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Preface

Longview’s Mission Statement
It is the mission of the City of Longview to develop and implement strategies that protect and improve the quality of life in our city. These strategies:

- Establish a broad base of community input and support
- Encourage economic development
- Enhance human and health needs
- Address the needs of our environment
- Support and enhance a family atmosphere among City employees

It is also our mission to deliver services that are:

- The best that can be delivered within the financial constraints established by the Council
- The lowest possible unit cost
- Competitive in cost and at a competitive level of service with the private sector and other public agencies
- Innovative within an acceptable level of risk

Longview’s Form of Government
Longview is a modern Non-charter Code City governed under the Council-Manager form of government. We have an elected seven-member City Council and an appointed City Manager that is the administrative head of the government.

The City of Longview provides a full range of municipal services to its citizens operating with an operating and capital budget for 2003-04 of $128.5 million dollars. We provide: police, fire suppression service, parks and recreation, street and traffic maintenance, planning and zoning, code enforcement, information services, nuisance abatement, library, engineering, water, sewer, and storm water services, solid waste and recycling collection, public transit service, and City administration.

Longview City Council
The Longview City Council is composed of seven members elected at large by the citizens of the city. Council members are elected for four-year terms with four positions being elected first and the other three positions being elected two years later. This ensures some members of the Council have experience at all times. The Council members elect a Mayor from among themselves every two years.

Council takes action on items presented at regularly scheduled or special meetings of the Longview City Council. A public hearing may be scheduled as part of a regular or special Council meeting. The public hearing allows Council to meet any legal requirements about an issue, hear background information or reports about a topic, receive public input on the issue, and then make a decision based on the information presented. Council workshops are scheduled to allow Council members to study an issue without taking action on it.
The Longview City Council meets on the second and fourth Thursdays of the month at 7 p.m. in the Longview Council Chambers, second floor, 1525 Broadway, Longview. Workshops are usually scheduled on the third Thursday of the month, if there is a need. The Mayor has regular office hours during the week.

**Vision 2015: Our Preferred Future**

In 1994, the City’s strategic plan (Vision 2015: Our preferred Future) was developed to guide City policy and budgeting in an effort to build a “preferred” future for Longview. In development, Longview City Council recognized that the nature of a vision should be flexible and open to change and improvements and new possibilities and challenges emerged over the next 20 years.

The *Vision 2015* team summarized the following as vision-critical strategies to achieving a preferred future:

- Maintain the City in a financially solvent position
- Infuse and perpetuate the vision beyond election cycles
- Communicate the vision
- Strengthen the City’s commitment to a proactive role in area economic development
- Preserve riverfront areas for multiple uses including public/private development
- Engage the City of Longview in regional efforts to establish seamless, multi-modal, regional transportation systems that will include access to high-speed rail, ground and air transportation and an integrated system of bike paths and routes
- Put Cowlitz County onto the information highway
- Develop an Internet Learning Center
- Celebrate the high quality of life in Longview and Cowlitz County

Each year at the Council’s planning retreat, *Vision 2015* is reviewed and goals and objectives are set for the coming year based on this vision. A copy is available through the Executive Office, or a summary of *Vision 2015* can be found on the City’s Internet site at www.ci.longview.wa.us.
Section 1 - Introduction

1.1 Purpose
These policies are established to create a standardized system for human resources management and to ensure that personnel actions and decisions are in compliance with federal, state and local laws and contemporary human resources management principles and practices.

This manual does not represent a contract or promise of specific treatment of current, former employees or job applicants. The City reserves the right to amend these policies and to grant exceptions or handle selected matters differently as warranted by the need for effective service to the community.

1.2 Scope
This manual supersedes all prior written or oral policies and directives relevant to Human Resources. Except as otherwise provided herein, it is applicable to all employees and departments. Except as otherwise noted, this manual and the policies contained herein do not apply to contractors, employees (from temporary agencies) and volunteers.

Where provisions of this manual address topics covered by City Civil Service Rules, those rules shall supersede these policies. Otherwise, these policies apply to all Civil Service positions and employees.

These policies are applicable to employees covered by collective bargaining agreements to the extent allowable under RCW 41.56. Generally, these policies shall be considered to apply when the matter is not addressed by a collective bargaining agreement, subject to the duty to bargain requirements of RCW 41.56.

Pursuant to the City Council’s budgetary authority, matters pertaining to employee compensation and benefits as identified under Authority below are applicable to all City employees.

1.3 Authority and Revisions
City Council
This manual is authorized pursuant to the authority of the City Council as given to the City Manager, and is effective upon his/her approval. Amendments or exceptions to the manual in the following areas may only be approved by the City Council or the City Manager:

- All amendments to the pay plan: All across-the-board adjustments, approval of new classifications, salary range assignments and realignments, salary structures including range minimums and maximums, step spacing and intervals.
- Compensation policy: The City's overall compensation policies such as selection of labor markets in which the City chooses to compete for employees, desirable ranking in that market, and apportionment of compensation into various components — base pay, incentive and premium compensation, paid leave, and insurance benefits.
• Merit pay and step increase programs: Overall design
• Paid leave accruals and eligibility: Vacation accruals, sell-back programs, maximum accrual rules, sick leave accruals, observed and floating holidays, other paid leave programs.
• Insurance benefits: Plans offered and plan design issues including coverage, eligibility, waiting/elimination periods, exclusions, and carrier approval; City premium contributions.
• Other benefits and components of compensation: Tuition reimbursement, retirement options within the limits of the LEOFF and PERS systems, memberships and vehicle allowances, mileage reimbursements, etc.

City Manager Authority
The City Manager has been given the delegated authority from the City Council to approve new policies, revisions and exceptions in the following areas:
• Recruitment and selection practices: Recruitment policies, pre-employment testing and appointment procedures, affirmative action and equal opportunity measures, transfer, promotion and demotion policies.
• Job classification structures and policies: Classification and reclassification policies and procedures, approval of new or revised classifications (not including salary range assignments).
• Pay practices and salary administration: Hiring rates and step placement of employees within range following promotion, transfer, reclassification and the like, out-of-classification pay policies and formulas and related matters.
• Work hours, overtime and employee scheduling policies: Overall rules and standards regarding employee scheduling, scheduling variations, meal and break periods, overtime pay.
• Employment standards and rules of conduct: Published rules and expectations regarding employee conduct and performance including performance appraisal systems, disciplinary procedures, conduct standards, policies on employment of relatives, conflicts of interest, outside employment, etc.
• Other employment relation’s policies: Grievance procedures, discrimination and harassment policies, layoff, leave of absences etc.

1.4 Employer Rights
The City maintains any legal and inherent rights with respect to matters of legislative or managerial policy, which includes the exclusive right to determine the mission of its constituent departments and commissions; establish standards for employment and promotion; direct it’s employees; take disciplinary action up to and including discharge; maintain the efficiency of governmental operations; determine the method, means and personnel by which government operations are to be conducted; establish work rules, performance standards and attendance standards; evaluate performance and attendance and take corrective action where necessary; take all necessary actions to carry out its mission in emergencies; and to exercise complete control and discretion over its organization and the technology or performing it’s work.
Section 2 - Definitions

Abandonment of Position. Means a voluntary absence of an employee for three (3) consecutive workdays without notification to his/her Manager or designee, unless in the opinion of the Manager, the failure to notify was clearly beyond the employee's control.

Administrative Leave. A paid absence imposed by the City.

Alternative Workers. An individual performing City work duties as a volunteer, intern, cadet, work-study program, or via a formal societal, rehabilitative or vocational training program.

Anniversary Date of Employment. The anniversary date of each employee hired on or after January 1, 2003 shall be construed to mean the following:

1) For employees who are hired, and actually commence employment between the 1st and 10th days of any month, the anniversary date shall be the 1st day of that month.
2) For employees who are hired, and actually commence employment is after the 10th of the month, the anniversary date shall be the first of following month.

The salary anniversary date for employees hired prior to January 1, 2003, except as otherwise stipulated in a formal offer of employment, shall be construed to mean the following:

1) For employees who are hired, and actually commence employment between the 1st and the 10th days of any month, the anniversary date shall be the 1st day of that month.
2) For employees who are hired, and actually commence employment between the 11th and end of any month, the anniversary date shall be the 1st day of the month immediately following the month in which they actually commenced employment.

Appointing Authority. The City Manager or other delegated authority who is empowered to appoint or remove employees of the department over which s/he has jurisdiction subject to the provisions of this policy manual.

Appointment. The assignment of a qualified person to a position in the City service by the appointing authority.

At Will Employment. Management and other employees not governed by the terms or conditions of a contractual employment relationship serve “at will”- meaning either party, the employee or employer, can terminate the employment relationship at any time, for any reason, with or without cause or notice.
**Average Hourly Wage.** Shall mean the annual salary of any full time employee divided by the average annual hours worked, excluding those governed by a collective agreement whose average hourly wage is covered by terms of their respective contracts.

**Call Back.** A requirement to work outside a person’s regularly scheduled work shift without advance notification, where the time worked is not contiguous to the regular work shift or occurs on a scheduled day off.

**Classification or Class.** Means a group of positions sufficiently similar to be included in a single job classification.

**Compensatory Time.** Shall mean the time during which any employee may be permitted to remain away from his/her employment without loss of pay, in compensation for an amount of overtime previously worked.

**Completed Months of Continuous Service.** Means any calendar month in which an employee is in a paid status of 20 or more days.

**Continuous Service.** Means the period of employment from last date of hire by the City until such time as there is an interruption in the employment relationship such as a resignation, discharge or layoff. Interruptions resulting from an approved leave without pay in excess of thirty or more calendar days will shorten the continuous service time by the length of the leave without pay.

**Council.** Means the City Council members.

**Demotion.** The assignment of an employee from his/her present position to another lesser position providing a lower maximum salary rate or a reduction in pay within a classification range.

**Examination.** A procedure used in the selection process to measure applicant abilities and suitability for a position including, but not limited to oral interviews, written tests, performance tests and evaluation of education and experience.

**Law Enforcement Officers And Fire Fighters Retirement System-1 (LEOFF-1).** Washington State mandated retirement system for law enforcement officers and fire fighters hired before October 1, 1977.

**Law Enforcement Officers And Fire Fighters Retirement System-2 (LEOFF-2).** Washington State mandated retirement system for law enforcement officers and fire fighters hired on or after October 1, 1977.

**Layoff.** Means termination based on elimination of a position due to budgetary limitations, reorganization or other changes not relating to the performance of the employee.

**Leave of Absence and Leave Without Pay.** A leave of absence is a formally requested and approved unpaid leave of 30 days or longer for medical, education or personal reasons.
Leave without pay is a period less than 30 days in duration of unpaid leave approved informally at the department level and reported as unpaid time on the payroll timesheet.

**Minimum Qualifications.** Means the published minimum qualification from the official classification specification including education, experience, knowledge, skill and ability.

**Overtime Eligible.** Employees who are not exempt from the Fair Labor Standards Act and who receive overtime compensation for time worked in excess of the regularly scheduled workweek or defined work period.

**Overtime Exempt.** Employees who are exempt from the Fair Labor Standards Act overtime requirement and do not receive premium pay for time worked in excess of the regularly scheduled workweek.

**Part-Time (Type "P") Employee.** An employee who is employed less than 40 hours per week, but works at least 20 hours per week; is assigned regularly scheduled shifts on a year round basis; is paid based on an hourly wage rate; and who is ineligible for benefits other than state and federal mandated benefits (including PERS if threshold is met for that mandated benefit).

**Pay Period.** The calendar month is divided into two pay periods: the 1st through the 15th day of the month; and the 16th through the last calendar day of the month.

**Personnel Action.** Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal or other action affecting the status of employment.

**Position.** A budgeted regular full-time or regular part-time position.

**Probationary Period.** Refers to the first twelve consecutive months of service for newly hired individuals or promoted employees and may be considered as the last phase of the selection process. Employees governed by a collective bargaining agreement may be subject to a different probationary period. For purposes of this definition, full-time employees must have worked at least 1040 hours within the twelve (12) consecutive months to satisfy the probationary period. Regular part-time employees must have worked a prorated minimum number of hours. An employee who completes the required probationary period and hours worked requirement and receives a satisfactory evaluation becomes a regular employee. Exempt employees do not have a formal probationary period and are considered “at will employees”.

**Promotion.** The assignment of an employee from a position in one class to another class providing a higher maximum salary rate.

**Public Employees' Retirement System (PERS 1).** Washington State mandated retirement system for eligible employees hired before October 1, 1977.

**Public Employees' Retirement System 2 (PERS 2).** Washington State mandated retirement system for eligible employees hired on or after October 1, 1977.
Public Employees' Retirement System 3 (PERS 3). Optional retirement system plan for eligible employees hired on or after September 1, 2002.

Red Circle. Means "freezing" of a salary above the maximum of the salary range until sometime as the red-circled salary falls within the range. An employee whose pay rate is red circled is not eligible for any pay increases until adjustments increase the top step of the range beyond his/her current rate of pay.

Regular Full-Time (Type A) Employee. An employee who is employed 40 hours per week in a classified, Council approved and budgeted position; paid on a monthly wage; eligible for holiday, vacation and sick leave accrual and is eligible to participate in the City’s medical/dental/life/disability plan.

Regular Full-Time/Part-Time (Type B) Employee. An employee who is employed less than 40 hours per week, but works at least 20 hours per week in a classified, Council approved, budgeted position; is assigned regularly scheduled shifts on a year round basis, is paid based on a monthly wage; eligible for holiday, vacation and sick leave accrual; and is eligible to participate in the City’s medical/dental/life/disability plan. (Benefits received are pro-rated depending on the number of hours employee is scheduled to work.)

Resignation. Means a termination of employment made at the request of the employee.

Salary, Wages, Compensation, Overtime and Compensation Earnable. These terms mean money, in the form of U.S. Currency, whether paid by check, direct deposit or in cash, paid to an employee of the city in exchange for services actually performed for the city by such employee, and such terms do not include any payments in any form to any city employee for not actually performing services for the city during times when such employees are absent from their employment due to illness, injury or disability, vacation or holidays. Such terms also do not include any payment to any city employee designated as holiday pay, sick leave, vacation pay or severance pay. EXCEPT: Severance pay may be considered as salary for purpose of computing final average salary upon employee's retirement subject to approval of PERS.

1. Holiday Pay. Means payment to a city employee on the basis of such employee's salary, the purpose of which is to enable employees of the city to remain away from their work during times of a general recognized holiday.

2. Vacation Pay. Means payment to a city employee on the basis of such employee's salary, the purpose of which is to enable an employee of the city to remain away from work in order to achieve rest and restoration.

3. Severance Pay. Means payment to a city employee on the basis of such employee's salary, but not constituting salary. The purpose of which is to compensate an employee upon termination for having not been absent from employment due to illness, injury, disability, holidays or vacations, and having been able to satisfactorily perform work without taking the full benefit of sick leave by absences from employment due to illness, injury or disability or without using all of the benefit of holidays or vacation. EXCEPT: Severance pay may be
considered as salary for purpose of computing final average salary upon employee's retirement subject to approval of PERS.

**Seasonal/Temporary (Type S) Employee.** An employee who may work part-time or full-time for unspecified hours on irregular shifts. Seasonal/temporary employees are on a stand-by/on call basis or are needed seasonally; paid on an hourly rate, ineligible for benefits other than state and federal mandated benefits (including PERS if threshold is met for that mandated benefit).

**Sick Leave.** Means a period of time, but not constituting compensation, the purpose of which is to allow temporarily ill, injured or disabled employees incapable of fully performing his/her job to remain away from their work without loss of compensation.

**Suspension.** Means an involuntary, unpaid absence imposed as a form of disciplinary action.

**Transfer.** The assignment of an employee from one position to another in the same class, or a different class involving the same salary range.

**Transit (Type T) Employee.** All regular full-time and casual transit employees.

**Vacancy.** A position existing or newly created and approved by the Council, which is not occupied, for which funds are available and for the filling of which a valid requisition has been received by the Human Resources Director.
Section 3 - Human Resources Department & Records

3.1 Authorities
Each department head has the authority to initiate and/or authorize personnel actions including appointment, and discipline within the scope of this Manual, applicable labor contracts and budgetary guidelines.

The Human Resources Department shall administer all of the administrative and technical activities required by any applicable laws, regulations and City policies to carry out a comprehensive system of human resources management. All personnel actions must be reviewed by the Human Resources Department before they are completed to ensure conformity with those laws, regulations and policies.

3.2 Personnel Actions
Every appointment, transfer, termination, promotion, demotion, discharge, leave of absence, change in salary rate and other temporary or permanent change in the status or supervision of an employee shall be reported to the Human Resources Department in writing. The Human Resources Department is authorized to prescribe the time, manner, form and method of making any written report required herein or by applicable laws.

3.3 Records
Employee files shall contain at least the basic application form, resumes where appropriate, salary and benefit history, performance evaluations, disciplinary actions, and recruitment and selection records. Individual departments are authorized to maintain supplementary personnel files for the conduct of day-to-day business, including copies of performance evaluations, disciplinary action, and training and development records. The official personnel record of an employee shall be comprised of the records maintained by the Human Resources Department and the supplementary records maintained by the individual departments.

3.4 Confidentiality of Personnel Records
Records of the Human Resources Department such as examinations, personal history and other papers, disclosure of which could render harm to an employee without serving a necessary and useful purpose, shall be considered confidential. Employees are authorized to review their official personnel records at any reasonable time. Such records of the Human Resources Department as may be defined by law as public records shall be open to legitimately interested parties only during regular office hours for reasonable periods of time and in accordance with such procedures as the department may establish.
Section 4 - Equal Employment Opportunity & Work Environment Policy

The City of Longview is dedicated to providing a work environment that treats employees with respect and appreciation for their individual differences. To this end, it is the City’s goal to ensure an environment that is free from unlawful discrimination, and behavior, action or language which may be perceived by others as hostile, intimidating, or abusive.

This policy will reaffirm the City’s commitment to honor and respect employees throughout the organization by prohibiting discrimination and workplace harassment, clarifying what conduct constitutes workplace harassment, and providing an effective complaint procedure for employees who believe they have been the victims of prohibited conduct. This policy is intended to protect employees of whatever stature, customers or clients of the organization, contractors and visitors to the work site.

**Discrimination**

It is the policy of our organization to provide a work environment free from unlawful discrimination on the basis of race, color, religion, creed, sex, marital status, sexual orientation or gender identity (defined as heterosexuality, homosexuality, bisexuality and gender expression or having a gender identity self-image, appearance, behavior image, or expression, whether or not that gender identity, self image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to the person at birth), national origin, disability, age, veteran status, on-the-job injury, or any other factor that an employer is prohibited by law from considering when making employment decisions. This policy applies to all matters relating to hiring, firing, transfer, promotion, compensation, and other terms and conditions of employment.

