

CITY OF MESA
RESOLUTION NO. 2014-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA AMENDING
THE CITY OF MESA'S PERSONNEL MANUAL**

WHEREAS, the City Council of the City of Mesa has adopted a Personnel Manual to establish personnel policies by Resolution 2012-11, which repealed all other resolutions, and

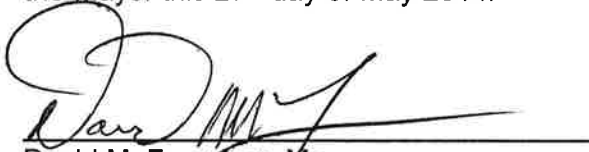
WHEREAS, the City Council has determined that changes are desired to the current personnel manual.

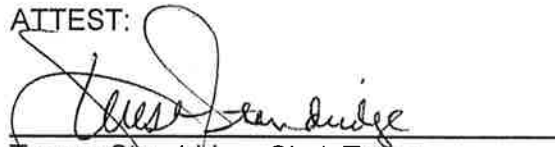
NOW THEREFORE, BE IT RESOLVED, that the City Council does hereby adopt the following:

SECTION 1. PERSONNEL MANUAL ADOPTION: The document entitled "City of Mesa Personnel Manual" is hereby adopted in its entirety as the City's official personnel manual for all City employees. The City of Mesa Personnel Manual is attached as an addendum to this Resolution.

SECTION 2. REPEALER: Any Resolutions in conflict are hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Mesa and **APPROVED** by the Mayor this 27th day of May 2014.


David M. Ferguson, Mayor

ATTEST:

Teresa Standridge, Clerk Treasurer

City of Mesa Personnel Manual

RESOLUTION 2014-02
5.1.4. AMENDED BY RESOLUTION 2017-04



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PURPOSE AND SCOPE OF POLICY

This manual is a general informational guide to the City's current employment policies and shall not be construed as a contract. The City reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual as the City deems necessary and appropriate without advance notice. These policies shall not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely. The City also reserves the right to deviate from these policies in individual situations, particularly in an emergency, in order to achieve its primary mission of providing orderly and cost efficient services to its citizens.

These personnel policies shall apply to all City employees. These policies shall not apply to elected officials, independent contractors and volunteers, with the exception of the City's prohibitions against discrimination and harassment, use of City equipment and statements regarding professional conduct and preserving confidential information. In all other cases, these policies shall govern. State and federal laws prohibits discrimination in employment on the basis of race, color, religion, sex, handicap, or national origin. The City of Mesa supports equal employment opportunities for all. Afford equal opportunities for employment to all persons regardless of race, color, religion, sex, handicap, or national origin. Say the city is an equal employer in all job announcements. Take affirmative action steps when necessary to assure all persons are afforded an equal opportunity to apply for city employment.

CHAPTER 1

SECTION 1. LEGISLATIVE BODY, CITY BOARDS AND COMMITTEES:

1.1.1. When a vacancy in the Legislative Body, City Boards or Committees occur, the position shall be posted and advertised at the City's designated locations.

1.1.2. In the case of a vacancy of a City Council member or Mayor's position, a majority vote plus one of the City Council shall be required for the appointment, within 90 days from the date the vacancy occurred.

1.1.3. All appointments to City Boards and Committees will be made by the Mayor with a majority City Council confirmation. The primary function of these boards and committees will be to provide information and assistance to the City Council for the future determination of the City's needs.

CHAPTER 2 **DEFINITIONS**

SECTION 1. EMPLOYMENT DEFINITIONS:

2.1.1. REGULARLY SCHEDULED FULL-TIME EMPLOYEES:

A regularly scheduled full-time employee who is scheduled to work a 35-40 hour week on a regular, year-round basis, depending on the situation for that week.

2.1.2. REGULARLY SCHEDULED PART-TIME EMPLOYEES:

A regularly scheduled part-time employee who is scheduled to work less than 35 hours per week on a regular basis.

2.1.3. PART-TIME RELIEF EMPLOYEES:

A part-time relief employee who is employed to work less than 35 hours per week on a as need basis.

2.1.4. PART-TIME, TEMPORARY EMPLOYEES:

An employee who is employed to work part-time on a temporary basis in order to provide manpower to fulfill a seasonal need; to undertake a specific project; or provide additional staffing for a seasonal operation or activity conducted by the City.

2.1.5. EMERGENCY EMPLOYMENT:

An employee hired to work for a limited amount of hours in the event of an emergency situation.

2.1.6. MAYOR-MAYOR PRO TEM:

The word Mayor in this Manual shall mean Mayor Pro Tem in the absence of the Mayor.

2.1.7. EXEMPT EMPLOYEES:

Exempt employees are defined as those employees who hold an administrative, professional or executive position which is defined as exempt from overtime pay requirements under the wage/hour laws of the Fair Labor Standards Act.

SECTION 2. HIRING/PROBATION:

2.2.1. When a position is vacant the Mayor shall have the position posted and advertised.

2.2.2. All new employees hired will start their employment with a six (6) month probationary period in which the City will use to establish a working qualifications record. At the six (6) month evaluation, if the employee's job qualifications are satisfactory, the employee will then be granted regular full-time or part-time employee status. The Mayor shall have the discretion to extend the probation period one time for up to six months as he/she has determined necessary.

CHAPTER 3 **POSITIONS AND DUTIES**

SECTION 1. CITY CLERK TREASURER:

There is established by the City of Mesa the office of City Clerk Treasurer. The Clerk Treasurer is appointed by the Mayor, to hold office during his/her pleasure, with majority of Council confirmation. The City Clerk Treasurer shall report to and serve under the direction of the Mayor. The Clerk Treasurer must be bondable.

3.1.1. CITY CLERK TREASURER OATH OF OFFICE:

Prior to entering upon the performance of the duties of office, the City Clerk Treasurer shall be required to take an oath for the faithful performance of his or her official duties.

3.1.2. CITY CLERK TREASURER POWERS AND DUTIES:

A. The City Clerk Treasurer shall have all of the powers and perform each and all together with any other duties or authority which may be conferred upon such office by the laws of the State of Washington or the ordinances of the City, as now or hereinafter amended. Major duties include but are not limited to the following:

1. Attends City Council meetings; responsible for recording minutes of the meetings and providing copies of minutes of the meetings for distribution to each Council member and Mayor prior to the next meeting.
2. Processes ordinances, resolutions and agreements generated by council meetings, and prepares same for signatures if approved by the Council. Responsible for posting and/or publishing ordinances as required.
3. Supervises the business license activities and the processing of all business licenses issued by the City, which requires coordination with all City departments. Informs business owners of the laws of the City relating to business licenses.
4. Supervises the clerk's office in duties assigned to assure complete coverage of reception desk and required secretarial duties during office hours.
5. Responsible for recording City legal publications, such as City Council public hearings notices and special meeting notices, any required notices, etc.

6. Responsible for recording legal documents for all City departments with the Franklin County auditor's office as required. Examples of documents for recording are quit claim deed, street vacation ordinances, annexation ordinances, and local improvement ordinances.
 7. Responsible for processing claims filed against the City. Coordinates with department heads for investigative and incidence reports, prepares necessary documents, sets up files, forwards all pertinent information to the insurance company.
 8. Receives all sealed bid documents submitted to the City. After awarding of contract to successful bidder by the Council, is responsible for returning bid bonds to unsuccessful bidders, and for setting up bid files.
 9. After ordinances are adopted by the City Council establishing local improvement districts, is responsible for ensuring copies of preliminary assessment notices are received by the owners of the properties affected by researching various sources for proper and current addresses. Refers all questions from property owners as to method of determining fees to be charged for the engineering services. The same procedure is followed for final assessment notices until project has been completed and turned over to the Treasurer's office. Maintains assessment rolls for reference. Prepares certified documents for bonding Attorney.
 10. Responsible for maintaining the City files, preparing folders and cross-reference system for all documents including ordinances, and minutes, agreements, resolutions, deeds, vehicle titles and bonds. Upon request by City departments, researches documents for required information and/or furnishes copies of agreements of other documents. Responsible for the maintenance of all City Clerk files.
 11. Accepts and processes written requests for public records.
 12. Is responsible for notarizing documents for City departments and/or citizens having business with the City.
 13. In coordination with other City departments assists with annual census estimate or actual population count. Compiles statistical records for submission to the state.
 14. Supervises mail distribution for all City departments. Answers routine correspondence and questions for the City Clerks office.
 15. Provides secretarial support to the Mayor, including delegation and supervision of clerical duties such as typing, filing, and scheduling of appointments.
- B. As Clerk Treasurer the powers and duties shall be performed as specified by RCW Title 35A for City Treasurers, together with any other duties or authority which may be conferred upon such office by the laws of the State of Washington or the ordinances of the City, as now and hereinafter amended. The major duties and responsibilities of the Treasurer shall include, but not be limited to, the following:**
1. Performs the duties of the City Treasurer including investments, cashiering, control over collection of City revenues, debt administration, and LID collection.
 2. Processes quarterly tax reports and is responsible for the timely payment of taxes.
 3. Responsible for the utility billing function.
 4. Responsible for the general accounting functions including claims processing, payroll, account balancing and reconciliation, grant accounting and utility records.
 5. Supervises and prepares mandatory financial reports and surveys to other agencies, Mayor, City departments and City Council.
 6. Coordinates the preparation to the City annual budget and provides on-going budgetary control monthly for Council review, this will be presented to Council at the first regular meeting of the month.
 7. Analyzes and projects cash flow for the City Council to insure a sufficient reserve is on hand to meet forecasted needs.

8. Arranges for and invests surplus City cash from special funds, reserve accounts and surplus Treasurer's cash.
9. Prepares yearly bond and coupon schedules for bond calls and cash flow projections.
10. Provides information to City Attorney on LID foreclosures in accordance with City ordinances and RCW.
11. Establishes schedules for billing, mailing delinquency notices and bond calls.
12. Reconciles computer reports to hand reports including general accounting, investment and special reports.
13. Remits funds to the State for local sales or use tax, revenue tax and court collections.

3.1.3. NOTARY PUBLIC POLICY:

The City of Mesa adheres to the highest standards of competence and responsibility in the providing of notary public services. Notaries Public in Mesa City Hall shall not perform nor be instructed to perform any notarial act which the notary or notary's supervisor knows to be false or violates the law or violates correct notarial procedures.

