amount to be reimbursed is the cost to the employee after scholarships or grants have paid for any portion of the tuition.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 3
GENERAL POLICIES & PROCEDURES

3.18 Education and Training

- j) The employee must successfully complete the course obtaining a "C" grade or better, or a "pass" in a pass/fail system, or as required to retain status in the program if a higher standard is imposed by the school. (Where the educational institution does not offer grades, alternative arrangements to gauge successful completion must be agreed upon by the Department Manager and the employee prior to the beginning of the class.)
- k) Reimbursement requests must be submitted within three (3) months of completion of the course. Courses completed late in the calendar year must have the appropriate documentation for reimbursement submitted in time for the final (period 13) accounts payable run of the year in which the education occurred.
- l) Employees are encouraged to attend classes offered during the evening and on weekends in order to minimize job disruptions. Courses which are offered only during regular working hours may be approved by the Department Manager, provided time off can be arranged conveniently and reasonable arrangements can be made to make up time off and/or leave without pay is granted.
- m) Hours spent in courses reimbursable by the tuition reimbursement program are not considered compensable hours unless the department manager has agreed, in writing, to compensate for class time hours.
- n) To qualify for tuition reimbursement, employees must make application and receive prior approval from the Department Manager and the City Administrator.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 3
GENERAL POLICIES & PROCEDURES

3.18 Education and Training

- o) Requests for tuition reimbursement must be submitted to the Department Manager and the Administrative Services Director for approval prior to submittal to the City Administrator for final approval. Approved requests will obligate the specified amount for reimbursement at the end of the school period. If the request is not approved, the employee will be notified promptly.
- p) Reimbursement will be made when the employee submits documentation showing successful completion of the course to include grade report, receipt for payment of the course and other documentation which may be required by the department.
- q) Course records for courses attended through the tuition reimbursement program will be maintained in the Administrative Services Department.

3.19 Suggestions

All employees are encouraged to make suggestions which will improve efficiency of city operations, or employee job satisfaction. Even ideas for other departments of the city are helpful. Suggestions may be written or verbally given to the employee's supervisor at any time. The supervisor will then discuss the idea with the appropriate person or group.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

- 4.01 Personal Appearance, Conduct & Attitude
- 4.02 Standard Work Day and Normal Operating Hours
- 4.03 Alternative Work Schedules
- 4.04 Standard Work Week
- 4.05 Attendance
- 4.06 Work Breaks
- 4.07 Disciplinary Action
- 4.08 Forms of and Procedures for Disciplinary Action
- 4.09 Termination
- 4.10 Predisciplinary Meeting
- 4.11 Personnel Grievance

4.01 Personal Appearance, Conduct & Attitude

All employees will represent the city to the public in a courteous, efficient and helpful manner. Employees are expected to be positive in attitude even when dealing with citizens under strained or emotional conditions. Employee dress will be appropriate to the job location and type of work, especially with respect to safety considerations, as determined by the Department Manager.

4.02 Standard Work Day and Normal Operating Hours

4.02.01 A standard work day and normal operating hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday, 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.

4.02.02 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. Under some flextime schedules. 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

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.03 Alternative Work Schedules

4.03.01 **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 city administrator 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.

4.03.02 **Definitions.** For the purposes of the alternative work schedule policy in Section 4.03, the following terms are defined:

- 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 Administrative Services Department for compliance with the FLSA.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.03 Alternative Work Schedules

- 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.

4.03.03 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 4.03.05 below.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.03 Alternative Work Schedules

- 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 city administrator.
- 4) The city administrator 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 city administrator will confer with the Administrative Services 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 city administrator will provide a written approval or denial to the employee and the Department Manager. If approved, the department affected will work with the Administrative Services Department to appropriately implement the approved schedule and a copy of the application and the approval document will be forwarded to the Finance 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.

4.03.04 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 city administrator that the impacts of the schedule will not, in their judgment, unacceptably impact the City and its operations.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.03 Alternative Work Schedules

- 1) **Minimum Standards:** No alternative schedule will be approved which, in the judgement of the Department Manager or city administrator, 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 city administrator 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 city administrator 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.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.03 Alternative Work Schedules

4.03.05 MODIFICATION OF AN APPROVED ALTERNATIVE WORK SCHEDULE

- 1) A Department Manager or the city administrator 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 city administrator, 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.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.03 Alternative Work Schedules

- 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.

4.03.06 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.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.04 Standard Work Week

4.04.01 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.

4.04.02 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.

4.05 Attendance

Employees must be in attendance at their work station 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 and prepared to begin work at the starting time. Abuse of attendance or hours of work rules may result in disciplinary action.

4.06 Break Periods

4.06.01 Rest Breaks

Employees are entitled to one 15-minute work break per four hours of work time. While rest breaks are authorized in accordance with applicable State law, break schedules are flexible so as not to interrupt the operations of the city. The Department Manager has the authority to revise break schedules as necessary.

4.06.02 Meal Breaks

Employees are entitled to a maximum one-hour break for meals for each 8-hour work day. Arrangements of meal breaks will be approved by the Department Manager in consideration of work schedules of the department.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.07 Disciplinary Action and Rules of Conduct

City employees should be informed of rules of conduct and specific causes for disciplinary action, including applicable departmental policies or rules. These rules of conduct are formalized for each employee's information to minimize the likelihood of any employee becoming subject to disciplinary action through misunderstanding or otherwise. It is the responsibility of the department manager and immediate supervisor to ensure employees are informed of these rules of conduct.

4.07.01 Rules of Conduct

- 1) The occurrence of any of the following is sufficient justification for immediate discharge but is not considered all inclusive:
 - a) Theft, misappropriation or removal of city property or the property of employees, clients or customers.
 - b) Knowing, intentional or repeated falsification of an application for employment or any report, time sheet or city record.
 - c) Soliciting and/or accepting payments, gifts or any item of value (unless permitted by personnel policy 8.04 (C)) for services performed during the regular workday, whether the services are performed on behalf of the city and whether city vehicles or equipment are used.
 - d) Willful alteration, destruction or waste of city property, facilities, records or equipment, wherever located, or the destruction of another employee's property.
 - e) Bringing alcohol (except as specifically authorized by the City), narcotics or other controlled substances on city property or in city vehicles; reporting to work or being under the influence of alcohol, narcotics or other controlled substances while on working time, or while on city property or in city vehicles.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.07 Disciplinary Action and Rules of Conduct

- f) Giving or taking a bribe of any nature as inducement for obtaining or retaining a job or position.
- g) Serious or repeated disorderly conduct, horseplay or insubordination. Insubordination includes, but is not limited to: neglect of duty, or refusal or failure to obey orders or instructions in the line of duty; public disrespect displayed toward a supervisor or the city while performing work for the city; and abusive language to any supervisor.
- h) Threatening, intimidating, coercing or interfering with supervisors or other employees.
- i) Deliberate attempts to injure another employee or fighting on city property or during working hours.
- j) Sleeping during working hours.
- k) Unauthorized possession of fire arms, explosives or any dangerous weapons while performing city work or while on city property.
- l) Participating in an unauthorized work stoppage or slowdown.
- m) Recklessness resulting in a serious accident while on duty, whether on city property or while driving a city vehicle.
- n) Repeated unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct as defined in State and Federal Laws and in accordance with Resolution No. 225. Sexual harassment includes but is not limited to demands for sexual favors in exchange for employment, retention of job, promotion or other employment benefits.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.07 Disciplinary Action and Rules of Conduct

- o) Willful or intentional behavior or remarks based on race, creed, color, national origin, age, sex, marital status, sexual orientation, or the presence of a physical, sensory, or mental disability resulting in discrimination against any employee, customer or member of the general public.
- p) Willful infraction of any departmental or city rule, regulation or policy.
- 2) The occurrence of any of the following is sufficient justification for the imposition of lesser discipline such as verbal or written warning, suspension without pay or disciplinary probation as set forth in the following section, although depending on the seriousness of the offense, the city may immediately discharge the offender. These reasons for discipline are not intended to be all-inclusive.
 - a) Ignoring safety rules or common safety practices.
 - b) Engaging in disorderly conduct, horseplay, immoral conduct or insubordination; using uncivil, insulting, vile or obscene language.
 - c) Failure to report occupational injuries or accidents promptly to the employee's supervisor, including motor vehicle accidents in a city vehicle.
 - d) Engaging in activities other than assigned work during working hours and/or while operating city equipment, without advance approval by the employee's supervisor.
 - e) Acting in an insulting, rude, insolent or uncivil manner toward any customer or other person while working for the city, or while operating city equipment or on city premises.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.07 Disciplinary Action and Rules of Conduct

- f) Failure to exercise the care and attention to one's work as required by the circumstances.
- g) Smoking in restricted or prohibited areas on city property.
- h) Accepting employment with another employer while on leave without pay from the city without written authorization from the city.
- i) Acting in any manner inconsistent with common sense rules of conduct necessary to the welfare of the city or its employees.
- j) Unexcused or excessive absences or tardiness.
- k) Leaving work before the end of the shift or not being ready to begin work at the start of the shift, or working overtime without permission of management.
- l) Loafing or spending unnecessary time away from the job.
- m) Unauthorized possession or use of any city property, equipment or materials.
- n) Carrying an unauthorized passenger in a city vehicle.
- o) Contributing to unsanitary conditions or poor housekeeping.
- p) Use of city property or time for personal financial gain.
- q) Any form of discrimination or sexual harassment, as outlined in 4.07.01 (1), (n) and (o).

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.07 Disciplinary Action and Rules of Conduct

- r) Having wages or salary subject to a writ of garnishment for three or more separate indebtedness in a continuous 12-month period.

4.08 Forms of and Procedures for Disciplinary Action

4.08.01 The degree of disciplinary action administered depends on the severity of the infraction and will be carried out in accordance with this policy or in accordance with applicable Civil Service Rules and Regulations or labor contracts. It is the responsibility of the supervisor to evaluate the circumstances and facts thoroughly and objectively. The supervisor will then recommend the most suitable form of disciplinary action to the Department Manager.

1) Verbal Warning

Verbal warning should be given to the employees in private, if possible. This type of discipline should be applied for infractions of a relatively minor degree. Supervisors should inform the employee that he or she is administering a verbal 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

- a) This notice may be issued by the supervisor or Department Manager 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.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.08 Forms of and Procedures for Disciplinary Action

- b) The supervisor or Department Manager will put in writing the nature of the infraction in detail and sign the notice. The Department Manager will discuss the written warning with the employee and the immediate supervisor to be certain that the reasons for the warning are understood.
 - c) 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.
 - d) A written warning may be removed at the request of the Department Manager from the employee's personnel file after a period of one year (12 calendar months) provided that no further disciplinary action is taken during the 12-month period. If subsequent disciplinary action is necessary, the written warning becomes a permanent record in the employee's file.
- 3) Written Reprimand
- a) A written reprimand may be issued by the supervisor or Department Manager 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 be made a permanent record in the employee's file.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.08 Forms of and Procedures for Disciplinary Action

- b) The supervisor or Department Manager will put in writing the nature of the infraction in detail and sign the notice. The Department Manager will discuss the reprimand with the employee and the immediate supervisor 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.
- c) A written reprimand becomes a permanent record of the employee's file and may not be removed at the discretion of the Department Manager.

4) Probation

An employee may be required to serve an additional probationary period for disciplinary reasons for up to six months, which may be extended once for up to 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.

5) Demotion

- a) Demotion may 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 Manager or City Administrator, with final approval by the Mayor.
- b) A predisciplinary meeting is required prior to a demotion for disciplinary reasons.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.08 Forms of and Procedures for Disciplinary Action

6) Suspension

- a) This form of discipline must be recommended by a Department Manager or the City Administrator and can 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 made little or no effort to improve performance. It should be applied only after a thorough evaluation by the Department Manager or City Administrator, with final approval by the Mayor.
- b) The Department Manager will put in writing all facts leading to the recommended suspension, and the duration recommended. A predisciplinary 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.
- c) A predisciplinary meeting is required prior to a suspension for disciplinary reasons.
- d) 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.

4.09 Termination

All city employees serve at the pleasure of the Mayor. Subject to any applicable state or federal laws, or specific provisions in employment contracts, the Mayor, or his designee, may discharge any employee at any time with or without cause. Removal from employment should normally follow verbal and/or written warnings previously given and made a part of the employee's personnel file. A predisciplinary meeting is required for all terminations.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.09 Termination

- 4.09.01 A regular employee terminated from employment will normally be given at least two 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, the employee will leave his work station immediately, if so directed by the appointing authority or his designee, and later be given a termination letter explaining reasons for the action.
- 4.09.02 Copies of all disciplinary actions and termination letters are to be placed in the appropriate personnel record.
- 4.09.03 A final written performance appraisal will be completed on any terminated employee.

