

CITY OF EAST WENATCHEE



MANUAL OF
PERSONNEL POLICIES
AND PROCEDURES
Effective March 1, 2015

Forward

As an employee of the City of East Wenatchee (“City”), you are among an elite group of people who have chosen public service as a career field. Public service rewards those who truly believe in the age-old concept of service. Because it is vital for an employee to consistently contribute to the overall level of service provided by the City, the City designed this employee handbook to give you the foundation to formulate your personal plan of how you best represent the vision, ideals and values of the City.

Promoting Positive Public Relations

Because the City is owned, financed and controlled by the people, the citizens of the City are ultimately your employer. Hence, in your everyday dealings with the public, with elected officials, and with co-workers, you must always be helpful and courteous. Although you ultimately answer to the citizens, you need to follow the proper chain-of-command from the line worker, to the supervisor, to the department head, and ultimately to the Mayor. You must factor the public’s wellbeing into every decision you make as a City employee. If you are uncomfortable with the decision you are about to make, then it is better you refer the decision to the next in line in the chain-of-command.

Manual/Handbook Purpose

The purpose of workplace rules and regulations facilitates efficient service to the public and to develop a uniform system that equitably deals with all employees of the departments.

These policies are adopted by Resolution No. 2015-06

The City reserves the right to repeal, modify or amend these policies. By implementing these policies, the City is not creating a vested contractual right for any employee, and the City is not limiting the power of the City Council to repeal or modify these policies.

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Chapter 1-General

1.1 City employees are “at will” employees.

- (a) This manual contains the policies and the procedures, which both the City and all its employees shall follow during an employee’s employment by the City. The City Council may amend or repeal these policies and these procedures. The City intends these policies and procedures to govern the employment relationship between the City and its employees. Employees may rely upon these policies and procedures so long as they are in effect. If, however, an employee receives specific notice from the Mayor that the City intends to deviate from or change any policy or procedure as to that employee, the contents of specific notice shall solely govern that employee’s employment relationship with the City.
- (b) **THIS MANUAL PROVIDES CITY EMPLOYEES WITH PROCEDURAL PROTECTION ONLY. ALL CITY EMPLOYEES ARE EMPLOYED STRICTLY AT THE WILL OF THE CITY. BECAUSE ALL CITY EMPLOYEES ARE “AT WILL EMPLOYEES.” NOTHING CONTAINED IN THIS MANUAL IS MEANT TO, NOR SHALL, CONSTITUTE ANY WAIVER OF THE CITY’S RIGHT TO TERMINATE ANY CITY EMPLOYEE, INCLUDING DEPARTMENT HEADS, FOR ANY REASON.**
- (c) These personnel policies apply to all City employees. These personnel policies shall not apply to elected officials and independent contractors. If any provision conflicts with any provision of a valid and effective collective bargaining agreement, the provision of the collective bargaining agreement shall govern. Similarly, if any provision conflicts with any provision of applicable Civil Service rules and regulations, the provision of the Civil Service rules and regulations shall govern. In all other cases, these policies shall govern.

1.2 Letter from the Mayor.

In 1931, East Wenatchee, Washington was the landing site of the first non-stop trans-Pacific flight. Shortly after taking off from Misawa, Japan, Pilot Clyde Pangborn jettisoned his plane's landing gear to conserve fuel. Then he piloted his plane, Miss Veedol, 4,500 miles (4.5 times further than Lindbergh's trans-Atlantic flight) across the Pacific Ocean and successfully landed in East Wenatchee. A hanger at East Wenatchee's Pangborn Airport now houses a replica of Miss Veedol.

In accomplishing its dual mission of providing high quality services to its citizens and conserving their resources, the City seeks to replicate the values that brought Miss Veedol across the Pacific Ocean, namely: vision, preparation, hard-work and courage.

As Mayor, I invite all employees to emulate these qualities in their job performance so the City can create a Spirit of East Wenatchee among its employees and among its citizens.

As Mayor, that it is in the best interest of the City and its employees to have written personnel policies to help the City meet its mission, to prevent misunderstandings and problems, and to ensure that all employees know what the City expects of them. I request that all employees thoroughly familiarize themselves with the contents of this Manual so all personnel policies of the City may be appropriately administered.

1.3 CODE OF ETHICS

- (a) No city employee may use City-owned vehicles, equipment, materials or property for personal convenience or profit. Use is restricted to such services as are available to the public for the authorized conduct of official business, and for such purposes and under such conditions as directed by the Mayor.
- (b) No city employee shall engage in any act, which is in conflict with, or creates an appearance of conflict with, performing official duties. An employee is deemed to have a conflict of interest if the employee:

- (1) Receives or has any financial interest in any sale to the City of any service or property when such financial interest was received knowing the City intended to purchase such property or obtain such service;
- (2) Solicits, accepts or seeks anything of economic value as a gift, gratuity, or favor from any person, firm or corporation involved in a contract or transaction which is or may be the subject of official action of the City; provided, that the prohibition against gifts or favors shall not apply to:
 - i. Attendance of an employee at a hosted meal when provided with a meeting directly related to the conduct of City business or where official attendance by the employee as a staff representative is appropriate;
 - ii. An award publicly presented in recognition of public service; or
 - iii. Any gift offered or given to the employee if he or she were not a city employee;
- (3) Participates in his or her capacity as a city employee in making a contract in which he or she has a private pecuniary interest, direct or indirect, or performs regarding such a contract some function requiring exercising discretion for the City;
- (4) Influences the City's selection of, or its conduct of business with, a corporation, person or firm having business with the City if the employee has financial interest in or with the corporation, person or firm;
- (5) Engages in, accepts private employment from or renders services for private interest when such employment or service is incompatible with the proper discharge of official duties or would impair independence of judgment or action to perform official duties;
- (6) Appears for a private person, other than his or herself or an immediate family member or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the City or a City officer in an

official capacity is a party, or accepts a retainer or compensation contingent upon a specific action by the City;

- (7) Discloses or uses, without legal authorization, confidential information concerning the property or affairs of the City to advance a private interest regarding any contract or transaction which is or may be the subject of official action of the City;
- (8) Has a financial or personal interest in any legislation coming before the City Council and participates in discussion with or gives an official opinion to the City Council unless the employee discloses on the record of the council the nature and extent of such interest;
- (9) Holds, directly or indirectly, for personal financial gain, investment or speculation, any interest in real property situated within the City, if such employee in his or her official duties performs any function requiring exercising discretion for the City regarding regulating land use or development; provided, this prohibition shall not apply to:
 - iv. Real property devoted to the personal use or residence of the employee or member of the employee's immediate family; or
 - v. Any other interest in real property held by the employee on the date of enactment of this chapter.
- (10) No city employee shall use his official authority or influence to interfere with or affecting the result of an election for a position on the City Council or for Mayor.
- (11) Nothing in this section shall prevent an employee from fully exercising those rights to participate in political activities granted by state law or by federal law.
- (12) If the Mayor determines that an employee has violated these guidelines, the City may terminate and/or temporarily suspended with loss of pay that employee's employment with the City.