**Workplace Harassment**

It is also the policy of our organization that all employees, customers, clients, contractors, and visitors to the work site enjoy a work environment that is free from harassing behavior. Harassment is a form of unlawful discrimination (as described in the aforementioned section) and occurs when a person’s conduct creates a hostile, offensive or intimidating work environment. Employees at all levels of the organization are expected to conduct themselves in a business-like and professional manner at all times and refrain from sexual and other forms of harassment.

**Corrective Action**

Conduct in violation of this policy will not be tolerated, and may result in disciplinary action up to and including dismissal. Managers and supervisors who know or should know of conduct in violation of this policy and who fail to report such behavior, or fail to take prompt, appropriate, corrective action, are subject to disciplinary action up to and including dismissal.
4.1 Applicability

**General**
This policy applies to all City employees or individuals engaged in work/activities on behalf of the City including regular employees, temporary employees, contractors, volunteers, and citizens.

**Represented Employees**
This policy is applicable to employees governed by a collective bargaining agreement subject to the requirements of RCW 41.56.

4.2 Guidelines

Sexual harassment is a form of workplace harassment. Sexual harassment is defined as unwelcome uninvited sexual advances, requests for sexual favors, and other verbal or physical behavior or a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or is used as a basis for any employment decision (granting leave requests, promotions, favorable performance appraisals, etc.); or
2. Such conduct is unwelcome and has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

The following are examples of prohibited behavior (these examples are not all-inclusive and even one instance of such conduct may constitute harassment):

- Unwelcome touching or closeness of a personal nature, which may encompass leaning over, cornering or pinching another employee, customer, client, or visitor;
- Sexual innuendoes, teasing and other sexual talk or communications such as jokes, intimate inquiries, persistent unwanted courting and sexist put-downs or insults;
- Derogatory remarks, slurs and jokes about a person’s national origin, race, color, religion, language, accent, age, or disability;
- Displays (to include electronic communications) of explicit or offensive calendars, posters, pictures, drawings, or cartoons which reflect disparagingly upon a class of persons or a particular person;

4.3 Non-retaliation

This policy prohibits retaliation by other employees, managers, or others against employees, customers, vendors, contractors etc. who:

- Bring charges of conduct which violates this policy;
- Assist in investigating charges;
- Report harassing behavior directed at them or at persons other than themselves.

Any employee found to have engaged in retaliatory action or behavior will be subject to discipline, up to and including dismissal.
4.4 Complaint Procedure

Informal
In some situations an individual may want to make an effort to resolve the matter her/himself by telling the person engaging in the objectionable action(s) directly that the conduct is inappropriate or offensive. If so, the employee might consider these steps:

• Contact the Sr. Human Resources Analyst or Supervisor for advice on how to approach the situation in a constructive, clear and concise manner.
• Make it clear that the conduct or statements are not welcome, appropriate, or appreciated and that the employee wants them to stop.
• If the problem continues, give the harasser a letter confirming the earlier conversation and identifying the conduct or statements found offensive. Tell the harasser that it will be reported to management if it does not stop.

If the situation persists or the employee does not choose to confront the person making them uncomfortable, the situation should immediately be reported to management.

Formal
Complaints may be submitted both verbally and in writing to the supervisor, manager, a manager in another department, or directly to Human Resources (written complaints may be mailed to City of Longview Human Resources, PO Box 128, Longview, WA 98632-7080). Complaints should be filed immediately after the objectionable event occurs, and in no event should they be filed later than 180 days from the alleged action. (Refer to Section 4.6 regarding ADA complaint process)

A written account of the situation needs to include:

• The name(s) of the persons alleged to have engaged in the prohibited conduct;
• Date or dates it occurred;
• Who was present when the alleged harassment occurred;
• A specific and detailed description of the conduct that the employee believes is discriminatory or harassing; and
• A description of the remedy the employee desires

All supervisors and managers are required to report complaints (verbal and written) and incidents immediately to the appropriate officials, which includes the Human Resources Department. Additionally, all employees are expected as a part of their employment with the City to cooperate to the fullest extent in any investigatory process.

The Human Resources Department will coordinate, or delegate responsibility for coordinating, the department’s investigation in consultation with the affected employee’s supervisor, excluding any supervisor who is potentially part of the problem. The complaint will be promptly, thoroughly and honestly handled as an impartial investigation. If the complaint is substantiated, immediate and appropriate corrective action will be taken.

The affected parties shall be informed that the investigation has concluded and that immediate appropriate corrective action will be taken. All employees can be assured that
complaints will be taken seriously and will be investigated as necessary. All complaints will be dealt with in a discrete and confidential manner to the extent possible.

Employees may also file complaints with the following agencies:
- Washington State Human Rights Commission
- U.S. Equal Employment Opportunity Commission
- U.S. Department of Health and Human Services, Office of Civil Rights

Use of the City’s complaint procedure will not suspend any time limitations for filing complaints with any of the above listed agencies or others that are set by law, rule or regulation.

**Equal Treatment**
The City is also committed to a policy that all personnel practices will be based solely on legitimate, job-related considerations. Matters which have no bearing or effect on the City or the job performance of the employee will not be considered in hiring, discipline, termination and treatment of employees and applicants in the workplace. Adverse personnel actions will not be taken based on lawful, personal, off-duty conduct unless and until such conduct negatively affects the employee's actual or potential job performance or the legitimate business interests of the City. For example, the City will not concern itself with such non job-related matters as political views or personal values. Employees are, however, accountable for off-duty conduct that brings discredit on the City or impedes the effective delivery of City services or their job performance. Employment decisions in this regard will be made in the context of the situation involved and the level and purpose of the employee's position. Higher standards of personal behavior, for example, may be expected of high-ranking officials or public safety officers.

Applicants or citizens who feel they have been discriminated against in employment matters should notify the Human Resources Director or City Manager.

### 4.5 Affirmative Action/Outreach
The City will take affirmative action and outreach efforts to seek to attain an employee population that mirrors the local community in the representation of women, minorities and the disabled in all departments and levels in the organization. To that end, and in addition to its non-discrimination policies, the City will utilize:
- Outreach recruitment activities to increase the pool of qualified candidates for job openings.
- Periodic auditing of selection and recruitment techniques to determine impact on candidate success rates. The City will eliminate selection and testing instruments or procedures, which create an adverse effect as defined by the EEOC on protected group candidates and which do not constitute a legally valid predictor of job performance or a bona fide occupational qualification.
- Periodic tracking of representation levels by department and occupational category to determine areas of under-representation.
• Identification and removal of "artificial" barriers to selection and promotion including unnecessary employment qualifications.
• Utilize programs when possible to provide alternative employment avenues such as internships and summer employment programs.
• Support career advancement potential through providing professional development activities.

4.6 Employment Accommodation Due to Disability
The City shall provide employees that provide appropriate verification from a qualified medical provider of a disabling condition with reasonable accommodation in accordance with applicable federal and state regulations. Employees are responsible for providing their supervisor with written notice of the need for accommodation and appropriate verification thereof.

ADA Grievance Procedure
This Grievance Procedure was established to address concerns of The City of Longview employees regarding Title I, Title II and Section 504 issues. It may be used to file a complaint alleging:
• Discrimination by the City of Longview on the basis of disability in employment practices,
• Policies or the provision of services, activities, programs, or benefits provided by the City of Longview.
• Discrimination of Section 504 of the Rehabilitation Act of 1973
• Structural and parking accessibility issues on City owned or controlled property.
• Disabled parking accessibility issues on public property and privately owned or controlled property utilized for public accommodation as it pertains to RCW 46.61.581. (Other parking accessibility issues may be reviewed. Information regarding necessary parking accessibility improvements may be forwarded to interested parties. No enforcement action may be taken under Title III of the ADA by local authorities unless building code violations have occurred. Complainants may pursue ADA complaints via the federal complaint process.
• Structural accessibility issues on public buildings and privately owned or controlled buildings open to and utilized by the public. (Enforcement of building accessibility concerns by the City is limited. Structures constructed following implementation of the ADA must meet accessibility requirements as established by the ADA and the State of Washington. Issues may be referred to Community Development Code Enforcement for review and consultation with the property owner.)

Complaint Procedure and Format
The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request. See appendix listing for the City of Longview complaint form.
Complaint Filing
The grievant and/or his/her designee should submit the complaint as soon as possible but no later than 60 calendar days after the alleged violation to:

City of Longview ADA Coordinator
Safety/Risk Management
ADA Program Coordination
1525 Broadway
Longview, WA 98632
(Phone) 360-442-5024; FAX (360) 442-5951
Email: chris.smith@ci.longview.wa.us

Complaint Review
Within 15 calendar days after receipt of the complaint, the ADA Coordinator will meet/contact the complainant to discuss the complaint and the possible resolutions. Within 30 calendar days of the meeting, the ADA Coordinator will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City and offer options for substantive resolution of the complaint. Complaints involving employment issues will be referred to the Human Resources Department for review and investigation.

Complaint Appeal Process
If the response by the ADA Coordinator, or Human Resource representative, does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the ADA Coordinator within 15 calendar days after receipt of the response to the City of Longview Administrator or his or her designee. Within 15 calendar days after receipt of the appeal, the City Administrator or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the City Administrator or his or her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint. If a satisfactory resolution is not reached at this level, the complainant may elect to file a federal complaint.

Complaint Retention
All written complaints received by the ADA Coordinator, appeals to City Administrator or his or her designee, and responses from the ADA Coordinator and City Administrator or his or her designee will be kept by the City of Longview for at least three years.

Federal Complaint
Title II of the Americans with Disabilities Act (Government, or organization, or institution suspected of discrimination).
1. Individuals who believe they have been discriminated against in employment by a State or local government in violation of Title II may file a complaint:
   a. With a Federal agency that provides financial assistance (Section 504 of the Rehabilitation Act of 1973), if any, to the State or local program in which the alleged discrimination took place; or
b. With the EEOC, the State or local government is also subject to Title I of the ADA; or

c. With the Federal agency designated in the Title regulation to investigate complaints in the type of program in which the alleged discrimination took place.

d. As in the case with complaints related to nonemployment issues, employment complaints may be filed with the Department of Justice, which will refer the complaint to the appropriate agency.
Section 5 - Recruitment and Selection

It is the City’s goal to recruit and select the most qualified persons for positions in the City's service. Recruitment and selection shall be conducted in a manner to provide equal employment opportunity and prohibit discrimination because of race, creed, politics, religion, sex, sexual orientation, gender identity, marital status, ancestry, color, national origin, age, mental or physical disability, veteran status or any other non-merit factors while maintaining maximum flexibility.

5.1 Recruitment Program

At the request of and in consultation with the department head, the Human Resources Department shall develop and conduct an active recruitment program designed to meet current and projected staffing needs. Recruitment will be tailored to the various classes of positions to be filled, and will be directed to all sources likely to yield qualified candidates. The recruitment plan and selection criterion to be used by those making the appointment decision is to be established prior to the review of applicant profiles and related materials.

The City shall use classification specifications and job-related criteria to recruit and select employees to fill positions.

The department head may limit recruitment to an internal only selection process when appropriate to provide promotional and/or transfer opportunities.

Recruitments may be conducted on a position-by-position basis or on a classification basis. The method selected shall be developed in consultation with the affected department.

5.2 Job Announcements

Announcement of Jobs

In order to attract an adequate number of candidates for present or anticipated vacancies, the Human Resources Department will issue job announcements and otherwise publicize vacancies through such media as the department and hiring manager deems appropriate. Publicity for job vacancies shall be conducted for a sufficient period of time to insure reasonable opportunity for persons to apply and be considered for employment.

Content of Announcements

Announcements shall specify the title and salary range of the position; the nature of the work to be performed; the experience and training required; the time, place and manner of making application; the necessary qualifications established for the position and any other pertinent information consistent with this policy.

5.3 Alternatives to Posting

With the request or approval of the department head, vacant and available positions may be filled without posting or a competitive selection process by the following means:
• Transfers within a classification or between classifications within the department.
• Transfers within the same classification from a different department.
• Demotions (voluntary and involuntary) from a higher classification from within the same department.
• Transfers and demotions of a qualified employee from any classification as an alternative to layoff. To be qualified for these appointments, the employee must have received formal notice of layoff or occupy a position formally designated for layoff by the City Manager.
• Through a bumping or displacement procedure prescribed by a collective bargaining agreement.
• By conversion of a temporary employee or absorption of a position from another entity but only to the extent permitted by other City policies.
• By appointment of the incumbent of a position that has been reclassified (upwards, downwards or laterally) and who meets all criteria required to continue in the position.
• As a part of a formal settlement of a grievance or employment litigation.
• When a position and incumbent are moved to another department or division through reorganization or other means.
• To accommodate the transfer or demotion of an employee from another classification due to temporary or permanent disability.
• Promotion of a qualified internal staff member with the approval of the City Manager and Human Resources Director.

These means of filling positions are only permitted when and to the extent allowed by the applicable collective bargaining agreement.

Nothing in this section should be construed to prohibit a department head from choosing to post a position and utilize a competitive selection process, nor shall any section be interpreted to guarantee a position to an employee without a competitive process. Such processes are recommended as a means to ensure consideration of all interested candidates and selection of the most qualified person for the position.

5.4 Applications

Forms of Application
Applications for an available position shall be filed on such application forms as may be prescribed by the Human Resources Department or the appropriate designated authority, i.e., State of Washington Job Service Center. To be accepted for review, applications must be delivered to the Human Resources Department or appropriate designated authority on or before the closing date specified in the announcement or postmarked before midnight of that date. This process may be modified as appropriate to address other forms of application to include use of the computer Internet/Intranet and/or email delivery systems. Employment applications must contain the candidate’s signature before an official job offer can be extended. The signature certifies the truth of all statements and information supplied regarding their employment history, job knowledge, formal education, work history and other information considered during the employment process. The Human Resources Department
may require such proof of residence, education, experience, and other claims as is deemed appropriate.

**Eligibility Lists**
When in the opinion of the department head it is determined that previous eligibility lists for the same classification contain sufficient qualified applicants, and the list is not more than twelve months old, such list may be used to begin the selection process.

**Freedom from Bias**
Application forms and selection materials shall not contain any questions which elicit any information concerning race, politics, religion, sex, marital status, ancestry, color, national origin, age, mental or physical disability, veteran status or any other non-merit factors. Such data may be obtained separately for research purposes but may not be used to discriminate.

**Eligible Applicants**
Only those applicants who submit specified required application materials as detailed in this policy and who meet the minimum qualifications for the position will be considered eligible applicants, and will be eligible to compete in the selection process.

The Human Resources Department may further reject any application for one or more of the following reasons:
- If the applicant is not within the prescribed age limits.
- If the applicant does not meet physical requirements of the position to which s/he seeks appointment.
- If the applicant has previously been removed from City service for cause or misconduct.
- If the applicant has falsified his/her application or provided incomplete information.
- If the applicant fails to keep the Human Resources Office informed of his/her correct address or other conditions, which affect the applicant’s availability.
- If after notification the applicant does not promptly arrive at the time and place designated for the examination.

**Retention of Applications**
Applications from unsuccessful candidates shall be kept on file in the Human Resources Office for a period of not less than one year from the date of last contact.

**Employment of Family Members or Individuals That Reside in the Same Household as the Employee**
To avoid any potential conflict of interest that could exist when an employee is supervised by an immediate family member or resides in the same primary residence, the approval of the City Manager is required prior to an offer of employment being extended (as indicated in the Nepotism policy in section 14 of this manual). Individuals that meet this criteria will not categorically be denied employment; however, in cases where potential conflict exists, employment may be denied within the same department.
Employment of family members for seasonal employment opportunities is addressed in the City’s seasonal/temporary employee hiring guidelines. To obtain a current copy of this guideline, contact the Human Resources Department.

**Employment of former employees (to include individuals that have retired from City service).**

Upon termination of employment, no individual will be reassured of reemployment with the City. Employment eligibility of former employees shall be determined in the same manner applied to any job applicant. Consideration will be given to the individual’s qualifications for the position applied for to include a satisfactory employment history and work references. Further, employment consideration of those that have retired from City service shall comply with all applicable regulations to include the state’s Department of Retirement Systems. To that end, those that apply for employment within the twelve months immediately following his or her official retirement date from the City shall have their eligibility for employment subject to the review (upon receipt of application) and approval of the City Manager and Human Resources Director or his/her designee.

**5.5 Selection Processes**

**Selection**

The selection process shall maximize reliability, objectivity, and validity through a job-related assessment of applicant attributes necessary for successful job performance and career development. Recruitment and selection shall be conducted to provide equal employment opportunities to all persons regardless of race, politics, religion, sex, marital status, ancestry, color, physical and mental disability, on-the-job injuries, national origin, age, or any other status protected under applicable federal or state law unless it is a bona fide occupational requirement.

**Selection Devices**

The Human Resources Department in consultation with the appropriate department head will determine the selection device or devices to be used to obtain the most qualified candidates for available positions. Selection devices shall be utilized separately or in various combinations as appropriate to the position and to available resources. Such selection devices may include but are not limited to: job-related written tests, oral examinations, interviews, performance tests, assessment centers, work samples, resumes, evaluations of training and experience, supplemental questionnaires, background and reference inquiries, and physical and medical examinations. Any applicant who refuses any part of the selection process may be removed from consideration. In the development of selection devices, department heads, consultants or others skilled in or familiar with the minimum requirements may be consulted. Such criteria and selection processes should be established prior to review of the applicant materials. Further, except as otherwise approved by the Human Resources Director, testing processes to be used shall be identified in the job announcement.

**Security of Material**

Every precaution shall be exercised by all persons participating in the development and maintenance of selection materials to maintain the highest level of integrity and security of the screening tools and criteria to be used. Any attempt to modify the selection process or
materials to facilitate the selection or to benefit a particular candidate will not be tolerated and shall result in corrective action being administered up to and including termination of employment.

**Method of Rating**
In all selection processes, the minimum ratings and weight given in each step of the screening process to determine candidate eligibility shall be set by the hiring department in conjunction with the Human Resources Department prior to a review of the applicant materials.

**Notification of Candidates**
All applicants not selected will be notified orally or in writing within thirty days of the final hiring decision.

**Maintaining Integrity of Process**
All employment screening practices will be established to ensure that appointment decisions are job related and free from non-meritorious factors being an influence to hiring decisions.

Selection committee members will receive instruction on appropriate evaluation criteria and rating methods to be used in the hiring process. If any individual in the selection process has a conflict of interest or a personal relationship with a candidate being evaluated for employment, they are to notify the Human Resources Department and the appropriate department head immediately. The individual’s continuation in the hiring/selection process will then be at the discretion of the Human Resources Director and appropriate department head.

Final candidates for regular and temporary/seasonal positions must have a minimum of two references checked and their degrees shall be verified if required for the position. Final candidates will then be forwarded to Human Resources for approval to make a job offer. The recommended salary step will be determined by the Department Head or his/her designee in consultation with the Human Resources Director prior to requesting hiring approval. A conditional offer of employment may be made pending the satisfactory completion of all other pre-employment requirements.

If a question or challenge is raised about any phase of the recruitment and selection process, the Human Resources Department or other City Manager designee may investigate and when necessary take whatever measures are required to maintain the integrity of the recruitment and selection process.