4.10 Predisciplinary Meeting

The Department Manager will provide for and arrange a predisciplinary meeting prior to demotion, suspension or termination of a regular employee.

- 4.10.01 An employee will be provided, in writing, with a notice of the infraction and an explanation of the reasons for disciplinary action. The employee will be given an opportunity to respond verbally or in writing, as to why the proposed disciplinary action should not be taken.
- 4.10.02 The employee may have legal counsel or union representation present at a predisciplinary meeting.
- 4.10.03 The City’s explanation of the reasons for disciplinary action at the predisciplinary meeting will be sufficient to apprise the employee of the basis for the proposed action. This rule, however, will not be construed to limit the employer at subsequent hearings from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the predisciplinary meeting.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.10 Predisciplinary Meeting

4.10.04 Should it be determined that disciplinary action is necessary following the predisciplinary meeting, written notice of discipline will be given to the employee. Such notices are to include the alleged infraction and a general statement of the reasons for the action, and become a part of the employee's personnel file.

4.11 Personnel Grievance Procedure

The city will strive to assure clear communication, high morale and good will among employees, and will attempt to resolve employee concerns through discussion or other informal measures. Employees are encouraged to discuss any problems or suggestions with their immediate supervisor or Department Manager. However, if an employee feels that all informal avenues have been exhausted and their complaint or concern has not been resolved, that employee may follow the grievance procedure. No punitive action will be carried out against any employee for utilizing the grievance procedures contained in these policies.

4.11.01 Applicability of Grievance Procedure

This grievance procedure applies to all regular non-probationary status city employees with the exception that it does not apply to employees covered by a valid collective bargaining agreement which contains a grievance procedure. In some cases, uniformed personnel may elect to use either the Civil Service Rules & Regulations or the Administrative grievance procedure, but not both for the same grievance.

4.11.02 Subjects of Grievance Procedure

The following subjects may be grieved: disciplinary action (as previously described) and any questions of interpretation as to wages, hours, classification, and working conditions in effect.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 4
GENERAL CONDUCT, DISCIPLINE, TERMINATION & APPEAL

4.11 Personnel Grievance Procedure

4.11.03 Procedure

All grievances are to be processed in accordance with the following procedure, the time limits of which are mandatory and which will be strictly enforced (See Definitions, “Days”):

Step One. The aggrieved employee will submit the grievance in writing to the immediate supervisor within 10 days of its occurrence. The immediate supervisor will respond to the grievance within 10 days. If the response is to request more time for investigation of fact, the employee may concur with such time extension or may proceed to the next step without prejudice. A copy of this response is to be sent to the Mayor, City Administrator, Department Manager and Administrative Services Department.

Step Two. If after receiving the response of the immediate supervisor the employee remains aggrieved, the decision may be appealed within 10 days, in writing, to the Department Manager stating the facts of the grievance, and remedy requested by the employee. The Department Manager’s response to the grievance will be within 15 days. A copy of this response is to be sent to the Mayor, City Administrator and Administrative Services Department. If the Department Manager is the immediate supervisor, step two may be eliminated.

Step Three. If after receiving the response of the Department Manager the employee remains aggrieved, the decision may be appealed within 10 days, in writing, to the Mayor. It is necessary for the written grievance to state the nature of the grievance, along with reference to the policy (if any) violated, and all pertinent correspondence, records and information accumulated to date. Within 15 days of receipt of the grievance, the Mayor or Mayor’s designee will hear the appeal and render a decision in writing within 20 days. The decision of the Mayor or Mayor’s designee will be final. A copy of the decision is to be sent to the Administrative Services Department.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 5
EMPLOYEE POSITION CLASSIFICATION & SALARY PLAN

- 5.01 General Provisions
- 5.02 Classification Plan
- 5.03 Salary Plan
- 5.04 Payment of Salaries

5.01 General Provisions

A position classification plan will be maintained by the City, based on investigation and analysis of the duties and responsibilities of each position. The completed plan will consist of a classification specification for each position, including appropriate title, description of duties and responsibilities, and minimum requirements and/or desirable training, experience or other qualifications.

5.02 Classification Plan

5.02.01 Preparation of Classification Plan

The Mayor is responsible to assure the preparation of a plan which includes a specification for each classification. Specifications will be prepared after consultation with supervisors and other persons technically familiar with the duties and responsibilities of the job to be performed.

5.02.02 Classification of Positions

Each position will be assigned by the Mayor to one of the classifications of the approved classification plan. Employees will be notified of the classification of their position. The title, as it appears on the specification, will be used to designate the position on official records and payroll.

5.02.03 Classification Specification

The classification specifications are hereby declared to have the following definition and scope:

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 5
EMPLOYEE POSITION CLASSIFICATION & SALARY PLAN

- 5.02.03 a) They are explanatory only and not restrictive.
Classification Specification
- b) In determining a position classification, the specification will be considered as a whole, comparing general duties, responsibilities, minimum qualifications and relationship to other positions in order to obtain an inclusive picture of the position and place it in the appropriate classification.
- c) The outline of principal duties of work performed applies to general duties or tasks and is not intended to prescribe the specific duties of a given position, nor to limit the alteration or modification of detailed tasks involved in the duties of any position, so long as they remain within the general definition of the classification.
- d) The classification specification may include additional requirements which are determined to be necessary for the best interests of the City. These requirements may include possession of a valid motor vehicle operator's license, physical ability, or any other bona fide occupational qualifications pertinent to the positions covered.
- e) Nothing in the classification specification is to be interpreted as restricting a supervisor from assigning an employee of one classification to perform some of the duties of a higher or lower classification for a limited period of time.

5.02.04 New Positions

The Mayor will review any request for a new classification. No new classification will be used until there is an approved classification specification covering the work to be performed. If none of the existing classifications is appropriate, a new classification specification is to be prepared in accordance with these policies. Authorization for new positions will be approved through City Council adoption and amendments of the annual

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 5
EMPLOYEE POSITION CLASSIFICATION & SALARY PLAN

salary resolution and/or budget.

5.02.05 Classification Plan Revision & Reclassification

A classification may be reclassified at the request of the department manager, employee, or City Administrator when it appears that the duties and responsibilities of an existing classification are changed. Reasons for the reclassification request are to be stated in writing and the Mayor will determine whether the present classification is correct or whether a reclassification is necessary. New or revised classification specifications will be prepared as provided in these policies and will become a part of the classification plan.

5.02.06 Incumbents of Reclassification Positions

- a) When reclassification occurs, an employee occupying the position may be retained in the position provided that the Mayor determines that the reclassification results from an official recognition of a change in duties and responsibilities which has already occurred and is a long-term inequity of classification.
- b) If the reclassification results in a higher maximum salary, this constitutes a promotion and the rules governing promotion with regard to salary apply. If the reclassification results in a lower maximum salary, this constitutes a demotion and the rules governing demotion with regard to salary apply.

5.02.07 Reallocation

A reclassification may be reallocated to a new pay range at the request of the department manager, employee, or the City Administrator when it appears that the duties and responsibilities of an existing classification are changed. Reasons for the reallocation request are to be stated in writing and the Mayor will determine whether the present allocation is correct or whether a reallocation is necessary.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 5
EMPLOYEE POSITION CLASSIFICATION & SALARY PLAN

5.02.08 Incumbents of Reallocation Classifications

- a) When a classification is reallocated, the employee occupying the position may be retained after it has been reallocated, without examination.
- b) If the reallocation results in a higher salary range, the employee's salary will be adjusted, if necessary, to the step in the new range resulting in a salary nearest that existing salary which will not result in a salary decrease.
- c) If the reallocation results in a lower salary range, the employee's salary will be adjusted downward to the next lowest step in the new range that will result in an equal salary or the least reduction in salary.
- d) Nothing in the classification specifications is to be interpreted as restricting a supervisor from assigning an employee of one classification to perform some of the duties of a higher or lower classification for a limited period of time.

5.02.09 Use of Classification Titles

The classification title is the official title of every position assigned to the classification for the purpose of personnel actions and is to be used on all payrolls, budget documents, and official records and reports relating to the position. Any other working title desired and authorized for use by the Mayor may be used as a designation of any position for the purpose of internal administration or in contacts with the public.

5.02.10 Appeals of Classification

Any department manager or employee affected by the classification of a position may file a written request for reconsideration with the Mayor. The Mayor will review the

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 5
EMPLOYEE POSITION CLASSIFICATION & SALARY PLAN

classification of the position. The decision of the Mayor is final.

5.03 Salary Plan

5.03.01 Adoption of Salary Plan

The Mayor is responsible to recommend to the City Council for adoption of a Salary Plan for the City of Tumwater. The Plan will include salaries for non-bargaining unit personnel, as well as salary grades negotiated by employee representatives.

5.03.02 Salary Plan Review

The Salary Plan is to be reviewed annually by the City Council, usually as part of the normal budgetary process for the City. Any changes to the Salary Plan as part of the annual review process are distinguished from merit increases and are not intended to give recognition to length or quality of service, but to general labor market salary requirements and internal relationships.

5.03.03 Qualification for Benefits

When an employee has been in pay status fifteen or more calendar days, including holidays in any given calendar month, the month will be considered qualified to accrue benefits, serve out probation, and for computation of merit increase dates. A new employee may be credited with the entire month if employed prior to the 16th of the month.

5.04 Payment of Salaries

All employees are paid at an hourly or monthly rate, as specified in the City's annual budget document. Hourly employees are paid on the basis of actual number of hours worked, including authorized absences with pay and authorized holidays.

Salary rates for temporary or part-time employees will be based on the pay

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 5
EMPLOYEE POSITION CLASSIFICATION & SALARY PLAN

for full-time positions in the same classification.

5.04 Payment of Salaries

The City's payroll may be processed by a third party under contract with the City. Employee information necessary to accomplish payment of employees, to transmit employee payroll taxes, to process wage garnishments, etc., shall be provided to the third party entity. The third party will access this information only on a need-to-know basis for purposes of accomplishing the City's payroll transactions. The City will exercise due diligence in maintaining the confidentiality of employee information through contract oversight with the third party and through regular review of third party payroll processing activities.

5.04.01 Beginning Salary

Each employee will be appointed at the first step of the range established for the classification, with the exception of management classification, which shall be negotiated within the assigned range. If it is determined that appointment of non-management employees above the first step may be warranted, the following procedures will apply:

- a) The factors to be reviewed in approving appointment beyond the first step are: availability of applicants meeting the qualifications for the vacant position, relationship to other similar classifications, prior experience of a candidate in a comparable position, time available to continue the recruitment process, and budget consideration.
- b) The department manager will submit a request for appointment at a higher step to the Mayor, stating justification for the request. The Mayor will make a decision based upon the factors as outlined in 5.04.01 (a).

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 5
EMPLOYEE POSITION CLASSIFICATION & SALARY PLAN

5.04.02 Merit Increases - Regular Status Employees

- a) When a regular status employee has performed satisfactorily, as determined through the Performance Evaluation process, a merit increase may be granted at the completion of six (6) qualified months of service from the employee's anniversary date, but not before the satisfactory completion of the employee's initial six-month probationary period.

In the case of an employee placed at the time of hire above Step One of the pay range, the initial in-class merit raise will be considered upon the completion of twelve (12) months in class and at 12-month intervals thereafter until the employee reaches the top step of the range.

- b) The annual merit increase date for an employee will change only if: 1) the employee is promoted or otherwise moved to a position assigned to another job class and is required to serve a trial performance period; 2) the employee receives a merit step adjustment as authorized by the City Administrator; or 3) the employee has used more than 15 calendar days of leave without pay in one month. For each month in which more than 15 calendar days of leave without pay has been used, the employee's annual merit increase date shall be advanced by one month.

5.04.03 Performance Based Salary Awards

- a) In order to recognize and promote excellence in public service among City employees, two methods of providing performance based salary awards shall be available:

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 5
EMPLOYEE POSITION CLASSIFICATION & SALARY PLAN

5.04.03 Performance Based Salary Awards

- 1) Annual Performance Awards: A department manager or the City Administrator may recommend a salary award of up to two and one-half (2.5) percent of the annual salary for any non-represented, regular status employee within their department whose performance has been documented on the appropriate City performance evaluation form at the level of “exceeds expectations” or “outstanding”.

Annual performance awards must be proposed on the basis of the completed annual performance evaluation form and must be submitted either simultaneously with, or no later than sixty calendar days following, submittal of the annual performance evaluation. In no event will an employee receive more than one annual performance award in a calendar year.

- 2) Project Performance Awards: A department manager or the City Administrator may recommend a salary of up to one (1) percent of the annual salary for any non-represented, regular status employee within their department for extraordinary effort and/or results from an assigned project or following a period of excess work demands within a department.