1.4 Equal Employment Opportunity.

- (a) The City is an equal employment opportunity employer. The City employs, retains, promotes, terminates and otherwise treats all employees and job applicants based on merit, qualifications, and competence. The City shall apply this policy without regard to an individual's sex, race, color, religion, national origin, pregnancy, age, marital status, or disability.
- (b) The City will not discriminate against applicants or employees with sensory, physical or mental impairment, unless the impairment cannot be reasonably accommodated and the impairment prevents proper performance of an essential element of the job.

1.5 Workplace Violence

- (a) The City will provide a safe workplace for its employees, contractors, vendors, and the public.
- (b) The City strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, and of the following conduct associated with or around the workplace, or otherwise related to employment:
 - (1) Threatening injury or damage against personal property;
 - (2) Fighting or threatening to fight with another person;
 - (3) Threatening to use a weapon on City premises (unless required to carry a firearm or weapon as a condition of employment);
 - (4) Abusing or damaging property;
 - (5) Using obscene or abusive language or gestures in a threatening manner; and
 - (6) Raising voices in a threatening manner.

- (c) An employee must report any workplace violence incidents or incidents indicating a potential violence to his or her supervisor and/or Department Head when possible. If the City determines that an employee has violated this policy, the employee will be subject to immediate discipline up to and including termination.
- (d) Any employee who reasonably believes he or she is involved in a situation with an aggressive employee, contractor, vendor, or other party who may immediately become violent (e.g., any person who uses abusive language or gestures, makes threats or acts in a threatening manner) and puts the employee or others in imminent danger, the employee should leave the work area and immediately call 911 to request officer contact. The City shall take no disciplinary action against any employee who leaves his or her work area when the employee has a reasonable belief that a situation with an aggressive person is likely to turn violent. The employee should coordinate the timing and circumstances of possible return by the employee to the area with police and/or with their supervisor.
- (e) To prevent inappropriate outsider access, employees must adhere to the City's security policies and rules at all time. Built-in security must rule and procedures are enforced at all-times (e.g. doors locked after hours).

1.6 Anti-Harassment.

The City has an independent workplace harassment policy and an independent whistle blower policies. The City adopts each policy by reference.

1.7 Definitions

- (a) **Department Head** – An employee responsible for directing one or more departments, including where the department may only comprise that employee.
- (b) **Immediate Family** – An employee's immediate family includes the employee's spouse, domestic partner, children, parents, brothers/sisters, mothers-in-law/fathers-in-law, sons-in-law/daughters-in-law, grandparents, and grandchildren.

- (c) **Regular Full-Time Employee** – An employee who regularly works a minimum of forty hours a week on a continuing basis and who is not a department head.
- (d) **Regular Part-Time Employee** – An employee who may work less than forty hours a week but at least twenty hours a week on a continuing basis.
- (e) **Temporary Employees** – Temporary employees are those employees who hold jobs in limited duration arising out of special projects, abnormal workloads or emergencies. Temporary employees are not eligible for City benefits.
- (f) **Exempt / Non-Exempt Employees** –shall be defined as set forth in applicable State or Federal Law.

1.8 Personnel Records.

- (a) The City keeps a personnel file for each employee. The City limits access to a personnel file to the employee, the employee's department head, the City Attorney, the Executive Secretary, and the Mayor. An employee's personnel file contains the employee's name, title and/or position held, job description, assigned department, salary, changes of employment status, evaluations, and disciplinary documents. The City Treasurer keeps a separate payroll file for every employee, including, but not limited to payroll information, insurance information, and workers compensation documents.
- (b) An employee may inspect his or her personnel file or his or her payroll file. The City may require that the Executive Secretary be present during the inspection. An employee has the right to obtain copies of documents at the employee's own expense. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the City denies the employee's request to remove the information, the employee may file a written rebuttal statement to be placed in his/her file.
- (c) The City keeps personnel files confidential to the maximum extent permitted by law. Except for routine verifications of employment, the City will not release information in an employee's personnel file to the public, including the press, unless state or federal law

requires the City to release the information or unless an employee authorizes, in writing, the City to release his or her file.

1.9 Safety Equipment.

The City shall provide the following safety equipment to all employees required by OSHA, WISHA, or L&I to use such equipment:

- a. Safety helmets;
- b. Safety vests;
- c. Hearing protection
- d. Safety goggles (eye protection); and
- e. Gloves.

Chapter 2-Hours and Attendance.

2.1 Working hours.

- (a) A normal working schedule for regular, full-time employees comprises forty hours each workweek. The City may establish different work schedules, such as in police employees, to meet job assignments and provide necessary City services. Each employee's department head will advise the employee regarding his/her specific working hours.
- (b) Regular part-time and temporary employees will work hours as specified by their department heads.

2.2 Hours of work and overtime.

- (a) All City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") regulations and/or Washington State Law.
- (b) For non-exempt City employees, the established work period is forty hours within a seven-day workweek.
- (c) Non-exempt employees may be entitled to additional compensation, either in cash or in compensatory time off, when they work more than the maximum number of hours during a work period.
- (d) An employee's department head must authorize all overtime pay before an employee may work overtime hours.
- (e) Consistent with federal and state laws, the City calculates overtime/compensatory time at one and one-half times the employee's regular rate of pay for all time worked beyond the established work period.
- (f) When computing overtime/compensatory time, the City counts holiday, sick leave, and vacation leave time as hours worked as approved by department head.
- (g) The City expects exempt employees to work the number of hours necessary to fulfill job assignments, and it expects exempt employees will work at least a forty-hour workweek.

- (h) Exempt employees are not covered by the overtime provisions of the FLSA or Washington State Law. Exempt employees receive neither overtime pay, nor compensatory time.

2.3 Compensatory time.

Non-exempt employees entitled to overtime pay may elect to receive compensatory time. Department Heads may approve requests for compensatory time on a case-by-case basis. If an employee's department head approves the request for compensatory time, the City will credit the employee with one and one-half times the hours worked as overtime.

- (a) Employees may use compensatory time within a reasonable time after making a request to their department head, unless doing so would unduly disrupt City operations. Employees must use compensatory time in hourly increments.
- (b) An employee may accrue up to 120 hours of compensatory time. The City will pay out any unused compensatory time based upon the balance at the end of November. The employee will receive this compensatory pay by December 5.

2.4 Attendance

- (a) Punctual and consistent attendance is a condition of employment. Each department head shall maintain an accurate record of his/her employee's attendance.
- (b) If an employee cannot work or unable to report to work on time, he or she must notify his/her supervisor, when possible, ordinarily before the work day begins or within thirty minutes of the employee's usual starting time. If the absence continues beyond one day, the employee reports in each day. If the supervisor is unavailable, the employee may leave a message with his/her designated representative, stating the reason for being late or unable to report to work.
- (c) The City expects employees to report to work even during inclement weather. Department heads may allow employees to report late or leave early during severe weather conditions. Non-attendance, however, will be counted as an absence from work and will be charged to accrued vacation leave hours. If severe

weather conditions arise, the Mayor or the Chief of Police may close City Hall. If City Hall is closed, employees will be advised accordingly.

- (d) No employee shall be absent without authorization or notification.

2.5 Breaks and meal periods.

- (a) An employee may take a fifteen-minute break for every four hours worked. An employee must coordinate all breaks so they do not interfere with City business or with service to the public.
- (b) Department heads shall schedule meal periods. The scheduling of meal periods may vary depending on department workload. Meal periods are unpaid and usually one hour in length.