**Probationary Period**
With the exception of “at will” employees, all original and promotional appointments shall be tentative, and require a probationary period of up to twelve (12) consecutive months of continuous work, in which the employee has the opportunity to demonstrate his/her capability to fulfill the duties and responsibilities of the job. If it is determined during the probationary period that an employee is not making reasonable progress toward fulfilling all of the expectations of the supervisor and department head, the probationary period may be extended, the employee may be removed from the position by either bump back, demotion,
termination or other specific arrangements made and approved by the City Manager prior to the appointment.

5.6 Applicant Travel
The City will reimburse travel expenses for selected job candidates subject to the following conditions and requirements:

- The position being filled must be a department head or critical senior management or staff position. Extension of travel reimbursement to other positions or other exceptions for candidate travel requires the approval of the City Manager.
- The City specifically recruited out of the area, and the applicant was recruited as a result of that effort. Out-of-area candidates who learned of the opportunity through their own efforts are not entitled to City-paid travel. Advertisement in national trade journals does not necessarily qualify as an out-of-area recruitment.
- The travel expenses are reasonable and take advantage of discount fares and accommodations such as seven-day advance purchase, Saturday night stay, etc.

The authorization to reimburse travel expenses must be obtained from the department head and Human Resources Director in advance of the travel being performed. Similarly, the department head and Human Resources Director must approve the travel expense claim when submitted.

Approved travel expenses will be reimbursed by the hiring department.

5.7 Criminal History Checks
It is the City's policy to comply with the statutory rules and regulations which requires criminal history checks to be conducted on certain individuals engaged in Official City Business to include employees, volunteers, students, and contract employees, who have unsupervised access to children, developmentally disabled persons or vulnerable adults, or who will be working with confidential information to include personal, financial, or medical information of employment candidates, active or retired employees or citizens.

Whenever the City is considering appointing an individual, whether it is via contract, service agreement or a direct employment relationship, to act in an Official City capacity, the department head shall determine whether a criminal history check is required. There are four (4) levels of criminal history checks that shall be conducted based on the essential functions of the work assignment and criterion required. The levels include: Basic Criminal History Check, Basic Criminal History Check with Credit Check, Basic Criminal History Check with FBI Fingerprint, and Public Safety Criminal History & Full Background Check. The following matrix identifies which level of criminal history check is to be conducted based on the essential functions/work assignments. This matrix is a guideline and does not provide an all-inclusive list of positions for which criminal history checks will be conducted. If there is a question as to whether a criminal history check is warranted based on essential functions of the position the department head will consult with the Human Resources Director.
<table>
<thead>
<tr>
<th>Level of Background Check</th>
<th>Essential Function/Work Assignment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Criminal History Check</td>
<td>Positions which have unsupervised access to children, developmentally disabled persons or vulnerable adults or have access to confidential personal and/or medical information.</td>
</tr>
<tr>
<td>Basic Criminal History Check with Credit Check</td>
<td>Positions which handle or accept cash or credit payments or have a primary responsibility for budgeting and/or accounting.</td>
</tr>
<tr>
<td>Basic Criminal History Check with FBI Fingerprint</td>
<td>Positions which have security access to or the ability to manipulate information systems, critical utility systems and transit operations to include computer servers, phone systems or protected databases, water treatment operations and transit operations and maintenance.</td>
</tr>
<tr>
<td>Public Safety Criminal History &amp; Full Background Check</td>
<td>Positions in Public Safety functions (Police and Fire).</td>
</tr>
</tbody>
</table>

Criminal History Checks can be obtained through the Washington State Patrol, Federal Bureau of Investigation or through Infocheck Inc., a company that provides this service to the City. Human Resources is the point of contact for Infocheck services.
Section 6 - Temporary Employment

Departments may utilize temporary employees to fill limited duration positions or temporary vacancies or regularly budgeted positions, to perform special projects, or to assist with cyclical or seasonal peaks in workload. Temporary employees may not work more than 1,400 hours in a calendar year without advanced approval from the City Manager and Human Resources Director. Departments may utilize alternative workers such as volunteers, senior citizens, interns, cadets, work-study students, or other individuals desiring training or vocational instruction without restriction.

Positions or assignments anticipated to exceed the annual 1,400 hours limitation should be created as a regular budgeted position and filled through normal selection processes. When a position originally created as a non-budgeted, temporary position is required for more than 2,080 hours, it should be budgeted and converted to a regular position.

6.1 Filling of Temporary Positions

A temporary position may be filled without following the formal posting and competitive selection process associated with regularly budgeted positions. However, if the Human Resources Department determines that a group of temporary employees may be utilized to fill regularly budgeted positions due to the training/experiences gained from temporary employment, then the formal recruitment process shall be utilized when filling the temporary positions.

When a temporary employee is utilized to fill a temporary vacancy (i.e. performing duties of a regularly budgeted position), they must meet the minimum published qualifications of the applicable City job classification. Department heads are expected to ensure compliance with this requirement. Human Resources approval of each temporary appointment is not required.

Limited duration positions that are expected to continue for longer than 1,400 hours per calendar year should be filled through the normal recruitment process.

When a temporary position is converted to a regularly budgeted position it must be posted and filled through a competitive recruitment process. Temporary employees, to include alternative workers, with more than 1,400 hours in the classification to be filled may compete as internal candidates. Otherwise temporary employees must be considered as external candidates and are ineligible to compete on internal recruitments.

Rights and Benefits of Temporary and Converted Employees

Except as otherwise noted in this section, temporary employees are not eligible to participate in City health and welfare benefit programs, paid leave, holiday pay or to participate in the State retirement system unless otherwise determined via Department of Retirement Services rules. They are also eligible for all mandated rights including social security contributions, overtime pay if Fair Labor Standards Act non-exempt, parental leave, workers compensation and others as defined by law. When temporary employees or alternative workers are
appointed to regular positions previously held as a temporary, credit may be granted for a portion of their prior service as prescribed herein:

Service credit may be granted for hours worked in excess of 1,400 hours of temporary employment but in no event shall more than six months credit be granted. Service credit is limited to the rights and benefits in this section. All other matters will be based on the hire date as a regular employee. The following items may be granted back to the retroactive service date:

1. Credit toward completion of probation and step increases.
2. Credit toward vacation, sick leave, and floating holiday accrual. Hours in each category that would have been earned had the employee been converted to a regularly budgeted position on the retroactive service date established under this section will be credited to the employee’s balance on the date of hire in a regular position, subject to the provisions of existing City policies with regard to waiting periods prior to use, etc.
3. Length of service for movement into higher vacation earning brackets.
4. Credit toward any insurance related waiting periods.
5. Employees may receive retroactive Public Employee Retirement System or Law Enforcement Officer and Fire Fighter retirement service credit by paying the applicable contributions as allowed by the retirement system.

These provisions are intended to serve as a guideline for equitable treatment of temporary employees appointed to converted positions as well as positions that are transferred to the City via consolidation or merging of department services. Some situations and interagency transfers may warrant different treatment, however, and are therefore subject to the discretion of the City Manager.

6.2 Compensation
Temporary employees assigned to job duties of regularly budgeted positions or established job classifications shall receive an hourly rate of pay as approved by the appropriate department head, but shall in no event exceed Step A of the applicable pay range. Exceptions to this guideline may only be made upon advanced approval from the City Manager and Human Resources Director.
Temporary employees, interns, or other alternative workers performing work that does not mirror an established City job classification or function, i.e. special projects, seasonal work, etc., shall be compensated on an hourly basis. Hourly rates of pay shall be established and revised periodically by the Human Resources Department, subject to City Manager approval, with consideration to internal equity and external compensation practices for like job duties.

6.3 Temporary/Seasonal Employment
Departments may hire temporary/seasonal employees as provided by City policy and available budgeted funds. The City does not specifically exclude employment of family members to seasonal/temporary positions. However, no more than two immediate family members of a regular City employee may be employed in a temporary/seasonal position at any time. Work assignments of employees and their family members or individuals residing
in the same household is further governed by the City’s nepotism policy located in the Human Resources Policy Manual.

Generally, candidates with a criminal history shall not be considered for part time, seasonal/temporary employment. However, in the event a department head wishes to request an exception to this provision, detailed information regarding the individual’s criminal history and the duties/work they are being considered for must be presented to City Management for review and approval prior to extending an offer of employment.

Any individual being considered for seasonal/temporary employment to perform work comparable to the that assigned to an established job classification (i.e. employing someone to fill in while a regular recruitment is being conducted, someone is on leave, or to assist with an unusually high work load) must meet the minimum standards established of for those employed to perform those same duties on a regular continuing basis.

Selection and employment processes to be followed for seasonal temporary recruitment and employment activities are as follows:

a) The Department must submit a “Pre-authorization to fill” request for City Management approval. If you have more than one seasonal position to fill you may complete one “Pre-Authorization” to cover all positions.

b) Recruitment and screening assessments used to select seasonal employees must adhere to applicable Equal Employment Opportunity guidelines. Preference should be given to college students. Applicants under the age of 18 should not be hired with the exception of the Recreation and Library Departments who may hire 16 and 17 year olds. Persons under the age of 16 should not be hired under any circumstance.

c) No individual shall be allowed to participate in the selection decision that has a potential conflict of interest or personal relationship with a candidate being evaluated for employment.

d) Pay range appointments to temporary positions shall be in accordance with the established part-time seasonal employee pay guideline. Human Resources shall update these pay ranges periodically and provide the information to departments as requested. All exceptions to the recommended salary guidelines must be approved by the City Manager prior to extending an offer of employment.

e) Individuals selected for appointment shall be given a conditional offer of employment subject to successful completion of reference checks as well as drug test (within 24 hours of the offer of employment for “safety sensitive positions”) and a driving record review if appropriate.

f) State Law requires all employees that come in contact with, or work with, children under 16 years of age, developmentally disabled persons or otherwise vulnerable adults to successfully pass a background check conducted by the Washington State Patrol. Individual departments are responsible for processing these checks with the WSP when appropriate and shall forward the documents to the Human Resources Department for filing.

g) Upon successful completion of the applicable employment background/screening processes, a payroll record change form (PRC) shall be submitted to the Human Resources Department. This should be submitted as soon as possible to avoid any payroll delays.

h) All temporary/seasonal employees must attend a new employee orientation. The individual will be required to complete mandatory employment documents during their orientation such as a W-4 tax form and eligibility to work form (I-9).
i) Orientations for safety sensitive positions should be completed before the individual starts working in the department. Those assigned to non-safety sensitive positions should complete their new hire orientation as soon as possible but in no event later than five days after commencing employment with the City.

j) Seasonal/temporary employees are not eligible for compensatory time, call back or any other overtime premiums or compensation benefits that extend beyond the provisions of the Fair Labor Standards Act.

k) Supervisors are responsible for ensuring new hires have reviewed the following subjects and employment practices: Emergency contact information, Timesheet Reporting, Paycheck distribution and Pay Dates, Substance Abuse Policy, Harassment in the Workplace and other employee conduct expectations, Electronic Communications, Key Values at the City of Longview, Customer Service Expectations, Accident Prevention Policy & Committee, Accident/Incident Reporting, Workers Compensation Filing & Benefits, Personal Protective Equipment, Back Safety, Slips, Trips and Falls, Bloodborne Pathogens, Emergency Action Plan, Hazard Communications, Fire Safety, First Aid, Workplace Violence, Vehicle and Equipment Usage Policies and other appropriate employment and safety rules unique to the individual’s work assignment.

l) Upon completion of the seasonal/temporary employment period, Supervisors shall submit a payroll record change (PRC) form to Human Resources to terminate the individual’s employment and collect all City property from the person on their final day of work. A performance evaluation/summary shall be attached to the PRC indicating if the individual is recommended for rehire.
Section 7 - Classification Plan

The City's job classification plan consists of a system of standardized titles, pay ranges and job descriptions. Its purpose is to achieve an efficient and equitable process for defining, filling, and compensating positions. The system also serves as an aide to defining job performance expectations and performance evaluation. The classification plan and any new or modified classifications shall be as approved and shown in the current budget adopted by the City Council or as otherwise approved by the City Manager.

The compensation plan shall be based directly on the classification plan and shall include pay ranges with a minimum, maximum and intervening salary steps for all classifications. The objectives of the compensation plan are:

- Provide a consistent, internally equitable and externally competitive compensation program.
- Provide a consistent means for employees to advance through the salary range based on length of service and job performance.

7.1 Classification Descriptions
Classification descriptions are written descriptions of each job classification in the plan. The description shall include a class title, distinctions from other related classifications, a general statement of duties and responsibilities, key or core duties and responsibilities, supervision received and authority, qualifications required and desired in terms of education, experience, training, knowledge, skills and abilities required; working environment and conditions, physical demands of the job and other relevant information.

7.2 Development and Administration
The Human Resources Department has the authority and responsibility for overall development and administration of the classification plan. This includes the development of new classifications, review of new positions to determine classification, and coordinating and/or conducting the analysis of positions for reclassification. In developing and maintaining the classification plan, the Human Resources staff shall consult with department heads, key staff, employees and other technical resources that are deemed appropriate. Classification descriptions shall be periodically updated to reflect current job content and requirements.

7.3 Organizational and Budgetary Implications
City Manager approval is required for all organizational changes, which will result in an upward classification change. The approval must be obtained before a reorganization that may impact job classifications can be initiated.

City Council or City Manager approval is required for budget amendments following approval of the organizational change, salary schedule amendment (if applicable) and reclassification action.
**Budgeting**
Organizational decisions that can reasonably be anticipated should be budgeted in advance and submitted as a decision package through the budget planning process.

**7.4 Compensation**

**Salary Pay Plan**

**Market Position**
Generally, the City strives to provide wages and benefits at approximately the average or median of the appropriate labor market, but will give consideration to internal salary relationships. Individual job classifications will not necessarily be tied directly to the external market.

The City may use a variety of techniques to balance the principles of market competitiveness and internal equity. These include use of formal point-factor job evaluation programs and whole job evaluation plans.

**Salary Adjustments**
The salary ranges are intended to furnish administrative flexibility in recognizing individual differences between employees of positions allocated to the same range, to provide employee incentives and reward employees for meritorious service. Salary adjustments may be made annually or periodically as approved by the City Council or City Manager for non-represented employees and are subject to availability of funds. Salary adjustments for represented employees will be determined via collective bargaining, but the City's position will be determined in large part by the factors in this section. The amount and form of any increases will be based on multiple factors, including but not limited to:

- Salary trends within the affected labor market
- Local and National CPI increases
- Overall revenue limitations and expenditure requirements
- Budgetary policies and priorities of the City
- "Total compensation" considerations, including the costs of other increases (individual salary changes, insurance costs, paid leave benefits and others)

**Collective bargaining considerations**
Effective date of salary adjustments:
In certain cases, the actual amount of a salary adjustment will not be determined until sometime after the adjustment is intended to be effective. These include:

- Cost of living adjustments for bargaining unit employees when the negotiations continues beyond the term of the current agreement and the wage increase is negotiated and intended to be effective on the first day of the successor agreement;
- Cost of living adjustments for non-represented employees that are generally granted on January 1 but a decision as to the amount of the increase may be delayed beyond that date;
- Step increases where the adjustment is due or scheduled to be effective on a particular date but is not processed until a later date;
• Reclassifications, realignments or other salary adjustments agreed to be made effective as of a specified date as part of a negotiated agreement or policy decision.

In such cases, the compensation paid to the employee, between the date the adjustment is due, scheduled, promised or intended and the date of final action by the City, the salary shall accrue during such time period and will be paid retroactively to the affected employee(s).

Where a salary adjustment is granted to employees in a certain bargaining unit or category/group of employees on a deferred basis, the payment for the deferred portion will be made to employees within the bargaining unit or category/group of employees in accordance with the terms of the decision/agreement. As a matter of policy, the City will extend the adjustment to employees still employed by the City who were employed in the bargaining unit or group/category for any portion of the period for which the applicable payment is being made. The increase will not be awarded to employees who have retired through the PERS or LEOFF system or otherwise have separated from City service.

Red-circled employees who are paid above the maximum of their salary range are not eligible for any adjustments granted on an across-the-board basis unless specifically authorized by the City Manager.

**Labor Relations Considerations**
Annual, across-the-board salary adjustments and the City's desired market position for represented employees will be significantly influenced by factors unique to the collective bargaining process to include budgetary guidelines and/or limitations.

An across-the-board increase may also be reduced and/or not included in the contract settlement due to the cost of the overall settlement including special salary increases for selected jobs, changes in work hours and paid leave programs, insurance cost increases and other forms of direct or indirect compensation.

Higher or lower compensation may be appropriate based on non-economic factors. The City may choose a higher market ranking in recognition of control over pay levels through performance-based pay programs or contract language which provides for increased productivity, accountability and management flexibility. For example, union acceptance of a performance-based pay program or a more flexible work assignment process might justify a higher wage settlement.

**Entry Rates**
Entry rates for new employees shall normally be the beginning rate for the classification. Appointments may be made above the first step in the range based on extraordinary qualifications, internal equity considerations or as necessary to be competitive with candidates' current salaries in equivalent positions in other jurisdictions. Starting salary rates shall be established in accordance with the following provisions:
**Represented Positions**
The entrance pay rate for represented positions covered by a current collective bargaining agreement shall normally be the minimum rate in the pay range prescribed for the class. The department head may authorize a rate up to two (2) steps above the entrance rate (Step 3).

An appointment may be made up Step 4 of a range following mutual agreement of Human Resources and the department head prior to extending an offer to the candidate.

Appointments made above Step 4 must have prior approval from the City Manager or his/her designee.

**Non-Represented Non-Exempt Positions**
The entrance pay rate for non-represented positions shall normally be the minimum rate in the pay range prescribed for the class. The department head may make an appointment up to two steps above the entrance pay rate.

An appointment may be made up to step four of the entrance rate (Step 4) following mutual agreement of Human Resources and the department head prior to extending an offer to the candidate.

Appointments made above Step 4 must have prior approval from the City Manager.

**Exempt/Management Level Positions**
The entrance (hiring rate for new employees) pay rate for Management/Exempt positions shall be the lowest step in the range that is appropriate given: the candidate’s qualifications, their current salary, and the goal of attracting the most qualified candidate for the position. Consideration shall be given to how the proposed salary would affect other current employees in the same or related classifications. As a guideline, salary offers should be 5% -10% over the candidate’s current earnings, assuming the candidate is currently employed in an equivalent or lower position with his/her current or former employer. Approvals are required for advanced-step appointments as follows:

- The department head may authorize appointment up to step 3.
- Appointments above step 3 require approval of the Human Resources Department and the City Manager.
- All advanced step appointments must be approved before an offer of employment is extended to a candidate.

**7.5 Pay Plan Administration**
The City utilizes a step-type salary range. Salary adjustments within a salary range are accomplished by step increases, which may be based on merit, length of service or a combination of the two. Except as otherwise provided by this policy or as approved by the City Manager, all employees must be paid at one of the salary steps associated with their classification.