Project performance awards for staff within their department must be requested by the department head in a memorandum to the City Administrator that outlines the circumstances and the performance that merits the award. In no event will an employee receive more than two project performance awards in a calendar year.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 5
EMPLOYEE POSITION CLASSIFICATION & SALARY PLAN

5.04.03 Performance Based Salary Awards

- b) A performance based salary award under this section shall be provided as a lump sum amount to be added to the employee's paycheck at the next possible payroll cycle following approval of the award.

- c) The City Administrator will approve or deny all performance based salary awards proposed by department managers. In addition to the performance criteria within this section, the City Administrator's decision to approve or deny will consider: 1) the department's ability to fund the award within the established budget; 2) the total number and cost of performance based salary awards given or contemplated by the department during the year; 3) equity between departments; 4) fairness to employees; and 5) the overall fiscal status of the City. The decision to approve or deny is final.

- d) Department Managers are eligible for the salary awards described in 5.04.03(a). Salary awards for Department Managers shall be initiated by the City Administrator subject to the conditions and procedures of this section.

5.04.04 Promotion

A promotion is an appointment to a position in a classification which has a higher maximum salary rate than the employee's present classification. The City Administrator will determine the salary step of the promoted employee in the new salary range on the date of the promotion. The salary step of the promoted employee will be set so that the promoted employee's pay level is no more than two salary steps higher than the employee's step prior to the promotion unless, in the judgment of the City Administrator, a higher pay level is required to distinguish the promoted employee's pay level from those of subordinate job classes. If step one of the salary range to which

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 5
EMPLOYEE POSITION CLASSIFICATION & SALARY PLAN

5.04.04 Promotion

the employee has been promoted is a pay level more than two steps higher than the promoted employee's previous salary step, then the employee shall be assigned to step one of the higher salary range. When the date of promotion and the merit increase date coincide, the merit increase is paid prior to the promotional increase.

5.04.05 Demotions

A demotion is an appointment to a position in a classification which has a lower maximum salary rate than the employee's present classification. When a demotion occurs, the department manager will recommend to the Mayor a salary for the demoted employee within the salary range of the lower classification which is less than or equal to the employee's present salary. The employee will retain the same anniversary date.

5.04.06 Transfer

- a) A position transfer is an appointment to a position in the same or different classification of the same pay grade.
- b) When an employee is transferred to a position in a different classification with the same pay grade, or is transferred to another department with the same classification, the employee's pay remains the same. The employee will retain the same anniversary date for leave and length of service purposes.

5.04.07 Temporary Change of Classification

- a) A current employee assigned to a classification with a differing rate of pay in an "acting" appointment status will be compensated at the next higher step in the new range according to policy on promotion.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 5
EMPLOYEE POSITION CLASSIFICATION & SALARY PLAN

5.04.07 Temporary Change of Classification

- b) If the employee is promoted to the higher class with regular appointment status, all policies apply from the date of promotion.

5.04.08 Payment of Overtime

- a) All overtime is to be approved by the employee's supervisor in advance of being worked. In the case of emergencies, the employee is responsible to notify the supervisor as soon as possible of the need to work overtime.
- b) Overtime is considered as time worked in excess of forty (40) hours per week, except in the case of non-standard work schedules. A non-standard work day and work week shall be established by the department manager, or by applicable bargaining agreements, employee contracts or letters of appointment, and approved by the Mayor. The work day or work week may be changed to accommodate the efficient operation of the department.
- c) Time worked as overtime will not be used to earn employee benefits or to serve out probation or merit increase periods.
- d) All overtime worked and compensated will be in accordance with the Fair Labor Standards Act.

5.04.09 Compensatory Time

Unless specifically requested and authorized by the City Administrator, compensatory time off in lieu of overtime pay will not be allowed.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 5
EMPLOYEE POSITION CLASSIFICATION & SALARY PLAN

5.04.10 Exemptions

The Mayor may recommend to the City Council, positions to be exempt from overtime provisions on the basis of the nature of work, conditions of employment or by definition of administrative, supervisory and professional classifications as provided by State and Federal laws. Such exemption is based upon special conditions to work or assignment, in accordance with the Fair Labor Standards Act.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

- 6.01 Applicability
- 6.02 Legal Holidays
- 6.03 Floating Holiday
- 6.04 Vacation Leave
- 6.05 Sick Leave
- 6.06 Sick Leave Payments
- 6.07 Sick Leave Sharing
- 6.08 Medical Leave of Absence
- 6.09 Family and Medical Leave
- 6.10 Family Care Leave
- 6.11 Domestic Violence Leave
- 6.12 Worker's Compensation
- 6.13 Bereavement Leave
- 6.14 Military Leave
- 6.15 Military Family Leave
- 6.16 Jury Duty
- 6.17 Leave Without Pay
- 6.18 Voluntary Absence Without Pay
- 6.19 Leave Due to Inclement Weather or other Significant Disruptions of the
Transportation System
- 6.20 Unauthorized Absence
- 6.21 Insurance Benefit Plans
- 6.22 Retirement
- 6.23 Optional Benefit or Investment Plans
- 6.24 Health Reimbursement Arrangement (HRA)

6.01 Applicability

6.01.01 Eligibility

Benefits as defined in this section are applicable only to regular-status employees of the City of Tumwater, unless otherwise stated in the letter of appointment or employment contract, or otherwise authorized.

For purposes of recruiting a new employee, the Mayor may authorize modifications or expansions of the benefits described within these policies.

6.01.02 Prorating

Part-time, regular status employees shall receive benefits as defined in this section on a pro rata basis.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.02 Legal Holidays

6.02.01 All regular status employees are entitled to an eight (8) hour paid holiday on the following days, observed in accordance with the official state calendar:

HOLIDAYS	DATES
New Years Day	January 1st
Martin Luther King Jr.s Birthday	Third Monday in January
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veterans' Day	November 11th
Thanksgiving Day and The day after Thanksgiving	Fourth Thursday in November & the day after
Christmas Day	December 25th

6.02.02 For employees on a Monday through Friday work schedule, holidays will be observed in the following manner:

- a) When a holiday falls on a Sunday, the following Monday will be considered the holiday.
- b) When a holiday falls on a Saturday, the preceding Friday will be considered the holiday.

6.02.03 Any employee on vacation or sick leave during a holiday will not be charged vacation or sick leave for that day.

6.02.04 An employee who would otherwise be entitled to a holiday but is on leave without pay or on unpaid family and medical leave will receive compensation for the holiday, provided the employee has satisfied the qualifying payroll period provision outlined in 5.03.03.

6.02.05 An employee on the payroll for less than a full month is eligible for a paid holiday provided the employee is in pay status a minimum of one working day immediately preceding or

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

immediately following the holiday.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.03 Floating Holiday

6.03.01 In addition to the above-listed holidays, one eight (8) hour "floating" holiday each calendar year, for all regular status employees who have completed at least six months of employment with the city, may be taken at the request of the employee and with the approval of the department manager.

6.03.02 All floating holiday hours must be taken during the calendar year or entitlement to the day will lapse, except when an employee has requested a floating holiday and the request has been denied due to workload or scheduling.

6.04 Vacation Leave

6.04.01 All regular status employees of the city accrue annual vacation with full pay according to the following schedule:

Vacation Leave Schedule

TIME EMPLOYED BY THE CITY	VACATION TIME ACCRUED PER MONTH
1 - 12 months (1 st yr.)	8 hours per month
13 - 24 months (2 nd yr.)	8 hours 40 minutes per month
25 - 48 months (3 rd & 4 th yrs.)	9 hours 20 minutes per month
49 - 60 months (5 th yr.)	10 hours per month
61 - 84 months (6 th & 7 th yrs.)	10 hours 40 minutes per month
85 - 108 months(8 th & 9 th yrs.)	11 hours 20 minutes per month
109 - 120 months(10 th yr.)	12 hours per month
121- 144 months(11 th & 12 th yrs.)	12 hours 40 minutes per month
145- 168 months(13 th & 14 th yrs.)	13 hours and 20 minutes per month
169- 204 months(15 th , 16 th & 17 th yrs.)	14 hours per month
205- 228 months(18 th & 19 th yrs.)	14 hours and 40 minutes per month
229 months and after (20 th yr. and after)	15 hours and 20 minutes per month

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.04 Vacation Leave

- 6.04.02 The Mayor may authorize the City Administrator to credit employees with a lump sum of vacation accrual for purposes of recruitment or retention. The amount of the lump sum will be at the sole discretion of the Mayor.
- 6.04.03 Paid vacation may generally only be taken after the eligible employee has worked continuously for the city for at least six months. Under certain circumstances, a Department Manager may permit an employee with less than six months of service to use accrued vacation time. This decision is at the discretion of the Department Manager. Requests for vacation are to be submitted at least two weeks in advance unless waived by the Department Manager or as part of Family Care Leave as permitted in section 6.10.
- 6.04.04 All vacations must be approved by the appropriate department manager. Department manager vacations are approved by the City Administrator. City Administrator vacations are approved by the Mayor. Vacations used as part of Family Care Leave are subject to the provisions of section 6.10.
- 6.04.05 Vacation time may be accrued only to a maximum of 240 hours (30 days), except under unusual circumstances and with approval of the department manager and the City Administrator. Unapproved accrual beyond the 240 hours limit will be forfeited by the employee.

Non-represented employees may be credited with up to 120 excess vacation hours beyond the 240 maximum accrual limit. While not accrued for pay out upon separation from employment, these excess vacation hours will be held on account for use by the employee subject to the provisions of this section governing use of vacation leave.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.04 Vacation Leave

6.04.06 Upon separation from city employment, any regular status employee with more than the equivalent of six months of service shall be paid for up to a maximum of 240 hours of accrued vacation. Compensation shall be based upon the employee's salary at the time of separation and shall be subject to applicable withholding under state and federal law.

6.04.07 Any holiday occurring during an approved vacation is not counted as a day of vacation taken.

6.05 Sick Leave

6.05.01 Each regular status employee of the city not represented by a bargaining agreement shall accrue sick leave at the rate of eight hours per month. Maximum accrual for sick leave is 960 hours or 120 days. Accrual beyond the 960 hour limit will be forfeited by the employee.

6.05.02 The Mayor may authorize the City Administrator to credit employees with a lump sum of sick leave accrual for purposes of recruitment or retention. The amount of the lump sum will be at the sole discretion of the Mayor.

6.05.03 All regular status employees not represented by a bargaining agreement are eligible to use accrued sick leave for:

- a) An illness or injury incapacitating the employee to perform the required work;
- b) preventative health care of the employee; or
- c) An illness, injury or preventative health care of member of the employee's family which requires the employee's attendance subject to 6.05.04 below; or
- d) needs pursuant to Family Care Leave as outlined in section 6.10.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.05 Sick Leave

- 6.05.04 Use of accrued sick leave to care for an immediate family member, who is ill, injured or in need of the employee's assistance to receive preventative health care, shall be limited to three days per year unless additional use is authorized by the department head or the use is pursuant to Family Care Leave as stated in section 6.10.
- 6.05.05 Employees unable to report to work because of illness are to notify their immediate supervisor within one hour of the official start time, except in the case of a bona fide emergency. Sick leave with pay may not be allowed, at the discretion of the supervisor, unless such report has been made.
- 6.05.06 The employee may be required to provide certification of illness or a written release to return to work from a qualified health care provider whenever requested by the department manager. Abuse of sick leave privileges may be cause for disciplinary action, including dismissal.
- 6.05.07 Substitution of accrued vacation leave for sick leave may be allowed subject to Personnel Policy 6.04 above.

6.06 Sick Leave Payments

- 6.06.01 Sick Leave Payments Upon Retirement: Employees who separate from city service due to retirement or death shall be compensated for their total unused sick leave accumulation at the rate of twenty-five percent. Compensation shall be based upon the employee's salary at the time of separation and shall be subject to applicable withholding under state and federal law. For the purposes of the preceding sentences, retirement shall not include vested "out-of-service" employees who leave funds on deposit with the department of retirement systems (DRS). Employees who are choosing to retire and wish to receive a sick leave payment, must provide a resignation letter and appropriate documentation of their decision to retire to the city's Administrative Services Department.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.06 Sick Leave Payments

6.06.02 Sick Leave Payments Upon Voluntary Termination or Layoff: Non-represented employees shall be compensated for their total unused sick leave accumulation at the time of separation at the rate of twenty five percent provided that the Employee has at least 192 hours of accrued sick leave. Employees shall be eligible for this benefit as a result of voluntary separation or involuntary layoff but shall not be eligible if terminated for cause. Compensation shall be based upon the employee's salary at the time of separation.

6.06.03 Annual Sick Leave Payments: Non-represented employees shall be eligible to receive monetary compensation for accrued sick leave as follows: In November of each year, and at no other time, employees with at least 768 hours of accrued sick leave may elect to convert the sick leave hours earned in the previous 12 month period, minus those hours used during that period, to monetary compensation at the rate of twenty-five percent and shall be based on the employee's current salary. Payment of converted sick leave shall occur in the first paycheck issued in December.