2.6 Call back.

- (a) The City defines a “call back” as an official assignment of work, which does not immediately precede or immediately follow an employee's scheduled work hours. The City shall compensate call back at the appropriate rate for two hours or for the actual time of the assignment, whichever is greater.
- (b) All employees are subject to call back in emergencies or by the City to provide necessary services to the public.
- (c) A refusal to respond to a call back, without reasonable explanation, is grounds for immediate disciplinary action, including termination.
- (d) Employees called back to duty will be paid their appropriate rate of pay for hours worked (the overtime rate, if applicable.)

2.7 Payroll records.

The City Treasurer keeps official payroll records. Semi-monthly, each department head shall turn in a signed work record for each non-exempt employee within his/her department, noting hours worked, leave taken and overtime worked. The Mayor shall sign work records for department heads.

Chapter 3-Employment Practices.

3.1 Recruiting.

- (a) The City recruits employees solely on the basis of ability, merit, qualifications and competence, without regard to race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability
- (b) Each applicant shall submit a resume with qualifications and complete any application required by the City prior to being considered for any position.

3.2 Hiring.

- (a) Before posting or advertising to fill a vacant position, the department head shall review the position, its job description and the need for the position. The department head will submit a request to fill the position to the Mayor. The City will post and/or advertise for the position only after the Mayor has approved the request. Before public advertising, the City will post positions “in-house” for a period of seven days. If the Mayor determines that exigent circumstances exist or that no current employee is qualified to fill the position, he/she may suspend the in-house-posting requirement. Likewise, the City is not required to publicly advertise a position.
- (b) Although an employee does not have to reside within the City, he or she must select a place of residence that does not interfere with the daily performance of his/her duties and responsibilities.
- (c) If a position requires the operation of a motor vehicle, applicants for the position must be at least eighteen years old and must possess a valid Washington State driver’s license with any necessary endorsements. The City may check an applicant’s driving record. The City may disqualify applicants with poor driving records for City positions that require driving.
- (d) If the City determines it is necessary, the City may administer pre-employment examinations to test the qualifications and abilities of applicants. The City may

contract with any competent agency or individual to prepare and/or administer examinations. Sometimes, the City may also require a background check.

- (e) After the City makes an offer of employment and before the applicant commences employment, the City may require persons selected for employment to pass a medical examination. The medical examination may include testing for drugs and controlled substances. The test determines if an individual can physically perform the essential functions of the job and to ensure his/her physical condition will not endanger the health, safety, or well-being of other employees or the public.
- (f) The City may disqualify a candidate from consideration if: (1) the candidate is found physically unable to perform the essential duties of the position (and the individual's condition cannot reasonably be accommodated in the workplace); (2) the candidate refuses to submit to a medical examination or complete medical history forms; or (3) if the exam reveals use of drugs and/or controlled substances.

3.3 Temporary employees.

- (a) With approval of the department head, temporary employees may be used during emergencies or other peak workload periods, to temporarily replace regular employees absent due to disability, illness, vacation leave or other approved leave, or to temporarily fill a vacancy until a regular employee is hired.
- (b) The City may hire temporary employees without competitive recruitment or examination.
- (c) Temporary employees may not work over ninety hours a month (seventy hours a month if eligible for PERS I) for over five months in a twelve month period.
- (d) Temporary employees are eligible for overtime pay as required by law. Temporary employees are not eligible and receive no retirement, vacation, sick leave, health insurance, holiday or any other benefits during their employment.

3.4 Employment of relatives (Nepotism).

The law prohibits discrimination against an employee because of marital status or any other relationship with another employee. The City seeks to employ qualified persons in all positions without regard to a person's relationship with other City employees. However, no employee may supervise his or her parent, child, spouse, domestic partner, sibling, in-law, or close relative. No City official may vote, make recommendations, or in any other way participate in the decision of any matter that may directly affect the appointment, promotion, salary, or any other status or interest of his or her parent, child, spouse, domestic partner, sibling, in-law, or close relative.

3.5 Promotions and transfers.

- (a) The City encourages qualified employees to apply for vacant City positions. The City bases promotions and transfers on the department head's recommendation, work force requirements, performance evaluations, job descriptions and related City requirements.
- (b) Regular employees are eligible for promotion, transfer or voluntary demotion. To be eligible for another position, an employee must possess the qualifications for the vacant position.

Chapter 4-Compensation.

4.1 Paydays.

The City pays its employees by the 5th and by the 20th of each month. If payday falls on a Saturday, a Sunday, or a Monday holiday, the City will distribute paychecks on the preceding Friday by 5:00 p.m. The City encourages an employee to authorize the City to deposit his or her net pay directly into his or her designated bank account.

4.2 Deductions.

The law requires the City to deduct money from the employee's earnings. The City will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee, applicable union contract, or statute. The employee must notify the payroll department by the 15th of the effective month of any changes or additions in deductions to receive the benefit of such changes that month.

4.3 Salary classification, grades, and pay rates.

- (a) Each job title within the City is classified, for salary, into one of the City's classifications based on job qualifications, level of responsibility, difficulty, working conditions, skill hazard, and amount of supervision required for the specific position. Each classification is assigned a range that corresponds to the general market conditions for a similar classification at other comparative Eastern Washington public entities. From time to time, the City Council will establish, by resolution, which public entities are comparable to the City.
- (b) The pay range for each job classification is divided into 17 steps where the 9th step (middle point corresponds to the median salary by comparable public entities). The median salary paid by comparable public entities will be the average of the high and low pay for each of the comparable public entities. The City will use the AWC Salary & Benefit Survey as the primary source of information to determine the high and low pay. The City Treasurer may use other sources to supplement this information as he or she deems necessary. The differential between a step is 2.5% and the annual salary figure is rounded up to the nearest whole dollar.

Usually, new employees start their employment at the minimum salary range for their classification. However, a department head has the authority to hire up to the 9th step, if sufficient funding is available and the employee's experience, training or proven capabilities warrants higher salary. Such authority is subject to approval by the Mayor.

- (c) Unless otherwise specified in a collective bargaining agreement, all City employees who receive a "meets expectations" performance evaluation are eligible for a step raise. Employees within 1-8 steps receiving an "exceeds expectations" performance rating are eligible for a two-step raise). Employees who receive a "below expectations" evaluation rating are not eligible for a step raise. Eligibility for a step raise does not guarantee an employee will receive a step raise. The Mayor retains final discretion to grant a step raise.
- (d) An employee who receives a "below expectations" job evaluation may request to be reevaluated after a 90-day period but no later than six months from the original evaluation date.
- (e) All salary adjustments will take effect on January 1 of the year following the performance evaluation.