Notaries Public in Mesa City Hall shall correctly maintain a notary journal of all notarial acts they perform, and they shall protect their notary seals by keeping them in a safe and secure manner.

Notaries Public in Mesa City Hall shall refuse to execute a notarial certificate on any document or instrument the truth or legality of which is uncertain.

Notaries Public in Mesa City Hall shall exercise diligence and utmost care in the performance of all notarial acts.

SECTION 2. ASSISTANT CLERK:

There is established the position of Assistant Clerk for the City of Mesa, the City Assistant Clerk is appointed by the Mayor, to hold office during his/her pleasure, with a majority of City Council confirmation. The Assistant Clerk shall report to and serve under the direction of the Clerk Treasurer and/or the Mayor. The Assistant Clerk must be bondable. The Assistant Clerk is responsible for the essential functions to keep the City in good running order during the Clerk Treasurer's absence. Duties listed in Chapter 3, Section 1 of this manual may be required from time to time.

SECTION 3. PUBLIC WORKS SUPERINTENDENT:

There is established the position of Public Works Superintendent for the City of Mesa, the Public Works Superintendent is appointed by the Mayor, and to hold office during his/her pleasure, with majority of the Council confirmation. The Public Works Superintendent shall report to and serve under the direction of the Mayor. All reports required of the maintenance personnel shall be submitted to the clerk for filing. The Public Works Superintendent is responsible for the following items. These duties include but are not limited to routine maintenance, repair, cleaning, and other duties as described below and as assigned by the Mayor:

3.3.1. WATER SYSTEM MAINTENANCE:

- A. Pump(s) - Take readings daily, and submit to City Hall monthly.
- B. Lines - Assist in placement and repair of lines. Report any leaks to the Mayor immediately.
- C. Meters - Inspect and maintain in working condition. Take monthly readings or as assigned by the Mayor.
- D. Fire Hydrants - This includes removal of any obstacles, assisting with pressure checks, and testing on a regular basis. All fire hydrants (pertaining to the area) must be opened after water has been shut off in City main lines for any reason. Opening all fire hydrants annually.
- E. Shutoffs - Is responsible for shutting off all non-paying customers.

F. Acquire within one (1) year of employment Water Distribution Operator in Training and acquire and maintain a Water Distribution Manager 1 Operator's License as soon as possible in accordance with WAC 246-292-060. The City may take responsibility for the expense of required training, certification classes and testing. The City may reimburse upon satisfactory completion of one test.

G. Submit water samples and reports as required by the Department of Health.

3.3.2. SEWER SYSTEM MAINTENANCE:

A. Pump House(s) – Take reading daily, and submit to City Hall monthly.

B. Manholes - Inspect, and maintain. Flush out manholes yearly.

C. Lagoons - Report status, and control weeds.

D. Back-up Pumps - Start pumps once a month to make sure they are operating properly. Make sure there is adequate propane in tanks to run back-up pumps.

E. Acquire within one (1) year of employment Wastewater Treatment Plant Operator in Training and acquire and maintain a Wastewater Treatment Plant Operator's License Class I Plant as soon as possible in accordance with WAC 173-230-061. The City may take responsibility for the expense of required training, certification classes and testing. The City may reimburse upon satisfactory completion of one test.

F. Submit wastewater samples and reports as required by the Department of Ecology.

3.3.3. STREET MAINTENANCE:

A. Patch Holes - This includes streets and alleys where the hole is of a small enough size to be taken care of reasonably. Submit a list of needed repairs annually.

B. Weed Control - This includes weeds on along City owned right of ways, all road signs, and in all alleys.

C. Signs - This includes replacement of broken or uprooted traffic signs, street signs, and installation of new signs.

D. Acquire and maintain a Public Pesticide Operator's License within three months of employment. The City may reimburse upon satisfactory completion of one test.

3.3.4. PARK MAINTENANCE:

A. Mowing - This includes picking up garbage and rocks before mowing.

B. Raking - Keep dead grass and leaves picked up.

C. Trimming - This includes trees bushes and around playground equipment.

D. Equipment - Report any damaged or dangerous equipment immediately. Repair or remove as necessary.

E. Weeds - This includes all weeds around or under playground equipment by trimming or with use of sterilants.

F. Restrooms - This includes opening during spring and summer months, cleaning and stocking daily (as needed).

3.3.5. CITY BUILDINGS:

A. Cleaning - This includes sweeping, washing windows and cleaning restrooms in all City owned buildings as necessary. Do a weekly check on all buildings.

B. Garbage - Pick up all garbage in and around all City buildings.

C. Repairs - This includes changing light bulbs, windows, doors, and general maintenance associated with City buildings.

3.3.6. CITY PROPERTY:

Control weeds, pick up garbage, mow, water, remove leaves and dead grass on all City property.

3.3.7. CITY VEHICLES AND EQUIPMENT:

A. Routine Maintenance and Repair - This includes keeping all City vehicles and equipment in clean and operating condition. Submit maintenance reports and schedules quarterly. Order and pickup pre-approved parts and accessories needed for repairs and daily jobs.

B. All maintenance personnel operating city owned vehicles shall have a valid Washington State Driver's License.

1. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify the Mayor and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to the Mayor.
2. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including termination.

C. Mark all City owned equipment and tools with "City of Mesa".

3.3.8. GARBAGE:

Responsible for placement of garbage containers to all customers. Remove garbage containers when not in use. Make sure City garbage container is accessible to garbage truck and all trash on City property is in garbage container prior to pick-up.

SECTION 4. MAINTENANCE RELIEF:

There is established the position of Maintenance Relief for the City of Mesa, the Maintenance Relief is appointed by the Mayor, and to hold office during his/her pleasure, with majority of the Council confirmation. The Maintenance Relief shall report to and serve under the direction of the Public Works Superintendent and/or the Mayor. All reports required of the maintenance personnel shall be submitted to the clerk for filing. The Maintenance Relief is responsible for the essential functions to keep the City in good running order during the Public Works Superintendent's absence. Duties listed in Chapter 3, Section 3 in this manual may be required from time to time.

SECTION 5. ANIMAL CONTROL OFFICER:

There is established the position of Animal Control Officer for the City of Mesa, the Animal Control Officer is appointed by the Mayor, and to hold office during his/her pleasure, with majority of the Council confirmation. The Animal Control Officer shall report to and serve under the direction of the Mayor. The Animal Control Officer may be a current employee of the City holding another position or a contracted position and shall be allowed such compensation for his/her services as the Council shall negotiate. All reports required of the Animal Control Officer shall be submitted to the City Clerk for filing. The Officer is responsible for animal control within the City. Duties include but are not limited to following:

3.5.1. ANIMAL CONTROL OFFICER POWERS AND DUTIES:

A. Keep accurate records of licenses, vaccinations, owner and animal information, impoundment and release forms and receipts, warnings, and violations.

B. Make yearly door to door sweep of the City to sell licenses, update records, and deliver pertinent information to residents, if necessary and approved by the City Council.

C. Respond to complaints about stray dogs, or other animal related situations.

D. Issue Warning Tickets to owners of animals that are running at large or any other violation of animal control regulations within the City limits.

E. Issue Violation tickets to owners of second offense animals running at large within the City limits or any other animal control violations as set forth in the City's ordinances.

F. Seizure and impoundment of stray animals. When a licensed dog is seized, the Animal Control Officer shall notify the owner that the animal has been impounded or subject to impound, and may be redeemed.

G. During the redemption of an impounded animal, the Clerk Treasurer will collect all fees and forms associated with impoundment and the Animal Control Officer shall release the animal into the owner's custody.

H. All dog bites and attacks reported to City Hall will be submitted to the Health Department and Sheriff's Department by the Animal Control Officer.

I. The Animal Control Officer is responsible for reporting any known cruelty or mistreatment of animals to the Sheriff's Department after the animal's owner has been notified to correct the inhumane conditions or treatment and there has been no response or improvements.

J. In the event of an emergency endangering the health or safety of any person, where seizure and impoundment is deemed inadvisable or impractical, or for humane considerations, the Animal Control Officer at his/her discretion may use due force to control the animal involved and/or contact the Sheriff's Department.

SECTION 6. BUILDING INSPECTOR/ZONING OFFICER:

There is established the position of Building Inspector for the City of Mesa, the Building Inspector is appointed by the Mayor with a majority of the Council confirmation, and to hold office during his/her pleasure. The Building Inspector shall report to and serve under the direction of the Mayor. The Building Inspector may be a contracted position and shall be allowed such compensation for his/her services as the Council shall negotiate.

3.6.1. RESPONSIBILITIES:

A. The Building Inspector will be responsible for the review all applications received at City Hall, and issuing of building permits on construction in the City of Mesa. If necessary he/she will be State certified. Before issuance of permits, will turn all blueprints, forms, and permits in to the City Clerk Treasurer for collection. The Building Inspector will not accept money from the public. The City Clerk Treasurer, who is bonded, will receive all monies, for building permits.

B. The Building Inspector must possess or have the ability to obtain a valid Washington State driver's license.

3.6.2. DUTIES:

A. Is responsible for enforcing the City's codes for building, plumbing, mechanical, energy, fire, and the handicapped, and the building land use regulations. The employee occupying this position will be responsible for performing office work including the examination of plans for compliance with specified codes and noting discrepancies and obtaining corrections prior to final approval of plans. Field work consists of inspecting work in progress or upon completion for strict compliance with applicable codes and regulations. The inspector must utilize judgment in identifying deviations from plans, and work effectively with contractors, property owners, and trades personnel to achieve compliance. Most deviation from plans is resolved by the inspector; serious deviations are brought to attention of the Mayor who will discuss the deviations with the inspector and select an effective course of action to be recommended to City Council. The Building Inspector's duties will include but not be limited to the following:

B. Required to serve as ex-officio member of City Planning Commission; will attend Planning Commission meetings at request of Chairman of Planning Commission.

C. Coordinates inspections and assures uniformity of code enforcement.

D. Responds to questions in person or by phone regarding building codes or municipal codes.

E. Conducts field inspection of structures during construction or modification to insure that construction is performed according to revised plan; assures compliance with codes and regulations at the building site; issues stop work and/or stop work notices when a code violation is observed and follows through to see that corrections are made.