6.07 Sick Leave Sharing

6.07.01 Purpose. Employees who are 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 either be in a leave without pay status or to terminate employment with the city, may, subject to the provisions of this section or, for unionized employees, subject to union contracts addressing this issue, be permitted to request donations of sick leave from other employees. Sick leave sharing requests must be based on a medical or mental condition that is unrelated to an active worker's compensation claim. Requests for sick leave sharing will be considered in accordance with this policy or the applicable labor contract.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.07 Sick Leave Sharing

- 6.07.02 Requests for Sick Leave Donations: Employees who wish to receive donations of sick leave, must submit a request to the City Administrator. The request must include an explanation of the circumstances that make the donations necessary and must be supported by the opinion of a qualified medical professional.
- 6.07.03 Determination of Eligibility for Sick Leave Donations: The City Administrator may authorize sick leave donations if:
- a) The employee's request is consistent with the purpose of this section and the employee has depleted or is about to deplete his or her annual leave and sick leave accruals. The City Administrator may waive the requirement to deplete accrued annual leave for any employee who is a member of a retirement system which includes annual leave in the final calculation of the retirement benefit and whose illness would, in the judgment of the City Administrator, qualify for a retirement; and
 - b) The employee is currently eligible for sick leave and has no current record of sick leave abuse within the 24 month period prior to the request. For the purposes of this section, a record of sick leave abuse includes written or verbal counseling, coaching, or warnings related to sick leave use; and
 - c) The employee's request is based on a medical or mental condition that is unrelated to an active worker's compensation claim; and
 - d) The requested sick leave exceeds 24 hours. Employees may be granted unpaid medical leave for requests up to 24 hours; and
 - e) The requested sick leave exceeds 80 hours, the request must be a result of a catastrophic illness or injury:

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.07 Sick Leave Sharing

- 1) rendering the employee “incapable of self care”. “Incapable of self care” will be defined as it is defined in the City’s Family Care Leave policy 6.10, or
- 2) rendering the employee unable to perform light duty work offered by the City.

Each injury or illness will be considered separately when multiple events occur to the same employee within the same calendar year.

6.07.04 Amount of Sick Leave to be Donated: The total amount of sick leave that can be donated to an employee will be determined by the City Administrator consistent with the criteria in Section 6.07.03. In no case will the amount of donated sick leave during an employee's career exceed 1040 hours for a full-time employee, pro-rated for a part-time employee.

6.07.05 Eligibility for Donations: Any employee with more than eighty hours of sick leave accrued may authorize a donation of sick leave to another employee who has been authorized by the City Administrator to receive sick leave donations. In no event will an employee be allowed to donate more than 25% of his or her accrued sick leave.

6.07.06 Procedures:

- a) While an employee is on leave donated under this section, he or she shall continue to be classified as a city employee and shall receive the same treatment in terms of salary, wages, and employee benefits as the employee would normally receive if using accrued annual or sick leave.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.07 Sick Leave Sharing

- b) If any leave donated under this section is not used, it will be returned to the donating employee(s) provided that there is no reasonable expectation that the leave will be needed in the near future in connection with the illness or condition for the which the donation was permitted.

6.08 Medical Leave of Absence

- 6.08.01 Sick leave may be used by employees who are unable to perform their job duties due to illness or temporary disability. Medical leave may also be used for a period of actual disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth or recovery therefrom.
- 6.08.02 In the event sick leave is not accrued by the employee, or there is not sufficient accumulated sick leave, use of vacation or leave without pay will be allowed for the actual period of illness or temporary disability.
- 6.08.03 A certificate from a qualified health care provider may be required to provide certification of illness or temporary disability, and may be required to provide written release to return to work.
- 6.08.04 An employee will be returned to the same position, or similar position of the same pay, if leave has been taken only for the actual period of illness or disability relating to pregnancy or childbirth. The total medical leave period granted under this policy may not exceed 180 calendar days in an employee's career.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.09 Family and Medical Leave

6.09.01 Eligibility for Leave: Any city employee who has been employed for at least twelve (12) months by the city and has worked for at least 1250 hours during the previous twelve (12) months is eligible for leave under this section. . USERRA-covered military leaves of absence are counted as time worked for purposes of determining FMLA eligibility.

Eligible part-time employees shall receive family leave on a pro rata basis. If the number of working hours varies, the average hours over the course of the past 12 months prior to the family medical leave period shall be utilized as the basis for calculation of the employee's normal work week.

6.09.02 Qualifying Events:

New Child or Health Leave: An employee who is eligible for Family Medical Leave (FMLA), may receive up to twelve (12) weeks of unpaid leave in a twelve (12) month period to care for:

- (a) A newborn child, newly adopted child, newly placed foster child;
- (b) a spouse, domestic partner, child or parent with a serious health condition; or
- (c) a personal, serious health condition that leaves the employee unable to perform the essential functions of his/her job.

If both spouses or domestic partners are city employees, the city reserves the right to restrict family and medical leave to a total of up to twelve (12) work weeks of unpaid leave in a twelve (12) month period for the birth or adoption of a child or to care for a parent with a serious health condition. The city may opt to limit the use of the family and medical leave to one spouse or domestic partner at a time.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.09 Family and Medical Leave

Family and medical leave taken to care for a newborn or newly adopted child must be completed within twelve (12) months of the child's birth or placement for adoption.

Military Caregiver Leave: An employee who is eligible for FMLA, may receive up to twenty-six (26) weeks of unpaid leave in a 12-month period to care for recovering current military service personnel (including National Guard or Reserves) who is a spouse, domestic partner, parent, child or next of kin who develops and is undergoing medical treatment, recuperation or therapy for a serious injury or illness incurred in the line of duty while on active duty in the armed forces. This includes a recovering veteran discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. (The period of October 28, 2009 – March 7, 2013 is excluded from the determination of this five year period.)

Call to Active Duty Leave: An employee who is eligible for FMLA, may receive up to twelve (12) weeks of unpaid leave in a 12-month period when a spouse, domestic partner, parent, or son or daughter on *covered active duty* in the Armed Forces has a qualifying exigency arising out of active duty or has been notified of an impending call or order to active duty in the armed forces in support of a contingency operation.

While an employee may also take 12-weeks of leave other than military care leave, the total amount that an employee may take of both military and other FMLA leave is 26 weeks in a 12-month period.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.09 Family and Medical Leave

6.09.03 Definitions. For purposes of the family medical leave policy in section 6.09, the following terms are defined:

- (a) "*Child*" - means a child either under 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or step-child.
- (b) "*Contingency Operation*" – means those circumstances and situations as designated so by the US Secretary of Defense.
- (c) "*Covered Active Duty*" – means duty during deployment to a foreign country if a member of a regular component of the Armed Forces; for members of a reserve component, it means duty during deployment to a foreign country under a call or order to active duty pursuant to specified provisions of federal law.
- (d) "*Medically Necessary*" – means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.
- (e) "*Next of Kin*" – means nearest blood relative or as further defined by the U.S. Department of Labor.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.09 Family and Medical Leave

- (f) “*Qualifying Exigency*” – means those circumstances and situations as defined by the US Department of Labor as they relate to the return to active military duty including: short notice of deployment, military events and related activities, childcare and school activities, financial and legal arrangements, rest and recuperation (limited to fifteen calendar days), post-deployment activities and additional activities where the City and employee agree to the leave. Qualifying Exigency leave also includes leave to care for a military member’s parent who is incapable of self-care when the care is necessitated by the member’s covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.
- (g) “*Serious Health Condition*” - means an illness, injury, impairment, or physical or mental condition that involves either: an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

In determining whether a *serious health condition* exists, the term “*continuing treatment*” shall mean either:

- 1) A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
 - Treatment two or more times by, or under, the supervision of a health care provider (i.e. in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.09 Family and Medical Leave

- One treatment by a health care provider (i.e. an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g. prescription medication, physical therapy); or
- 2) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
 - 3) Any period of incapacity for treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
 - 4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
 - 5) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.
- (h) “*Serious Injury or Illness for a Covered Veteran*” - means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.09 Family and Medical Leave

1) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank or rating; or

2) A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; or

3) A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or

4) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

- (i) *“Serious Injury or Illness While Serving in the Armed Forces”* – means an injury or illness sustained in the line of duty or that existed before a service member's active duty began and were aggravated by service in the line of duty while on active duty in the armed forces that renders the member medically unfit to perform the duties of the member's office, grade, rank or rating and/or as further defined by the U.S. Department of Labor. For veterans, a serious illness or injury is a “qualifying injury or illness” (as defined by the DOL) that was incurred in the line of duty on active duty in the Armed Forces (or that existed before the beginning of active duty and was aggravated by

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.09 Family and Medical Leave

service in the line of duty on active duty) and that manifested itself before or after the service member became a veteran.

- (j) *"Twelve Month Period"* - means a rolling 12-month period measured backward from the date taken and continuous with each additional leave day taken.

6.09.04 Procedures:

- (a) **Notice Requirement:** An employee must request the use of family and medical leave by submitting a written statement of the specific reasons for the leave at least thirty (30) days prior to the anticipated date of delivery, placement or adoption. If a scheduled medical treatment for the employee or a spouse, domestic partner, child or parent of the employee is the basis for the request, the employee must, if practicable, provide thirty (30) days written notice. It is the responsibility of the employee who has a planned medical treatment to make a reasonable effort to schedule treatment so as not to unduly disrupt city operations. The notice must be presented to the department head, who will review and forward the written statement to the Administrative Services Director.
- (b) **Confirmation Requirement:** The city may require an employee requesting family and medical leave to provide confirmation from a health care provider of the need for and probable duration of the leave requested. The confirmation must be provided in an approved city format available from the Administrative Services Director within fifteen (15) days of the date that confirmation is requested by the city. The city reserves the right to obtain, at its expense, an opinion from a second health care provider of the city's choosing. Should the

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.09 Family and Medical Leave

recommendations of the city's health care provider differ from that of the employee's, the opinion of a third health care provider, chosen jointly by the employee and the city, will be obtained at the expense of the city, to review the request.

All documentation related to the employee's or family member's medical condition will be treated in confidentiality and maintained in the employee's medical records file within the Administrative Services Department.

Confirmation of the need for qualifying exigency leave for rest and recuperation leave can include a copy of the military member's rest and recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.

6.09.05 Duration and Use of Family and Medical Leave:

- (a) Consecutive and Intermittent Use of Family and Medical Leave: An employee will normally be granted up to twelve (12) consecutive weeks of family and medical leave in a *twelve month period*. Intermittent use of up to twelve (12) weeks of family and medical leave may be allowed by the city when the employee has established, through the confirmation process in 6.08.03, that it is *medically necessary* to use the leave intermittently.

Intermittent use of up to twelve (12) weeks of family and medical leave in a Twelve Month Period may be allowed for care of a spouse, domestic partner, *child* or parent who has a *serious health condition*. The medical certification of the need for intermittent leave provided by the employee's health care provider must specify the expected duration of the intermittent leave. In granting the use of intermittent

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.09 Family and Medical Leave

family and medical leave, the city may require an employee to temporarily transfer to an available alternative position with equivalent pay and benefits to better accommodate the employee's modified work hours.

- (b) Status Reports While Using Family and Medical Leave: The city may require an employee using family and medical leave to periodically report their status and intention to return to work. The city may also require an employee to obtain additional, written medical certification for the need to continue the leave.

- (c) Use of Paid Leave as Part of a Family and Medical Leave Period Required: Employees requesting the use of unpaid family and medical leave for a personal *serious health condition* shall normally be required to exhaust sick leave accruals and to utilize up to four work weeks of their accrued vacation leave as part of the leave period. Employees with less than four work weeks of accrued vacation leave shall normally be required to use their entire leave accrual.

Employees requesting the use of unpaid family and medical leave to care for a spouse, domestic partner, child or parent with a *serious health condition* must exhaust their vacation leave and may be required to exhaust their sick leave subject to section 6.10.

Accrued vacation and sick leave must be taken at the beginning of the family and medical leave period. Exceptions to the mandatory use of sick and annual leave as part of a family and medical leave period may be requested, in writing, to the Mayor when the family and medical leave is requested.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.09 Family and Medical Leave

An employee on both FMLA and time-loss from Worker's Compensation (L&I) may choose to use his/her available paid leave time or to take the FMLA time as unpaid time. The employee will designate his/her desire for leave time or unpaid time on his/her timesheet.

The city may, at its discretion, grant leave without pay pursuant to Personnel Policy 6.08 or 6.17 to extend the duration of a family and medical leave period beyond 12 weeks.