4.4 Longevity pay plan.

- (a) Full-time regular employees shall receive longevity pay based on the continuous length of service from the last date of hire. Longevity pay shall be besides the employee's base rate of pay:

After 5 or more years of service, 1% per month

After 10 or more years of service, 2% per month

After 15 or more years of service, 3% per month

After 20 or more years of service, 4% per month

After 25 or more years of service, 5% per month

After 30 or more years of service, 6% per month

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

4.5 Tuition reimbursement policy for employees who are not members of a collective bargaining unit.

- (a) The City shall pay the cost of tuition for all courses the City requires an employee to attend.
- (b) For courses the City does not require an employee to attend, the City will reimburse employees for the tuition cost of a course, if all of the following conditions are met:
 - (1) The Mayor determines that the City has the financial capability to pay for the cost of tuition.
 - (2) The Mayor determines, in advance of enrollment, that the proposed course directly applies to the employee's job.
 - (3) The proposed course is accredited by the Northwest Commission on Colleges and Universities.
 - (4) Payment shall occur when the employee provides a transcript, certification or some other document showing he/she has successfully completed the course and received a passing grade of B or better, provided that the City shall not pay more than \$200 per credit hour.
- (c) Upon termination of employment, voluntary or involuntary, an employee must repay any tuition reimbursement the employee received from the City during the preceding two years. Any sum due the City may be withheld from the employee's last paycheck.

4.6 Travel expenses.

- (a) Authorization and General Policy.

If a Department Head authorizes an employee to travel more than 40 miles from City Hall for city-related business, the City will advance or reimburse an employee for his or her travel expenses according to the per diem rates established by the US. General Services Administration. The City may be required to report a

per-diem advancement or reimbursement on an employee's W-2 form.

(b) Use of Personal Vehicle.

If an employee drives his/her private automobile, the City will reimburse the employee for mileage at the approved Internal Revenue Service rate for business miles.

Requests for reimbursements must be within the budget year the expense took place or for end of year expenses, within ten days of when the expense was incurred. No reimbursement requests will be authorized for any expenses taking place in a previous budget year except as described above.

(c) Prepayment by City.

Certain prior anticipated employee expenses may be pre-paid by the City, upon appropriate notices to the Finance Department and prior approval by the Mayor. Appropriate forms for providing notice and request for prepayment of expenses shall be provided by the Finance Department, subject to approval by the Mayor. Such expense may include, but shall not be limited to, expenses for conferences, reserved hotel accommodations, seminars, air travel, etc.

(d) Use of City Credit Cards for Travel or Employee Expenses.

Upon specific prior approval by the Mayor, the Finance Department may issue a city credit card to an employee for use while traveling on city business. Obtaining a city credit card does not indicate pre-approval of expenses. City credit cards can be used only to pay for eligible transportation related costs such as fuel for a city-owned vehicle, airfare and parking fees.

If a credit card is used, the employee remains responsible for submitting detailed receipts and processing other trip expenses as otherwise set forth in this policy.

4.7 Compensation upon termination.

Subject to Section 7.3(g), unless the City lays off an employee for financial reasons or unless he/she retires, when

an employee's employment with the City ends, the employee will receive the following compensation:

- (a) Unpaid regular wages for all hours worked up to the time of termination.
- (b) Any overtime or holiday pay due.
- (c) Payment of any accrued but unused vacation time.
- (d) Payment of any accrued but unused compensatory time.
- (e) The payroll department will schedule an exit interview with the terminated employee to verify and confirm final compensation amounts and dispensation of final payment.

If the City lays off an employee for financial reasons or if an employee retires, the employee will receive the following additional compensation:

- (a) Compensation for sick leave as set forth in Section 6.1(e).
- (b) The payroll department will schedule an exit interview with the terminated employee to verify and confirm final compensation amounts and dispensation of final payment.

Chapter 5-Performance Evaluations and Training.

5.1 Performance evaluations.

- (a) Under the general direction of the Mayor, the City conducts periodic performance evaluations for all employees. Conducting performance evaluations helps the City achieve its goal of training, promoting, and retaining the best-qualified employee for every job,
- (b) The City conducts performance evaluations each year. The employee's immediate supervisor conducts the evaluation. Department Heads must submit the completed evaluations to the Mayor or his/her designee by August 15. All evaluations are conducted using the same format, which is available from the City Attorney.
- (c) Immediate supervisors should also evaluate new employees after six months of continued employment.
- (d) The evaluation is part of an employee's personnel record and may be a factor in determining whether the employee receives a wage increase, or is promoted, transferred, demoted, laid off, or terminated.

5.2 Training policy.

The City seeks, within the limits of available resources, to offer training to increase an employee's skills, knowledge, and abilities directly related to City employment, to obtain or maintain required licenses and certifications, and to develop staff resources. Opportunities may include, but are not limited to: on-the-job training, in-house workshops, college courses, and seminars sponsored by other agencies or organizations.

Chapter 6-Benefits.

6.1 Retirement benefits.

- (a) For all eligible employees, the City contributes to Social Security, to Medicare, and to Washington State Department of Retirement Systems.
- (b) All commissioned uniformed employees in the police department are covered by the Law Enforcement Officers and Firefighters Retirement System (LEOFF). Benefit levels and contribution rates are set by Washington.
- (c) All regular full-time and eligible part-time non-commissioned employees are covered under the Public Employees Retirement System (PERS). Benefit levels and contribution rates are set by Washington.
- (d) Employees intending to retire should notify their department head of their intent to retire at least three months prior to retirement. The department head must forward the notice to the finance department immediately.
- (e) The City will pay 25% of the value of a retiring employee's accrued sick leave into a VEBA account in the name of the employee. To qualify for this benefit, the retiring employee must show proof to the City's satisfaction he or she has requested that the Washington State Department of Retirement Systems make scheduled payments of his or her defined contribution funds. At his/her discretion, the Mayor may waive this requirement.

6.2 Disability benefits.

- (a) The State Industrial program (worker's compensation) covers all employees, except those covered by LEOFF I. Worker's compensation covers employees in case of on-the-job injuries or job-related illnesses. Employees shall immediately report all job-related accidents to their supervisor. Supervisors shall ensure an accident report is completed and submitted to the Payroll Department within eight hours of the accident.
- (b) When an employee is absent for one or more days due to an on-the-job accident, he/she must sue for Worker's

Compensation. If the employee sues, the City will continue to pay (by employee's unused sick leave) the employee's regular salary pending receipt of Worker's Compensation Benefits.

- (c) If the employee receives Worker's Compensation Benefits, he/she must repay the City the amount covered by Worker's Compensation and previously advanced by the City.

This policy ensures that employees will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave is available, while ensuring no employee receives more than he/she would have received had the injury not occurred.

Upon the repayment of funds advanced, the City shall restore the appropriate sick leave to the employee's account.

- (d) The City may require an examination, at its expense, performed by a physician of its choice, to determine when the employee can return to work and if he/she will be capable of performing the essential duties and responsibilities of the position.
- (e) The City's long-term disability policy covers all employees, except those covered by LEOFF 1.
- (f) If an employee cannot continue working for the City because of a disability, as defined by state law, the City will cash out his or her sick leave at a rate of 25%.

6.3 Insurance benefits.

- (a) As outlined in this section, an eligible dependent is an employee's husband, wife, qualified domestic partner, biological child, stepchild, adopted child, or child of a qualified domestic partner eligible for coverage according to the terms and conditions of the City's insurance carrier and who is not enrolled in another medical/dental/orthodontia/vision plan.
- (b) Group Insurance - Health and Welfare. The City will maintain a group Medical/Dental/Orthodontia/Vision/Long Term Disability (LTD) insurance. The City agrees to pay 100% of the full premium for an eligible employee for

Medical/Dental/Orthodontia/Vision insurance. The City agrees to pay 100% of the full premium for LTD insurance.