F. After application is made, or at the request of the Council, or a structure fire, inspects existing buildings to advise property owner of what must be done to the building to comply with present code. Confers with the Planning Commission on disputed or exceptionally difficult cases to determine compliance with the codes and ordinances and/or advisability of prosecuting violators of the law.

G. Reviews plans of proposed construction or remodeling for compliance with various codes and ordinances. Identifies discrepancies or short-comings; explains discrepancies or short-comings to contractors, architects, engineers, owners, or trade personnel and obtains compliance with codes and regulations; approves plans after corrections are made.

H. Keeps detailed records and prepares reports of inspections, investigations and other work performed; participates in preparing cases for legal action.

I. Will be required to review all building permit applications received at City Hall. After review of the application, should the building inspector feel that a permit is not needed for construction, he/she will put said reasons in writing and attach this document to the original application.

3.6.3. BUILDING PERMITS, APPLICATIONS, INSPECTION REPORTS:

A. In order to facilitate the processing of permits through the County Assessor's office, the following information is required for each application:

1. Name and address of applicant.
2. Legal description and physical sites address of improvement.
3. Value amount of improvement, or value of mobile home.
4. Diagram of the site, including the size, to the nearest foot.
5. Size of the improvement to the nearest foot.
6. Size of the improvement, in relation to existing structures, to the nearest foot.
7. Position of the structures to the property lines.

Note: The first three items in this list are required for the assessor's office. The remainder are included to obtain a rough idea of the type of improvement the applicant has in mind. For extensive remodeling or new construction a blueprint may be required.

B. Additionally for any mobile home placement permits, the following information will also need to be included on each application:

1. Year, Make, Length, Width of the home.
2. Serial or identification number.
3. If this is a used home, the former owner's name.
4. If relocating, the address or site location from where the home was moved.
5. Valuation of home.

C. The City Building Inspector will be required to provide inspection report forms for each building permit issued and a report for each inspection performed. Inspection reports will be turned into the City Clerk, reports will include, but not be limited to:

1. Respective building permit number.
2. Date and time of inspection.
3. Items inspected.
4. Items up to Code/or not up to Code.
5. Any corrective action to be taken.
6. A time frame for the corrective action.

D. All reports of the Building Inspector and the Blue prints will be turned into the City Clerk, and be maintained at City Hall, with all other City Records prior to the payment of the Building Inspector.

SECTION 7. CITY ATTORNEY:

There is established the office of Attorney for the City of Mesa, the Attorney to be appointed by the Mayor, with a majority of the Council confirmation and to hold office during his/her pleasure. The Attorney shall be allowed such compensation for his/her services as the Council shall negotiate at his/her hiring.

SECTION 8. CITY ENGINEER:

There is established the office of Engineer for the City of Mesa, the Engineer to be appointed by the Mayor, with a majority of the Council confirmation and to hold office during his/her pleasure. The Engineer shall be allowed such compensation for his/her services as the Council shall negotiate at his/her hiring.

SECTION 9. EMERGENCY EMPLOYMENT:

There is established a position for emergency employment. This position is used in the event of an emergency when there is no time to obtain Council confirmation of the hiring of said employee. The Mayor will make an attempt to contact at least three of the Council members, prior to hiring an individual, for confirmation. This employee shall be retained until such time as the emergency situation has been resolved or the Council meets to determine whether to retain this employee position. This employee will be paid at the rate of not less than minimum wage. The total accumulated wage for this employee during the emergency shall not exceed \$500.00 without Council approval. The Mayor will report to the Council the reasons for the use of an emergency employee at the next public meeting.

CHAPTER 4 **CONDUCT**

SECTION 1. PECUNIARY INTEREST:

No employee of the City shall have any financial interest in the profits of any contract, service or other work performed by an agency for the City. Nor shall any employee accept any fee or preferred service, benefits, or concessions from any persons, companies, or other agencies in return for special consideration relating to any City activity or program.

SECTION 2. OUTSIDE EMPLOYMENT:

Employment by the City shall carry with it the obligation to devote an employee's undivided job loyalty and attention to public employment and to avoid both actual conflicts of interest and the appearance of impropriety. No full-time employee shall engage in any outside employment without notifying the Mayor as to the nature of such employment. The Mayor may restrict such outside employment if it is considered to be detrimental to, or in conflict with, the interest of the City. Any person currently engaging in outside employment as of the effective date of these rules shall inform the Mayor within five (5) working days of the details of such employment for review.

SECTION 3. PROHIBITIONS ON DISCRIMINATION AND HARASSMENT:

It is the policy of the City to provide a work environment for its employees which is free from all forms of unlawful discrimination, harassment and intimidation. The City will not tolerate any form of discrimination or harassment. Prompt disciplinary action will be taken against an employee who commits or participates in any form of discrimination or harassment.

4.3.1. DEFINITION:

A. Discrimination is defined as any conduct directed at another employee or the public based on personal characteristics such as age (over 40), marital status, gender, ethnicity, race or national origin, religious beliefs, sexual preference, gender identity, disability, or a veteran who has been honorably discharged, and such conduct unreasonably interferes with that employee's ability to perform his or her job or negatively impacts the equality of services provided to the public.

B. Harassment is defined as unsolicited and unwelcome verbal or nonverbal conduct which disturbs, threatens, pesters, torments, annoys, badgers, teases, baits, taunts, insults, distresses, or vexes another person, where such conduct is degrading, or creates a hostile environment, or interferes with or adversely affects a person's work performance.

C. Sexual Harassment is defined as unwanted, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct which has the effect of creating an offensive, intimidating,

degrading or hostile work environment, or adversely interferes or affects an employee's work performance.

D. All employees are prohibited from engaging in any type of discriminatory conduct harassment of any other employee or other person in the course of or in connection with their employment. The City considers discrimination and harassment to be a serious offense and any employee who discriminates or harasses another employee or member of the public shall be subject to discharge or other appropriate discipline.

4.3.2. PROCEDURE:

A. If you feel that you or other employees have been subjected to discrimination or harassment of any kind, you are encouraged to immediately identify the offensive behavior to the responsible individual and request that it stop.

B. If you are uncomfortable in addressing the matter directly with the responsible individual, or if you do so and the behavior does not stop, then discuss the matter immediately with your supervisor, the Mayor, or any member of the City Council whom you feel comfortable. You should report the matter regardless of whether or not you have confronted the responsible individual.

C. You should also report any discrimination or harassment by members of the public, customers, suppliers, or other persons whom you encounter at work. Your concerns will be promptly investigated by the City and you will not suffer retaliation for reporting your concerns.

D. Your concerns will be promptly investigated by the City and you will not suffer retaliation for reporting your concerns.

4.3.3. INVESTIGATION:

The Mayor or, in the case of claimed discrimination or harassment by the Mayor or a Council member, the City Council shall investigate the allegations and will determine the appropriate disciplinary action to take. An investigation of alleged discrimination or harassment shall be treated confidentially and every effort will be expended to prevent personal embarrassment. In determining whether alleged conduct constitutes discrimination or harassment, the totality of circumstances, the nature and severity of the conduct, and the context in which the alleged incidents occurred will be taken into account.

SECTION 4. PERSONAL APPEARANCE AND CONDUCT:

A. All employees must maintain a clean and neat appearance appropriate to their work assignments. It shall be the responsibility of all employees to represent the City to the public in a manner, which shall be courteous, efficient and helpful.

B. The City will attempt at all times to operate its business in the most efficient, economical and orderly manner consistent with good management practices. All employees shall conduct themselves in a manner that will be consistent with established rules and will further the operation of City activities. Additional written standard operational procedures and rules of conduct may be established by the Mayor. Violation of departmental rules may also be cause for disciplinary action.

SECTION 5. USE OF CITY EQUIPMENT:

4.5.1. EQUIPMENT: All employees will be responsible for the City owned equipment that pertains to their job categories. The maintenance and repairs will be completed through work orders that will be kept on file in the City Hall.

4.5.2. ACCIDENTS: In the event of an accident, and in order to protect both employees and the City from unwarranted liability, employees are urged not to discuss accidents with persons other than the police and the Mayor until the City's insurer and the City Attorney have been notified and the employee has reviewed the accident with the insurer and/or Attorney. Overboard, inaccurate or confusing statements may result in personal loss or liability to the employee.

4.5.3. USE OF CITY TELEPHONE, EQUIPMENT OR SUPPLIES:

A. All city equipment, including facilities and electronic equipment, such as computers, digital equipment, City supplied walkie-talkies or phones are provided to an employee exclusively for City business. No expectation of privacy arises as to any City equipment or as to the use of any City facilities. The City reserves the right to monitor equipment use, including electronic equipment and computers, to ensure these policies are complied with. No permission or advanced notice to the employee is required.

B. Employees shall not use City equipment or supplies for personal activities nor store City equipment or supplies in personal vehicles or private residences, garages, etc. Employees shall not place long distance calls on the City's phone bill for personal business. Nothing in this policy shall be read to prevent reasonable, limited use of City telephones for local personal calls and in emergency situations.

C. Employee's misuse of City telephones, equipment or supplies may be considered theft, and may result in disciplinary action or discharge. Theft of City services, equipment or supplies shall result in discharge.

D. Employees shall not cause to be placed on any city computer any personal pictures, music, or any other personal materials or download games, or unapproved freeware or programs.

4.5.4. USE OF CITY VEHICLES:

A. No City vehicle shall be used for personal purposes. Violation of the prohibition against personal use may result in disciplinary action or discharge.

B. Fuel card user shall record odometer reading when fueling City vehicles. Misuse of the fuel card for personal use is an act of dishonesty and will be grounds for discharge.

C. City employees operating City owned vehicles shall follow the adopted Motor Vehicle Record Driving Requirements Policy.

4.5.6. INTERNET USE:

This policy applies to all City employees, elected officials, volunteers and contract service providers who have access to or use City provided computer equipment, send or receive e-mails through the City's computers and who gain internet access through City computers, either through a local area network or through the City's Internet capabilities.

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

- Pornographic sites and access to pornographic materials.
- Use of the City Internet to harass employees, vendors, customers, and others.
- Sports or games.
- Use of the City Internet for partisan political purposes.
- Unauthorized transfer of copyrighted materials utilizing City Internet capabilities.
- Any site that charges a fee (unless there has been prior written approval of justified City expense item by supervisor).
- Vendor sites to purchase personal items.
- Marketing of personal or private business.
- Use of City equipment to access personal web e-mail, chat sites or personal postings on the internet.
- Accessing any dating web-sites or other web-based personal service providers.