- 6.09.06 Employee Benefits During Periods of Family & Medical Leave: The city will continue the employer's share of the premiums for medical and dental coverage for up to twelve (12) weeks of approved family and medical leave. However, city payment of the employer's share of coverage is conditioned upon return to work. Except in certain circumstances, if the employee terminates employment before returning from family and medical leave, the city may recover all insurance payments made while the employee was on family and medical leave.

If an employee is normally required to pay for part of the health insurance premiums, mutually acceptable arrangements for payment of the employee's share of the premiums must be made to ensure continuation of coverage.

Sick and vacation leave shall not accrue during a period of unpaid family and medical leave, unless earned by meeting the requirements of 5.03.03. Paid holidays shall not be provided to employees on unpaid family and medical leave, unless earned by meeting the requirements of 6.02.04 or 6.02.05.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.09 Family and Medical Leave

6.09.07 Job Protection Provisions: If an employee returns to work within the agreed upon time period of family and medical leave, he/she will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status and authority. The employee's restored status will be the same as it would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have any new right to be reinstated upon return from leave.

If an employee fails to return to work following twelve weeks of family and medical leave, he/she will be reinstated to the same or a similar position only if a position is available. If the same or similar position is not available the employee may be terminated.

6.10 Family Care Leave

6.10.01 Definitions. For the purposes of the family care leave policy in section 6.10, the following terms are defined:

- (a) "*Child*" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, or a child of an employee's registered domestic partner, who is:
 - (1) Under eighteen years of age; or
 - (2) Eighteen years of age or older and incapable of self-care because of a mental or physical disability.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.10 Family Care Leave

- (b) "*Emergency condition*" means a health condition that is a sudden, generally unexpected occurrence or set of circumstances related to one's health demanding immediate action, and is typically very short term in nature.
- (c) "*Grandparent*" means a parent of a parent of an employee.
- (d) "*Health condition that requires treatment or supervision*" includes:
 - (1) Any medical condition requiring treatment or medication that the child cannot self-administer;
 - (2) Any medical or mental health condition which would endanger the child's safety or recovery without the presence of a parent or guardian; or
 - (3) Any condition warranting treatment or preventive health care such as physical, dental, optical or immunization services, when a parent must be present to authorize and when sick leave may otherwise be used for the employee's preventive health care.
- (e) "*Incapable of self-care*" means that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" (ADLs) or "instrumental activities of daily living" (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.
- (f) "*Parent*" means a biological or adoptive parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a child.
- (g) "*Parent-in-law*" means a parent of the spouse or registered domestic partner of an employee.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.10 Family Care Leave

- (h) "*Physical or mental disability*" means a physical or mental impairment that limits one or more activities of daily living or instrumental activities of daily living.
- (i) "*Serious health condition*" means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment or recovery in connection with such inpatient care; or that involves continuing treatment by or under the supervision of a health care provider or a provider of health care services and which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities).
- (j) "*Spouse*" means a husband or wife, as the case may be.
- (k) All other words have definitions as provided for in Section 2 of this policy manual or, in the absence of a definition, utilize the most common meaning of the word.

6.10.02 An employee may use any or all of the employee's choice of sick leave or other paid time off to care for:

- (a) A child of the employee with a health condition as defined in 6.10.01.
- (b) An immediate family member or parent-in-law of the employee who has a serious health condition or emergency condition, as defined in 6.10.01.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.10 Family Care Leave

6.10.03 Permitted use of Family Care Leave

<i>Type of Illness / Medical condition</i>	<i>Applicability to Children</i>	<i>Applicability to Immediate Family Members</i>
Health Condition Requiring treatment or supervision	Applies	Does not apply
Serious Health Condition	Applies	Applies
Emergency Condition	Applies	Applies

6.10.04 An employee may not take leave until it has been earned.

6.10.05 Employees unable to report to work because of the need to take family care leave are to notify their immediate supervisor within one hour of the official start time, except in the case of a bona fide emergency. Use of paid leave may not be allowed, at the discretion of the supervisor, unless such report has been made.

6.10.06 The employee taking leave under the circumstances described in this section must comply with the terms of the collective bargaining agreement or employer policy applicable to the leave, except for any terms relating to the choice of leave.

6.10.07 Use of leave other than sick leave or other paid time off to care for a child, spouse, parent, parent-in-law, or grandparent under the circumstances described in this section shall be governed by the terms of the appropriate collective bargaining agreement or employer policy, as applicable.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.11 Domestic Violence Leave

Employees who are victims of domestic violence, sexual assault or stalking may take reasonable or intermittent leave from work to take care of legal or law enforcement needs or to get medical treatment, social services assistance or mental health counseling. Employees who are family members of a victim may also take reasonable leave to help the victim obtain treatment or seek help.

6.11.01 Definitions. For the purposes of this policy, the following terms are defined:

- (a) “Dating relationship” has the same meaning as in RCW 26.50.010 or as hereafter amended.
- (b) “Domestic violence” means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking of one family or household member by another family or household member.
- (c) “Family member” includes the child, spouse, domestic partner, parent, parent-in-law, grandparent or person with whom the employee has a dating relationship.
- (d) “Sexual assault” has the same meaning as in RCW 70.125.030 or as hereafter amended.
- (e) “Stalking” has the same meaning as in RCW 9A.46.110 or as hereafter amended.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.11 Domestic Violence Leave

6.11.02 Applicability. Leave under this section is permitted to:

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

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.11 Domestic Violence Leave

- 6.11.03 Notice requirements. As a requirement of taking leave under this section, an employee shall give the City advance notice of the intention to take the leave. When advance notice cannot be given due to an emergency or unforeseen circumstances, the employee or his/her designee must give notice to the City no later than the end of the first day that the employee takes such leave.
- 6.11.04 Type of leave. An employee who is absent from work pursuant to this policy may elect to use his/her sick leave, other paid leave, compensatory time or unpaid leave time.
- 6.11.05 Verification. The City may require that the request for leave be supported by verification that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes described in this section. The need for the leave is confidential and will only be released with the employee's consent, by court or administrative agency order, or as otherwise required by law.
- 6.11.06 Protection of position and benefits.
- (a) Upon the employee's return, the City shall either return the employee to the same position that was held prior to the leave commencing or return the employee to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. However, these restoration rights do not exist if the employee was hired for a specific term or only to perform work on a project and the project is over.
 - (b) To the extent required by law, the City shall maintain coverage under any health insurance plan for an employee who takes leave under this policy. The coverage will be maintained for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had not take the leave.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.12 Worker's Compensation

- 6.12.01 Absence for on-the-job injury covered by Worker's Compensation may be charged to any of the injured worker's paid leave banks or to unpaid leave at the discretion of the injured worker. The injured worker's choice of the type of leave will be noted on their timesheet. -
- 6.12.02 An employee using paid sick leave and simultaneously receiving compensation under the Worker's Compensation Law will receive for the duration of such sick leave only that portion of the employee's regular salary which, together with such compensation, equals the regular salary. Employees in this situation will have sick leave "buy back" calculated by the Finance Department and a future paycheck(s) will be reduced by the corresponding value of the Worker's Compensation payments in order to restore the corresponding value of sick leave that was used.
- 6.12.03 Members of the LEOFF 2 retirement system are entitled to an additional supplemental benefit as provided for under RCW 41.04.500 beginning on the sixth calendar day after the date of injury for a maximum period of six months. This supplemental benefit applies when a LEOFF 2 employee is using sick leave and results in less sick leave being deducted from the employee's accrual when the "buy back" is calculated.
- 6.12.04 An employee using any other form of paid leave other than sick leave and simultaneously receiving compensation under the Worker's Compensation law will keep both forms of payment and will have no salary or leave adjustments from the City, i.e. no "buy back".

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.13 Bereavement Leave

6.13.01 In the event of death in the immediate family, or aunt, uncle, niece, nephew, father-in-law, mother-in-law, son-in-law or daughter-in-law, of an employee, up to 24 hours paid leave may be approved by the department manager, for a non-represented employee to attend to family matters and the funeral. An additional 16 hours of sick leave may be approved by the City Administrator for travel time.

6.13.02 Up to four (4) hours paid leave will be allowed to attend the funeral of a close friend or other relative.

6.14 Military Leave

An employee who works an average of 20 or more hours per week and who is a member of an organized unit of the United States military reserve or Washington National Guard shall be granted up to 21 days leave with pay during each year beginning October 1st and ending the following September 30th so that the employee may report for active duty, when called, or take part in active training duty in such manner and at such time as the employee may be ordered to active duty or active training duty. Any authorized leave in excess of 21 calendar days will be charged pursuant to other applicable federal and state laws or to leave without pay or annual leave at the option of the employee.

6.15 Military Family Leave

6.15.01 During a period of military conflict, an employee who works an average of 20 or more hours per week is entitled to leave under this section when a spouse or domestic partner who is a member of the armed forces of the United States, national guard, or reserves has been notified of an impending call or order to active duty or has been deployed.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.15 Military Family Leave

- (a) “Period of Military Conflict” means a period of war declared by the United States Congress, declared by executive order of the president, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to either sections 12301 and 12302 of Title 10 of the United States Code or Title 32 of the United States Code.

- 6.15.02 The employee shall be granted a total of 15 days of unpaid leave per deployment after the military spouse or domestic partner has been notified of an impending call or order to active duty and before deployment or when the military spouse or domestic partner is on leave from deployment.
- 6.15.03 An employee returning from military family leave shall be restored to a position of employment in the same manner as an employee returning after Family and Medical Leave pursuant to 6.09 of the city’s personnel policies. Benefits during this period of unpaid leave will be subject to the city’s qualification for benefits rule in 5.03.03 of the personnel policies. An employee may continue benefits in the same manner as an employee on Family and Medical Leave.
- 6.15.04 An employee who seeks to take leave under this chapter must provide the City with notice, within 5 business days of receiving official notice of an impending call or order to active duty or of a leave from deployment, of the employee’s intention to take leave under this chapter.
- 6.15.05 An employee who takes leave under this section may elect to substitute any of the accrued leave to which the employee may be entitled for any part of the leave under this section.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.16 Jury Duty

A regular status employee summoned for jury duty is granted leave for such duty with city payment of his normal city salary. The employee's department manager is to be informed immediately by the employee upon receipt of a summons for jury duty.

6.17 Leave Without Pay (Leave of Absence)

6.17.01 Leave without pay may be allowed when such leave will not operate to the detriment of the city.

6.17.02 Leave without pay may be authorized for any reasons applicable to:

- a) Leave with pay.
- b) Educational leave.
- c) Adoptive/Paternity Leave.
- d) Leaves granted for government service in the public interest upon specific request of any employee.
- e) Medical Leave or Family Medical Leave
- f) Military Leave

6.17.03 The Department Manager has the authority to approve or deny a request for leave without pay for up to one scheduled working day per pay period. Such requests must be infrequent and must meet the other criteria outlined in this policy.

6.17.04 Exempt employees are only eligible for leave without pay for periods of time equaling or exceeding 40 hours per week.

6.17.05 Upon written request of the employee and approval of the Department Manager, the City Administrator may grant a regular status employee a leave of absence without pay beyond what is permitted in sections 6.17.03 and 6.17.04 but not exceeding six months. Normally, leave without pay will not be granted until all accrued vacation time has been exhausted.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.17 Leave Without Pay (Leave of Absence)

6.17.06 Vacation and sick leave accrual is suspended during periods of leave without pay. The anniversary date of the employee will be adjusted by the length of leave granted. Any employee on approved leave of absence may continue medical and/or dental insurance coverage by paying the full cost to the city in advance for each month or portion thereof in which the employee is to be absent.

6.17.07 Upon expiration of a regularly approved leave without pay, the employee will be reinstated in the position held at the time the leave was granted or to a similar position, provided that return to employment is not in conflict with any rule relating to re-employment following layoff.

6.18 Voluntary Absence Without Pay

6.18.01 A Voluntary Absence Without Pay (VAWOP) is defined as a period of time during which an employee has voluntarily elected to take a leave of absence from the workplace in an unpaid status, even though the employee may have accrued time available to utilize.

a) VAWOP can take the form of a reduction in the number of hours worked over a period of time (i.e. 32 hours a week rather than 40) or a period of consecutive days of absence (i.e. the month of August).