- (c) An eligible employee may obtain coverage for his or her eligible dependents under the City's Group Medical/Dental/Orthodontia/Vision Insurance Program. The City will pay 100% of the full premium for an employee's first, eligible dependent and 50% of the full premium for additional, eligible dependents. PROVIDED, however, the City will only pay one premium for an employee (For example, if an employee is also an eligible dependent, he or she must elect to receive insurance as an employee or as a dependent). Premiums are subject to change.
- (d) If the City needs to or desires to change the carrier currently providing group insurance coverage during the life of this Agreement, the City will evaluate alternative carriers and insurance packages in determining what group insurance coverage will be provided, and will make a good-faith effort to provide benefits that are substantially similar to those currently in effect.
- (e) An employee may waive his or her health insurance benefits. If an employee waives these benefits, the City will contribute \$375 per month to a Health Reimbursement Account/VEBA in the employee's name. An employee must elect waiver between November 1 and November 30 of each year, but such time may be extended by the employee if contract negotiations are not completed; in such an event the employee shall have up to 30 days from ratification to elect the waiver. Once an employee elects a waiver, he or she is ineligible to sign up for City benefits until the next open enrollment period, or as provided by law.
- (f) If an employee's husband, wife, qualified domestic partner is eligible for coverage according to the terms and conditions of the City's insurance carrier and is enrolled in another medical plan, the husband, wife, or qualified domestic partner may not enroll in the City-sponsored medical plan. The City, however, will contribute \$375 per month to a Health Reimbursement Account/VEBA in the employee's name.

- (g) If an employee's dependent is eligible for coverage according to the terms and conditions of the City's insurance carrier and is enrolled in another City-sponsored medical plan, the dependent may not enroll in the City-sponsored medical plan. The City, however, will contribute 50% of the saved premium per month, up to a maximum of \$200 per dependent, with a maximum of two dependents, to a Health Reimbursement Account/VEBA in the employee's name. The maximum contribution of the City under this section may not exceed \$400.
- (h) The maximum that the City will contribute to an employee's Health Reimbursement Account/VEBA, for any reason, is \$1,150 per month.
- (i) Life Insurance. Life insurance is available in an amount allowed by the City's policy through the City's insurance carrier. The City pays the full premium for a regular full-time employee and for a regular part-time employee. An employee may purchase additional coverage at his or her expense.
- (j) Unless an employee takes family and medical leave, as set out, and upon mutual agreement between the City and the employee and under the terms and conditions of the City's insurance policy, the City will continue health insurance coverage at the employee's expense during an approved unpaid leave of absence. COBRA continuation rights may apply if coverage is not extended through the City.
- (k) During an approved family and medical leave of absence, the City will continue to pay its pro-rata share of the employee's medical insurance coverage for the first 12 weeks of FMLA leave under the City's family and medical leave policy.
- (l) While an employee is receiving Worker's Compensation Benefits, the City will pay the employee's medical insurance premiums for one month, after which the employee may use his/her COBRA rights and self-pay insurance premiums.
- (m) Upon an employee's termination from City employment, at the employee's option and expense, the employee may elect to continue medical insurance benefits to the extent provided by COBRA.

6.4 Employment recognition and service awards.

The City recognizes employee contributions and service to the City by presenting employee recognition and service awards to eligible employees according to the guidelines below:

- (a) The City may reward outstanding performance and productivity by presenting recognition awards to eligible employees. The Mayor will set eligibility requirements and implementing the different programs. Department Heads and supervisors may assist in determining award recipients for the Mayor's Award. Usually, the Mayor will present the award at a City Council meeting following the retirement/resignation of an award recipient. The Mayor identifies employees honored, notifying the presenter, ordering the awards, and arranging for appropriate announcements and publication of awards, both internally and externally.
- (b) All regular full-time and regular part-time employees are eligible to receive a Pride in Service award after each five consecutive years of service for the City.

Chapter 7-Leaves of Absence and Time Off.

7.1 Leaves.

The City has eleven types of leave:

- (1) Vacation
- (2) Sick leave
- (3) Leave without pay.
- (4) Jury and Witness leave.
- (5) Military leave.
- (6) Administrative leave.
- (7) Bereavement leave.
- (8) Holiday leave.
- (9) Faith or Conscience Leave.
- (10) Family Medical Leave.
- (11) Domestic Violence Leave

7.2 Vacation.

- (a) Each regular full-time employee is entitled to vacation leave :

Years of Employment Completed	Vacation Hours Earned
0-4 years	8 hours/month
5-9 years	10 hours/month
10-14 years	12.67 hours/month
15-19 years	14 hours/month
20-24 years	15.33hours/month
25+ years	17.33hours/month

- (b) New employees accrue vacation during the first six months of their employment with the City. However, new employees must satisfactorily complete six months of employment with the City before they may use vacation leave. Regular part-time employees will receive vacation leave pro-rata. Temporary employees are not eligible for vacation leave benefits. Employees do not accrue vacation leave benefits during a leave without pay.

- (c) Employees must take vacation leave in hourly increments. The City requires employees to use a minimum of one hour in each leave taken.
- (d) Each department schedules its employees' vacation leaves without undue disruption of department operations. An employee shall submit leave requests to his/her department head at least two weeks before he/she intends to take a vacation leave he/she expects to last over one day.
- (e) 240 hours is the maximum number of vacation leave hours an employee may carry over from December 31 of one year to January of the next year. Hours not used or not carried over shall be lost.

7.3 Sick leave.

- (a) All regular full-time employees accrue sick leave benefits at the rate of eight hours for each completed full month of service for the City. Regular part-time employees may accrue sick leave benefits pro-rata according to hours worked.
- (b) Temporary employees do not earn sick leave benefits. Employees do not accrue sick leave benefits during a leave without pay or during any leave, other than vacation, lasting longer than ten consecutive days.
- (c) An employee must use sick leave in 30 minute increments.
- (d) Sick leave covers those situations in which an employee is absent from work due to:
 - (1) Physical injury or illness to the employee, except that sick leave may not be used when an employee is receiving time loss benefits under the Industrial Insurance Act;
 - (2) The need to care for the employee's spouse, domestic partner, dependent child, or parent ill;
 - (3) Medical or dental appointments for the employee or dependent child, provided that the employee must take a reasonable effort to schedule such appointments which have the least interference with the work day;

- (4) Exposure to contagious disease where on-the-job presence of employees would jeopardize the health of others;
 - (5) Use of prescription drug which impairs job performance or safety;
 - (6) Actual periods of temporary disability associated with pregnancy or childbirth. Employees may request additional time off beyond the actual period of disability; vacation leave; compensatory time; or leave without pay may be used; and
 - (7) The death of an immediate family member, besides the three days of bereavement leave as approved by the department head or Mayor.
- (e) The City shall require a doctor's certificate when an employee is absent for a period over three days. The City may also request the opinion of a second doctor, at the City's expense, to determine whether the employee suffers from a chronic physical or mental condition which impairs his/her ability to perform the essential functions of the job. The City may terminate employees habitually absent due to illness if the City cannot reasonably accommodate their disability and/or when the employee's absenteeism prevents the orderly and efficient provisions of service to the citizens of the City.
- (f) Employees who use all their accumulated sick leave and require more time off work due to illness or injury may, with the Mayor's prior approval, take leave without pay. The City also has a Shared Sick Leave Policy, reference EWMC 2.36.090.
- (g) 960 hours is the maximum number of sick leave hours an employee may carry over from December 31 of one year to January of the next year. Hours not used or not carried over shall be lost.
- (h) If an employee is discharged the employee shall lose, with no benefit being paid, all accumulated sick leave. Such sick leave will be reinstated if the employee is rehired by the City within 90 days of being terminated.