If employees wish to use the internet for personal reasons, they must first obtain permission to do so by their supervisor. Such permission will not be granted for longstanding or consistent personal use, but

will be limited to the date and time of the request. Authorized personal use is subject to adequate capacity in the system. If permission is granted for any brief personal use of the internet or e-mail access, keep in mind all such information and communications may be the subject of a public records request, and therefore, use of City equipment may impact the confidentiality of this information. Use of e-mail or the internet on an occasional and authorized basis must not cost the City any money or in any way interfere with City work. City departments may adopt and enforce more restrictive policies on computer, internet, and e-mail use or limit access to computers or internet access to those with job duties that routinely require such access.

B. Authorized Users: No City employee or officer shall be authorized to use the City's Internet capabilities until he or she has signed a document indicating that the employee or officer has read and agrees to be bound by the terms of this policy.

C. No Privacy Rights: Electronic communications are not private or confidential. All Internet communications utilizing the City's Internet capabilities are the property of the City and may be public records under the Public Records Act (RCW 42.56). There are no rights to individual privacy in any communications or information obtained through the City's Internet capabilities.

D. Professional and Courteous Communications: The standards for conduct for City employees apply to use of the City's Internet capabilities. All communications across the Internet shall be professional and courteous.

E. Duty to abide by Procedures Established by the City Clerk Treasurer: The City Clerk Treasurer shall establish procedures for posting content on the Internet, accessing information (including downloading information or software), virus detection and control, access controls and related security mechanisms for use of the City's Internet capabilities.

Employees should keep personal log-ons and passwords confidential, and through the system administrator, will change passwords on a regular basis. Failure to adhere to this policy jeopardizes network security and puts users at risk of potential misuse of the system by other individuals, network user's may be held responsible for all actions taken using their personal network access permissions.

F. Supervision: It is the responsibility of the elected official or department head to enforce these policies, and to monitor and audit use of the City's Internet capabilities within each department.

4.5.7. ELECTRONIC MAIL (E-MAIL):

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

A. Repelling Unwanted E-Mail: There may be occasions when e-mails are received which the recipient did not solicit and which do not comply with this policy. No employee shall be subject to discipline for receiving such e-mail provided the employee promptly replies by e-mail to discourage the sender with the following or similar message to the sender:

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

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

C. Types of E-Mail/Restrictions: Employees are accountable for their use of electronic communications just as they are for other conduct and communications in the workplace. Therefore, use of the electronic mail system is as follows:

1. The e-mail system is not to be used to create, send or copy any offensive, discriminatory, harassing or disruptive messages. Messages will be considered offensive if they contain information or language that would violate the City's Discrimination/ Harassment Prevention policy.

The City will view the appropriateness of any communication on the basis of how it would have been perceived and dealt with had it been conducted by telephone, in person or on paper.

2. The e-mail system is not to be used to send, receive, or download copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.

3. Confidential and sensitive information such as performances reviews, disciplinary and/or corrective actions, attorney-client privileged information, personnel information, and health or medical information should not be communicated via e-mail.

4. Communications, which would be inappropriate under other City policies, are equally unacceptable if delivered via electronic communication. These communications may include, but are not limited to, harassing or discriminatory comments, breached of confidentiality and insubordinate statements. Threats of any kind are absolutely prohibited and may result in immediate termination from employment, regardless of the sender's intent.

5. The electronic mail system may not be used for sales or to solicit anything for commercial ventures, religious, or political causes, outside organizations or other non-job related solicitations.

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

4.5.8. DISCIPLINE/ENFORCEMENT OF POLICY: This Discipline/Enforcement section applies to Internet Use and Electronic Mail sections.

A. Violators of this policy shall be subject to discipline. It is the responsibility of the Mayor or department head to enforce these policies, and to monitor and audit use of e-mail within each department. Employees who are found in violation of this policy may be subject to the following:

1. Internet and e-mail access may be revoked.
2. Access times may be restricted.
3. Violations of the discrimination and harassment prevention policies or use of the internet or e-mail to make threats of any kind will warrant more severe discipline and may result in immediate termination.

B. Employees will be disciplined for violation of the Electronic Communications Policy. However, employees will not be disciplined for "deminimis" personal use of the electronic mail system or the Internet. The deminimis (too minor to warrant concern) standard would mean that some personal communications while not sanctioned, are subject to a warning, rather than discipline. Generally this would include such uses as adding a personal comment to an official e-mail, sending a short personal note to a colleague or other personal interactions that are routinely a part of day to day business interaction. Reasonable judgment should be applied to individual circumstances. The City retains sole discretion to determine what are deminimis and to discipline for all other use.

4.5.9. USE OF CREDIT CARDS:

The City of Mesa is establishing policy for the use and payment of credit cards. Credit cards can be used for travel expenses as described in RCW Chapter 42.24 and for use as a billing agreement where credit is set up, such as: Sears, Office Depot, and others as needed to run the City of Mesa effectively.

All credit cards need to be approved by the City Council to be acquired and used. The Mayor will decide who will be issued the Credit Cards. Any credit cards obtained will be issued in the name of the official, officer, or employee, as well as the City, and may be used by other persons in that department only. The Mayor will be responsible for who uses the card.

The official, officer, or employee that uses the City credit card shall sign a receipt for the same which statement shall also include acknowledgment that the official, officer, or employee understands the limitations out on the use of the credit cards and that any misuse thereof shall constitute a misuse of public funds. The credit card may be used solely for covering expenses incidental to authorized travel

on official City business or authorized expenditures that are covered by billing agreements to use the companies' credit card.

Any credit card obtained by the City is not for any personal use or the purchase of personal items by any official, officer, or employee; it may not be used for personal purchases to be paid back to the City at a later date.

Payment of Credit Cards: The official, officer, or employee shall obtain a receipt for each purchase made with the cards, and shall submit the same, together with a fully itemized expense voucher to the City Clerk or Mayor within five working days after travel or purchase which ever comes later. The City Clerk will sign that the charges have been reviewed for correctness and are allowable. The Clerk Treasurer will submit the receipts and itemized expense voucher to the City Council for approval and payment at the first regular meeting of the month.

Non Allowed Charges and Procedures: Any charges not properly identified by date, item bought, place bought and total cost, or any charges disallowed by the Mayor or Clerk Treasurer shall be immediately reimbursed by the official, officer, or employee in the form of cash. If, for any reason, a disallowed charge is not repaid before the credit card billing is due and payable; the official, officer, or employee shall be charged interest on the amount of the disallowed charge at the rate charged by the credit card company. All credit cards shall be kept in a secure place at City Hall when not in use.

The City reserves unlimited authority to revoke use of any credit card issued to an official, officer, or employee, and upon notice of such revocation being delivered to the credit card company, the City shall not be liable for any costs or charges incurred on said card thereafter.

All authorized officials, officers, and employees shall sign an acknowledgement of credit card usage.

SECTION 6. SAFETY:

A. The City recognizes the need for the development of safe working practices for every employee and desires to promote on-the-job safety by encouraging the proper design and use of buildings, equipment, tools and other devices. Administration of the safety program is the responsibility of the Mayor. The Mayor will approve and supply necessary safety equipment required for jobs. The Mayor will insure that the employees under his/her supervision are well acquainted with existing safety rules and shall make certain that the rules are uniformly enforced. Safety education of all employees shall be promoted by the City.

B. Employees should be constantly on the alert as to unsafe working conditions with the aim of immediate correction. Employees who observe unsafe conditions or procedures should report these situations to the Mayor in writing.

C. Safety meetings shall be held as scheduled by the Mayor or the Mayor's designee.

D. The City will comply with all relevant Labor and Industries workplace safety regulations.

SECTION 7. ON THE JOB ACCIDENTS:

Accidents which occur on the job, either during regular working hours, weekend services or while on special assignments, shall be immediately reported by the employee to the Mayor. If an immediate report of an accident cannot be made, it shall be reported as soon as it is possible to do so, in any case within 24 hours.

SECTION 8. DISCIPLINARY ACTION OR DISCHARGE:

4.8.1. DEFINITIONS OF DISCIPLINARY ACTIONS:

A. Verbal Admonishment: A verbal admonishment is a counseling session between a Mayor and an employee on the subject of the employee's conduct and performance, or his/her failure to observe a rule, regulation, or administrative instructions.

B. Reprimand: A reprimand is a formal written disciplinary action for significant misconduct, inadequate performance or repeated lesser infractions.

C. Suspension: A suspension is a temporary enforced absence from duty in a non-pay status which may be imposed as a penalty for significant misconduct or repeated lesser infractions.

D. Resignation: An employee resigning from City service should give at least two (2) weeks notice in writing to the department head stating the reason for leaving and the anticipated last day of work. The time limit on resignations may be waived at the discretion of the Mayor. The Mayor shall forward a final performance evaluation report to the City Clerk for filing in the employee's personnel file.

E. Discharge: An employee may be discharged from employment with the City for causes set forth in section 4.8.2., but the Mayor is not limited to said causes.

F. Death: Upon the death of an employee, all compensation due shall be paid to the surviving spouse or the estate of the employee.

4.8.2. CAUSES FOR DISCIPLINARY ACTIONS:

A. An employee may be disciplined or discharged for any act, error or omission which tends to discredit public service, which impairs the efficient operation of the City or for any of the following reasons:

1. Drinking intoxicating beverages or the abuse of non-prescription or prescription drugs on the job, or arriving on the job under the influence of or while in possession of intoxicating beverages or drugs.
2. Being absent from work without first notifying and securing permission from the Mayor.
3. Being habitually absent or tardy.
4. Accepting fees, gratuities or other valuable items in the performance of the employee's official duties for the City.
5. Inability, refusal or failure to perform the assigned job and the duties thereof.
6. During or at the end of the probationary period without cause.
7. For unsatisfactory job performance, insubordination, or as a result of disciplinary action.
8. Due to lack of skills, certifications or other conditions which would make the employee unfit for service.
9. Discrimination or Harassment of other City employees.
10. Abuse of sick leave privileges.
11. Falsification of required reports, and or internal document, i.e., mileage log, travel reimbursement forms, progress reports, or falsification of information included on an application, etc.
12. Violation of provisions herein stated in this personnel manual.
13. Unsafe work practices.