6.18.02 Eligibility and Criteria: An employee can request a VAWOP at any time. Requests should be in writing and directed to the City Administrator. Written requests should include the employee's reasons for seeking the absence. In considering whether to grant the request for VAWOP, the City Administrator will consider: the employee's stated reasons for the request, the staffing needs of the City, the cost savings to the City and the department manager's recommendation.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.18 Voluntary Absence Without Pay

- 6.18.03 Conditions and Effects of VAWOP: A VAWOP must have defined start and end dates and may not exceed six (6) months. A VAWOP will not result in an official reduction in the employee's position's FTE status.
- a) Employees will be eligible for City benefits including insurance and paid leave accruals as long as they meet the qualifying payroll period provisions of personnel policy 5.03.03 and/or any specific provisions of their union contract.
 - b) The City's insurance provider has additional rules in order to qualify for insurance, one of which includes working at least 20 hours per week. The Administrative Services Department can provide additional information regarding eligibility to maintain health insurance. Employees who lose eligibility for insurance due to VAWOP will have COBRA rights to continue their insurance. Eligibility for insurance will resume once the VAWOP period expires pursuant to City policies and the insurance provider eligibility requirements.
 - 1) Insurance provided through a Union benefit plan may have different benefit eligibility rules. Please consult your Union plan for additional information.
 - c) A VAWOP that puts an employee in a situation that does not meet the qualifying payroll period provisions of personnel policy 5.03.03 is considered a break in service. Therefore, an employee's anniversary date will be adjusted by the length of the break.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.18 Voluntary Absence Without Pay

- d) A VAWOP that reduces the number of working hours in a week for a period lasting longer than 4 weeks, will result in a non-represented employee's benefits (cafeteria plan dollars and paid leave accruals) being pro-rated based upon the number of hours worked weekly (i.e., 30 hours a week rather than 40 would result in benefits at 75%).
- e) An employee's floating holiday accrual will be set based upon their scheduled number of hours as of January 1 each year. An employee increasing their hours after January 1 due to the conclusion of their VAWOP may request (if the floating holiday has not been used) that the holiday hours be increased to reflect their return to their regular schedule. A VAWOP taken after the floating holiday hours are set on January 1 will have no impact on the floating holiday hours.
- f) An employee taking VAWOP may earn less than a full monthly service credit under their retirement plan, subject to the rules as set by their retirement plan.
- g) The Washington State Employment Security Department will not consider VAWOP a qualifying event for purposes of filing for unemployment benefits.
- h) Before an employee is approved for VAWOP they will be required to sign an agreement that includes a statement that they understand the provisions of this policy.
- i) Employees who are exempt from overtime cannot reduce their hours to less than 40 in a workweek. Exempt employees may request VAWOP in full 40 hour work week increments.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.18 Voluntary Absence Without Pay

- j) If funding becomes available, Department Managers may conclude a VAWOP Absence earlier than the previously agreed-upon end date, as deemed operationally necessary.
- k) An employee in VAWOP status will still be subject to layoff or other actions deemed necessary to address a reduction in City financial resources.

6.19 Leave Due to Inclement Weather or other Significant Disruptions of the Transportation System

6.19.01 Absence due to an employee's inability to report for scheduled work because of severe inclement weather, conditions caused by severe inclement weather or other significant disruptions of the transportation system shall be charged to the following in the order listed:

- Accrued vacation leave, annual leave (floating holiday) or compensatory time;
- Accrued sick leave up to a maximum of 24 hours in any calendar year;
- Leave without pay.

Although the types of time off shall be used in the order listed in this policy, and each type of paid time off shall be exhausted before the next is used, employees shall be permitted to use leave without pay rather than paid time off at their request.

6.19.02 Tardiness due to an employee's inability to report for scheduled work because of severe inclement weather, conditions caused by severe inclement weather or significant disruptions of the transportation system will be allowed up to one and one-half hour at the beginning of the work day. Tardiness under this policy in excess of one and one-half hour shall be charged as provided above.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.20 Unauthorized Absence

6.20.01 Unauthorized absence is treated as leave without pay and may be grounds for disciplinary action. Upon return from unauthorized absence, the employee is required to provide a written statement to the department manager explaining the reason for the absence.

6.20.02 An unauthorized absence for a period of three days will be considered as a resignation from employment of the city.

6.21 Insurance Benefit Plans

6.21.01 The city will offer to regular-status employees, their eligible dependents, their registered domestic partners and children of registered domestic partners, working at least twenty (20) hours per week insurance plans for medical, hospital, vision and dental benefits, to be used at the option of the employee, subject to the carrier's underwriting rules. The city will contribute to the costs of such plans, as approved by the City Council as part of the annual budget. If insurance plan costs exceed the city benefit contribution, the remainder of costs incurred is the responsibility of the employee. All insurance premiums will be subject to applicable payroll taxes as required by the Internal Revenue Service.

6.21.02 Industrial Accident Insurance is provided for all employees, except full-time uniformed employees who are covered under the LEOFF Act as set forth in RCW 41.26.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.22 Retirement

6.22.01 City employees are covered under the Washington Public Employees Retirement System in accordance with State law and all employees in a qualifying position, regardless of appointment status, will become members of the Retirement System. Payroll deduction for employee contributions is required, regardless of anticipated length of service. Employer contributions will be made in accordance with applicable State law.

6.22.02 Uniformed personnel shall be members of the Washington Law Enforcement Officers and Fire Fighters Retirement System with employer contributions made in accordance with applicable State law.

6.23 Optional Benefit or Investment Plans

The city may offer to regular-status employees working at least twenty (20) hours per week optional benefit plans such as life insurance, income protection, deferred compensation or other retirement plans, etc. These benefits, when offered, are at the option of the employee. If costs exceed the city benefit contribution, the remainder of costs incurred are the responsibility of the employee.

6.24 Health Reimbursement Arrangement (HRA)

6.24.01 The City of Tumwater will contribute to an HRA VEBA Medical Reimbursement Plan on behalf of all regular status, non-represented (“eligible”) employees. Contributions on behalf of each eligible employee shall be an equal dollar amount for each employee (pro-rated for part-time employees). The dollar amount will be determined annually as part of the budget process.

CITY OF TUMWATER
POLICY MANUAL - PART 1: PERSONNEL POLICIES

SECTION 6
BENEFITS

6.24 Health Reimbursement Arrangement (HRA)

6.24.02 Petition to Change the Program: By a written petition signed by 20% of the eligible employees, representing at least 3 different departments of the City, a revote can be called to change the components of the HRA VEBA plan. 20% of the eligible employees means 20% as of the day the petition is turned in to the Administrative Services Department.

- a) Components that are subject to change are limited to the contribution method (i.e. % allowing accrual cash outs).
- b) The petition must clearly state the action that would be proposed on the ballot that is being requested.
- c) The deadline for any petition is November 1. No petition will be accepted prior to October 1 of any year. A revote can happen no more frequently than annually and would occur between November 1 and December 15.
- d) In the event there are multiple petitions, there can be only one vote. Should multiple qualified petitions be submitted, the petition received first will be the one used for the revote.
- e) The Administrative Services Department is responsible for assisting in any petition by providing names of eligible employees, determining and verifying the necessary signatures to obtain 20%, and for administering any vote as required by a qualified petition.

6.24.03 Voting Procedures:

- a) Ballots are to be made available for no less than 10 calendar days.
- b) A supermajority (60% or greater) of the ballots returned is required to pass any ballot proposal.
- c) Any eligible employee on the payroll as of the first day the ballots are available is eligible to vote.
- d) Ballots will be counted at a pre-determined location and time allowing for interested observers.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

- 7.01 Purpose
- 7.02 Scope
- 7.03 Policy
- 7.04 Assistance Program / Voluntary Referral
- 7.05 Compliance with Drug Free Workplace Act
- 7.06 Compliance with Federal Regulations Applicable to Commercial Drivers
- 7.07 Procedures for Drug/Alcohol Testing of Employees Other than Commercial Drivers
- 7.08 Confidentiality and Record Retention

7.01 Purpose

The City of Tumwater 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 Tumwater 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.

7.02 Scope

This policy applies to all City of Tumwater 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.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

7.02 Scope

None of the exclusions mentioned in this Section shall waive or in any way diminish the City’s Disciplinary Action and Rules of Conduct Policy 4.07.01, “g”) 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.

7.03 Policy

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

7.03.02 The City of Tumwater recognizes that alcoholism and drug abuse can be successfully treated, enabling the employee to return to a satisfactory job performance level.

7.03.03 Employees who are concerned about their alcohol and/or drug use are strongly encouraged to voluntarily seek assistance.

Supervisors, department managers and the Administrative Services Director are available to all employees as a resource.

7.03.04 It is the employee’s responsibility to demonstrate satisfactory job performance.

7.03.05 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.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

7.03 Policy

- 7.03.06 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.
- 7.03.07 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.
- 7.03.08 Confidentiality is an essential element of substance abuse treatment. Any employee violating this confidentiality will be subject to disciplinary action.
- 7.03.09 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.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

7.03 Policy

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.

- 7.03.10 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.

7.04 Assistance Program / Voluntary Referral

The City of Tumwater 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 Tumwater 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.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

7.04 Assistance Program / Voluntary Referral

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.

7.05 Compliance with Drug Free Workplace Act

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

- a) 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 5 working days. The supervisor must inform his/her department manager within 24 hours of the notification. The department manager will notify the City Administrator 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 Administrative Services Director.

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.

- b) 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.
- c) The city will make information and education on the prevention of alcohol and drug abuse available to its employees.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

7.06 Compliance with Federal Regulations Applicable to Commercial Drivers

It is the policy of the City of Tumwater to comply with the federal Department of Transportation regulations (49 CFR Part 40) and administrative guidelines under the Federal Motor Carriers Safety Administration (49 CFR Part 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.

7.06.01 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 (1) a fatality or (2) a citation under state or local law for a moving violation and (a) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (b) one or more motor vehicles incurs 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 7.06, in accordance with the applicable federal regulations, "drugs" refers to the following substances: marijuana (THC), cocaine, opiates, phencyclidine (PCP), 6-acetylmorphine, MDMA, amphetamines and any other substances as required under the federal regulations.

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

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

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

7.06.01 Definitions

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.

7.06.02 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:

- a) Alcohol Concentration: Reporting to duty and performing safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- b) 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.
- c) 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.
- d) Alcohol Use on Duty: Use of Alcohol while performing safety-sensitive functions. (This includes alcohol which may be in medications).

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

7.06.02 Prohibited Behaviors.

- e) 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.

- f) 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 manager prior to commencing to work. The manager, in consultation with the employee's physician, if necessary, will make the determination regarding the employee's qualifications to work. Information provided to the manager 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 manager in advance of commencing to work will be cause for disciplinary action up to and including discharge.

- g) Positive Drug Test: Reporting for duty, remaining on duty, or performing safety sensitive functions after having tested positive for a controlled substance.

- h) 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.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

7.06.02 Prohibited Behaviors.

- i) Tampering with a Required Test: An employee may not tamper with, adulterate, alter, substitute or otherwise obstruct any testing process required under this policy.

7.06.03 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 policy and accompanying procedures for drug testing.

Managers 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.

7.06.04 Drug and Alcohol Testing Program for Commercial Drivers

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

- b) Reasonable Suspicion Testing: Employees subject to this policy shall submit to a drug and/or alcohol test when the City of Tumwater 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

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

7.06.04 Drug and Alcohol Testing Program for Commercial Drivers

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:

- 1) 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
 - 2) 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.
- c) Post-Accident Testing: Following an accident (as defined above) involving a commercial vehicle, the driver is required to submit to alcohol and drug tests. 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.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

7.06.04 Drug and Alcohol Testing Program for Commercial Drivers

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

- d) Random Testing: Employees covered by this policy will be subject to random, unannounced alcohol and drug testing.

- e) 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.

- f) 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.

- g) 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.

- h) 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.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

7.06.04 Drug and Alcohol Testing Program for Commercial Drivers

- i) 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.

7.06.05 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 7.06.02(h) which shall subject the employee to the consequences outlined in section 7.06.07. No employee shall refuse to submit to an alcohol or drug test as directed under this policy. A refusal to submit shall include:

- a) 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;
- b) 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
- c) Engaging in conduct that obstructs the testing process.

7.06.06 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.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

7.06.06 Securing Information from Previous Employers:

The City of Tumwater 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.

7.06.07 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 7.06.02 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:

- a) 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 7.06.02, 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:

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

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

1. has been evaluated by a qualified Substance Abuse Professional; and,
2. if recommended by a Substance Abuse Professional, has properly followed any rehabilitation prescribed; and,
3. 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.

- b) 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.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

7.07 Procedures for Drug or Alcohol Testing of City Employees other than Commercial Drivers

7.07.01 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.

7.07.02 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 supervisor, the Administrative Services Director or the department manager.

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. The supervisor shall document these observations in writing and forward his/her report to the department manager within 24 hours of the incident. A copy of this document will be provided to the employee upon request.

7.07.03 Referral for Testing. If the supervisor determines that reasonable grounds exist to require a drug test, the 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 department manager shall be notified before the supervisor and employee leave city premises for the drug testing site. The City Administrator shall be notified of the incident, in writing, within 48 hours.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

7.07.03 Referral for Testing

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 without pay for at least the rest of the work day.

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 Administrative Services Director with the results.

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

Tests which are found to be positive will be verified by an additional test. The City's designated test services provider will ensure adequate chain-of-custody for sample collection and testing.