7.4 Leave without pay.

- (a) The Mayor may grant leaves of absence without pay for absences from work not covered by any other type of leave or other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off for personal reasons, pursuing an education, or fulfilling military obligations over fifteen days per year.
- (b) Only regular full-time and regular part-time employees who have worked for the City for over six months are eligible for leave without pay. The following requirements apply:
 - (1) The Mayor may grant leave without pay to an employee for a period of up to ninety days. Further extensions are at the discretion of the Mayor.
 - (2) An employee must exhaust all accrued vacation before taking any leave without pay.
 - (3) An employee's benefits are suspended during the period of unpaid leave until the employee returns to work. Vacation, sick leave and/or any other benefits do not accrue while an employee is on leave without pay.
 - (4) In certain circumstances, self-payment of benefits may apply. See Section 6.3 on Insurance Benefits.
 - (5) If an employee fails to promptly report for work at the end of the unpaid leave, the City will presume that the employee resigned.

7.5 Jury and witness leave.

- (a) The City will grant time off with pay to employees required to serve on a jury or as a witness in a judicial or quasi-judicial proceeding, if they are neither the plaintiff nor defendant in the judicial action. This benefit shall be besides any other leave offered by the City. Employees, receiving notification to report to serve jury duty, or when subpoenaed, shall notify their department head or his/her designee immediately.

- (b) An employee who is empanelled for jury service or who is subpoenaed to testify at a trial shall receive his/her regular rate of pay, not to exceed eight hours per day for each day served.
- (c) If the court excuses an employee from jury duty, the employee shall immediately notify his/her department head or his/her designee. At its discretion, the City may require the employee to report to work.

7.6 Administrative leave.

- (a) On a case-by-case basis, the City may place an employee on administrative leave with pay for an indefinite period, as approved by the Mayor to be in the best interest of the City, during the pendency of an investigation or other administrative proceeding.

7.7 Military leave.

- (a) The City shall grant military leave of absence to any employee who is a member of the National Guard or Reserves of the United States and ordered to active military duty for training. The military leave of absence shall be with pay for a period not to exceed fifteen working days during each calendar year. Any working days taken beyond fifteen working days shall be charged as vacation leave. During the time he/she is on such leave, the employee shall receive his/her regular pay, plus his/her military pay, if any is granted.
- (b) Regardless of his/her status, any employee who voluntarily, or upon demand, leaves a position, other than temporary, to enter upon active duty in the armed forces of the United States, or the Washington National Guard, shall be placed on military leave without pay and shall be entitled to be restored to his/her former position, or one of like seniority, status and pay; provided, he/she applies for reemployment within ninety days of his/her termination or separation.

7.8 Bereavement leave.

If a death occurs in an employee's immediate family requiring the attendance of an employee (funerals are

included), the City will grant an employee three days of bereavement leave. If the death of an immediate family member requires an employee to travel out-of-state, the City will grant an employee two, additional days of bereavement leave.

7.9 Holidays.

(a) The City recognizes the following holidays:

New Year's Day	January 1
Martin Luther King' Birthday	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Day	December 25
Floating Holiday	

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

(c) The City will pay non-exempt regular full-time employees for the holiday plus their regular rate of pay for any time worked on an observed holiday. Such time must be pre-authorized by the supervisor.

(d) The City will pay temporary or part-time regular employees at their regular straight time rate for hours worked on a holiday on a prorated basis.

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

(f) If the City requires an employee to work on an observed holiday, the City will give him or her the corresponding number of hours worked as vacation leave.

(g) The City shall allow each employee, upon notice and approval of his/her department head, to designate and

take one floating holiday per calendar year. Floating holidays cannot be carried over to the next year.

7.10 Faith or conscience leave.

An employee may take two days of unpaid leave per calendar year for a reason of faith; for a reason of conscience; or for an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

To take an unpaid leave, an employee must submit a written request for leave at least 30 days in advance to his or her supervisor. The City will allow an employee to take the unpaid leave on the day requested, unless an employee's absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. The City adopts the Office of Financial Management's definition of "undue hardship."

7.11 Family and medical leave ("FMLA").

- (a) The City complies with federal Family and Medical Leave Act of 1993 ("FMLA") and with Washington's Family and Medical Leave Act. This means that, where the law grants an employee more leave than these policies provide, the City provides the employee the leave required by law. If a department head receives a request from an employee for unpaid leave, he or she should contact the City Attorney immediately.
- (b) The FMLA provides up to twelve weeks of unpaid leave every twelve months, to eligible employees for certain family and medical reasons.
- (c) Unpaid FMLA leave may be granted for the following reasons:
 - (1) To care for a child after birth or placement for adoption or foster care;
 - (2) To care for an employee's spouse/domestic partner, son, daughter or parent who has a serious health condition; or

- (3) For serious health condition that makes an employee unable to perform the essential functions of his/her job.

Leave to care for a child after birth or placement for adoption or foster care must be concluded within twelve months of the birth or placement.

- (d) Under some circumstances, an employee may take FMLA leave in blocks of time, or by reducing an employee's normal weekly or daily work schedule if a medical condition warrants such. In such cases, the City may request the employee to provide a written certification from his/her health care provider which includes the projected dates and duration of treatment and a statement of the medical necessity for taking the leave or working a reduced schedule.
- (e) The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the employee requesting the change in working schedule.
- (f) If an employee intends to take FMLA leave for the birth or placement for adoption or foster care of a child, the Mayor must pre-approve all leave requests.
- (g) At the employee's request or at the City's direction, certain kinds of paid leave may be substituted for unpaid FMLA leave.
- (h) The City may require an employee to use accrued sick leave and vacation leave as part of the employee's FMLA entitlement.

7.12 Domestic violence leave.

“Intermittent leave” is leave taken in separate blocks of time due to a single qualifying reason. “Reduced leave schedule” means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

If he or she is a victim of domestic violence, an employee may take reasonable leave from work, intermittent leave, or leave on a reduced leave schedule, with or without pay, to:

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

Chapter 8-Employee responsibilities and conduct.

8.1 General policy.

- (a) The City expects all employees to represent the City to the public in a professional, courteous, efficient, and helpful manner. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and department head.
- (b) Because the proper working relationship between employees and the City depends on such employee's ongoing job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct. At a minimum, the City expects basic tact and courtesy towards the public and fellow employees; adherence to City practices, procedures, safety rules and safe work practices; compliance with directions from supervisors; preserving and protecting the City's equipment, grounds, facilities and resources; and providing orderly and cost efficient services to its citizens.