Eligibility for step increases is as prescribed by this policy or the applicable collective bargaining agreement.
Regular part-time employees in budgeted positions shall receive compensation, which shall be established in proportion to a regular full-time position in the same classification. Regular part-time employees shall be entitled to move through the steps in the salary range at the appropriate intervals if performance is satisfactory

7.6 Step and Merit Increases

Step Increases- Non-Represented

Pay increases within a range for meritorious performance can be made as evidenced by an annual written performance review. It is recognized that the vast majority of employees improve their performance and effectiveness as they perform their responsibilities over a period of time and should be rewarded for their increased level of effectiveness. As such, the upper end of the pay range is reserved for those employees that have sustained a high level of performance for an extended period of time. Employees are eligible to receive a step increase (not to exceed the maximum of the pay range), usually to be effective on the employee’s salary anniversary date. The increase shall be based on appraised job performance and position in the salary range.

Some of the City’s designated managerial and professional pay ranges require that an employee attain an exceptional performance evaluation rating, as determined by the department head and approved by the City Manager, or designee, during the evaluation period under review to progress to the final step(s) of their pay range. For these individuals, placement at the top steps of their pay range is earned on an annual basis and therefore once attained is not guaranteed annually thereafter. Further, placement at the top step(s) of a pay range, regardless of individual performance, is contingent on adequate funds being available in the current budget as approved by the City Council.

Unscheduled step increases are prohibited except in the following circumstances:

- No annual increase was given due to performance concerns and those issues have been resolved to the satisfaction of the department head. Such actions must receive prior approval from the City Manager and pay will not be administered retroactively to the person’s original salary anniversary date.
- To accommodate special circumstances that did not exist at the time the employee’s annual increase was under consideration such as to remedy a significant internal inequity issue or labor market trend.
- Different treatment may be appropriate based on job performance, position in range or other considerations.

The effective dates for salary increases under this section shall be the first of the current month for eligibility dates occurring between the first and the fifteenth and the sixteenth of a month for eligibility dates occurring between the sixteenth and the end of the month.

When promotion dates and step increases are effective on the same date, the step increase shall be applied before determining the promotional increase.
The department head may deny an increase or delay the effective date of the increase in those instances where the employee's performance does not meet department standards. Delay of an increase shall not result in retroactive pay back to their salary anniversary date nor shall it result in an adjustment to the person’s salary anniversary date. Except as specifically authorized by these policies, no pay increase shall be granted above the maximum rate prescribed for the class.

**Step Increases - Bargaining Unit Employees**
The provisions of the applicable collective bargaining agreement shall prevail when determining increases for bargaining unit employees.

### 7.7 Pay Rate Adjustments

**Application to Represented Employees**
Where the applicable collective bargaining agreement contradicts the provisions of this section, the collective bargaining agreement shall supersede this section. If the agreement is silent the provisions of this section shall apply unless contravened by established past practice or the duty to bargain requirements of RCW 41.56.

**Promotions**
Promotional increase policies are predicated on the philosophy that higher wages following promotion are granted based on performance in the position over time, not based solely upon assumption of higher responsibilities as of the date of appointment.

Upon promotion, an employee shall generally be placed at the first step in the new range, which provides for an increase equivalent to one pay step (approximately 4-5%), or the first step in the new range, whichever amount is greater. If the difference between ranges is less than a full step increase the employee shall be placed at the same step number in the new range. Increases of more than 5% require the approval of Human Resources and the City Manager.

In cases where an employee would be receiving multiple salary changes with the same effective date, the merit increase shall be applied first, followed by promotional or reclassification increases, followed by a cost-of-living adjustment, as applicable.

In the case of employees promoting to Exempt Non Represented positions, the starting salary shall be determined based on a blend of the 4%-5% promotional guidelines and the policy relative to outside hires. Generally, the promotional formula should be followed but higher step placements are authorized, with the approvals indicated, where the situation suggests a higher starting salary.

### 7.8 Demotions and Downward Reclassifications

**During Probation**
Employees who are permitted to bump back to their former classification based on failure to satisfactorily complete a promotional probationary period shall be placed at the range and step held immediately prior to promotion.
**Disciplinary**
Regular employees who are demoted for disciplinary purposes shall be placed at the same step number in the new range such that the decrease is equivalent to the salary differential between the former and new range.

**Voluntary**
Employees who voluntarily demote will be placed at the highest step in the new range that is equal to or below their former salary. If the former salary exceeds the maximum of the new range, the employee shall be placed at the top step of the new range.

**Layoff**
Employees who demote or bump downward in lieu of layoff shall be placed at the highest step in the new range that is equal to or below their former salary. If the former salary exceeds the maximum of the new range, the employee shall be placed at the top step of the new range.

**Reclassification**
Employees whose position is reclassified downward or whose classification is placed at a lower salary range shall be "red-circled." If the monthly salary received immediately prior to the reclassification is less than the top step rate of the new classification, the employee's salary shall move to the closest step of the new range, which does not result in a decrease in salary.

**Transfer**
When an employee is transferred from one class to another class having the same pay range, he/she shall continue to receive the same step and pay rate. Whenever a non-represented non-exempt or represented employee transfers from one department to another, regardless of change in classification any compensatory time earned may be paid in cash to the employee.

**Reinstatement, Recall and Reemployment**
When an employee is recalled from a layoff list, or reinstated within twelve months to his/her former classification, he/she shall be placed in the same step that he/she occupied at the time of separation.

**Red Circling**
When authorized by a provision in this policy or collective bargaining agreement, employees may be red circled at a salary above the maximum of the range. Except as otherwise approved by the City Manager, red-circled employees are not eligible for merit/step increases, annual increases or other increases until their salary falls within the current range for their assigned classification.

**Salary Anniversary Dates**
The salary anniversary date is the date on which an employee is next eligible or scheduled for consideration for a step increase. Unless otherwise established by a collective bargaining agreement, step increases are not automatic or guaranteed and are contingent upon satisfactory service and performance.
The salary anniversary date of each employee hired on or after January 1, 2003 shall be construed to mean the following:

1) For employees who are hired, and actually commence employment between the 1st and 15th days of any month, the anniversary date shall be the 1st day of that month.

2) For employees who are hired, and actually commence employment after the 16th through the end of the month, the anniversary date shall be the 16th of the month in which they were hired.

The salary anniversary date for employees hired prior to January 1, 2003, except as otherwise stipulated in a formal offer of employment, shall be construed to mean the following:

3) For employees who are hired, and actually commence employment between the 1st and the 10th days of any month, the anniversary date shall be the 1st day of that month.

4) For employees who are hired, and actually commence employment between the 11th and end of any month, the anniversary date shall be the 1st day of the month immediately following the month in which they actually commenced employment.

Any time employees are on an unpaid leave for 30 consecutive days, their anniversary date will be adjusted to reflect time spent in an unpaid status.

Except as otherwise approved by the City Manager, an employee’s salary anniversary date will remain unchanged in the following situations:

- Promotions or job classification changes that do not result in more than a 6% increase in pay
- Demotions or downward reclassification to a step below the top step of the range of the lower classification

Each of the following situations will normally result in a new salary anniversary date as of the date of the action and the employee shall be eligible for a step increase after twelve months provided the employee is below the top step of the range.

- Employees who are promoted and who have been at the top step of their former classification will receive a new anniversary date in all cases where they are placed at a step lower than the top two steps in a new range.
- Promotions that result in more than a 6% increase in pay.

The intent of this section is that increases pursuant to promotion should be in addition to and not in place of scheduled step increases. The HR Department is authorized to adjust anniversary dates as necessary to comply with that intent.

**Work Out of Classification**

An employee shall be eligible for work-out-of-classification (WOOC) pay when qualified and assigned to perform substantially all the duties of a position in a higher classification, subject to the waiting periods below. Such assignments must be approved in advance by the department head and City Manager. WOOC assignments may only be made to a vacant position (or one which is temporarily vacant by virtue of the absence of the incumbent due to
leave or training) or for special assignment. When so assigned, the employee shall receive pay according to the promotional pay formula.

*Non-Represented Employees:* Shall be eligible for work-out-of-classification pay for assignments in excess of one full pay period. However, the waiting period may be waived if upon initial assignment the employee assumes the full responsibilities of a vacant position and such assignment is expected to last longer than a full pay period.

*Bargaining Unit Employees:* Represented employees shall be eligible for work-out-of-classification pay in accordance with the terms of their collective bargaining agreement.

An employee who is temporarily assigned to a position with a lower pay range for any period shall not receive a reduction in pay.

All work-out-of-classification assignments should be approved and accomplished via a payroll change form (PRC).
Section 8 - Separation from City Service

The resignation, retirement, death, layoff, dismissal or abandonment of a position shall constitute separation from service as defined in this section. The individuals last day of work will be considered to be their final separation date. Employees cannot utilize paid leave accruals to postpone their final separation date.

**Resignation**

Any employee desiring to leave City service in good standing shall present a letter of resignation to the supervisor at least two (2) calendar weeks prior to the actual termination. The letter of resignation shall contain the effective date of the termination and the reason for the resignation. Failure to comply with the two (2) week notification provision will render an employee ineligible for reinstatement and the employee will not be considered for future employment with the City. The supervisor may waive the two (2) week notification period.

**Retirement**

The City is a member of the federal Social Security System, the Washington Public Employee Retirement System and the Washington Law Enforcement Officers and Fire-Fighters Retirement System. When an employee reaches the appropriate retirement age for his/her retirement system(s), has accumulated a sufficient number of years in the appropriate retirement system(s) and meets the other eligibility requirements, he/she may retire. Employees contemplating retirement or who have questions about the retirement system(s) should contact the Human Resources Department. Employees planning on retiring should provide notice of their intent to retire at least (30) thirty days prior to their actual retirement date.

**Abandonment of Position**

An employee who is absent from his/her position for three (3) consecutive days without notice to the supervisor or designee shall be considered to have abandoned his/her position, unless in the opinion of the supervisor the failure to notify was clearly beyond the employee's control. A notice of presumption of abandonment shall be sent by certified mail to the last address reflected in the employee's official personnel file within fourteen (14) calendar days after the three (3) consecutive days of absence.

**Exit Interviews**

Upon request, employees will be afforded the opportunity to conduct a confidential exit interview with the Human Resources Director upon separation of employment.
Section 9 - Layoffs/Reduction in Workforce & Reinstatement Rights

A layoff is the termination of an employee based on the elimination of the employee's position. The City may eliminate positions due to reorganization, elimination of services/functions, budgetary decisions, lack of work or other similar and appropriate reasons. Layoff is not considered to be a "for cause" separation and should not be used in place of termination for cause. The position of a laid off employee may not be retained or re-created and filled other than by recall within twelve months following layoff.

Additionally, employees may be laid off through displacement by a reassigned employee through the reassignment procedure outlined in this policy. Reductions in hours may be initiated for the same reasons and shall generally be accomplished through the policies and procedures in this section.

Employees who are displaced and reassigned to a lower classification shall be considered laid off from their former classification for the purpose of recall under this policy.

9.1 Selection of Positions and Employees for Layoff
The department head shall identify by classification the positions to be eliminated. Within classification, employees shall be selected for layoff based upon a blend of qualifications, skills, past performance and length of service. The selection should be made based on an objective assessment of each employee’s ability to perform the jobs and assignments remaining after the layoff, and the needs of the department. City Manager approval is required for the layoff decision and the selection of employees prior to issuance of notices of layoff.

No employee shall be laid off while another person in the same classification is employed on a probationary or temporary basis in a position for which the employee, in the opinion of the department head, is qualified.

For all departments, Human Resources approval is required as to the content of the layoff notice and the rights and procedures specified therein.

Employees shall be provided a minimum of two calendar weeks written notice of layoff or pay in lieu of notice.

Service
To the extent length of service is a consideration, the primary consideration should be given to time in the job classification and job family. When time in classification is relatively equal, additional credit may be given based on service in the department and/or in the City. Non-represented employees are not eligible to "bump" employees in lateral or lower classifications within the department in which the layoff is occurring or on a City-wide basis. However, the department head may reassign employees to positions in classifications they
have formerly occupied within the department that are held by employees with less length service with the City, and lay off employees that are displaced by that action. There is no formal, employee-initiated bumping right or procedure for non-represented employees.

For the purposes of this section, "departments" are defined as follows:

- City Executive Office
- Finance
- Community Development
- Parks and Recreation
- Library
- Human Resources
- Information Technology
- Police
- Fire
- Public Works
- Fleet Maintenance

**Recall**

The names of employees laid off from a classification shall be placed on a recall list for that classification for a period of one year from the effective date of layoff. This provision shall also be applied when an employee is reassigned in lieu of layoff.

Laid-off employees will be considered for employment in any available vacancy in the City in the classification from which they were laid off provided they possess all required skills, knowledge and abilities for the position. Laid off employees who have received a written warning within one year prior to layoff or a suspension or demotion within 3 years prior to layoff are eligible only for recall to their former department, unless otherwise approved by the City Manager.

Laid-off employees are eligible for consideration for positions in other job classifications in the City through the competitive recruitment and selection procedures and shall be allowed to compete as internal candidates for the duration of their recall eligibility period. Represented employees appointed to a job classification not governed by their collective bargaining agreement will maintain recall rights to their position held at time of layoff unless they voluntarily choose to waive such rights.

Laid off employees are responsible for making themselves aware of available positions other than those for which they are entitled to recall consideration.

**Recall Procedure**

Notice of recall shall be sent to the employees via certified mail at the last address reflected in the employee's official personnel file and the employee must respond within seven (7) calendar days of receipt. An employee who rejects a recall offer for the classification from which they were laid off or who fails to respond to a recall notice for that classification shall be removed from the recall list. The employee shall be responsible for notifying the Human Resources Department of any change in address, telephone number and circumstances relative to their availability for recall.
Rights upon Recall/Reemployment
Employees who are recalled or are appointed to a different City position within one year shall be reinstated with all rights formerly attained including vacation accrual rates and accrued sick leave (to include sick leave cash out eligibility if previously eligible).

Vacation and floating holiday balances cashed out at termination may be restored by the employee paying the full cash value of the leave restored

A recalled employee’s hire date shall be adjusted to reflect the time on layoff but the employee shall otherwise retain all service credit held at the time of layoff. Employees recalled to their former classification shall be appointed to the step and range formerly held and credit toward the next salary anniversary date shall be continued, less the time on layoff.

Benefits Continuation
The City shall continue the employer's contribution toward the cost of medical and dental insurance through the end of the first calendar month of layoff. Employees shall be eligible to continue their health insurance coverage via COBRA and will receive notification of such rights.

9.2 Layoff Administration
The following process is recommended in the event of a reduction in work force:

Step 1
Identify positions to remain and to be eliminated based on function and importance, independent of the incumbent. i.e., redesign the organization chart assuming all positions were vacant. The product of this effort will be a new staffing chart identifying the positions remaining by classification, division, work assignment, location, etc.

Step 2
No further action is needed for all classifications in which there is no reduction in staffing unless employees are subject to bumping or displacement by others (if applicable).

Step 3
When staff reductions are deemed necessary, identify critical skill employees who cannot be let go based on specialized responsibilities, skills or both. These employees should be exempt from layoff and from any bumping from or to other positions (if applicable).

Step 4
It is generally recommended that length of service be used to determine which employees will be subject to layoff. Consideration may be given to time in the department or all City service and employee’s knowledge, skills and abilities to perform the work assigned. For example if a person with a higher length of service is unable to perform the work available then it would be appropriate for them to be laid-off in lieu of laying off a less senior person who is qualified to perform the work;
**Step 5**
Employees who have been laid-off from their primary job should be considered for reassignment to other vacant positions. It is generally recommended that assignment changes within the employee group remaining be minimized.

**Alternatives to Layoff**
Layoff should be considered a course of last resort and should only be invoked when other less stringent actions are not adequate to address the problem. Alternatives to layoff may include such measures as elimination of vacant positions, temporary employees and consultants and/or reduced work hours programs where all or groups of employees agree to reduce their work hours in lieu of elimination of whole positions.

**9.3 Reinstatement**
An employee who has resigned in good standing within the past twelve months may apply for reinstatement. For purposes of this section only, "good standing" is defined as:

- Having submitted the required notice prior to resignation;
- Not having received any form of disciplinary action in the twelve (12) month period immediately prior to the date of resignation; and
- Having evidence of a positive attendance record and satisfactory job performance.

To apply for reinstatement, there must be an existing and vacant position in his/her previous classification (or substantially equivalent job classification if the job titles are not exactly the same). If no position becomes vacant within twelve (12) months, the employee loses all rights under this section and is treated the same as all other outside applicants for future vacant positions. An individual is entitled to only one reinstatement during their career with the City.

Conditions governing reinstatement are as follows:

- Employee may be reinstated to the same salary range and step;
- Employee must serve the appropriate probationary period;
- Employee will have their original hire date adjusted to reflect their break in service;
- At the discretion of the department head, reinstated employees may be granted reinstatement of vacation accrual rates and former available sick leave balances when reinstated within twelve (12) months, however they shall not be eligible to buy back cashed out sick leave accrual nor shall they be eligible for sick leave cash out benefits upon termination regardless of their adjusted service date;
- Application for reinstatement must be made in writing to the Human Resources Director along with the reason(s) why reinstatement should be granted;
- Approval of a reinstatement request is at the discretion of the City Manager.
Section 10 – Health Insurance

10.1 Insurance Programs
The City offers employees a comprehensive package of medical, dental, life and disability insurance for regular employees and eligible dependents. The coverage, eligibility, premium contributions, carriers and provisions of the plans are as determined by the applicable collective bargaining agreement or as approved by the City Council or City Manager as appropriate.

Other employee benefit programs may be provided through or mandated by State or Federal governments such as workers’ compensation or unemployment compensation.

10.2 COBRA - Continuation of Benefits
Federal law mandates that the City allow all employees and/or dependents who lose group health care coverage to continue participation in the group health plan for up to eighteen (18), twenty-nine (29) or thirty-six (36) months, provided the employee/dependent otherwise qualified under COBRA. The affected employee/dependent will be responsible for the cost of continued coverage. Questions regarding the continuation of benefits (COBRA) provisions should be directed to the Human Resources Department.
Section 11 – Paid and Unpaid Leaves

11.1 Holidays
The City observes the following holidays:

<table>
<thead>
<tr>
<th>Holidays</th>
<th>Dates to be Observed</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Year’s Day</td>
<td>January 1*</td>
</tr>
<tr>
<td>Martin Luther King Day</td>
<td>Third Monday in January*</td>
</tr>
<tr>
<td>President's Day</td>
<td>Third Monday in February*</td>
</tr>
<tr>
<td>Memorial Day</td>
<td>Last Monday in May*</td>
</tr>
<tr>
<td>Independence Day</td>
<td>July 4*</td>
</tr>
<tr>
<td>Labor Day</td>
<td>First Monday in September*</td>
</tr>
<tr>
<td>Veteran's Day</td>
<td>November 11*</td>
</tr>
<tr>
<td>Thanksgiving Day</td>
<td>Fourth Thursday in November*</td>
</tr>
<tr>
<td>The Day after Thanksgiving</td>
<td>The Day After Thanksgiving</td>
</tr>
<tr>
<td>Christmas</td>
<td>December 25*</td>
</tr>
</tbody>
</table>

If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday, however for those employees working a 4/10 schedule the preceding Thursday shall be observed as a holiday. If a holiday falls on a Sunday, the following Monday shall be observed as a holiday.