4.8.3. DISCHARGE ACTION:

A. The Mayor, when issuing a notice of discharge, shall provide a copy to the City Clerk for filing in the employee's personnel file. In addition to the employee's copy the City Council will be given a copy of the notice of discharge at the next scheduled executive session.

4.8.4. WHISTLEBLOWER COMPLAINTS:

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

1. "Improper governmental action" means any action by a City of Mesa officer or employee:
 - a. That is undertaken in the performance of the officer's or employee's duties, whether or not the action is within the scope of the employee's employment; and

- b. That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety or 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, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining, alleged violations of labor agreements or reprimands.

2. “Retaliatory action” means any adverse change in the terms and conditions of a City of Mesa employee’s employment.
3. “Emergency” means a circumstance that if not immediately changed may cause damage to persons or property.

B. Procedures for Reporting: The City employees who become aware of improper governmental action 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 Mayor or such other person as may be designated by the Mayor 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 employees may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

The supervisor, the Mayor or the Mayor’s designee, as the case may be shall take prompt action to assist the City in properly investigating the report of improper governmental action. The City officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the 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.

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

The City 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.

C. Protection Against Retaliatory Actions: The City officials and employees are prohibited from taking retaliatory action against a City employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

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

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

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

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

After receiving either the response of the City of thirty (30) days after the delivery of the charge to the City, the City 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 the Mayor within the earlier of either fifteen (15) days of delivery of the City's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City for response.

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

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

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

D. Responsibilities: The Mayor is responsible for implementing the City of Mesa'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.

E. 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 Mayor.

CITY OF MESA

Mesa City Attorney
Leland Kerr
7025 W. Grandridge Blvd., Suite A
Kennewick, WA 99336
(509) 735-1542

Mesa City Hall
103 Franklin Street
P.O. Box 146
Mesa, WA 99343
(509) 265-4253

FRANKLIN COUNTY

Franklin County Sheriff Dept.
Public Safety Bldg.
1016 N. 4th Avenue
Pasco, WA 99301
(509) 545-3501

Franklin County Law Dept.
Franklin County Prosecutor
1016 N. 4th Avenue
Pasco, WA 99301
(509) 545-3543

Benton Franklin District Health Department
7102 W. Okanogan Place
Kennewick, WA 99336
(800) 814-4323

STATE OF WASHINGTON

Attorney General's Office
1125 Washington Street SE
P.O. Box 40100
Olympia, WA 98501-0100

State Auditor's Office
ATTN: State Employee Whistleblower Program
P.O. Box 40031
Olympia, WA 98504-0031

(360) 753-6200

State Dept. of Ecology
N. 4601 Monroe
Spokane, WA 99205-1295
(509) 329-3400

State Dept. of Health
Health Consumer Assistance
P.O. Box 47890
Olympia, WA 98504-7891
(800) 525-0127

State Liquor Control Board
P.O. Box 43094
3000 Pacific Avenue SE
Olympia, WA 98504
(360) 664-1731

Puget Sound Water Quality Authority
P.O. Box 40900
Olympia, WA 98504
(360) 407-7300

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

U.S. Attorney's Office
1201 Pacific Avenue, Suite 700
Tacoma, WA 98402-4305
(253) 428-3800

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

U.S. Dept. of Education
Jackson Federal Building
915 2nd Avenue, Room 3362
Seattle, WA 98174-1099
(206) 220-7800

Equal Employment Opportunity Commission
Federal Office Building
909 First Avenue, Suite 400
Seattle, WA 98104-1061
(206) 220-6883 or (800) 669-4000

(360) 725-5352
whistleblower@sao.wa.gov

Human Rights Commission
711 S. Capitol Way, Suite 402
Olympia, WA 98504-2490
(800) 233-3247

Department of Labor & Industries
4310 W. 24th Avenue
Kennewick, WA 99338
(800) 547-9411

Dept. of Natural Resources
713 Bowers Road
Ellensburg, WA 98926-9301
(509) 925-8510

Dept. of Social & Health Services
Welfare Fraud Hotline
P.O. Box 45817
Olympia, WA 98504-5817
(800) 562-6906

UNITED STATES

Bureau of Alcohol Tobacco & Firearms
Seattle Field Division
915 2nd Avenue, Room 790
Seattle, WA 98174-1093
(206) 389-5800

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

U.S. Customs Service
P.O. Box 55700
8337 NE Alderwood Road, Room 200
Portland, OR 97238-5700
(503) 326-7625

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

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

Dept. Of Health & Human Services
1200 Sixth Avenue, Room 1930
Seattle, WA 98101
(206) 553-1049

Dept. of Housing & 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 & Wildlife
510 Desmond Drive SE, Suite 102
Lacey, WA 98503
(360) 753-9440

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

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

Dept. of Transportation
Washington Division Office
711 South Capitol Way, Suite 501
Mail Stop: 40943
Olympia, WA 98501
(360) 753-9480

Dept. of Treasury
Financial Management Service
San Francisco Financial Center
P.O. Box 193858
San Francisco, CA 94119
(415) 817-7300

Dept. of Veterans Affairs
Veterans Benefits Administration
Federal Building
915 Second Avenue
Seattle, WA 98174
(800) 827-1000

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

National Transportation Safety Board
19518 Pacific Highway South, Suite 201

Veterans Health Administration
4916 Center Street, Suite E

4.8.5. EMPLOYEE DRUG TESTING:

A. The City recognizes that they have an obligation to ensure a safe and healthy work environment. This policy is instituted to assure that the work place be free of employees whose job performance may be impaired by the abuse of drugs and/or alcohol.

The City recognizes that drug and alcohol abuse are treatable illnesses and to the extent possible the response to these illnesses should be treatment and rehabilitation. The City recognizes that consumption of alcohol or drugs to the point that employees are unable to perform their jobs safely and effectively is not tolerated.

The City recognizes that when employees have placed themselves in a situation where their ability to perform their jobs is impaired by drugs or alcohol that it is the responsibility of the supervisor to remove such employees from the work environment to prevent the endangerment of the employee, fellow employees and/or the public.

The City recognizes employee concerns personal privacy and therefore agrees that drug or alcohol testing shall be used only in cases where questions of impaired job performance are involved. Adverse action against an employee for off duty conduct shall not be taken unless such conduct directly impairs the employee's on-the-job performance.

B. Prohibited Substances: "Drugs" shall be defined as those substances whose dissemination is regulated by law, including but not limited to narcotics, depressants, stimulants, hallucinogens, cannabis and alcohol. This definition shall include over-the counter drugs and/or drugs that require a prescription or other written approval from a licensed physician or dentist for their use. The drugs that are included in these categories are as follows:

- A. Alcohol;
- B. Cannaboids/marijuana;
- C. Cocaine;
- D. Heroin;
- E. Opium or opiates;
- F. Phencyclidine (PCP);
- G. Lysergic acid diethylamide (LSD);
- H. Barbiturates;
- I. Amphetamines or methamphetamines;
- J. Methaqualone;
- K. Mescaline;
- L. Glutethimide;
- M. Phenocycladine;
- N. Procyclidine;
- O. Other controlled substances as defined in RCW 69.50.101;
- P. A prescription drug for which the employee does have or does not have a current, valid, personal prescription and which is not authorized or approved for use while operating a motor vehicle or other equipment;
- Q. Any over-the-counter drug which may impair job performance and safety.

C. Disciplinary Action—Limitations: The presence of trace amounts of alcohol, cannaboids and/or over-the-counter drugs as evidenced by a drug or alcohol test, shall not be grounds for disciplinary action to the extent that job performance and/or the ability to perform safely is not lessened to any appreciable degree; except where the presence of these substances is in violation of an agreed upon treatment and/or return to work agreement.

D. Disciplinary Action--Procedure and Testing:

1. In the event there is reasonable cause to believe that an employee's job performance may be impaired by drugs or alcohol, the employee's supervisor shall question the employee with regard to the behavior. The supervisor shall directly observe the employee's behavior and document the behavior. Indications of impaired behavior include but are not limited to the following: staggering or

irregular gait, the odor of alcohol on the breath, slurred speech, dilated or constricted pupils, inattentiveness, listlessness, hyperactivity, performance problems, illogical speech and thought processes, poor judgment, or unusual or abnormal behavior.

2. When possible, a second managerial employee or council member shall also observe the employee to verify that there is reasonable cause to believe that drug or alcohol consumption may be involved. A determination shall be made as to whether or not the employee's behavior is impaired to the point of being unable to perform his duties and placed on a suspension with pay status until a clear determination can be made as to the abuse or non-abuse of drugs or alcohol.
3. If it is concluded that there is reasonable cause to believe that drug or alcohol consumption is involved, the supervisor shall have a drug or alcohol test administered. Failure of an employee to take the test(s) shall result in the employee's termination. The employer may also have the employee undergo a physical examination at employer expense at the time that the drug or alcohol test is administered. The test(s) must be conducted within a reasonable time period after the observation of the problem behavior.
 - a. If the test is negative, the employee shall be counseled by the physician and returned to work if appropriate to the medical diagnosis. There shall be no loss of pay or benefits. Where appropriate a signed physician's release may be required by the employer before the employee is returned to work. Time lost due to an illness will be charged to sick leave. If the behavior that led to the initial investigation is not due to substance abuse but continues to hinder job performance, the employer may require the employee to undergo further medical evaluation.
 - b. If the test is positive the employee may be terminated depending upon the circumstances of the situation. Circumstances that would warrant an immediate termination would include incidents where the employee's impairment resulted in loss of life, serious injury to self or others, the serious loss or damage of property or an incident of parallel magnitude.
4. In cases where immediate termination is not warranted, the employee will be placed in an unpaid rehabilitation leave status. The employee shall be evaluated and a recommended appropriate treatment shall then be arranged. Where appropriate the employee shall be referred to a treatment program. Once the inpatient part of the program has been completed, the employee may be re-employed but only with a written release from a physician. Where it is prescribed by a physician and/or a treatment program, drug testing may be included as a part of that treatment program. An employee who is returned to work as provided for under this procedure who fails to comply with any of the terms or an agreed upon treatment and/or return to work agreement may be terminated.
5. An employee who is the subject of an investigation related to substance abuse may have a representative or another employee present during the investigative procedures outlined above.