8.2 Outside employment and conflicts of interest.

- (a) Employees shall not, directly or indirectly engage in any outside employment or financial interest that may conflict, in the City's opinion, with the best interests of the City or interfere with the employee's ability to perform his/her assigned City job.

Examples include, but are not limited to, outside employment which:

- (1) Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a part of the employee's job;
- (2) Is conducted during the employee's work hours;
- (3) Utilizes City telephones, computers, supplies, or any other resources, facilities or equipment;
- (4) Is employment with a firm which contracts with or does business with the City; or

- (5) May be reasonably perceived by members of the public as a conflict of interest or otherwise discredits public service.
- (b) An employee, who has an additional job, contractual commitment or self-employment, may do so provided he/she obtains prior approval from the Mayor. The Mayor may not unreasonably withhold approval.

8.3 Political activities.

- (a) City employees may participate in political or partisan activities of their choosing if City resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on City time, in City uniform, or while representing the City. Employees may not allow others to use City facilities or funds for political activities.
- (b) Any City employee who meets with or may be observed by the public or otherwise represent the City to the public, while performing his/her regular duties may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on City property or City time, for a contribution for a partisan political cause.
- (c) Except as noted in this policy, City employees may fully exercise their constitutional First Amendment Rights.

8.4 No tobacco use policy.

For health and safety considerations, the City prohibits tobacco use by employees in all City facilities, including City-owned buildings, vehicles, and offices or other facilities rented or leased by the City, including individual employee offices.

“Tobacco” includes any lit or unlit cigarette, cigar, pipe, blunt, bidi, clove cigarette and any other tobacco product, and spit tobacco, also known as smokeless tobacco, dip, chew and snuff, in any form.

“Use” means the chewing, lighting, smoking and any other usage of any tobacco product.

8.5 Use of City vehicles and equipment.

Employees shall keep the use of City telephones for local personal phone calls to a minimum. Long distance personal use is prohibited. Other City equipment, including vehicles, should be used by employees for City business only

8.6 Contact with news media.

The Mayor, or his or her specific and express designee, is responsible for all official contacts with the news media during working hours, including answering of questions from the media or providing information to the media. Other employees of the City shall refrain from such official contacts.

8.7 Seat belt policy.

Per Washington law, anyone operating or riding in City vehicles must wear a seat belt.

8.8 Driver's license requirements.

- (a) As part of the requirements for certain specific City positions, an employee may be required to hold a valid Washington State Driver's license.
- (b) If an employee's license is revoked, suspended or lost, or is in any other way not current or valid, the employee shall promptly notify his/her department head. The City will immediately suspend his/her driving duties. The employee may not resume driving until he/she provides proof of a valid, current license to his/her department head.

8.9 Safety.

- (a) Every employee maintains a safe work environment and following the City's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to his/her department head. The City will strive to remedy problems quickly.
- (b) If an employee is involved in an accident involving a personal injury, regardless of how serious, he/she shall immediately notify his/her department head or the Mayor.

- (c) Annually, as scheduled by the Safety Committee, safety procedures will be reviewed in a mandatory employee meeting. Biannual evacuation drills will be practiced.

8.10 Substance abuse.

No employee shall possess, consume, control, sell or use alcohol, illegal drugs or other controlled substances during work hours. No employee shall exhibit an on-going dependence on drugs or other controlled substances, which, in the City's opinion, impairs the employee's work performance, poses a threat to the public confidence, or is a safety risk to the City or others. The City will support employees who undergo treatment and rehabilitation for alcohol or other chemical dependency, subject to the above rules.

8.11 Drug-free workplace.

- (a) The City strictly prohibits the manufacturing, distribution, dispensation, possession and use of unlawful drugs or alcohol on City premises or during work hours by City employees.
- (b) Employees must notify the City within five days of any conviction for a drug violation in the workplace.

8.12 No solicitation.

- (a) The City desires to conduct its operations in an orderly and efficient manner. The City believes its employees and the public should work and receive City services without interference from persons pursuing a purpose unrelated to the City's normal business.
- (b) With this in mind, the City does not allow non-employees to come onto City property or buildings to solicit employees or other members of the public or to distribute literature or other materials for any purpose. The City prohibits employees from distributing any form of literature or other materials in their work areas unrelated to the City's business purpose or authorized by the Mayor. The City also prohibits employees from soliciting other employees for any cause during their assigned work time. For this purpose, working time means time during which either the soliciting employees or the employees who are the

object of the solicitation are expected to be engaged in their assigned work.

8.13 Internet and email use policies and protocol.

The City has an independent Use of City Resources Policy, which is adopted by this reference.

Chapter 9-Conflict review procedure.

9.1 Conflict review process.

The City recognizes that sometimes situations arise in which an employee feels he or she has not been treated fairly or under City rules and procedures. The City provides its employees with procedures for resolving issues arising in the workplace.

- (a) **STEP 1:** An employee should first bring the problem or issue to his/her supervisor, unless the problem involves a direct conflict between the employee and the supervisor.
- (b) **STEP 2:** When normal communication between an employee and the supervisor is unsuccessful, or when an employee still disagrees with applying City policies and procedures, or feels unjustly treated, the employee should attempt to resolve the problem with his/her department head, unless the problem involves a direct conflict between the employee and his/her department head. The department head will respond in writing to the employee within five working days after meeting with him/her.
- (c) **STEP 3:** If the employee is not satisfied with the response from the department head, or if the conflict is with the department head, the employee may submit the problem, in writing, to the Mayor as a request for review. The request for review must contain, at a minimum:
 - (1) A description of the problem or issue of concern to the employee;
 - (2) Any specific policy or procedure which the employee believes has been violated or misapplied;
 - (3) The date of the circumstances leading to the complaint or the date when the employee first learned of those circumstances; and
 - (4) The remedy sought by the employee to resolve the complaint.

An employee shall submit his or her request for review to the Mayor within ten working days of the

department head's response or within ten working days after the employee learns of a conflict. The Mayor, however, in his/her discretion may address and attempt to resolve the issue raised in the request even though the timeline has not been met.

- (d) The Mayor may meet with the parties, either individually or together, and will respond in writing to the aggrieved employee within ten working days of the receipt of the request for review. The Mayor's response and decision shall be final and binding.
- (e) Certain employees may have over one source of dispute resolution rights, i.e., the City's Civil Service rules, a collective bargaining agreement, and this complaint process. Employees represented by a bargaining unit or who are covered under civil service rules, should follow grievance procedures set out in their respective labor contracts or civil service rules, where applicable. In all other cases, the procedures described in this section shall be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to an employee.
- (f) Employees shall use this review process, if applicable, or any other review process, as set forth in paragraph (e) to resolve issues or conflicts arising in the workplace. Using alternative methods to resolve conflicts, resolve issues between employees, or to complain about performing any other employee will not be tolerated. Employees shall not engage in any form of communication in the workplace for, or having the effect of, criticizing the behavior or performance of any other employee. **NOTICE IS HEREBY GIVEN THAT SUCH BEHAVIOR SHALL RESULT IN DISCIPLINE, POSSIBLY INCLUDING IMMEDIATE TERMINATION.**

Chapter 10-Discipline and Terminations.