The City Council or City Manager may designate other holidays, however nothing in this section shall be construed to have the effect of adding or deleting the number of paid holidays in any collective bargaining agreement to which the City may be a party.

Holiday Pay
Subject to the requirements below, regular budgeted full-time employees shall receive eight (8) hours of pay for each listed holiday on which they perform no work. Eligible part-time type “B” employees shall receive pro-rata pay for each holiday equal to the ratio, which their assigned schedule bears to full-time (40 hours) employment. Full-time employees working a 4-10 schedule shall receive ten (10) hours of pay for each holiday marked with an (*).

If a holiday falls on the employee’s day off the employee may schedule an alternative day off within that work period. Non-exempt employees may opt to be paid for the holiday in lieu of taking a different day off in that work period, however holiday hours paid for a holiday falling on the employee’s day off shall be paid at straight time.

Non-Exempt employees assigned or authorized to work on a designated holiday (does not include floating holidays as they can be rescheduled) shall be paid for the holiday and be paid at the rate of time and one half for all hours worked. This pay shall not be pyramided or compounded with other forms of premium pay or overtime. As with overtime, the choice of compensatory time off requires approval of the employee and the department. Individual employees who work on both the legal holiday and the day of its observance will receive the holiday work premium on either day but not both.
Holidays occurring during a period of leave with pay (vacation, sick leave, or other paid leave) shall be charged as a paid holiday leave and shall not be charged against vacation, sick leave or other paid leave. Employees in a leave without pay status either the regularly scheduled work day before or after the paid legal holiday are not entitled to holiday pay. Exceptions may be granted for employees on short term (less than 15 days) unpaid leave and must be approved by the department head and Human Resources Director.

Temporary employees do not receive pay for holidays not worked.

**Floating Holidays**
Regular full time and part time “B” employees shall receive a total of two floating holidays per calendar year. An employee earns one 8-hour floating holiday during the period January 1 through June 30, and a second 8-hour floating holiday during the period July 1 through December 31. Floating holiday entitlement shall be prorated for part-time type “B” employees and for midyear hires. Employees who are participating in the City’s 4-day work week and that are assigned to a 10 hour day will be granted an additional 8-hour floating holiday for the “Day after Thanksgiving” which may be used subject to the provisions for using floating holidays.

All floating holiday leave must be used by the end of the year or forfeited.

**11.2 Vacation**
Paid vacation is available to employees who are employed in regular full-time and regular part-time type “B” positions. Vacation accrual and use requirements for represented employees shall be in accordance with the terms of the applicable collective bargaining agreement.

**Effective 1-1-01 Non-Exempt** employees shall accrue vacation according to the following schedule:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Hours per Year</th>
<th>Days per Year*</th>
<th>Maximum Hours</th>
</tr>
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<tbody>
<tr>
<td>Start</td>
<td>88</td>
<td>11</td>
<td>176</td>
</tr>
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<tr>
<td></td>
<td><strong>200</strong></td>
<td><strong>25</strong></td>
<td><strong>400</strong></td>
</tr>
</tbody>
</table>

*Based on 8 hour work shifts

** Effective January 1, 2006, accrual at 20 years of service increases by 8 hours.
Effective 1-1-01 Exempt employees accrue vacation according to the schedule below. Exempt employees receive additional vacation accrual in recognition of the time demands of their position and in lieu of eligibility for compensatory time off.

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Hours per Year</th>
<th>Days per Year*</th>
<th>Maximum Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start</td>
<td>128</td>
<td>16</td>
<td>256</td>
</tr>
<tr>
<td>2</td>
<td>144</td>
<td>18</td>
<td>288</td>
</tr>
<tr>
<td>5</td>
<td>176</td>
<td>22</td>
<td>352</td>
</tr>
<tr>
<td>10</td>
<td>200</td>
<td>25</td>
<td>400</td>
</tr>
<tr>
<td>15</td>
<td>216</td>
<td>27</td>
<td>432</td>
</tr>
<tr>
<td>20</td>
<td>232</td>
<td>29</td>
<td>464</td>
</tr>
<tr>
<td>**</td>
<td>240**</td>
<td><strong>30</strong></td>
<td><strong>480</strong></td>
</tr>
</tbody>
</table>

*Based on 8 hour work shifts  
** Effective January 1, 2006, accrual at 20 years of service increases by 8 hours.

** Vacation Accrual **
Eligible employees begin accruing vacation from their first day of employment. Employees will not accrue vacation when they are in an unpaid status. Eligible regular part-time type “B” employee’s vacation accrual is pro-rated in accordance with their reduced work schedule.

Generally, employees are not entitled to use vacation until completion of six months of service. Employees are not eligible to sell back vacation or receive termination pay off until completion of six months of service.

Except as otherwise noted in this policy, service for vacation accrual purposes shall be based upon the total length of continuous active service with the City. Prior to appointment, and only with advance approval from the City Manager and Human Resources Director, candidates selected for hire may receive up to 10 years service credit for vacation accrual purposes in recognition of: their existing vacation accrual at their current employer, their years of experience in their profession, and/or their unique professional credentials.

Department head appointments and vacation service credit is subject to the discretion of the City Manager.

** Maximum Accumulation **
Employees may accumulate accrued vacation up to a maximum of two-times their annual accrual rate, e.g. an employee earning 136 hours per year may accumulate up to 272 hours. Accruals cease upon reaching the maximum accumulation. It is the employee’s responsibility to monitor their vacation accrual balances. The following rules govern the use and/or compensation for accrued vacation:
• All requests for vacation shall be approved through procedures established by the department head. Generally, prior written approval will be expected. Oral approval may be allowed at the department's discretion.
• If an official City recognized holiday falls on a vacation day, the holiday shall not be counted against the employee's vacation account if the employee would otherwise be eligible for the holiday.
• Vacation shall not, when used, be submitted in an increment less than (0.5) hours and shall be charged in minimum units of (0.25).
• Vacation shall be compensated at the employee's regular base rate of pay.

Termination Pay Off
Upon termination of City employment, individuals not governed by a collective bargaining agreement, that have more than six months of service shall be paid for all accrued and unused vacation at his or her final base hourly rate of pay. Transfers from one City department to another is not regarded as a termination of employment and the employee is not entitled to pay for the accrued leave as a result of the transfer. However, in the event the employee’s maximum vacation accrual is lowered due to their transfer, their excess vacation accrual will be cashed out upon their transfer so that their vacation accrual can be reduced to the new maximum accrual amount permitted.

Vacation Sell-back: Non-represented Employees
Non-represented employees may elect pay in lieu of vacation up to a maximum of 80 hours per year, subject to the following requirements and procedures.

The opportunity to cash out vacation shall be offered twice per year in the months of June and November. Requests must be submitted by May 15 and October 15 on forms designated by the payroll office and will be paid in June and November respectively.

To be eligible to cash out vacation, an employee must have used a total of 80 hours vacation and floating holiday in the prior calendar year. The total of vacation sold may not exceed the 80 hour limitation but may be apportioned according to the employee's choice between the June and November sales periods. For example, employees may sell back 40 hours each in June and November, 80 hours in either period or other combinations totaling 80 or less hours.

The vacation sell-back option is subject to funding limitations and availability of adequate funds. Vacation sales may be restricted or suspended by the City Manager. In the event vacation sales requests exceed available funds, the Human Resources Department shall develop procedures to equitably apportion vacation sales among employees with pending requests.

11.3 Sick Leave
The City provides employees with the ability to accrue and use sick leave to provide limited income replacement during illness or injury incapacitating the employee to perform his/her work. Sick leave should be viewed as short-term disability insurance rather than a vested leave benefit and its use is permitted as defined herein.
Qualifying Events
Use of accrued sick leave is permitted for the following purposes where the facts are established to the satisfaction of the supervisor or appropriate department head:

- Disability due to illness, injury, pregnancy or childbirth.
- Contagious disease whereby the employee’s attendance at work would create a direct threat to the health of co-workers or the public.
- To care for family members as provided herein.
- Doctor and dentist appointments.
- For parental leave immediately following the birth or adoption of a child, subject to the following conditions: the child must reside in the employee’s household, the leave must be taken in a consecutive time block (no intermittent or reduced work days) and may not exceed eight weeks in duration. Employees eligible to use sick leave due to their own disability following childbirth may use their accrued sick leave for either the duration of their disability period or as parental leave, whichever is greater.

Accrual
All full-time employees of the City shall be given twelve days (96 hours) of sick leave on their first day of employment. Part-time (type B) employees will receive a pro-rated amount based on their scheduled hours of work. No additional sick leave shall accrue to that employee until after he/she has completed twelve (12) months of continuous employment. Sick leave thereafter shall accrue to that employee at the rate of eight (8) hours, or in the case of regular full-time/part-time (type B) employees, a pro-rated accrual rate based on hours worked each calendar month of continuous employment. However, no accumulation of sick leave shall accrue to the benefit of any employee while he/she is in an unpaid status in excess of 30 or more calendar days.

Maximum Accrual
For those hired after 1-1-01, sick leave may be accumulated to a maximum of 1,200 hours.

Part-time (type “B”) employees shall accrue sick leave up to pro-rated maximums based upon the ratio of their assigned schedule to full-time employment.

Sick Leave Usage and Compensation
Sick leave may only be used, charged and compensated for periods of absence falling within the affected employee's regularly scheduled work schedule and is compensated at the employee's regular base rate of pay.

Holidays occurring during a period of sick leave with pay shall be charged as paid holiday leave and shall not be charged against sick leave.

When the employee does not have adequate sick leave accrued, absences due to disability shall be treated as unpaid leave and compensation may be available through a disability insurance plan. If the employee has an otherwise acceptable attendance record, the supervisor may authorize use of floating holidays, comp-time or vacation to continue salary during the absence. However, nothing in this policy shall be construed to guarantee approval
of an unpaid leave of absence or exempt the employee from corrective action for attendance problems.

Sick leave, when used, shall not be submitted in an increment less than (0.5) hour and shall be charged in minimum units of (0.25).

Accrued and unused sick leave hours shall move with an employee who is transferring from one City department to another City department.

**Family Illness Usage**
Employees may use sick leave in the event of an illness in the employee's immediate family requiring the attendance of the employee. For the purposes of this section, immediate family is defined as spouse, dependent children living in the employee's household and parents or the step/in-law equivalents or as otherwise allowed by state and federal law. Sick and/or unpaid leave may be allowed to care for such other relatives and in such circumstances as required by state and federal family leave laws and administrative regulations.

**Medical and Dental Appointments**
Sick leave will be allowed for doctor and dentist appointments for the employee or members of the employee's immediate family requiring the attendance of the employee. Employees shall make a reasonable effort to schedule these appointments to occur during off-duty hours.

**Reporting and Approval Requirements**
Employees who desire to use sick leave should report in to their supervisor as early as possible and in no event later than fifteen minutes from their scheduled starting time or as otherwise established by policies and procedures in their department. Employee should call in on each day of absence unless other arrangements acceptable to the department have been made.

Use of sick leave is contingent upon following required reporting procedures and compliance with the purposes of sick leave. Employees who fail to call in according to procedures or fail to provide medical verification, if properly requested, may be charged unpaid time for the absence.

Excessive absenteeism, absence without leave or the use of sick leave for other than its intended purpose may be grounds for corrective or disciplinary action up to and including termination.

**Extended Absences**
This section applies to extended absences charged to an employee's sick leave account.

Requests for extended use of sick leave shall be presented to the supervisor in writing along with a written physician's statement verifying the disability and its predicted length. Employees who have advance knowledge that they will be utilizing sick leave shall give notice as far in advance as possible.
From time to time absence due to illness may be extended or the date of return is not specified or is unknown. In these circumstances, the employee or his/her representative shall keep the supervisor advised of the status of the illness/injury according to such schedule as is established by the supervisor.

**Medical Verification**
The City may require a physician's certification of the nature and duration of an employee's disability from work, of an employee's ability to return to work, and/or of an employee's ability to continue the full performance of his or her duties. The physician's evaluation must be job related and consistent with legal requirements.

**Sick Leave Payoff**
*Individuals hired after 1-1-01* are not eligible for sick leave payoff.

*Employees hired before 1-1-01*, who separate from City employment voluntarily or via a reduction in workforce, will be permitted to cash out a portion of their accrued but unused sick leave, at their base hourly rate of pay (excludes forms of premium pay) at the time of separation according to the following formulas:

**Employees hired before 5/1/79**
An employee, upon (1) regular retirement or death, (2) disability retirement after at least 20 years of service with the City, or (3) early retirement after at least twenty years of service with the City, shall be paid for up to, but not in excess of 120 days of accrued sick leave earned prior to May 1, 1979 and unused at the time of retirement. Such retiring employee shall also be paid for accrued unused sick leave to his/her credit earned after May 1, 1979 in accordance with the schedule set forth below.

**Employees hired between 5/1/79 and 7-1-84**
Employees are eligible for sick leave cash out in accordance with the following formula:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Amount to be Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10 years of full-time employment</td>
<td>None</td>
</tr>
<tr>
<td>After 10 years of full-time employment</td>
<td>15% of accrued unused sick leave</td>
</tr>
<tr>
<td>After 15 years of full-time employment</td>
<td>25% of accrued unused sick leave</td>
</tr>
<tr>
<td>After 20 years of full-time employment</td>
<td>37.5%</td>
</tr>
<tr>
<td>After 25 years of full-time employment</td>
<td>50%</td>
</tr>
</tbody>
</table>
**Employees hired after 7-1-84 but before 1-1-01**

Accrued but unused sick leave will be cashed out, to a maximum accrual of 1200 hours, at the employees' base hourly rate of pay upon termination according to the following formula (please note: employees in this category with accrued sick leave of 700 hours or greater upon adoption of this policy will receive sick leave cash out in accordance with the provisions for those hired between 5-1-79 and 7-1-84):

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Amount to be Paid</th>
<th>Maximum Payout for those hired after 7-1-84</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10 years of full-time employment</td>
<td>None</td>
<td>-NA-</td>
</tr>
<tr>
<td>After 10 years of full-time employment</td>
<td>12.5% of accrued unused sick leave</td>
<td>150 hours</td>
</tr>
<tr>
<td>After 15 years of full-time employment</td>
<td>25% of accrued unused sick leave</td>
<td>300 hours</td>
</tr>
<tr>
<td>After 20 years of full-time employment</td>
<td>50% of accrued unused sick leave</td>
<td>600 hours</td>
</tr>
</tbody>
</table>

**Payment of Accrued Unused Sick Leave in the Event of Death of Employee**

Upon death of an employee, payment for accrued unused sick leave shall be made to the estate of the deceased employee at the 50% rate. If no survivor exists, no payment shall be made.

**Coordinating Benefits – Avoidance of Duplicate Salaries**

Whenever an employee who was absent from employment due to occupational injury, and whose request for sick leave was approved shall receive, as sick leave payment, a sum equal to the difference between his/her regular salary and any amounts payable to such employee as time loss compensation under the provisions of the Washington State Industrial Act, for such time as he/she was absent from employment. If the employee has exhausted sick leave accruals, other available paid leave may be requested i.e., vacation for this same purpose and will be coordinated with time loss payments in the same manner as sick leave. No coordination of leave shall be provided for any absence in excess of the employee’s accumulated paid leave banks.

**Occupational Disability Allowance**

Whenever any full time salaried employee shall suffer a service incurred disability, where such employee is entitled to receive time loss compensation, under the Washington State Industrial Act (workers’ compensation), and such employee has used up all accrued leave benefits and received coordination of leave payment as provided by City policy, the City will pay to such disabled employee an occupational disability allowance equal to the difference between the prorated regular salary of such employee and the amount of State compensation to which such employee is entitled to receive as time loss for a maximum period of not to exceed thirty (30) calendar days absent from work after the exhaustion of all accrued leave benefits. This allowance can be utilized only one time by an employee during their tenure.
Legal Requirements
Policies and programs addressing the use of sick leave including the attendance policy and sick leave payoff program shall be interpreted and modified as necessary to ensure compliance with federal and state laws including the Americans with Disabilities Act and the Family and Medical Leave Act.

Sick Leave Disability Benefits for Employees of the Fire and Police Departments Covered by LEOFF 1
This is applicable only to Police and Fire Department employees employed by the City prior to October 1, 1977 and who are covered by RCW 41.26.005. All such Fire and Police employees of the City will be permitted to take and accrue sick leave as provided by City policy and/or in accordance with their respective collective bargaining agreements.

Coordinating Benefits - Avoidance of Duplicate Salaries
Whenever a request for sick leave is approved, the employee who was absent from employment whose request for sick leave was approved shall receive, as sick leave payment, a sum equal to the difference between his regular salary and any amounts payable to such employee as disability leave allowance under the provisions of the Washington State Law Enforcement Officers and Firefighter's Act, for such time as he was absent from his employment, provided, however, that no salary shall be paid for any absence from employment in excess of the accumulated sick leave, provided, that all sick leave approved shall be deducted from the accumulated sick leave of the requesting employee. In paying full salary requirements of RCW 41.26 (Disability Leave), the City will first meet any full salary requirement of RCW 41.26 for disability leave allowance from any accrued unused sick leave which may be standing to the credit of that employee (unless otherwise specified by a separate contract).

Employees absent from work due to illness or injury will be charged a full day of sick leave for each day absent from work, regardless of how that time loss is compensated.

Review and approval of sick leave requests
Review and approval of sick leave requests shall be as provided in this policy.

Sick leave - Disability - Applicability of Benefits to Employees of the Fire and Police Departments Covered by LEOFF 2
This subsection is applicable only to Police and Fire Department personnel, unless covered by separate labor agreement, who began employment with the City after October 1, 1977, and who are covered by RCW 41.26.030.

Disability Leave Supplement in the Event of Temporary Total Disability
A disability leave supplement will be added to the amount for time loss compensation under the provisions of RCW 51.32.090, which shall result in the employee receiving his/her regular salary. Such disability leave supplement will begin on the sixth day of absence from work caused by the injury or illness that results in a total temporary disability, and which entitles the employee to benefits under RCW 51.32.090. Benefits shall continue up to a maximum of six (6) months from the date of the injury or illness.
One-half of the amount of the above supplement shall be charged against the employee’s accrued paid sick leave. One-half of the supplement will be paid by the City. In computing the amount to be charged against accumulated leave balance, the leave hours will be converted to money equivalents. The conversion will be based on the base monthly salary of the employee at the time of the injury, and will exclude all payroll deductions and overtime pay.