E. Testing Methods: The employer shall utilize both urine and blood tests for verification. The "enzyme-immunoassay" (EMIT) and "gas chromatography-mass spectrophotometry" (GC-MS) test method shall be used in a laboratory agreed upon by the employer. The employer shall pay for the costs of all tests and medical examinations carried out under this procedure. The employer shall maintain confidentiality of test results to the extent possible.

F. Terms of Treatment: The employee and the employer shall work cooperatively to facilitate the resolution of problems that arise under the administration of this policy. When appropriate, the employee and the employer shall enter into joint agreements that establish the form of treatment and the conditions that will be imposed for the return of an employee to the work place.

CHAPTER 5 **BENEFITS**

SECTION 1. EMPLOYEE BENEFITS:

5.1.1. MEDICAL BENEFITS:

All regularly scheduled full-time employees will receive a medical benefit package or equal cash value in lieu of this benefit subject to re-negotiation on a year to year basis by the Mayor, City Council and

employee. Full-time employees at the employee's expense may add dependents to their medical package in accordance with the insurance carrier's policies. The additional premium for dependents shall be deducted from the employee's wages.

5.1.2. BEREAVEMENT LEAVE:

All regularly scheduled full-time employees are granted leave with pay for death and/or funeral attendance in the immediate family of not more than one (1) day for less than 150 miles, and up to three (3) days for 150 miles or more of travel, with a maximum amount of bereavement leave of six (6) days per calendar year. In the case of the death of a mother, father, child, or spouse up to three (3) days bereavement leave may be taken for less than 150 miles. Bereavement maximums are not be granted automatic and may be judged on a case-by-case basis by the Mayor. Immediate family is classified as Grand Parents, Father, Mother, Spouse, Sister, Brother, Son, Daughter, Grand Children, Step-children and immediate In-laws.

5.1.3. ANNUAL LEAVE:

A. Regularly scheduled full-time employees are eligible for their first vacation with pay after one year from date of hire.

1. After one (1) year of service but less than three (3) years: 5 days (forty hours) vacation;
2. After three (3) years of service but less than ten (10) years: 10 days (eighty hours) vacation;
3. After ten (10) years of service: 15 days (one hundred-twenty hours) vacation;
4. After twenty (20) years of service: 20 days (one hundred sixty hours) vacation.
5. After twenty five (25) years of service: 25 days (two hundred hours) vacation.

B. Each employee is responsible for scheduling their vacations without undue disruption of City operations and approval by the Mayor. Vacation requests of two (2) days or less should be submitted at least forty-eight (48) hours prior to the time being requested off. Vacation requests of three (3) days or longer normally shall be submitted at least thirty (30) days in advance of the requested time off.

In the event of an unexpected personnel shortage or work overload, the Mayor may cancel vacation, without the payment of overtime and reschedule the vacation at a mutually agreeable time. Employees that have made travel plans shall be accommodated if the cancellation of vacation will result in an economic loss.

C. Regularly scheduled full-time employees may accrue hours semimonthly from date of hire at a rate equal to their leave allotment. Annual leave may be accumulated up to a maximum of thirty (30) days (240 hours).

D. Upon discharge, employees will be paid for unused vacation. Vacation earned during the current year will be paid to employees if they have completed one or more years of service and leave the City in good standing. Employees will receive pro-rata vacation only if they provide at least a two-week notice of their discharge.

E. During the first month of employment, vacation hours will be earned as follows:

Start date before the 15th of the month - full month accrual.

Start date after the 15th of the month - one-half (1/2) month accrual.

During the last month of employment, vacation hours will be earned as follows:

Last date of employment before the 15th of the month - one-half (1/2) month accrual.

Last date of employment after the 15th of the month - full month accrual.

5.1.4. SICK LEAVE:

A. All employees shall be entitled to sick leave with pay for absences resulting from illness, injuries, accidents, or physical incapacitation occurring either on or off the job. Regularly scheduled full-time employees are credited with eight (8) hours per month, accrued semimonthly. All other employees are credited with one (1) hours for every forty (40) hours worked. Sick leave may be accumulated from year to year, up to 400 hours, but has no cash value. No compensation for unused sick leave will be paid upon termination of employment. If an employee separates from work but is rehired within twelve

months, any previously unused paid sick leave is reinstated. The abuse of sick leave privileges may be considered just cause for disciplinary action against an employee. Employees are eligible for sick leave under the conditions hereinafter stated.

1. Incapacitation or the prevention of the performance of regularly assigned duties as the result of illness or injury, or other duties as assigned by supervisor.
2. Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others.
3. Medical treatment or examination for employee or dependent children, provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day and that the employee will return to work after the appointment if time allows.
4. Sickness in the immediate family where the employee is required for the family member's care.
5. Employees are also guaranteed the ability to use sick leave in accordance with the provisions of Chapter 296-130 of the Washington Administrative Code relating to family care. Employees may use any or all of their accrued sick, vacation or other paid time off to care for: (a) A child of the employee who has a health condition that requires treatment or supervision; or (b) a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency condition. The City may require a doctor's certificate to verify the family member's condition and the need for treatment, supervision or care. Employees may not use sick or other paid leave in advance of accrual.

An employee's benefits are suspended during the period of unpaid leave until the employee returns to work. Vacation, sick leave, and/or other benefits do not accrue while an employee is on leave without pay. In most situations, self-payment of benefits may apply.

6. Use of a prescription drug, which impairs job performance or safety.

B. The Mayor shall be notified at the earliest practical time during the employee's regular working hours of any sick leave situation other than medical appointments. Sick leave requests for medical appointments shall be submitted in advance.

C. In the event an employee has used all of the sick leave currently credited to the employee's account and must be absent from work for a reason which would otherwise entitle the employee to use sick leave, the employee shall apply to the Mayor for permission to take time off under one of the following categories:

1. Charge the extra days to his/her annual leave, if any.
2. Take leave without pay.

Note: Vacation and sick leave must be exhausted prior to taking any leave without pay.

D. Reasonable amounts of leave will be granted to victims of domestic violence, stalking or sexual assault. Family members of the victim of domestic violence, stalking or sexual assault may also be eligible for leave. The City may request verification of the need for leave. Reasons for leave can include the need for treatment from a medical provider, meetings with law enforcement, a counselor or crisis shelter provider or attendance at a pending legal proceeding. Information about the circumstances surrounding the need for leave will be kept as confidential as possible, however this information will also be helpful in assessing any workplace safety concerns the employer may need to be aware of, including the existence of any restraining orders. Reasonable amounts of leave shall be determined by the City under the circumstances presented, but shall include leave which does not unduly disrupt City services or become a burden to the City in attempting to provide services.

E. A doctor's certificate will be required when an employee is absent for a period in excess of three (3) days.

F. The first month of employment, sick hours will be earned as follows:

Start date before the 15th of the month - full month accrual.

Start date after the 15th of the month - one-half (1/2) month accrual.

During the last month of employment, sick hours will be earned as follows:
Last date of employment before the 15th of the month - one-half (1/2) month accrual.
Last date of employment after the 15th of the month - full month accrual.

5.1.5. FAMILY AND MEDICAL LEAVE POLICY:

A. Purpose of Policy: The City of Mesa does not have a sufficient number of employees to be covered under the Federal or State Family Medical Leave laws (FMLA and FLA), however, Mesa strives to provide comparable leave for employees for the same purpose as these statutes. The City grants job-protected, unpaid family and medical leave to eligible employees for up to twelve (12) weeks per year or as provided by the FMLA and FLA for any of the following reasons:

1. The birth of and care for a newborn child, or the placement of a child with an employee in the case of adoption or foster care. Leave for these reasons will expire at the end of the 12 month period beginning on the date of such birth or placement.
2. In order to care for an immediate family member (spouse, child, or parent) if that family member has a serious health condition.
3. An employee's own serious health condition that makes the employee unable to perform the essential function(s) of their position.

B. Definitions:

Twelve-Month Period: Eligibility for leave is based on the prior 12 month period from the time a request for leave is made. This is referred to as a rolling twelve-month period, which is measured backward from the date family and medical leave is first taken.

Accrual of Additional Leave: An employee's vacation and sick leave accruals are suspended during the period of unpaid leave until the employee returns to work. Vacation, sick leave, and/or other benefits do not accrue while an employee is on leave without pay. In most situations, self-payment of benefits may apply.

Spouse: Either member of a legally-married pair may take a portion of the 12 weeks leave, if both spouses work for the City. The couple is then entitled to a combined total of 12 weeks of leave if the leave is taken for the birth of a child, the placement of a child for adoption or foster care, or to care for a sick parent. If each spouse uses a portion of the 12 weeks of leave for the purposes specified above, each would be entitled to the difference between the amount they had taken and 12 weeks of FMLA leave for a different purpose. Example, if each spouse took 6 weeks of leave as a result of the birth of a child, each could use an additional 6 weeks due to his or her own serious health condition.

Child: A person younger than eighteen (18) years of age, or a person older than eighteen (18) years of age and incapable of self-care due to a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility. A "child" includes a biological, adopted, foster, or step-child.

Serious Health Condition: An illness, injury, impairment, or a physical or mental condition involving inpatient care or continuing treatment by a health provider. Continuing treatment involves:

1. A period of incapacity of more than three (3) consecutive calendar days (not working days) and subsequent treatment including either two visits to a health care provider or one visit followed by continuing treatment under the health care provider's supervision;
2. A period of incapacity due to pregnancy or for prenatal care;
3. Treatment for chronic serious health conditions such as asthma and diabetes which (1) requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; (2) continues over an extended period of time (including recurring episodes of a single underlying condition); and (3) may cause episodic rather than a continuing period of incapacity; and
4. Treatments for serious conditions such as cancer that may not be incapacitating but without treatments would result in a period of incapacity of more than three (3) consecutive days.

Health Care Provider: Any health care provider that is recognized by the City or accepted by the City's group health plan. This may include physicians, dentists, clinical psychologists, optometrists, and chiropractors, nurse practitioners, nurse midwives and clinical social workers.

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

D. Intermittent or Reduced Leave: An employee may take FMLA leave on an intermittent (a few days or few hours at a time) or on a reduced leave schedule as a result of the birth of a child and for the placement of a child for adoption or foster care if the City and the employee agree to such a schedule.