10.1 Discipline.

- (a) The City expects all employees to exercise good judgment, loyalty, common sense, dedication, and courtesy to perform their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the citizens of the City.
- (b) Acts, errors, or omissions, which discredit the public service or impair the provision of orderly services to the citizens of the City may result in discipline, including termination.
- (c) The Mayor, department head or supervisor has full discretion and authority to impose disciplinary action under City policy and the circumstances of the case.
- (d) If an employee has not committed a serious offense but engages in behavior that requires discipline, the City will use the following disciplinary action, depending on the situation. The City does not guarantee that any or all of these actions will be used prior to termination if, in the discretion of the Mayor, termination is warranted.
 - 1. **Oral Warning.** An oral warning is a counseling session between the employee's supervisor and the employee on the subject of the employee's conduct and performance, or his/her failure to observe a rule, regulation, or administrative instruction. It should increase an employee's efficiency and value to the City by changing the employee's conduct, attitude, habits, or work methods. Following the counseling session, the supervisor shall document the oral warning.
 - 2. **Reprimand.** A reprimand is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. Written reprimands are placed in the employee's personnel file.
 - 3. **Suspension.** A suspension is a temporary, unpaid absence from duty that may be imposed as a

penalty for significant misconduct or repeated, lesser infractions. A suspension is a severe disciplinary action, which the City makes part of the employee's permanent record. The City shall provide all written documents to an employee.

- (e) The City may suspend an employee with pay, when the City places an employee on administrative leave, pending the results of any investigation or disciplinary action where factors such as public confidence, the safety of the employee or the efficient functioning of the City call for suspension.

10.2 Termination.

- (a) The City will immediately terminate any employee who commits a serious offense. The City defines the following type of behavior as a serious offense.
 - (1) Conviction of a felony;
 - (2) Sexual or other unlawful or unwelcome harassment or discrimination;
 - (3) Intentionally causing bodily harm to another employee;
 - (4) Theft or vandalism of City property;
 - (5) Falsification of City records;
 - (6) Reporting to work under the influence of alcohol or illegal drugs.
 - (7) Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace;
 - (8) Gross negligence or improper conduct leading to damage of City-owned property;
 - (9) Gross insubordination;
 - (10) Using threatening language; and
 - (11) Any other behavior that the Mayor, in his/her discretion, determines to be a serious offense.

- (b) The following may result in termination from City employment:
 - (1) Violation of a City policy, unless the policy has been made inapplicable by notification from the Mayor, as set forth on page one.
 - (2) When the City Council determines that a lack of work or funding exists regarding the employee's position.
 - (3) If the employee has a physical or mental impairment that prevents him/her from performing the required duties of the employee's position and the employee cannot be reasonably accommodated. Termination must be supported by medical evidence, which establishes that the individual cannot perform bona fide job requirements. The City may require an examination at its expense performed by a physician of its choice. Failure to submit to such request may cause termination.
- (c) The City does not intend for the two, preceding sections to be a list of all reasons for which termination may occur. The City reserves the right to terminate any employee at will.

10.3 Layoff.

- (a) The City may lay off employees for lack of work, budgetary restrictions or other changes that have taken place.
- (b) The City will lay off temporary employees or employees who have not completed six months of employment before other regular employees.
- (c) In determining who is laid off, the City will consider individual performance and the qualifications required for remaining jobs. When performance and qualifications are equal, the City may consider seniority.
- (d) Employees laid off may be eligible to be re-employed if a vacancy occurs in a position for which they are qualified.

10.4 Resignation.

An employee should provide a two-week notice of resignation. This time limit may be waived by the employee's department head or by the Mayor.

10.5 Death.

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

10.6 Exit interviews.

- (a) Purpose. The City will provide each departing employee with the opportunity to provide the City with feedback regarding their employment. The City sees the Exit Questionnaire not only as a way to understand the reason(s) for an employee's departure, but as a way to identify trends, improve employee retention, ascertain levels of employee satisfaction, and reduce turnover.
- (b) Policy. The City will provide a departing employee with an Exit Questionnaire. The departing employee shall complete and return the Exit Questionnaire form to the Mayor. The employee may schedule a face-to-face-interview with the Mayor.

Chapter 11-Additional Policies.

11.1 Fitness test.

The City will pay \$300 (less deductions required by law) to an employee who meets or exceeds the Criminal Justice Training Commission's Basic Law Enforcement Academy Fitness Ability Test. The City will give the test once a year at the discretion of the Mayor. The Mayor, or designee, will administer the test. If an employee fails to meet the Fitness Standards on a testing date, the employee is ineligible to receive fitness pay for that period. An employee is not entitled any type of compensation for participating in a fitness test. Neither the Union nor an employee may grieve a failed fitness test.

11.2 Bilingual Incentive Pay.

Bilingual Incentive Pay. The City shall pay employees competent in foreign language(s) utilized in daily performance of work activities or in service to the City, one and a half percent (1.5%) of base rate pay. To receive bilingual incentive pay, an employee must demonstrate competency by obtaining certification status from the Department of Social and Health Services by passing a bilingual fluency test for DSHS employees and new recruits (or an equivalent test with the Mayor's approval).

11.3 Light Duty.

- (a) Light duty is a temporary, less arduous duty position. It may include a job classification at a lower salary level.
- (b) To request a light duty assignment, an employee must submit the following to his or her immediate supervisor: (1) a written request for light duty, and (2) a medical certificate from the employee's treating physician, which indicates the diagnosis, the prognosis, and the functional limitations of the employee.
- (c) If an employee submits the required documentation, the City will provide a light duty assignment for an employee who is unable to perform his or her full and regular duty due to a work-related injury for up to a maximum of 120 days.

- (d) If an employee submits the required documentation, the City may provide a light duty assignment for an employee who is unable to perform his or her full and regular duty due to a non-work-related injury for up to a maximum of 60 days.
- (e) The City will review the light duty assignment every 30 days to determine if the assignment needs to continue.
- (f) Nothing in this policy limits an employee's right to seek reasonable accommodations as provided by federal and state law. At the end of a light duty assignment, in order to continue working, an employee must be able to perform the essential functions of his or her regular job, with reasonable accommodation if the employee is disabled, and if reasonable accommodation is necessary.

11.4 Policies incorporated by reference.

The following City policies, including all future amendments, are adopted by reference:

- Breast Reconstruction Benefits
- Healthcare Continuation Coverage
- Notice of COBRA Requirements
- Salary Step Plan
- Use of City Resources Policy
- Whistleblower Protection Policy
- Workplace Harassment Policy

The most current versions of these policies are posted on the City's website.

**City of East Wenatchee Personnel Policies
Receipt and Acknowledgment**

I: _____

- Received and read the City of East Wenatchee’s Manual of Personnel Policies and Procedures Effective March 1, 2015;
- **Understand and agree these policies do not guarantee my employment by the City for any set duration** and provides me with the assurance that the City will follow these policies if they are in effect;
- Understand that no one in the City has the authority to enter into any agreement for employment for a specified period of time or to make other representations or agreements inconsistent with these policies unless it is in writing and signed by the Mayor;
- Understand the City may revise and update the policies and procedures from time to time; and
- Understand these policies revoke and supersede any prior handbooks, statements of employment policies, guidelines and procedures, or employment manuals, handbooks, or other documents issued by the City.

Employee’s Signature

Date

Employee’s Name (Printed)