If an employee has no accrued sick leave at the time of injury or illness, or if accrued sick leave is exhausted during the period of disability, the employee shall receive only the City paid portion of the disability leave supplement.

During the period of disability leave supplement compensation, the City paid portion of all benefits shall continue. The employee shall continue to be responsible for his/her payment share of all such benefits.

Light duty tasks may be required to be performed by the employee, subject to the approval of the treating physician, and if requested by the City during the period of the disability leave supplement. Compensation during such period of light duty, including disability leave supplement, will be paid in the amounts provided under RCW 51.32.090.

After return to active service following a disability during which time all accrued sick leave has been exhausted, the employee may, upon approval of a sick leave request, be allowed to use up to a maximum of three (3) days or three (3) work shifts of sick leave in advance of accruing it. This benefit is allowable only during the period of two (2) successive months following return to active service. Sick leave drawn in advance of accrual shall be charged against earned sick leave until such time as the employee has accrued the amount needed to restore the amount used. In the event an employee terminates active service without having restored the sick leave deficit, the City shall recover the cost from moneys payable to the employee.

11.4 Other Leave Benefits

Workers Compensation/Disability Benefit Coordination

City provided benefits (medical, dental, life) are continued provided the employee pays their portion of the medical plan during time off due to an approved absence due to a job related accident or illness and have not exhausted their sick leave or family medical leave benefits. Employees electing additional life insurance may continue this coverage by paying the City monthly premiums.

Bereavement and Funeral Leave

A regular non-represented employee shall be granted paid bereavement leave up to three (3) consecutive workdays at the time of death in the employee’s immediate family, and up to five (5) consecutive workdays upon the death of a spouse. Bereavement leave may be used for qualifying family members in the case of imminent death, but the total bereavement leave portion shall not exceed the three or five workday limitation. For the purposes of this section, the employee’s immediate family members are: the spouse, son, daughter, parents,
brother, sister (or the step and in-law equivalents), grandparents, grandchildren, or other relatives living in the employee’s household.

Bereavement leave in excess of the days permitted or for other relatives may be granted with the approval of the supervisor and charged to an employee's vacation, floating holiday, sick leave, or comp-time account.

Time off with pay will be allowed for purposes of attending the funeral of a City employee.

**Civic Duty Leave**

**Jury Duty**
Leave with pay shall be granted to allow employees to serve as a member of a jury. Any compensation received by the employee for such duties, may be retained in addition to their regular compensation. When an employee is excused or dismissed from jury duty, he/she shall promptly notify the Employer. Employees may be required to report to work for any portion of their regularly scheduled shift during which they are not actually serving on a jury or waiting to be assigned to a panel of jurors.

**Witness Leave**
Service as a witness in matters arising from the course and scope of City employment or in response to a summons to testify as a court witness on behalf of the United States of America, or any State, County or municipality therein shall be considered on-duty time (this does not extend to a summons related to previous employment with a jurisdiction). Upon completion of court witness service, such employee shall forward any reimbursement monies received from the court, or other party served, to the City’s Finance Department with the exception of reimbursements received for out-of-pocket expenses paid by the employee such as meals, mileage and lodging that were not eligible or submitted for reimbursement through the City. Service as a witness or party to non-job related matters or for matters stemming from previous public employment activities, shall be charged against the employee's vacation, floating holiday or comp-time balance or may be taken as unpaid leave at the option of the employee.

**Examinations**
Upon prior notice to his/her supervisor, an employee shall be allowed paid work time to take examinations required for other positions within the City. Testing undertaken on a day off shall not be considered working hours for overtime calculation purposes.

**Military Leave**
In accordance with RCW 38.40.060, all employees who are members of the National Guard or the Army, Navy, Air Force, Coast Guard, or Marine Corps Reserve shall be granted military leave with pay for a period not exceeding twenty-one work days during the prescribed military eligibility 12-month period when ordered to active training duty.

The statute is interpreted to provide for paid leave for annual active duty for training and only to the extent that the employee's regular work schedule overlaps the period of military duty. Any authorized period in excess of twenty-one workdays shall be charged to leave without pay or vacation at the option of the employee.
An employee who requires military leave should provide a copy of his/her orders within five (5) days after the orders are received to allow sufficient time to make arrangements to cover the absence.

11.5 Family Medical Leave

This policy implements the federal Family and Medical Leave Act of 1993 (FMLA) and is supplemental to the City’s other policies concerning leaves of absence. Employee requests for leaves of absence that are not governed by the FMLA are governed by separate policy and/or labor agreement provisions.

The City of Longview recognizes the importance of family and out of concern for the well being of its employees, the City’s family and medical leave program enables employees to take time off, under certain conditions, for health reasons or to care for family members. This leave may be paid, unpaid or a combination of paid and unpaid, depending on the circumstances and as specified in the law and this policy.

It is the policy of the City of Longview to grant, during a 12-month period to eligible employees, for a qualifying event in accordance with state and federal Family and Medical Leave Act (FMLA), the Washington Family Leave Act (FLA), all military leave entitlements, and the Washington Domestic Violence/Sexual Assault/Stalking law up to:

- 12 workweeks of unpaid family and medical leave (FML);
- 12 workweeks of unpaid military exigency leave (MEL);
- 26 weeks of unpaid military caregiver leave (MCL); or
- Unpaid leave for victims of domestic violence, sexual assault, or stalking (DVL)

Nothing in this policy affects or supersedes any federal or state law or collective bargaining agreement that may provide greater entitlements to medical or family leave than those set forth in this policy and is supplemental to the City's other policies concerning leaves of absence. Employee requests for leaves of absence that are not governed by FMLA are governed by separate policy and/or labor agreement provisions. A notice entitled “Employee Rights and Responsibilities under the Family and Medical Leave Act” is posted on department bulletin boards and is available on the nutshell at http://nutshell/ or visit Washington Department of Labor & Industries at www.dol.gov for more information.

The designation of FML will occur either as a result of an employee request or when the City becomes aware that the employee’s absence qualifies as FML, even though the employee may not have requested FML. If the City fails to designate FML at the time of the employee’s absence, it may be retroactively designated when the supervisor and/or HR becomes aware that the absence qualifies. Any employee who fraudulently obtains an FML is subject to disciplinary action, up to and including termination.

**Eligibility for Family Medical Leave (FML):**

In order to qualify for 12 weeks of family and medical leave under this policy, employees must first meet the following conditions:
• Have worked for the City of Longview for at least 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. For eligibility purposes, an employee will be considered an employee for an entire week if the employee was on the payroll for any part of the week or if the employee was on leave for any part of a week.

• Have worked at least 1,250 hours (excluding paid leave) during the 12-month period immediately before the date when the leave would begin. Time in the military service covered under USERRA will count towards fulfilling the length of hours worked.

• Not have already used his/her allotment of family medical leave for the current 12 month period.

And employees must be taking the leave for one of the reasons listed below:
• Birth of employee’s child;
• Placement of child for adoption or foster care with the employee;
• Care for the employee’s family member with a “serious health condition”; or
• Employee’s own serious health condition, including Workers’ Compensation claims.

**Eligibility for Military Exigency Leave (MEL):**
Employees with a spouse, child, or parent who is a member of the National Guard, Reserves, or certain retired military service personnel, who has been called to active duty or notified of an impending call to serve active duty, may qualify for this leave. Washington law requires employers to provide up to 12 weeks of unpaid leave due to “qualifying exigency”, for those activities related to the active duty or call to duty in a foreign country.

**Eligibility for Military Caregiver Leave (MCL):**
The National Defense Authorization Act (NDAA) permits FML-eligible employees who are the spouse, child, parent, or “next of kin” of a covered service member, to take up to 26 workweeks of leave in a “single 12-month period” to care for that service member with a serious illness or injury incurred in the line of active duty. A covered service member is defined as a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or Veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who were a member of the Armed Forces (including National Guard and Reserves) during the five (5) year period preceding the date of the treatment, therapy, or recuperation. Next of kin means the nearest blood relative other than the covered service member’s spouse, parent, son, or daughter. The son or daughter of the employee may be of any age.

**Eligibility for Leave for Victims of Domestic Violence (DVL):**
Domestic violence/sexual assault leave is available to employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member (child, spouse, qualified domestic partner, parent, parent-in-law, grandparent, or
person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking.

**Definitions**

**FML for Birth of a Child:**
The disability portion related to pregnancy is considered a serious health condition. Leave can only be used within one year of the birth of a child. In addition to leave under the federal FMLA, state law provides certain additional leave rights in connection with pregnancy-related disability and to care for a newborn (WAC 162-30-020). Regardless of whether a pregnant employee is eligible for FML, she is entitled to Pregnancy Disability Leave for the period of time that she is temporarily disabled due to pregnancy or childbirth...

Under the Washington State Family Leave Law (FLA), the disability portion of a pregnancy-related leave may qualify for additional leave prior to the birth of a child and for six weeks after the birth. Leave may be longer with medical certification due to complications in pregnancy, child birth, or recovery. This time may be in addition to the approved FML or run concurrently at the employee's discretion. Thus, a pregnant employee with no complications in the pregnancy and childbirth may be eligible for up to eighteen weeks of leave. Sick leave may only be used for the disability portions of the pregnancy and/or childbirth. Parental bonding time, which is allowed under FML, must be charged to other forms of paid or unpaid leave.

Male employees are entitled to leave to attend prenatal appointments with a pregnant spouse or qualified domestic partner; to care for a pregnant spouse or qualified domestic partner who is incapacitated by pregnancy or childbirth; or to care for the newborn child. Since sick leave usage can only be used to cover the care of a serious health condition, fathers may need to use other forms of leave. Normally fathers may take up to two weeks of sick leave. If a longer period of time is needed, additional doctor’s certification is needed. Note that the leave does not cover the father to care for the mother if she is not a spouse or qualified domestic partner. Any additional time taken for “parental bonding” time must be charged to other forms of paid or unpaid leave. Employees are encouraged to contact Human Resources with any questions about how the various laws are coordinated in a particular situation.

**FML for Adoption or Placement of a Foster Child:**
Coverage for adoption or placement of a foster child in the employee's home is a qualifying event. Leave must conclude within 12 months of the placement of the child. Adoption or placement alone is not a sick leave qualifying event and employees will need to use other forms of paid or unpaid leave.

If a husband and wife both work for the City, and each wishes to take leave for the birth of a healthy newborn or a newly placed child, the husband and wife are limited to a combined total of 12 weeks of FML, assuming they have not exhausted their respective entitlements for other purposes. Additional leave may be requested in accordance with City of Longview policy.

**FML for the Care of a Family Member:**
This Leave is allowed when an employee’s spouse, qualified domestic partner, child, or parent requires assistance due to a serious health condition, including situations in which the
family member is unable to care for his or her own basic medical, hygienic, nutritional needs, safety or is unable to transport himself or herself to the doctor. FML for the care of a family member also includes providing psychological comfort and reassurance which would be beneficial to the family member with a serious health condition, filling in for other primary caregivers and making arrangements for changes in care.

If a husband and wife both work for the City, and each wishes to take leave for the care of a newborn with a serious health condition, the husband and wife are each entitled to a separate 12 weeks of FML, assuming they have not exhausted their respective entitlements for other purposes. Additional leave may be requested in accordance with City of Longview policy.

Family Care Act (FCA) is separate from FMLA (WAC 296-130-030). It allows employees to use all forms of paid leave to care for his/her spouse, qualified domestic partner, child, parent, parent-in-law, and grandparent with a serious health condition or emergency. The employee must have paid time available to be covered. If the event can be covered under FML, it will be designated over FCA.

**Spouse:**
Husband or wife as defined or recognized under applicable state law.

**Qualified Domestic Partner:**
Under RCW 26.60.030 is a registered same-sex relationship, or an opposite-sex relationship with one of the partners being 62 years of age or older.

**Child:**
Includes a biological, adopted or foster child, a stepchild, a legal ward, or a child for whom the employee stands "in loco parentis" who is under age 18 or, if 18 or older is incapable of self-care because of a physical or mental disability.

**Parent :**
Includes biological parent or person who acts "in loco parentis." Parents-in-law are not covered by this policy.

**FML for Employee’s Serious Health Condition:**
An employee may take leave because of a serious health condition that makes the employee unable to perform the essential functions of the employee's position. A serious health condition also includes any absence resulting from an injury covered under Workers' Compensation.

**Serious Health Condition:**
An illness, injury, impairment or physical or mental condition that involves:

- **Hospital Care:** Any period of incapacity or treatment connected with before or after inpatient care (i.e., an overnight stay in a hospital, hospice, residential medical care facility, etc.), or day surgery. The essential notion is that the employee is unable to work, or perform daily activities due to the health condition, its treatment, recovery period or follow-up treatment;
• **Absence Plus Treatment**: A period of incapacity lasting three or more consecutive calendar days that includes two or more treatments by a health care provider or those under the provider's supervision, or at least one treatment with a regimen of continuing treatment relating to the same condition;

• **Pregnancy**: A period of incapacity due to pregnancy or for prenatal care;

• **Chronic Conditions Requiring Treatment**: Any period of incapacity or treatment due to a chronic health condition which requires periodic visits to a health care provider for management of a condition which continues over an extended period of time, including recurring episodes;

• **Permanent/Long Term Conditions Requiring Supervision**: Any period of incapacity or treatment due to a permanent or long-term condition, under the supervision of a health care provider; or

• **Multiple Treatments**: Any period of absence to receive multiple treatments by a health care provider or health care service under orders of or on referral by a health care provider.

**Health Care Provider:**

- Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctors practice;

- Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a sublimation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice, under state law;

- Nurse practitioners, nurse mid-wives and clinical social workers authorized to practice, and performing within the scope of their practice, as defined under state law;

- Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts; or

- Any health care provider recognized by the City or the City's group health policies.

**FML for Military Exigency:**

For a “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member who is on active duty, or has been notified of an impending call to active duty in support of a contingency operation, including attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings. There are eight categories of “exigency” leave:

1. **Short-notice deployment** – Where the covered military family member is notified of deployment of seven or less days, an eligible employee may take up to seven days of
leave for any reason related to that deployment. The seven days begins to run when the covered family member is provided the short-notice deployment.

2. Military event – Allows leave to attend any official ceremony, program or event sponsored by the military, and to attend family support and assistance programs and information briefings sponsored by the military, military service organizations, or the American Red Cross.

3. Child care and school activities – The eligible employee may take leave to arrange for child care or attend certain school functions of the son or daughter of a covered military family member, including leave to (a) arrange for alternative school or childcare; (b) provide childcare on an urgent, immediate need (not regular) basis; (c) enrollment or transfer of a child in a new school or day care facility; and (d) attend meetings with school or day care staff regarding discipline, parent-teacher conferences, and school counselors. Leave is intended to be used for matters related to active military duty, not to meet with staff regarding “routine” academic concerns.

4. Financial and legal arrangements – Eligible employees are allowed leave to make or update financial or legal arrangements to address the covered military family member’s absence while on active duty/call to active duty, such as preparing or executing a will, powers of attorney, transferring bank account signatures authority, obtaining military identification cards, and securing military service benefits. Leave should not be used to pay “routine” bills.

5. Counseling – Leave is available for the employee to attend counseling by a non-health care provider. Leave is available where the counseling is needed by the employee, the covered military member, or the son or daughter of the covered military member needs counseling, provided that the counseling arises from active duty pastor, minister, or counseling offered by the military or a military service organization that is not a health care provider.

6. R & R – Up to five days of leave is available to an eligible employee to spend time with a covered military family member on rest and recuperation leave during a period of deployment.

7. Post-deployment activities – Leave is available for the eligible employee to attend ceremonies incident to the return of the covered military family member, including arrival ceremonies, reintegration briefings and event, and any other official ceremony or program sponsored by the military for a period of ninety days following the termination of the covered military member’s active duty status. It is also available for the employee to take leave to address issues arising from the death of a covered military family member, such as making funeral arrangements.

8. Additional activities – The employer and employee may agree to FMLA coverage of other activities which arise out of a covered military members call or service to active duty/contingency operation. The employer and employee must agree on coverage, timing, and duration.
(Non-FML Event: Washington Military Family Leave grants unpaid leave to spouses of active duty military personnel (a) before the spouse’s deployment, and/or (b) while the spouse is on leave from deployment that may not qualify for the above requirements. During a period of military conflict, SB 6447 authorizes up to a total of fifteen days of unpaid leave per deployment for the spouse of active duty military personnel. An employee must work an average of 20 hours per week to be eligible. The employee must give notice within five days of the spouse receiving official notice of the order to active duty or receiving leave from active duty.)

Note – the above cited military leave provisions do not apply to domestic partners.

**FML for Military caregiver:**
An eligible employee is entitled to 26 weeks of time off per 12-month period for military caregiver leave. The leave year is different than the leave year for other kinds of FML. Specifically, the leave year for military caregiver leave is based on a single 12-month period beginning on the first day the employee takes military caregiver leave.

The regulations provide that this leave is applied on a “per-covered service member, per-injury basis”. An employee may use FML for a different qualifying reason as well as military caregiver leave, but the combined total of leave may not exceed 26 weeks in a single 12-month period. For example, an employee who used 12 weeks of FML for her own serious health condition would still have up to 14 weeks available for military caregiver leave. Where requested leave qualifies for both FML and military caregiver leave, the leave will be designated as military caregiver leave.

**FML for Victims of Domestic Violence:**
Washington law requires employers to provide a reasonable amount of unpaid time off to employees who are victims of domestic violence, sexual assault, or stalking, or to employees with a family member (child, spouse, qualified domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking. This leave may be taken for the following purposes:

- To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault, or stalking;
- To seek health care treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such health care treatment for a family member;
- To obtain (or assist a family member in obtaining) services from a domestic violence shelter, rape crisis center, or other social services;
- To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or
- To participate in safety planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member relating to domestic violence, sexual assault, or stalking.
When possible, employees must give advance notice of the intention to take leave. If advance notice is not possible, employees (or their designees) must give notice of the need for this leave no later than the end of the first day the employee takes the leave. The City may require verification to support the need for the leave. Depending on the situation, verification can take the form of police reports, court documents, or the employee's own written statement of the need for the leave. Employees have the choice to take this time as unpaid. Sick leave may only be used if the event qualifies under the City’s sick leave policy. Except where disclosure is authorized or required by law, the City will maintain confidentiality of all information provided by the employee in conjunction with Domestic Violence/Sexual Assault Leave.

**Leave Provisions**

**Designation of the Twelve Month Period:**
The 12-month period means a rolling 12-month period backward from the time an employee uses any leave under this policy, except Military Caregiver Leave. Each time an employee takes family or medical leave during any 12-month period, the amount of leave taken will be subtracted from the 12 weeks of available leave. The balance remaining is the amount of leave the employee is entitled to take at that time.