Leave for a serious health condition may also be taken intermittently or on a reduced leave schedule when medically necessary. A "medically necessary" leave is one that involves a medical need for the leave and that can best treat the need through an intermittent or reduced leave schedule. The City may request certification from the health care provider of the employee or family member of the medical necessity of the intermittent leave schedule and the expected duration. Employees are required to schedule intermittent leave that is foreseeable so as not to unduly disrupt the City's operations and so the City can assign employees temporarily to alternative positions with equivalent pay and benefits that better accommodate such recurring periods of intermittent leave.

For regular part-time employees and employees who work variable hours, the FMLA entitlement will be calculated on a prorated basis. A weekly average of the employee's hours worked over the twelve-week period before the beginning of the family and medical leave will be used for calculating the employee's normal workweek.

E. Substitution of Paid Leave: The City has elected to offer this leave benefit to run concurrently with any accrued paid benefits available to the employee. An employee must use all eligible sick leave, personal leave and vacation leave at the same time as family medical leave benefits under this policy. Once accrued leave is exhausted, the employee will remain on unpaid leave if needed, to complete the employee's FMLA eligibility.

When an employee on FMLA leave has exhausted their accumulated vacation leave or sick leave, the remainder of the FMLA leave will be unpaid leave so that the total of paid and unpaid leave equals twelve (12) weeks.

An employee who incurs a work-related illness or injury may be eligible to receive worker's compensation benefits. Any time off due to the work-related illness or injury will count toward the employee's FMLA benefit.

F. Designating Leave as FMLA Leave: The City has the authority to designate before leave starts, whether any paid leave to be taken counts towards an employee's FMLA leave entitlement, and will notify the employee immediately upon learning that it qualifies as FMLA leave. The initial notification to the employee may be oral, but will be confirmed in writing by the next regular payday. The City's designation is based upon information obtained from the employee or the employee's spokesperson (e.g., spouse, parent, physician, etc. if the employee is incapacitated). The employee must provide enough information to enable the City to make a determination. If adequate information to designate leave as FMLA eligible is not available the City may make a tentative designation until further inquiry is made to obtain the additional information, to include requesting copies of relevant medical records, or potentially requesting a medical certification form or, when needed, a medical examination at the City's expense.

The City may designate leave as FMLA leave after an employee has returned to work in two cases:

1. If an employee was absent for an FMLA reason and the City did not learn reason for the absence until their return to work, the City and/or the employee may (within two business days of the employee's return to work) designate the leave retroactively as FMLA leave and will give appropriate notice of this designation; or
2. If the City knows of the reason for the leave, but has been unable to confirm that the leave qualifies under the FMLA, the employer should make a preliminary designation and so notify the employee.

Upon receipt of the information or medical certification which confirms that the leave either is or is not for an FMLA reason, the preliminary designation must either be withdrawn or be made final.

G. Employee Notice Requirements: An employee must provide the City with at least thirty (30) days advance notice before FMLA leave is to begin if the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition. Failure to provide the notice will give the City the right to delay the taking of leave until at least thirty (30) days after the date the employee provides notice to the City of the need for FMLA leave. If thirty (30) days' notice cannot be provided, notice must be given as soon as practicable. Verbal notification should be provided within one or two business days of when the need for leave becomes known to the employee. When planning medical treatment, the employee will consult with the City and make a reasonable effort to schedule the leave so as not to "unduly disrupt the City's operations, subject to the approval of the health care provider."

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

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

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

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

H. Health Plan Premiums: Any portion of group health plan premiums which the employee has paid before starting an FMLA leave must continue to be paid by the employee during the leave. Any changes to premium rates and levels of coverage or other conditions of the plan that apply to other active employees also applies to eligible employees on FMLA leave. The City will give advance written notice to employees of the terms for payment of premiums during FMLA leave. If FMLA leave is unpaid, the City requires that payment of health benefit premiums will be made by the employee to the City. Payment is required at the same time as if it would be made by payroll deduction.

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

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

I. Rights Upon Return to Work: When an employee returns from an FMLA leave, they will be restored to the same or an equivalent position with equivalent benefits, pay, or other terms and conditions of employment. The Act does not require the City to place a returning employee in the same

position. If a position in which an employee is placed is equivalent, the employee has no right to be restored to the original job.

The employee's restoration rights are the same as they would have been if the employee had not been on FMLA leave. For example, if the employee's position would have been eliminated, or if the employee would have been terminated, the employee does not have the right to be reinstated upon return from FMLA leave.

Seniority: An employee is not entitled to seniority or benefit accruals during periods of unpaid family and medical leave. However, an employee does not lose seniority or benefits accrued prior to family and medical leave.

Early Return: Since an employee may only be required to take FMLA leave for reasons that qualify and may not be required to take more leave than necessary, the employee may be promptly restored if the employee requests reinstatement earlier than originally scheduled, but should where foreseeable, give the City reasonable advance notice, generally at least two working days.

Request for Extension: An employee should give reasonable notice to the City of the need for an extension if less than the 12 weeks of FMLA leave has been used.

Failure to Return to Work: An employee who does not (or is unable to) return to work after exhausting the 12 weeks is no longer protected by FMLA. If the employee is able to return at some time after the 12 weeks FMLA leave has expired, the employee may be reinstated to the employee's same or similar position, if available, in accordance with the applicable laws. If the employee's same or similar position is not available, or holding the position open for the employee may create an undue hardship for the City, the employee may be terminated.

5.1.6. DISABILITY/MATERNITY LEAVE:

Disability is defined as any illness or condition that prevents the employee from performing the duties of his/her position because of physical or mental impairment as determined in writing by a physician.

A. Disability leave will be granted when an employee is medically disabled and therefore unable to perform his/her normal duties. Disability leave will extend for the duration of the disability, up to a maximum of three (3) months. If leave extends more than five (5) working days, the employee must show written medical statement of disability. Maternity leave will be offered to employees for up to three (3) months.

B. For employees who have worked five (5) years or more, two (8) hour days of paid disability leave will be granted per year to be held in account for a debilitating illness/maternity leave. Disability leave shall not be used until fifty percent (50%) of available sick leave is used. Disability leave shall be granted on the employee's anniversary date.

5.1.7. LEAVE OF ABSENCE:

A. Leave of absence may be granted for special purposes or under unusual circumstances by the majority of Council approval.

B. The City will not pay non-wage related benefits (i.e. health insurance, optical insurance etc.) while an employee is on leave without pay. The employee may continue to pay for non-wage related benefits if he/she wishes up to a period of 3 months if permitted by the benefit plan.

C. All other benefits are suspended including accrual of leave, until the employee returns to work.

5.1.8. HOLIDAYS:

A. All regularly scheduled full-time City employees shall receive credit for eight (8) hours holiday:

1. New Years Day, January 1st
2. Martin Luther King Jr. Birthday, 3rd Monday in January
3. Presidents Day, 3rd Monday in February
4. Memorial Day, Last Monday in May
5. Independence Day, July 4th
6. Labor Day, 1st Monday in September
7. Veterans Day, November 11th

8. Thanksgiving Day, 4th Thursday in November
9. Day After Thanksgiving, Day after the 4th Thursday in November
10. Christmas Eve Day, December 24th (half day – 4 hours)
11. Christmas Day, December 25th

B. Whenever any of these holidays fall on a Saturday, then the previous Friday shall be taken off; further, whenever any of these holidays fall on a Sunday, the following Monday shall be taken off.

C. Full time employees will be paid for the holiday plus one and one-half times their regular rate of pay for any time worked on a holiday. Such time must be pre-authorized by the Mayor.

D. In accordance with Legislation (SSB 5173) effective June 12, 2014, employees shall be entitled to two unpaid holidays per calendar year “for reasons of faith or conscience or for an organized activity conducted under the auspices of a religious denomination, church, or religious organization. An employee may select the specific days to take as unpaid holidays under this new law after consulting with the Mayor. The Mayor must allow the employee to take these specific days as unpaid leave unless absence on these days would impose an undue hardship on the City or the employee is necessary to maintain public safety. The definition of an “undue hardship” will be determined by a rule to be adopted by the state Office of Financial Management. The two unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.

5.1.9. JURY DUTY:

When full-time employees are required to report for jury duty, they will be paid their regular earnings less the time compensation received for performance of such duties. Employees must apply to the Mayor immediately for leave. The employee must show his/her jury summons to the Mayor before leave is granted. Employees must report to work during periods when they are excused from appearing for jury duty.

5.1.10. MILITARY LEAVE:

City provides all employees leave while performing military service in accordance with federal and state law. Employees who are members of the Washington National Guard, U.S. Military Reserve or other organized reserve or armed forces of the United States may be absent from their duties, with pay, for a period of up to twenty one (21) days per year (from October 1 to September 30) for active duty or active duty training. If military service extends beyond 21 working days, the additional leave will be unpaid. If additional leave is needed beyond the 21 days of paid leave, it may be taken from accrued sick or vacation leave balances. Once all paid leave is exhausted, an employee who is called to active duty will remain on unpaid status for the period of their military service. Employees are required to provide their supervisor with copies of their military orders as soon as possible after they are received but at a minimum within 5 business days of their official leave date. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.

Family Military Leave applies to all employees who work at least an average of 20 hours a week. An employee whose spouse is being called to active duty may take up to 15 days of unpaid leave per deployment. Leave can be taken before or after deployment.

5.1.11. RECORDS:

The City Clerk is directed to keep records of all annual, and sick leave earned and used by each employee, and provide the Mayor with a monthly status report of each employee's leave time balances. In addition each employee (whether full-time or part-time) shall submit a weekly time sheet on the Monday following the week worked to the Mayor for review and signature.

5.1.12. INCLEMENT WEATHER:

Employees generally are expected to report for work during inclement weather or natural disaster conditions if the Mayor does not declare an emergency closing. During times of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. It is expected that employees make every reasonable effort to report to work without endangering their personal safety. Employees who are late because of weather conditions will be given a chance to make up their missed

time if work schedules and conditions permit. The employee shall advise the Mayor by phone as in any other case of late arrival or absence. An employee who is unable to get to work or leaves work early because of unusual weather conditions may charge the time missed to vacation, compensatory time off, exchange time off, sick, make up the time within the pay week, or leave without pay.

5.1.13. CELLULAR TELEPHONE:

On-call employees or employees under emergency circumstances using privately owned cellular telephones for City business may be paid at a flat rate of \$20.00 per month as approved by the Mayor on a monthly basis. The flat rate shall be included on the employee(s) payroll check and will be considered taxable income to the employee.