7.07.04 Test Results. Employees who test positive shall be considered unfit for work and shall be relieved from duty that day. It is the responsibility of the Administrative Services Director to notify the employee. The employee should not be allowed to drive to the hospital. The employee shall be advised not to drive home. 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.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

7.07.05 Discipline / Treatment. If tests determine that the employee is under the influence of alcohol or drugs on the job, the Administrative Services Director shall contact the supervisor within 24 hours of test results notification. The Administrative Services Director and/or the supervisor 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 Administrative Services Director and the supervisor shall meet to discuss the appropriate level of disciplinary action for recommendation to the department manager. The degree of disciplinary action depends on the factual circumstances and the severity of the infraction.

It is the responsibility of the Administrative Services Director, in conjunction with the immediate supervisor, 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 manager to the City Administrator. The City Administrator shall then act on the recommendation.

7.07.06 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 supervisor 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 supervisor is required to contact the Tumwater Police Department immediately.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 7
SUBSTANCE ABUSE POLICY

7.08 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.

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8

EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

- 8.01 Purpose
- 8.02 Policy Statement
- 8.03 Definitions
- 8.04 Prohibited Conduct
- 8.05 Prohibited Conduct after Leaving City
- 8.06 Procedures for Reporting
- 8.07 Complaints, Investigations, Hearings and Enforcement
- 8.08 Protection Against Retaliatory Actions
- 8.09 Responsibilities
- 8.10 List of Agencies

8.01 Purpose

- A. The city finds that the proper operation of government requires that employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; and that the public have confidence in the integrity of its government. Accordingly, it is the purpose of this policy to establish ethical standards of conduct for all employees of the city; to set forth those acts that are incompatible with such standards; to require disclosure by such employees of private financial or other interests in matters affecting the city; and to provide effective means for enforcement thereof. This policy is not to be construed so as to impair the ability of city employees to participate in ceremonial, representational or informational functions in the pursuit of their official duties.
- B. This policy shall be liberally construed in favor of protecting the public's interest in full disclosure of conflicts of interest and promoting ethical standards of conduct for city employees.
- C. This policy shall be interpreted and applied to allow inadvertent minor violations to be corrected and cured without disciplinary action and in conformance with the spirit and purpose of this policy.

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8

EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

8.02 Policy Statement

It is the policy of the City of Tumwater (1) to encourage reporting by its employees of improper governmental action taken by City of Tumwater officers or employees and (2) to protect City of Tumwater employees who have reported improper governmental actions in accordance with the City of Tumwater's policies and procedure(s).

8.03 Definitions

As used in this policy, the following terms shall have the meanings indicated:

- A. "City agency" means every department or any subdivision thereof.
- B. "City employee" means every position of employment in any city agency.
- C. "Immediate family" means:
 - 1. A spouse or domestic partner;
 - 2. Any dependent parent, parent-in-law, child or son-in-law or daughter-in-law; or
 - 3. Any parent, parent-in-law, child, son-in-law, daughter-in-law, sibling, uncle, aunt, cousin, niece or nephew residing in the household of the city employee.
- D. "Person" means individual, association, corporation, or other legal entity.
- E. "Improper governmental action" means any action by a City of Tumwater employee:
 - 1. That is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8

EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

8.03 Definitions

2. That (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety or (iv) is a gross waste of public funds.

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

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

8.04 Prohibited Conduct

No current city employee shall:

- A. Disqualification From Acting On City Business.
 1. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where conflict occurs;

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8
EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

8.04 Prohibited Conduct

2. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any matter upon which the employee is required to act in the discharge of his or her official duties, and fail to disqualify himself or herself from acting or participating;
3. Fail to disqualify himself or herself from acting on any transaction which involves the city and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership;
4. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or transaction to which the city or any city agency may be a party, and fails to disclose such interest to the appropriate city authority prior to the formation of the contract or the time the city or city agency enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.

B. Improper Use Of Official Position.

1. Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of the city; or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person;

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8
EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

8.04 Prohibited Conduct

2. Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any city funds or city property, for a purpose which is, or to a reasonable person would appear to be, for other than a city purpose; provided, that nothing shall prevent the private use of city property which is available on equal terms to the public generally (such as the use of library books or tennis courts), the use of city property in accordance with city policy for the conduct of official city business (such as the use of a city automobile), if in fact the property is used appropriately; or the use of city property for participation of the city in activities of associations of governments or governmental officials;
3. Except in the course of official duties, assist any person in any city transaction where such city employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position with the city; provided that this subsection shall not apply to: any employee appearing on his or her own behalf or representing himself or herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance;
4. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of his or her immediate family, in a business entity doing or seeking to do business with the city, and influence or attempt to influence the selection of, or the conduct of business with, such business entity by the city.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8
EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

8.04 Prohibited Conduct

C. Accept Gifts or Loans.

1. No employee may ask for or receive, directly or indirectly, any compensation, gift, gratuity, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty, action by the City other than the compensation, costs or fees provided by law; except that the following shall be allowed:
 - a) Unsolicited flowers, plants, and floral arrangements;
 - b) Unsolicited advertising or promotional items of nominal value, such as pens and notepads;
 - c) Unsolicited token or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
 - d) Unsolicited food items given to a department when the contents are shared among employees and the public;
 - e) Unsolicited items received for the purpose of evaluation or review provided the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the City;
 - f) Information material, publications, or subscriptions related to the recipient's performance of official duties;
 - g) Food and beverages consumed at hosted receptions where attendance is related to official duties;
 - h) Meals, beverages, and lodging associated with retreats or other meetings where the official serves as a representative, designee or is otherwise assigned to another organization or entity from the City of Tumwater;

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8
EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

8.04 Prohibited Conduct

- i) Travel costs, lodging, and tuition costs associated with City sanctioned training or education when not provided by a private entity under contract with the City;
- j) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization and other officials or employees of similar agencies are in attendance;
- k) Unsolicited gifts from dignitaries from another city or other jurisdiction that are intended to be personal in nature;
- l) Campaign contributions according to RCW 42.17; and
- m) Unsolicited gifts with an aggregate economic value of \$50.00 or less from a single source in a calendar year received either directly or indirectly by the official or employee.

D. Disclose Privileged Information.

- 1. Disclose or use any privileged or proprietary information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

E. Hold Financial or Beneficial Interest in City Transaction.

- 1. Regardless of prior disclosure thereof hold or acquire a beneficial interest, direct or indirect, personally or through a member of his or her immediate family, in any contract which, in whole or in part, is, or which may be, made by, through, or under the supervision of such employee; or accept, directly or indirectly, any compensation, gratuity, or reward in connection with such contract from any other person or entity beneficially interested therein.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8
EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

8.05 Prohibited Conduct After Leaving City

- A. No former employee shall, during the period of one (1) year after leaving city office or employment:
1. Disclose or use any privileged or proprietary information gained by reason of his/her city employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;
 2. Assist any person in proceedings involving the agency of the city with which he/she was previously employed, involving a matter in which he or she was officially involved, participated or acted in the course of duty;
 3. Represent any person as an advocate in any matter in which the former employee was officially involved while a city employee;
 4. Participate as a competitor in any competitive selection process for a city contract in which he or she assisted the city in determining the project or work to be done or the process to be used.
- B. The prohibitions of Sections 8.5 A2 and 8.5 A3 shall not apply to former employees acting on behalf of a governmental agency unless such assistance or representation is adverse to the interest of the city.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8
EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

8.06 Procedures for Reporting Improper Governmental Actions

City of Tumwater employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the Administrative Services Director or such other person as may be designated by the Administrative Services Director to receive reports of improper governmental action.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

The supervisor, the Administrative Services Director or the Administrative Services Director's designee, as the case may be, shall take prompt action to assist the City of Tumwater in properly investigating the report of improper governmental action. City of Tumwater officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

City of Tumwater employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the employee reasonably believes that an adequate investigation was not undertaken by the City of Tumwater to determine whether an improper governmental action occurred, or that insufficient action has been taken to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8
EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

8.06 Procedures for Reporting Improper Governmental Actions

City of Tumwater employees who fail to make a good-faith attempt to follow the City's procedures in reporting improper governmental action shall not receive the protections provided by the city in these procedures.

8.07 Complaints, Investigations, Review and Enforcement

- A. Any person may file a complaint alleging a violation of this policy, as set forth in Section 8.06 Procedures For Reporting.
- B. The complaint shall be in writing and shall, except as described in section C below, be signed by the complainant. The written complaint should state the nature of the alleged violation(s), the date(s), time and place of each occurrence, and name of the person(s) charged with the violation(s). The complaint shall be filed with the Administrative Services Director who shall provide a copy to the person charged with a violation. The complainant shall provide the Administrative Services Director with all available documentation or other evidence to demonstrate a reason for believing that a violation has occurred.
- C. This policy is intended to protect employees who choose to come forward in good faith with complaints about governmental actions and conduct of City of Tumwater employees.

Anonymous complaints have the potential to subject the person who is the subject of the complaint to an investigation that may, at the least, cause stress and embarrassment, and may, at most, result in discipline or termination of employment. The City is reluctant to begin an investigation based on an anonymous complaint due to the fact that evidence will be difficult to obtain and verify, and it will be impossible to assess the complainant's credibility. Complainants and whistleblowers have protection from retaliation under City policy, and a thorough investigation of such complaints is the City's goal. It is not possible to conduct a thorough investigation when a complainant remains anonymous. Therefore, the City reserves the right to decline to investigate any complaint that is provided anonymously.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8
EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

8.07 Complaints, Investigations, Review and Enforcement

If a complaint is received anonymously it shall be referred to the City Attorney for a recommendation on the processing of the complaint. Upon review of the complaint, the City Attorney will recommend to the City Administrator either that the complaint has no merit or that it should be investigated. Such a recommendation will be made within ten (10) days of receipt of the complaint, if possible. Upon receipt of the City Attorney's recommendation, the City administrator shall make the final determination on whether or not to refer the matter to the Administrative Services Director for investigation.

- D. Within thirty (30) days after receipt of a complaint, the Administrative Services Director or another person appointed by the City Administrator shall conduct a preliminary investigation. If the City Administrator, City Attorney or Administrative Services Director are implicated in the complaint, the Mayor will determine who will conduct the City's investigation. Criminal allegations will be referred to the proper law enforcement agency.

- E. If the Administrative Services Director determines, after preliminary investigation, that there are no reasonable grounds to believe that a violation has occurred, the Administrative Services Director shall advise the City Administrator to dismiss the complaint. If the City Administrator does so dismiss the complaint, he or she shall do so in writing, setting forth the facts and provisions of law upon which the dismissal is based, and shall provide a copy of the written dismissal to the complainant, to the person charged with the violation and to the Administrative Services Director.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8
EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

8.07 Complaints, Investigations, Review and Enforcement

- F. The Administrative Services Director shall refer a complaint to the City Administrator for action after his or her preliminary investigation, unless the City Administrator has dismissed the complaint; the Administrative Services Director requests from the City Administrator more time to conduct an investigation; the Administrative Services Director has determined that the violation was inadvertent and minor and was or is being satisfactorily corrected and cured; or with respect to a knowing or material violation, the Administrative Services Director recommends to the City Administrator a settlement.

- G. Within thirty (30) days from the date the Administrative Services Director refers a complaint to the City Administrator for review, the City Administrator shall issue a written determination stating whether the policy has been violated and setting forth the facts and the provisions of law upon which this determination is based. A copy of said determination shall be delivered to the complainant, to the person charged with the violation, to the Administrative Services Director and, where appropriate, to the person's superior.

- H. If the City Administrator determines that an employee has violated the provisions of this policy, the City Administrator may subject the employee to disciplinary action. In addition to any other penalty herein or otherwise provided by law, a violation shall be cause for suspension, discharge, or removal from employment, or such other disciplinary action as may, by the appropriate city authority, be deemed necessary and proper, and consistent with personnel ordinances and rules; provided, that this section shall not derogate from employee rights under any collective bargaining agreement or city personnel ordinance, or rules promulgated thereunto.

8.08 Protection Against Retaliatory Actions

City of Tumwater officials and employees are prohibited from taking retaliatory action against an employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8
EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

8.08 Protection Against Retaliatory Actions

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise in writing their supervisor, the Administrative Services Director or the Administrative Services Director's designee. City of Tumwater officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the employee's supervisor, the Administrative Services Director, or the Administrative Services Director's designee, as the case may be, does not satisfactorily resolve an employee's complaint that he or she has been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state law by providing a written notice to the City of Tumwater's City Council that:

- a. Specifies the alleged retaliatory action and
- b. Specifies the relief requested.

City of Tumwater employees shall provide a copy of their written charge to the manager no later than thirty (30) days after the occurrence of the alleged retaliatory action. The City of Tumwater shall respond within thirty (30) days to the written charge of retaliatory action.