**Calculating FML Period:**
An employee may be granted up to 12 weeks (i.e., 480 hours for a full-time, forty hour a week employee) of leave during any 12-month period. The actual leave entitlement depends on the employee's regular work schedule. For example: 12 weeks x 5 work days per week = 60 days x 8 hour days = 480 hours

For an employee who regularly works less than forty hours per week, the amount of leave will be on a pro-rated basis. For example, an eligible employee with a 75% FTE, would be entitled to 360 hours (480 multiplied by 0.75). Holidays and other City provided leave will count towards the total FML entitlement. Again, Military Caregiver Leave is a single 26 week period starting on the day the leave starts. Intermittent leave may be used but will end after the 26 weeks even if the total hours allowed have not been met. *These hours will be rounded up to 480 hours.

**Intermittent Leave/Reduced Work Schedule:**
For a serious health condition as previously defined, an employee may take FML intermittently or may use the leave to reduce the work week or work day, resulting in a reduced work schedule only with the approval of the City and when medically necessary. The schedule reduction may not exceed the total available hours over the 12-month period.

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 intermittent or reduced schedule.

**Use of Paid Leave:**
During an approved FML, an employee must exhaust all accumulated paid leave prior to being placed in an unpaid status. The exception to this would be sick leave, which is subject
to additional restrictions and may only be used as established by City policy and labor agreements.

Accrued sick leave may be utilized by the employee while on approved FML in the following instances:
- Disability portion of maternity and child birth;
- Qualified family member with a serious health condition;
- Serious health condition of the employee; or
- Covered service member under MCL.

**Benefits during Leave:**
When an employee is on an FML, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee contributes toward health insurance, life insurance or disability insurance premiums, the employer will continue to make payroll deductions for these premiums while the employee is on paid leave. While the employee is on unpaid leave, the employee is responsible for continuing to make those contributions that would have been payroll deducted. Payment must be received by the Payroll office (in Human Resources) by the first day of each month for which coverage is being purchased. If the employee does not continue these payments, the coverage will be discontinued during the leave period. While the employee is on unpaid leave, leave accruals will be suspended. If the employee is on unpaid leave and FML is exhausted, the employee may be given COBRA notification.

Eligible employees in an unpaid status may be eligible for Catastrophic Leave. Please review the Catastrophic Leave Policy on the nutshell at [http://nutshell/](http://nutshell/) or contact the Human Resources Office.

If an employee chooses not to return to work for reasons other than a continued serious health condition, the City will require the employee to reimburse the City for the employee's health insurance premium during the leave period. A returning employee must work a minimum of thirty days following the Family Medical Leave or the City will require the employee to reimburse the City for health insurance premiums paid during the leave.

**Job Restoration:**
Upon return from FML, an employee is entitled to be returned to the same position as was left, or to one with equivalent benefits, pay, working conditions, privileges, perquisites and status. The position must have the same or substantially similar duties and responsibilities, which in turn must entail substantially equivalent skill, effort, responsibility and authority.

If the employee has lost necessary qualifications or credentials for the position while on leave, for instance not renewing a license, the employee must be given a reasonable opportunity to re-qualify upon return to the position.

If the employee is unable to return to work and has exhausted their FML in the designated 12 month period, the City is not required to reinstate the employee.
unable to perform the essential duties of the job, the City will review available options including those under the ADA guidelines.

Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operation, an employer may refuse to reinstate certain highly-paid “key” employees after the completion of FML. In order to do so, the employer must: (1) notify the employee of their status as a “key” employee in response to the employee’s notice of intent to take FML; (2) notify the employee as soon as the employer decides it will deny job restoration and explain the reasons for the decision; (3) offer the employee a reasonable opportunity to return to work from leave after giving the notice; and (4) make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration. A “key” employee is a salaried “eligible” employee who is among the highest paid ten percent of employees.

If there are layoffs or reductions in force while an employee is on leave, and the employee would have lost the job had the employee remained, the employee loses the right to reinstatement and would be considered "laid-off."

Policy/Procedure - Application and Approval Certification Procedures

Employee Responsibilities

This interactive process is an exchange of information between the employee, the City, and the employee’s medical providers to establish the employee’s ability to work. The City only needs the information that affects the employee’s ability to perform the duties of his/her position. It is important to the City that your supervisor is aware of any restrictions or limitations you may have to prevent further injury. It is also important for you supervisor to know the duration of the event to ensure proper coverage in the department. Please carefully read and complete the necessary required paperwork so most questions can be answered.

Thirty days before a foreseeable leave (planned medical treatment, childbirth, foster care placement or adoption, etc.) an employee should complete the Employee FML Qualification and Instruction Letter, Leave of Absence Request Form and have the attending physician complete the Certification of Health Care Provider. All forms are available from department supervisors, on-line at [http://nutshell/](http://nutshell/) or through the Human Resources Department.

For any medically necessary leave the employee must provide a doctor's certification of the serious health condition of the employee or that of the qualifying member. The certification must be provided within 15 days of the request or the employee must provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of leave or discontinuation of leave.

When the need for leave is not foreseeable, or its approximate timing is uncertain (e.g., medical emergency or an adoption placement), notice is required as soon as practical, given the particular circumstances, but no later than 15 days after the start of the event. An estimation of dates on the leave request will be accepted until start of event. At that time the employee should contact the City and update the information. In the event the required
paperwork was not completed before the event, the required paperwork should still be completed after the event.

Forms should be submitted to the employee’s immediate supervisor. The Leave of Absence Request Form should be signed by the department supervisor before being turned into Human Resources. If the employee chooses, the Certification of Health Care Provider may be returned directly into Human Resources within 15 days following submission of the request for leave or start of the event.

While on leave, report every 14 days or as otherwise required, to your immediate supervisor regarding the status of the medical condition and your intention to return to work.

It is important that if your FML is for your treatment and/or recover from a serious health condition that you inform your supervisor immediately. The City and your supervisor count on your commitment to following through with your care provider's instructions. Violations of your health care provider's restrictions, which could result in a delay in your return to work or further injury, may be investigated by the City and may result in disciplinary action.

If there are any changes in the circumstances relative to the leave, causing an early return or extension of leave, you must inform your supervisor immediately. Failure to do so may be cause for denial of continuation of leave or disciplinary action. Continued approval of the leave is contingent upon compliance with this policy.

If the approved FML provides certification of the medical necessity for intermittent leave, you must inform your supervisor whenever your absences are for the purposes stipulated in the approved leave. Employees are also required to code time sheets with the appropriate leave codes.

If an extension of FML is requested, you must submit an additional and updated certification from the health care provider detailing the reasons for the extension.

**Supervisor Responsibilities**
Supervisors must recognize absences. If an eligible employee is off work for three calendar days in a row, it is the supervisor’s responsibility to inquire the reason and determine if it is a FML qualifying event. If the conditions meet the criteria supervisors must inform employees of their rights under FMLA. A packet which includes this policy, Employee FML Qualification and Instruction Letter, Leave of Absence Request Form, and the Certification of Health Care Provider must be provided to the affected employee. The packets are available on-line at [http://nutshell/](http://nutshell/)

Supervisors who become aware that an employee is taking paid or unpaid leave which was not requested under the FML, but which might qualify as FML, should notify the employee, inform them of their rights under the Act, and provide the above mentioned packet of forms and information.

Upon receipt of an FML request, the supervisor must:
• Call the Human Resources Department to review the request and clarify any questions.
• Inform the employee within three working days of receipt of the information that the absence will be counted as leave under the Act with formal approval to follow.
• The supervisor must then route the documents to the Human Resources Department. Human Resources will review the request and inform the supervisor of the results and the approved paid/unpaid status.
• The Supervisor must then communicate with the employee, reporting the status of the request and explaining the employee's responsibilities during the leave period.

Additionally, the supervisor ensures that the employee's time is coded and recorded as appropriate on payroll time sheets.

If the employee requests temporary transitional duty (light duty), supervisors must first receive a doctor’s note stating the employee is eligible for transitional duty. If the supervisor has transitional duty available, the supervisor must give the employee the transitional duty paperwork to take to the medical provider for approval. (Note: the transitional duty forms can be given before the event begins so the employee can move the process along quicker.) Upon approval, the supervisor will discuss the restrictions with the employee and both shall sign the necessary documents. Transitional duty is not guaranteed. Employees with Workers’ Compensation claims will be given preference on transitional duty assignments.

The supervisor must notify Human Resources when the employee is released to duty following the leave, or when the employee is extending leave beyond the original request. The supervisor will also follow up with appropriate request and certification forms. If the event is due to the employee’s own serious health condition, a release to return to duty must be turned in before the employee is allowed back to duty; this is for transitional duty and full duty. And if an employee provides a return to transitional duty note, later they must also provide a release to return to full duty without restrictions note when appropriate. Supervisors should require updated doctor notes while an employee is on transitional duty until the employee is released to full duty without restrictions. Supervisors need to forward all doctor notes to Human Resources.

Employees who are on paid or unpaid leave for 90 days or more may be required to undergo a drug screening evaluation per the City's policy before returning to work. In addition, civil service employees who are returning from a leave of 90 days or more will be required to pass a medical and physical examination including drug screening before returning to regular duty per the Civil Service Commission Rules & Regulations.

**Human Resources Responsibilities**

View and approve, as appropriate, all FML requests to ensure compliance with the Family and Medical Leave Act of 1993 (FMLA) and City policy and/or labor agreements. If the leave is approved, review the allocation of accrued leave/unpaid leave requested by the employee.

Communicate results within one week of receipt that the request is approved or denied and provide the paid/unpaid leave allocation to the supervisor and payroll.
Maintain all required and pertinent FML records such as Certification of Health Care Provider, Leave of Absence Request, copies of responses to employees and any medical documentation for the three-year period required under the Act.

The City may designate leave taken as Family Medical Leave upon learning that the time taken was due to a qualified FML event. Such designation can occur at the time the person is off from work or upon notification that the time off was due to a qualifying family medical leave event.

The City may exercise the right to require a second opinion from a physician of the City's choosing and at the expense of the City. If necessary to resolve a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. The City and the employee will jointly select the third doctor, and the City will pay for the opinion. The third opinion will be considered final.

11.6 Serious Medical Conditions

The City recognizes that employees with serious medical conditions including but not limited to cancer, heart disease and AIDS may wish to continue to engage in as many of their normal pursuits as their condition allows, including work. As long as these employees are able to meet acceptable performance standards, and medical evidence indicates that their conditions are not a threat to themselves or others, managers should be sensitive to their conditions and ensure that they are treated consistently with other employees. At the same time, the City has an obligation to provide a safe work environment for all employees. Every precaution should be taken to ensure that an employee's condition does not present a health and/or safety threat to other employees or users of City services.

When dealing with situations involving employees with serious medical conditions, managers should:

- Remember that an employee's health condition is personal and confidential, and reasonable precautions should be taken to protect information regarding an employee's health condition.
- Contact the Human Resources Department if you believe that you or other employees need information about terminal illnesses, or a specific medical condition, or if you need further guidance in managing such a situation.
- Contact the Human Resources Department if you have any concerns about the possible contagious nature of an employee's illness.
- Contact the Human Resources Department to determine if a statement should be obtained from the employee's attending physician to determine if the employee’s continued presence at work would pose a threat to the employee, co-workers or users of City services. The City reserves the right to require an examination by a medical doctor appointed by the City.
- Make reasonable accommodation for employees with serious medical conditions consistent with the operating needs of the City.
• Be sensitive and responsive to co-workers’ concerns, and emphasize employee education available through the Human Resources Department.

• Be sensitive to the fact that continued employment for an employee with a serious medical condition may sometimes be therapeutically important in the remission or recovery process, or may help to prolong the employee's life.

Employees should be encouraged to seek assistance from the Employee Assistance Program or other established community support groups for medical treatment and counseling services.

11.7 Leaves of Absence - Personal/ Educational

Regular employees may request an unpaid leave of absence up to twelve (12) months for educational or personal reasons subject to the approval of the City Manager. No more than one (1) such leave can be permitted during any five (5) year period. Among the factors which determine whether a leave will be allowed are:

- The reason for the request;
- Overall length of service;
- Prior performance, disciplinary and attendance records;
- Any previous leaves of absence (and the length/purpose of such leaves);
- Commitment to return to work immediately following expiration of the leave;
- Efficiency of operations; and
- Availability of temporary replacement.

A personal leave which has been granted for less than twelve (12) months may be extended, provided that the extension is requested prior to the expiration of the original leave and is deemed appropriate under the above standards.

Accrued, earned, and available paid time off shall be exhausted (except for sick leave) prior to an employee becoming eligible for personal leave under this Section. The order in which paid leave shall be used is:

1) Compensatory Time
2) Floating Holiday Leave
3) Vacation

Personal leaves must be requested in writing at least thirty (30) days in advance (except in emergency situations), and must specify the reason and the proposed starting and ending dates. Personal leave must be approved by the City Manager.

Unpaid Leave Conditions

Employees reporting to work at the end of an authorized unpaid leave of absence shall be employed in the same classification held at the start of the leave; provided the position still exists and such return to work shall be in accordance with all other applicable policies including layoff. Employees on leave shall be treated in the same manner as other regular employees in layoff situations.
An employee who doesn't return to work by the date established in the written approval of the leave and who has not, in writing, sought and received approval for an adjusted return date, shall be considered as having resigned voluntarily.

**Treatment of Employees in Unpaid Status**
The salary anniversary and seniority/service dates shall not be adjusted for employees on leave without pay for less than one calendar month.
For employees on leave without pay for one calendar month or more (30 or more days), the salary anniversary and seniority/service dates shall be adjusted by the amount of the leave.

The employee will continue to be eligible for health insurance but must pay the medical premiums as determined by the COBRA Act.

Employees on leave without pay of any duration do not accrue paid leave (vacation, sick leave) while in unpaid status.

Benefits eligibility and entitlement during leaves required by federal or state laws (military leave, family and medical leave, workers compensation leave, et al.) shall be handled as prescribed by those laws.

Except as specifically required by the other provisions of this manual, newly hired and terminating employees are ineligible for any City insurance or paid leave benefits prior to their first day of work for the City. Terminating employees leave accruals will cease on their last day of work but they will be continued on the insurance programs through the end of the last calendar month of employment.

**11.8 Catastrophic Leave Sharing Program:**
This policy establishes a Catastrophic Leave Sharing Program. In order to maintain quality of life for the city’s workforce, the program permits city employees to voluntarily donate accumulated vacation or compensatory time off to another employee who exhausts, or is likely to exhaust, accumulated paid leave due to a non-occupational FMLA qualifying catastrophic medical condition of the employee or an immediate household member that would otherwise likely cause the employee to take unpaid leave or terminate employment.

**Non-Discrimination**
The city prohibits discrimination on the basis of race, color, sex, age, religion, national origin, political affiliation, marital status, sexual orientation, gender identity, source of income, familial status, physical or mental disability or other protected status in any decisions regarding catastrophic leave program eligibility, and administration.

**Eligibility**
Any city employee, who has worked at least six (6) months in a benefits eligible position, excluding temporary management and executive employees, is eligible to participate in the program as a recipient. Any employee who has vacation or compensatory time available may participate in the program as a donor. Donations may be made between any employees.
Donations between employees in different bargaining units or between non-represented and represented employees are permitted as agreed to by the respective bargaining agents.

**Leave Donations**
Employees may voluntarily donate hours of accumulated vacation leave or compensatory time for use by a specified recipient employee. No other type of leave may be donated:

- Donations must be in increments of whole hours;

- Donors must complete and sign a catastrophic leave donation form provided by the Human Resources Department containing a declaration that the donation is intended as a gift and has been given voluntarily without coercion, compensation or for other consideration;

- The donation must be made irrevocably, with the understanding that the donation leave is lost to the donor forever for all purposes including, but not limited to, use for paid time off, payoff upon termination, seniority and retirement credit;

- The recipient employee must be eligible for the donation as defined in the “Eligibility” section of this policy at the time the donation is made;

- Employees may make donations to employees in different bargaining units or departments and to employees having a different representation status. Donations between employees in a different bargaining unit or from non-represented to represented, will only be permitted if bargaining agents for any bargaining unit covering the recipient and donor employee have consented to such transfers as required by this policy.

- Donated leave will not be credited to a recipient employee’s account until that employee has exhausted sick leave, vacation leave, personal holidays, time off in lieu of designated holidays, and compensatory time off following application for donated leave. The only exception is provided in the “Retroactive Use of Donation Leave” section of this policy.

**Value of Donation Leave**
Leave shall be donated on an hour for hour basis and no monetary value shall be attached, regardless of the rates of pay of donors and recipients. Leave donated shall be available to receiving employee without delay. The donated leave will be taxed and subject to normal withholding and payroll deductions.

**Solicitation of Donations**
Solicitations for leave donations will be sent exclusively by the Human Resources Department using city-wide e-mail unless an employee requests that a solicitation be sent only within their department or only to specific individuals. Solicitation may not be sent until an employee’s application has been approved. A solicitation including the names of recipient employees projected to need additional donations will be sent each pay period.
• The e-mail will include employees’ names, departments, work locations and the estimated amount of leave needed by each employee, if available.

• City employees may not disclose confidential medical records or information obtained in performance of their city employment duties.

• Directors, supervisors, elected officials and other agents, employees, and the bargaining agent must not threaten, coerce, or intimidate employees to either require or prohibit participation in this catastrophic leave program, either as a donor or recipient. Participation or non-participation is purely voluntary.

**Use of Donated Leave**

A recipient employee must exhaust donated leave prior to taking unpaid leave for approved catastrophic medical conditions. Employees may use donated leave in the following circumstances:

- The employee or immediate household member has a catastrophic medical condition. *Refer to Human Resources Policy Manual section 11.5 for further definition*

- The employee has exhausted his or her accrued sick and vacation leave, saved or personal holidays, and compensatory time off.

- The employee is not receiving any other income from city employment; and

- The person with the catastrophic medical condition is unable to work in his or her regular position or another position within the city.

**Intermittent Leave**

Recipient employees who have been on approved paid medical leave, using sick, vacation, compensatory, personal or saved holidays or catastrophic leave, for all scheduled work hours for at least one full workweek and who are able to return to work on a part-time basis while continuing to receive medical treatments on an intermittent basis for their catastrophic medical condition, may continue to participate in the program after they return to work. Catastrophic leave may only be solicited and used to the extent it is needed to cover unpaid leave for continuing treatments involving absences related to the condition for which catastrophic leave was initially approved.

**Retroactive Use of Donated Leave**

1. Medical Inability to File Claims:
   - Retroactive application for and use of donated leave time will be allowed if the employee was medically unable to file the necessary forms at the time leave is needed.

2. Workers’ Compensation Claim Denials:
   - After the worker’s compensation claim has concluded, including all appeals, an employee may retroactively apply for and use donated leave for that medical condition. The number of hours of catastrophic leave that may be used is limited to those the employee would have used had the worker’s compensation claim not been filed. Donated leave may not be used if the employee:
• Received a permanent total disability award; or permanent partial award,
• Entered into a disputed claims settlement providing any payment for work time lost on the date for which donated leave would otherwise be used;
• Received time loss, sick leave, vacation or other payments for such dates;
3. Otherwise fails at the time of application for donated leave to qualify for donated leave.
4. Payments Available:
   • All retroactive payments will be made on the next regular city pay date following the completion of one full pay period.