CHAPTER 6

PAYROLL COMPENSATION

SECTION 1. PAYROLL POLICIES:

City of Mesa's employees are paid bimonthly. Payroll checks shall be issued within five days after the 15th of each month and within five days after the last regularly scheduled working day of the month.

6.1.1. PAY SCALE:

A. All newly hired employees will be paid at a rate established by the City Council prior to hiring new employee.

B. Cost of Living Allowance (COLA) raises as adopted in the City's annual budget shall be effective on January 1st. The effective date of non-COLA raises shall be determined by the City Council when the raise is assigned.

6.1.2. PAYROLL DEDUCTIONS:

A. Some regular deductions from the employee's earnings are required by law; other deductions are specifically authorized by the employee. Not all of the required deductions apply to all employees, especially in the areas of industrial insurance and retirement:

B. REQUIRED BY LAW:

1. Federal Withholding Tax (Income Tax).
2. FICA (Federal Insurance Contributors Act Social Security).
3. Medicare Tax for all employees not participating in Social Security and hired after April 1, 1986.
4. State Industrial Insurance.

6.1.3. TIME CLOCK AND TIME SHEET:

A. Time Clock: All employees are required to punch in and out on the time clock. Time cards shall be placed in an appropriate place and delivered to the City Clerk Treasurer after each week or employee may not be paid for wages for that time period. If employee is unable to use the time clock, the reason shall be written on the time card. However, all employees shall make every effort to use the time clock to clock in and out.

B. Time Sheet: Entries from Time card shall be transferred to Employee Weekly Time Sheet and time shall be rounded to the nearest quarter hour. For example, if an employee clocks in at 12:07, then 12:00 should be recorded on the time sheet, if an employee clocks in at 12:08, then 12:15 should be recorded on the time sheet.

6.1.4. EMPLOYEE'S OVERTIME:

The City will provide for overtime as required by the Fair Labor Standards Act (FLSA). Overtime pay is provided for each employee who is considered "non-exempt" from the overtime requirements of the FLSA.

A. All overtime shall be approved by the Mayor. When possible, overtime shall be approved in advance of working hours in excess of forty (40) hours per week.

B. A work week shall be defined as the period between 12:00 a.m. Sunday to 11:59 p.m. Saturday.

C. Overtime shall refer to services rendered by an employee in excess of forty (40) hours worked in the above defined work week. Non-exempt employees shall receive overtime compensation equal to one and one-half times their regular rate of pay for each hour worked in excess of forty (40) hours in their regular work week.

D. The City Clerk is directed to keep records of the overtime earned, and to adjust employees' pay check to reflect this overtime after approval of the Mayor or the use of any compensation time.

E. Employees may accrue overtime for service over forty (40) hours per work week, under the following circumstances with the approval of the Mayor:

1. Performance of necessary or emergency field work.
2. Required attendance at meetings on City Council business.
3. Additional time put in to substitute for sick or absent employee at the request of the Mayor.
4. A City emergency which required immediate attention.

F. Employees shall not be allowed to use vacation, sick, compensatory time, or any personal time that will take their hours into overtime status, however emergency call outs will be paid as set forth in section 6.1.6.

G. Employees shall be paid for any overtime that falls on a quarter hour and the remainder of overtime may be paid or receive compensatory time. For example, if an employee works .75 hours overtime, the .25 hour shall be paid overtime and the remaining .5 hour may be paid or calculated into compensatory time.

6.1.5. COMPENSATION TIME:

A. Non-exempt employees entitled to overtime pay may elect to receive compensatory time off instead of cash payment. This is approved on a case-by-case basis by the Mayor. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. Maximum accruals of compensatory time shall be limited to forty (40) hours for regular employees. After maximum accrual, overtime compensation shall be paid.

B. Employees may use compensatory time in lieu of accrued overtime within a reasonable time period after making a request to the Mayor. The Mayor will approve of any use of compensation time prior to the employee taking compensation time off. The Mayor will grant a reasonable request, unless doing so would unduly disrupt City operations. Compensatory time should be used for short term absences from work during times mutually agreed to by the employee and the Mayor. All compensation for time taken off under this provision will be deducted from accrued overtime hours and this deduction will appear on the employee's paycheck.

C. If an employee is unable to use accrued compensatory time within a reasonable period, usually ninety (90) days, the employee will be paid his/her original overtime wage.

6.1.6. EMERGENCY CALL OUTS:

Employees may be paid or earn compensation time one and one-half times their regular rate of pay for emergency call-outs when calls occur during non-working hours, weekends or during approved absences.

A. Employees shall be paid a minimum of two hours and to the nearest quarter-hour increment after the first two hours for call-outs between the hours of 8:00 p.m. and 5:00 a.m. Monday through Friday, weekends or during approved absences.

B. Employees shall be paid a minimum of one hour for call-outs less than one hour between the hours 6:00 a.m. and 8:00 p.m. Monday through Friday.

C. Employees may be required to follow the below procedure.

1. Carry a cell phone so as to be reached for emergencies or call-outs. For calls (i.e. sewer lift station, water reservoir, pumps), person responsible for the pager shall respond and check out problem, then report to the Mayor at the earliest opportunity.

2. For phone calls, receive any necessary information from the Mayor to determine who called, reason for the call, and caller phone number and address. A call to the person may resolve the issue or get enough information to determine whether or not someone needs to be called out.
3. Make necessary notes in the logbook in detail about what will be done and what expenses are incurred.

D. Employee shall be paid time and half for emergency call outs regardless if they worked their regular 40 hours in a week or not.

6.1.7. TRAVEL EXPENSE REIMBURSEMENT:

A. City employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the City, including food, lodging and travel expenses while away, but excluding any expenses for alcoholic beverages.

B. Requests for reimbursement, including receipts, shall be submitted on an expense voucher form signed by the employee and City Clerk Treasurer, then submitted for City Council approval.

C. Employees will be reimbursed for mileage for the use of their personal vehicles at the Internal Revenue Service allowable mileage rate.

6.1.8. BREAKS AND MEAL PERIODS:

Employees may take one (1) fifteen-minute break for every four (4) hours worked. All breaks shall be arranged so that they do not interfere with City business or service to the public. Meal periods are unpaid and usually one (1) hour in length, but cannot be less than thirty (30) minutes, unless during busy times may be less or none as agreed upon by the Mayor and employee.

6.1.9. DEFERRED COMPENSATION:

The City Council hereby adopts the U.S. Conference of Mayors Deferred Compensation Program and its attendant investment options and hereby establishes the City of Mesa Deferred Compensation Plan for the voluntary participation of all eligible City employees, elected officials and independent contractors.

The City Clerk Treasurer is hereby authorized to execute for the City, individual participation agreements with each said employee requesting same, and to execute such agreements and contracts as are necessary to implement the Program. It is implicitly understood that other than the incidental expenses of collecting and disbursing the employee's deferrals and other minor administrative matters, that there is to be no cost to the City for the Program.

Eligible employees may participate in the City's adopted deferred compensation program with a minimum contribution as prescribed by the Plan Administrator. Full-time regular employees shall be entitled to three percent (3%) City contribution of gross wages into the deferred compensation program after five (5) years of service.

CHAPTER 7

PERFORMANCE EVALUATIONS

A. The Mayor is responsible for developing and maintaining the City's performance evaluation program. Employees are to be evaluated by the Mayor or Mayor's designee prior to completion of his/her probationary period and at least once every twelve (12) months thereafter.

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

C. The employee is to be allowed a reply or rebuttal statement indicating his/her agreement or disagreement with the evaluation findings, which statement will be attached to the evaluation form and filed with the employee's personnel file.

CHAPTER 8

GENERAL

SECTION 1. GENERAL PROVISIONS:

The provisions of this policy are declared to be severable (to stand alone), and if any section, sentence, clause, phrase, or word of this policy shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, phrases and words of this policy, but they shall remain in effect; it being the intent that this policy shall stand notwithstanding the invalidity of any part.

SECTION 2. AMENDMENTS TO RULES:

If it becomes evident that a change in this policy, in part or in whole, is necessary for the proper administration of the City's personnel program, the employee(s) or official(s) shall present the proposed amendment(s) to the City Council for approval or rejection. Changes in this policy shall require the approval of the majority of the City Council. In the event that any changes are made in this policy under the above procedure, employees shall receive notification of these changes, such that employees shall understand the nature and the consequences of the changes. This personnel manual is a statement of general policy and does not create any contractual rights.

SECTION 3. AMENDMENTS AND REPEALERS:

1990-005	Establishment for Hiring Policies, Powers & Duties of Employees & Appointments of City Boards & Committees	11-08-90
1992-002	Adopting a Personnel Manual for all Employees	02-12-92
1992-11	Amending the City of Mesa's Personnel Manual	07-09-92
1992-14	Repealed Notary Public Service Policy	12-10-92
1993-01	Repealed Policy for Reporting Improper Governmental Action & Protecting Employees against Retaliation (Whistleblower)	02-11-93
1995-13	Amending the City of Mesa Personnel Policy	12-14-95
1996-05	Repealed Establishing a Deferred Compensation Plan for the City of Mesa Employees	12-12-96
1997-05	Amending the Personnel Policy-Bereavement Leave	06-12-97
1998-02	Repealed Adopting a Equal Employment Opportunity/Affirmative Action Policy	03-12-98
1998-08	Adopting a Personnel Policy, Repealing all others	07-09-98
1999-04	Amending the Personnel Policy	06-24-99
2000-03	Amending the Personnel Policy	02-24-00
2000-12	Repealed Establishing a Notary Public Service Policy	10-26-00
2001-02	Adopting the City of Mesa's Personnel Policy	03-08-01
2004-05	Establishing Inclement Weather Policy	03-09-04
2004-06	Amending Medical Benefits	03-23-04
2004-07	Amending Call-out Policy	04-13-04
2005-05	Establishing Internet & Electronic Mail Policy	04-12-05
2005-07	Establishing Cellular Telephone Payment Policy	05-24-05
2005-16	Amending & Adopting the Personnel Policy	10-12-05
2006-04	Amending Breaks & Meal Periods	05-23-06
2008-09	Repealed Adopting Credit Card Policy	10-14-08
2008-10	Amending & Adopting the Personnel Policy	10-14-08
2012-11	Adopting the Personnel Manual	8-28-12
2014-02	Adopting the Personnel Manual	5/27/2014
2017-04	Amending the Sick Leave Policy	5/9/2017