After receiving either the response of the City of Tumwater or thirty days after the delivery of the charge to the City of Tumwater, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the manager within the earlier of either fifteen (15) days of delivery of the City of Tumwater's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City of Tumwater for response.

Upon receipt of request for hearing, the City of Tumwater shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8
EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

8.08 Protection Against Retaliatory Actions

Office of Administrative Hearings
PO Box 42488, 4224 Sixth S.E.
Rowe Six, Building 1
Lacey, WA 98504-2488
(360) 459-6353

The City of Tumwater will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

8.09 Responsibilities

The Administrative Services Director is responsible for implementing the City of Tumwater's policies and procedures (1) for reporting improper governmental action and (2) for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures (1) are permanently posted where all employees will have reasonable access to them, (2) are made available to any employee upon request and (3) are provided to all newly-hired employees. Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8
EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

8.10 List of Agencies

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

City of Tumwater

City Attorney
555 Israel Road SW
Tumwater, WA 98501
(360) 754-4121

Thurston County

Prosecuting Attorney's Office
Thurston County Courthouse
Building #2
2000 Lakeridge Drive
Olympia, WA 98502
(360) 786-5540

State of Washington

Office of the Attorney General
Antitrust Division
900 Fourth Avenue, Suite 2000
MS TB 14
Seattle, WA 98164-1012
(206) 464-7744

or

Office of the Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100
(360) 753-6200

State Auditor's Office

Attn: ED
PO Box 40021
Olympia, WA 98504-0021
(360) 902-0370

State Department of Ecology

Mailing Address:
PO Box 47775
Olympia, WA 98504-7775

Physical Address:
300 Desmond Drive
Lacey, WA 98503
(360) 407-6300

State Department of Health

Health Consumer Assistance
PO Box 4789
Olympia, WA 98504-7891
(800) 525-0127

Human Rights Commission

711 South Capitol Way, #402
PO Box 42490
Olympia, WA 98504-2490
(360) 753-6770 or (800) 233-3247

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8
EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

8.10 List of Agencies

UNITED STATES

Department of Labor & Industries

Mailing Address:

PO Box 44850
Olympia, WA 98504-4850

Physical Address:

7273 Linderson Way SW
Tumwater, WA 98501-5414
(360) 902-5799

Liquor Control Board

3000 Pacific Avenue SE
Olympia, WA 98504-3080
(360) 664-1600

Department of Natural Resources

1111 Washington Street SE
PO Box 47000
Olympia, WA 98504-7000
(360) 902-1000

**Puget Sound Water Quality Action
Team**

PO Box 40900
Olympia, WA 98504
(360) 407-7300

**Dept. of Social & Health Services
Director's Office**

4450 10th Avenue SE
Mail Stop 45840
Lacey, WA 98503
(360) 902-8400

Department of Agriculture

Office of Inspector General
75 Hawthorne Street, Suite 200
San Francisco, CA 94105-3920
(415) 744-2851

**Bureau of Alcohol, Tobacco &
Firearms**

Seattle Field Division
915 2nd Avenue, Room 790
Seattle, WA 98174-1093
(206) 389-5800

Attorney's Office

1201 Pacific Avenue, Suite 700
Tacoma, WA 98402-4305
(253) 428-3800

Department of Commerce

Office of Inspector General
915 Second Avenue
Room 3062
Seattle, WA 98174
(206) 220-7970

**Consumer Product Safety
Commission**

1301 Clay Street, Suite 610-N
Oakland, CA 94612-5217
(510) 637-4050

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8
EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

8.10 List of Agencies

Customs Service

8337 NE Alderwood Road, Room 200
Portland, OR 97220

Mailing Address:

P.O. Box 55700
Portland, OR 97238-5700
(503) 326-7625

Department of Education

Jackson Federal Building
915 2nd Avenue, Room 3362
Seattle, WA 98174-1099
(206) 220-7800

Environmental Protection Agency

1200 Sixth Avenue
Seattle, WA 98101
(206) 553-1200

**Equal Employment Opportunity
Commission**

Federal Office Building
909 First Avenue, Suite 400
Seattle, WA 98104-1061
(206) 220-6883 or (800) 669-4000
Seattle, WA
(206) 220-6883; (800) 368-9331

**Federal Emergency Management
Agency**

Federal Regional Center
130 228th Street SW
Bothell, WA 98021-9796
(425) 487-4600

Federal Trade Commission

2896 Federal Building
915 Second Avenue
Seattle, WA 98174
(877) 382-4357

General Services Administration

400 15th Street SW
Auburn, WA 98001
(253) 931-7500

Dept. of Health & Human Services

1200 Sixth Avenue, Room 1930
Seattle, WA 98101
(206) 553-1049

Housing and Urban Development

Seattle Federal Office Building
909 First Avenue, Suite 200
Seattle, WA 98104-1000
(206) 220-5101 or (877) 741-3281

Department of Interior

Western WA Fish and Wildlife
510 Desmond Drive SE, Suite 102
Lacey, Washington 98503
(360) 753-9440

Department of Justice

Drug Enforcement Administration
400 2nd Avenue West
Seattle, WA 98119
(206) 553-5443

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 8
EMPLOYEE CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER
GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST
RETALIATION (WHISTLE BLOWER)

8.10 List of Agencies

Department of Labor

Occupational Safety & Health (OSHA)
1111 Third Avenue, Suite 715
Seattle, WA 98101-3212
(206) 553-5930

Office of Inspector General Audits
1111 Third Avenue, Suite 780
Seattle, WA 98101-3212
(206) 553-4880

Office of Women's Bureau
1111 Third Avenue, Suite 885
Seattle, WA 98101-3212
(206) 553-1534

Mine Safety & Health Admin.
3633 136th Place, SE, Room 206
Bellevue, WA 98006
(206) 553-7037

Nuclear Regulatory Commission
Region IV
611 Ryan Plaza, Suite 400
Arlington, TX 76011-8064
(800) 695-7403

Securities and Exchange Commission
Pacific Regional District Office
44 Montgomery Street, Suite 1100
San Francisco, CA 94104
(415) 705-2500

Social Security
402 Yauger Way SW
Olympia, WA 98502
(800) 772-1213

Department of Transportation
Washington Division Office

711 South Capitol Way, Suite 501
Mail Stop: 40943
Olympia, WA 98501
(360) 753-9480

National Transportation Safety
Board

19518 Pacific Highway South
Suite 201
Seattle, WA 98188
(206) 870-2200

Department of Treasury
Internal Revenue Service (Local
Office)

404 Legion Way
Olympia, WA 98501
(360) 570-5410

Department of Treasury
Financial Management Service

San Francisco Financial Center
P.O. Box 193858
San Francisco, CA 94119
(415) 817-7300

Department of Veterans Affairs
Veterans Benefits Administration

Federal Building
915 2nd Avenue
Seattle, WA 98174
(800) 827-1000

Veterans Health Administration

4916 Center Street, Suite E
Tacoma, WA 98409
(253) 565-7038

Questions About the City of Tumwater's Ethics/Whistleblower Policy

ABOUT ETHICS

Q: If a City employee is offered a free lunch to discuss a party's concerns with a future City action controlled or influenced by that employee, is that ok?

A: No. A reasonable interpretation could conclude that the benefited City employee could be unduly influenced by acceptance of the lunch.

Q: If a City employee or department receives a food gift as a holiday occurrence or as recognition of good service, what should be done?

A: Such gifts should not be encouraged; however, if food items are received, a general sharing of the contents among employees and the public would be appropriate.

Q: If a member of the public offers a gift such as an expensive set of pens out of appreciation for a service provided, is there any way that the gift can be accepted so as not to offend the gift giver by rejecting the gift?

A: Gifts should not be encouraged. But if they are volunteered, they can be accepted as City property. If accepted, they must be turned into the Finance Department, where a decision will be made about the items. Options for the Finance Department could include issuing the gift back to the department for use as city property; handling the item as surplus property; or arranging to donate the item to a charitable organization.

Q: What "rule of thumb" can I use in making decisions about gifts?

A: There are two guidelines that can help in this determination: 1) the significance or financial value of the gift and 2) the context of the gift giving. To illustrate, while it would be ethical for the Fire Department to occasionally accept surplus food that is delivered to the station from a local restaurant, it would not be ethical for a Fire Department employee to accept food while inspecting the restaurant or to allow the restaurant to "pick up the tab" when he has gone there to buy a meal either on or off duty. Further, while a gift of an expensive set of pens poses ethical problems, inexpensive pens, calendars, or other promotional items that businesses generally made available to the public do not pose an ethical problem.

Q: If I am offered a discount on merchandise or services because I am a City of Tumwater employee, can I accept it?

A: No, generally speaking you should not accept any discount that is narrowly focused on your status as a Tumwater employee. If the discount were offered generically to all municipal employees, that would be acceptable.

Q: Should a City vehicle be used for dropping off a child at day care while going to work, or for other similar private purposes?

A: No. City resources should not be used for private purposes of any kind.

Q: If a City employee is asked to help interview firms interested in a City contract and that employee worked at one of the firms within the last year, what should that employee do?

A: The employee should respectfully decline the offer, indicating a conflict with the City Code of Ethics.

ABOUT WHISTLEBLOWING

Q: Why is the City adopting a policy on whistleblowing?

A: The Washington State Legislature passed SSB 6321, requiring cities to have a whistleblowing policy in effect by January 1, 1993.

Q: If a City employee becomes aware of an improper government action, to whom could they report or whistleblow?

A: To the City's Administrative Services Director or to another government agency which has some connection or overview responsibilities for the event.

Q: If the Whistleblowing Policy is not being followed correctly by City officials, is there recourse?

A: Yes. An aggrieved person can file a complaint to the City's Administrative Services Director. The complaint can be reviewed by an independent Administrative Law Judge.

Q: Is a City employee at risk of being retaliated against by City officials and employees because of whistleblowing?

A: No. The City policy directly prohibits retaliatory action and sets out a complaint process for violations which can become independent of City jurisdiction.

Q: Who are the contacts for reporting whistleblowing?

A: The City's Administrative Services Director (Eric Trimble, ext. 123) or the list of other governmental agencies incorporated into the Ethics/Whistleblower Policy.

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 9
SEXUAL HARASSMENT PREVENTION

- 9.01 Purpose
- 9.02 Policy and Objectives
- 9.03 Definitions
- 9.04 Reporting Procedures
- 9.05 Violations of Policy

9.01 Purpose

Sexual Harassment of employees is prohibited by the City of Tumwater. 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, sexual orientation, marital status, age, disability or national origin is also prohibited and is subject to the reporting procedures of this policy.

9.02 Policy and Objectives

It is the policy of the City of Tumwater:

- 9.02.01 To communicate this Sexual Harassment policy to employees and supervisors in order to assure that all employees and supervisors understand that Sexual Harassment is prohibited.
- 9.02.02 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.
- 9.02.03 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.

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 9
SEXUAL HARASSMENT PREVENTION

9.02 Policy and Objectives

- 9.02.04 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.
- 9.02.05 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.

9.03 Definitions

- 9.03.01 "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.
- 9.03.02 "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.

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 9
SEXUAL HARASSMENT PREVENTION

9.03 Definitions

- 9.03.03 "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 the 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.
- 9.03.04 "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.
- 9.03.05 "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.

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 9
SEXUAL HARASSMENT PREVENTION

9.04 Reporting Procedures

9.04.01 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.

9.04.01 Complainant's Responsibility:

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 Administrative Services Director; or
- d) The City Attorney may be contacted if the Administrative Services Director is unavailable or implicated in the allegation, or if the employee for other reasons, is not willing to disclose the matter to the Administrative Services Director.

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

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 9
SEXUAL HARASSMENT PREVENTION

9.04 Reporting Procedures

9.04.02 Management's Responsibility:

All reports of alleged Sexual Harassment received by management, shall be promptly referred to the Administrative Services Director. The Administrative Services Director shall immediately initiate an investigation or recommend another appropriate management representative to initiate the investigation.

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 the 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.

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 9
SEXUAL HARASSMENT PREVENTION

9.04 Reporting Procedures

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

9.04.03 Employees' Responsibility

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.

9.04.04 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.

9.05 Violations of Policy

9.5.01 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.

CITY OF TUMWATER

POLICY MANUAL – PART 1: PERSONNEL POLICIES

SECTION 9
SEXUAL HARASSMENT PREVENTION

9.05 Violations of Policy

9.05.02 Substantiated violations of this policy may result in disciplinary action in accordance with Section 4 of the City of Tumwater Personnel Policy 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.

9.05.03 Disciplinary action taken under this policy may be subject to the City's grievance policy as described in Section 4 of the City of Tumwater Personnel Policy Manual, to applicable civil service rules and procedures or to collective bargaining agreements.