**Cap on Donated Leave**
Employees are allowed to receive sufficient donated leave time to cover their projected unpaid catastrophic leave up to a maximum of 90 calendar days per calendar year. No more than one pay period of leave will be transferred to a recipient employee’s catastrophic leave bank at any time.

**Unused Donated Leave**
Unused donated leave remaining in an employee’s catastrophic leave bank will be disposed of as follows:

• If the recipient employee returns to work, any donated leave hours remaining in their catastrophic leave bank not used will be divided equally between vacation and sick leave and retained by the recipient.

• If the recipient employee terminates from city service for any reason during the pay period, and unused donated leave hours remain, they shall be converted to vacation and sick leave under the subsection (A) formula. Donated leave converted to vacation leave will be paid to the recipient, or heirs or estate as other accumulated vacation leave in accordance with city policy.

• After the conversion of donated leave to sick and vacation leave, the hours will no longer be deemed donated leave. The final average or pension calculation for the Washington Public Employee Retirement System or any other city pension will be subject to Washington law, city law and any applicable collective bargaining agreement or Human Resources Policy.

**Employment Status, Seniority, Benefits, and FMLA**

• The use of donated leave will not bar immediate termination of the employee if termination would otherwise take place by operation of law, rule, regulation or action of the Director or supervisor.

• Time spent on donated leave will be treated as paid leave for seniority accrual purposes.

• If a recipient is otherwise eligible for city paid health and welfare benefits, the employee will receive those benefits while using donated leave. If the employee’s employment terminates, termination of medical and dental benefits will be governed
by the same rules applicable in any other termination. An employee does not accrue personal holidays, time off in lieu of designated holidays, vacation or sick leave, or receive holiday or personal leave pay while using donated leave.

- If donated leave is used for a catastrophic medical condition of any employee or an immediate household member covered by FMLA, time spent on donated leave will count toward the employee’s annual entitlement to leave under those laws.

**Application for Donated Leave**

- An employee who wishes to receive donated leave must complete and submit an application to the Human Resources Department. The application must be on the specified form and contain the information required by the Human Resources Department. This includes a statement signed in good faith by the employee of qualification for donated leave under the eligibility criteria as defined in the leave application form. The employee must agree to timely repay the city for donated leave payments received when such repayment is required under the policy. The employee must submit with the application a statement signed by the employee’s or immediate household member’s health care practitioner certifying the existence of a qualifying catastrophic medical condition. The city may require that the certification be on a form it provides to certify the initial or continued need for family medical leave under FMLA.

- An employee may have up to a combined total of 96 hours of unused vacation, sick leave, personal holiday time, time off in lieu of designated holidays, and compensatory time off and apply for donated leave. The employee must reasonably believe it is likely that those hours will be exhausted by the catastrophic medical condition as evidenced by the treating medical provider or FMLA directive.

**Verification of Notice of Eligibility**

- Upon receipt of a completed application, the Human Resources Department will verify the employee’s eligibility through such consultation and steps deemed appropriate.

- The Human Resources Department will give prompt notice of confirmation or denial of eligibility to the employee when the verification process is complete. The Human Resources Department will send copies of the notice to the employee’s supervisor.

**Discontinuation of Eligibility**
The recipient of donated leave will immediately notify the Human Resources Department in writing of any change in circumstances that negates the employee’s continued eligibility to participate in the program. Departments that receive information from a recipient employee of any such change in circumstances will promptly give such notice to the Human Resources Department.

**Resolution of Disputes**
All decisions made or actions undertaken by the city under this catastrophic leave sharing program, including determinations concerning eligibility, the administration, modification or
termination of this program are final and binding on all parties. They may not be grieved or arbitrated under any collective bargaining agreement, or appealed to any other forum.

**Plan Modification or Termination**
The city may at its discretion modify or discontinue any or all aspects of this catastrophic leave sharing program, and such modifications or discontinuation will not be subject to a duty to bargain either the decision or impact of such decision. However, except when changes are undertaken to ensure prompt compliance with state or federal law, such modifications or termination will take effect only after the employer gives the union notice of modification or termination and a reasonable opportunity within ten days of the delivery of such notice to meet and confer concerning the change or modification. If implementation is undertaken prior to such consultations to ensure compliance with law, consultations will occur as soon thereafter as is reasonably possible.

**Acceptance of Catastrophic Leave Program**
This policy will not apply to bargaining unit members unless a separate catastrophic leave donation program is negotiated with the City through the Human Resources Director or has specific language in the bargaining unit agreement addressing catastrophic leave.
Section 12 - Hours of Work

12.1 Hours of Operation
Each department head shall establish the hours of operation and service provided by their department, within the limits of their authorized funding and applicable legal requirements. Once hours of operation have been established, any change in basic operating hours must be approved by the City Manager.

Employee Work Schedules
Employee work schedules may be developed and modified by the department, or upon request of the employee, subject to the following requirements:

Legal Compliance
No work schedule may be established or permitted for non-exempt employees which is in violation of state and federal wage and hour laws or which requires the payment of overtime for regularly scheduled work. For example, a non-exempt employee may not be permitted to work a schedule requiring more than 40 hours in a week in exchange for a shorter schedule in the following week.

Human Resources Approval
To ensure that work schedules are in compliance with legal, collective bargaining and public accountability requirements, departments must consult with Human Resources when contemplating certain work schedules as follows:

• All new work schedules for represented employees including 4-10 schedules, which involve a paid lunch period or other variations to contractually specified work schedules.
• Modifications to established work schedules, unless otherwise permitted by the provisions of a collective bargaining agreement, are a mandatory subject of bargaining.

12.2 Flexible Scheduling
Exempt Employees
Exempt, non-represented employees are granted flexible scheduling, allowing them to vary their schedules on a day to day and week to week basis, depending upon the requirements of their jobs and the reporting procedures of their departments. The scheduled work may be accomplished using daily or weekly variations in hours. For example, employees may take time off in offset or recognition of periods of time where work demands require hours to be worked in excess of the regular schedule. Short term time off of one day or less does not have to be charged to a paid leave account if it is offset by additional hours worked at other times during the week or pay period.

It should also be noted that most “exempt” level positions perform key functions for the City. This includes providing leadership, consultation, and/or support to the organization. To accomplish these job objectives it is paramount that the individual be available and
accessible to the organization’s employees. Thus, allowance of schedule “flexing” does not mitigate the need for the individual to be available during core business hours on a consistent basis. In consideration of those goals and objectives, nothing in this section shall be construed to limit a department’s authority to require employees to report absences, to keep the department informed of their whereabouts or to account for how time is being spent.

**Non-Exempt (overtime eligible) non-represented employees**

Are permitted to work a flexible schedule within the confines of single workweek and only as approved by their supervisor.

### 12.3 Timesheets and Reporting

**FLSA-Exempt Employees**

Certain timesheet reporting requirements are necessary to comply with the Fair Labor Standards Act, laws concerning accounting for public funds and public accountability expectations. The following rules and policies apply:

Timesheets for each pay period must show the total scheduled hours for the pay period and the distribution of those hours between time worked, paid leave and leave without pay. No daily reporting is required by law, however, for public accountability and payroll processing purposes regular work hours, paid leave and leave without pay must be shown on the day taken. Time reporting may be further broken down as necessary for labor distribution, grant compliance or other accounting purposes.

- No leave need be used/charged if the total hours worked equals or exceeds the hours scheduled for the pay period. For example if an employee takes an hour off for a dentist appointment on Tuesday but works an additional hour the following day there is no “net” time off and sick leave need not be used for the appointment.
- If an exempt employee is absent for a full day, the absence should be charged to the appropriate leave category. To the extent the accrued leave balance is insufficient, the excess time will be unpaid.
- Exempt employees should generally flex their time within a single, semi-monthly pay period. However it is recognized that this is not always possible and, with the knowledge and consent of the immediate manager, employees adjust their schedules such that the flexible scheduling is extended over a thirty to sixty day time frame.

**Non-Exempt Employees**

Pursuant to the FLSA and labor agreements, non-exempt employees must report and account for all time -- work time, paid leave, and leave without pay on a daily basis and timesheets must reflect all hours worked or leave taken on a daily basis.

**Non-Worked Paid Time**

Except as approved by the City Manager, no employee shall be authorized to take time off with pay without using an appropriate leave to offset the time. This includes time when an employee is going to physical therapy or other follow-up medical treatments, other than a required closing or independent examination, related to a worker’s compensation claim.
12.4 Overtime

**FLSA Non-Exempt Employees**
Represented and non-represented employees in this category are entitled to overtime compensation and other provisions of the Fair Labor Standards Act. Overtime provisions for employees covered by current collective bargaining agreements shall be as outlined in the applicable agreement. All overtime provisions of this manual apply only to non-exempt employees unless otherwise indicated.

**Authorization**
No employee shall work hours in excess of his/her regular workweek without the prior approval and direction of the employee supervisor, department manager or his/her designee. The Manager may designate circumstances when overtime may be worked without prior approval. No supervisor shall authorize or permit any employee to work any hours in excess of his/her regularly scheduled workweek unless sufficient funds are available in the departmental budget.

**Assignment of Overtime**
Overtime assignments shall be based on policies and procedures established at the department level. The City will attempt to meet its overtime requirements on a voluntary basis. In the event there are insufficient volunteers to meet the requirements, the City may require the necessary employees to work.

**Work Periods for Overtime Calculation**
The work period for overtime calculation shall be the period of seven consecutive 24-hour days beginning on Sunday at 12:01 a.m. The daily work period shall be the period of twenty-four consecutive hours commencing at 12:00 a.m. on each scheduled day of work.

**Compensation for Overtime**
Employees normally shall be compensated in pay at one and one-half (1.5) times their regular rate of pay for hours worked in excess of forty (40) in a week. The calculation of time worked for overtime purposes shall include paid leave. Otherwise, all questions regarding the determination of working time shall be in accordance with the FLSA.

Regular overtime shall also apply to work related phone calls. For the purposes of this section work related phone calls are defined as contact made to address an emergency issue that cannot wait until the employee’s next regularly scheduled work shift and that consumes five or more minutes of the employee(s) time. For example, a supervisor calling an employee to discuss a technical problem they are having with some equipment or calling in a crew to deal with an emergency issue, when such phone conversation(s) takes more than five minutes in total, would be submitted as regular overtime as provided in this section. However, a phone call to ask an employee to report to work or to ask a quick question that takes only a few moments to conclude would not be treated as compensable work time.

Holiday time shall be counted as time worked only for the purposes of paying overtime for work outside of the regular schedule. Holiday hours paid for a holiday falling on the employee’s day off, shall be paid at straight time for the hours. For example, a Tuesday
through Friday, 4-10 employee may receive eight hours of pay (the holiday may be recorded as compensatory time at straight time as well) for a holiday which falls on Monday and shall thus be compensated for 48 straight time hours for the week.

**Compensatory Time Option**
With authorization of the department and the employee, an employee may elect to be compensated for overtime work in the form of compensatory time off rather than pay. Either party may require that overtime be compensated in pay. For non-represented employees, compensatory time off may be accumulated to a maximum of 80 hours. In the event of termination or transfer to another department, all compensatory time balances may be paid off at the employee’s regular hourly rate of pay.

**Scheduling Compensatory Time Off**
Compensatory time off shall be requested and scheduled according to procedures established at the department level. Unless otherwise approved by the department, compensatory time should be used before vacation.

**Exempt Employees**
These employees hold positions considered by the City to be exempt, or non-overtime eligible, as per the Fair Labor Standards Act. They are treated as salaried employees and paid based on results attained rather than hours worked. Employees who are exempt from the Fair Labor Standards Act are not entitled to compensation for overtime work except as provided in this section. Exempt Non-represented employees are granted additional paid leave in recognition of their job demands and need for time away from work for rest and rejuvenation.

**Exception Comp-time**
In extraordinary circumstances, Exempt Non-represented employees whose jobs require excessive overtime, which cannot be addressed through a flexible work hour’s arrangement, are eligible for formal compensatory time off on an hour for hour basis with advance approval of the department head and City Manager. As a guide, excessive would be considered more than 10 hours per day or 50 hours per week on an extended basis. If such accrual is approved – exception comp-time earned must be taken used by the end of the fiscal year or such time will be forfeited.

**Records**
Overtime records shall be maintained by the Payroll and Human Resources Office in accordance with the Federal Fair Labor Standards Act, and such other requirements the City Council may establish.

Regular, Part-time (Type B) employees shall receive overtime premium pay only when their work time exceeds forty (40) hours in the workweek.

**Overtime Meals**
Employees in certain overtime work situations are authorized meal reimbursements. This policy is applicable only to non-represented employees. Overtime meal allowances are not authorized for represented employees unless authorized by the applicable labor agreement.
When an employee has received less than four (4) hours advance notice of overtime to be worked, said employee shall be provided a meal allowance of $6.00 for each four (4) hours of continuous overtime worked, not to exceed two allowances in any one period of consecutive hours worked. The meal allowance will be paid to the employee on their next regularly scheduled paycheck. If working conditions warrant or if a paid meal period is granted, the City may provide employee(s) a meal in lieu of the allowance. Casual or discretionary overtime such as staying late to finish a report does not qualify for meal eligibility.

12.5 Other Work Hours Premiums for Non-Exempt, Non-Represented Employees

Callback Pay
Callback overtime is approved, but unexpected (less than 8 hours advanced notice) work, resulting from an unforeseen event or situation (not excessive workload) that requires immediate action, which is not contiguous to the regular work shift or occurs on a scheduled day off when an employee is called back to work. Overtime which is scheduled more than 8 hours in advance or which is worked contiguous to the normal shift is not considered a callback. Overtime pay will begin when the employee reports for duty and end when the employee is relieved from duty.

Employees are entitled to receive the minimum hours callback-pay for the first call out in each 24-hour period in which they are “called-back.” Pay for additional call outs shall be for actual time worked. Callback overtime shall be compensated, at double the employee’s regular, hourly rate of pay. Employees shall receive a minimum of two (2) hours of overtime pay when called back to work subject to the limitations outlined in this section.

Unscheduled Overtime
Unscheduled overtime is approved overtime resultant from an unforeseen event or situation (not excessive workload) in which advance notification of four (4) or more hours is not possible. The first sixty (60) minutes of unscheduled overtime before or after the regularly scheduled shift shall be considered a continuation of the shift and shall be compensated at time and one half (1 ½) the regular, hourly rate of pay, once the employee has exceeded forty (40) hours in a work week.

For unscheduled overtime exceeding the first sixty (60) minutes before or after the regularly scheduled shift/day, Employees shall be compensated, to the nearest quarter hour, at double the regular hourly rate of pay, regardless of whether the employee works a total of forty (40) hours in the workweek.

Here is an illustration of the aforementioned section – if an employee is called into work two hours prior to the start of their work shift they would receive double time for the first hour worked and time and one half for the second hour worked prior to the start of their regularly scheduled work shift. If they are called into work 45 minutes prior to their regular work shift they would receive time and a half for time worked in excess of forty (40) hours in the workweek. Time worked after their regular work shift would be treated in the same manner.
**Holiday Work**

Subject to the eligibility requirements set forth in this manual, employees assigned or authorized to work on a designated holiday shall be paid for the holiday subject to the provisions of this policy manual, and shall be paid at the rate of time and one half for all hours worked. This pay shall not be pyramided or compounded with other forms of premium pay or overtime. As with overtime, the choice of compensatory time off requires approval of the employee and the department. Individual employees who work on both the legal holiday and the day of its observance will receive the holiday work premium on either day but not both.

Exempt, non-represented employees who work on a holiday may take an equivalent amount of time off under the City’s flexible scheduling policy.
Section 13 – Employee Conduct

13.1 Corrective Action Procedures and Guidelines

It is the City’s philosophy that regular (non-probationary) employees should be provided a reasonable opportunity to correct problems prior to those problems becoming the basis for termination. To that end, this section prescribes a set of corrective steps that should be considered in addressing substandard performance and conduct. As used herein, "performance" should be interpreted broadly to include any and all job related considerations including attendance, working relationships and certain off-duty conduct where it bears a relationship to on-the-job effectiveness or the City's legitimate interests.

The provisions of this section are intended as guidelines. Collective bargaining agreement provisions, civil service rules, or other legal requirements may warrant variations from the suggested guidelines. However, the basis for discipline enumerated below represents the position of the City as to its standards and expectations and should be used to guide disciplinary decisions.

13.1.1 Departments Affected

This section is applicable to non-exempt employees unless superseded by a provision in a collective bargaining agreement or Civil Service rules. The guidelines are also applicable to a limited extent to exempt employees. Exempt (management/professional/administrative) employees are “at will” and either the employee or employer can terminate the employment relationship with or without cause or advance notice.

These guidelines do not apply to individuals governed by an employment contract, department heads, probationary employees or temporary/seasonal employees.

13.1.2 Administration

The range of corrective actions available includes oral coaching and counseling, formal oral warnings, written warnings, suspension, demotion, final probation, last chance agreements, and dismissal. Additional tools include the use of performance appraisals, training or outside assistance, and performance improvement plans and others. Individual actions should be taken in the context of the employee's past record, length of service and the particular circumstances surrounding the problem.

The action taken should generally be the most positive and least punitive action likely to correct the problem. The range and number of actions taken and time allotted should be tailored to fit the situation -- no particular sequence is required except that advance approval from the City Manager must be obtained before implementing termination of employment.

The City may terminate employment immediately in cases involving misconduct or serious or willful violations of its rules, policies or other standards.
In certain cases of misconduct or where it is necessary and appropriate to remove an employee from the workplace pending discipline or to conduct an investigation, the employee may be placed on administrative leave. In cases of gross misconduct an individual may be placed in an unpaid status pending the outcome of the investigation. When administrative leave is authorized to conduct an investigation, it should be kept to a minimum. Paid administrative leave in excess of 5 working days must be authorized by the City Manager.

13.1.3 Various Corrective/ Disciplinary Measures
The following corrective and disciplinary measures are available to address problems with employee conduct and job performance. No particular action or sequence of actions is required or promised prior to termination.

Probationary Release
Termination based on failure to satisfactorily complete the probationary period following hire, or demotion based on failure to satisfactorily complete a probationary period following promotion. A normal corrective action process need not be followed for probationary employees. However, managers are encouraged to use mid-probation performance evaluations or other means to communicate to probationary employees regarding their progress and any problems.

Oral Counseling/Coaching
Informal, verbal corrective instruction or notice provided to an employee.

Oral Warnings
Formal but verbal communications regarding performance and conduct problems. Oral warnings should be documented but not included in official personnel files. Oral warnings are generally considered to be "off the record" unless/until additional problems occur or the problem escalates to a higher level.

Written Warnings
A formal written reprimand or notice of improvement needed in performance or conduct. Used when oral measures have not corrected a problem or as a first step for lower level misconduct or serious performance deficiencies.

Suspension
An involuntary period of leave without pay imposed for disciplinary reasons. Suspensions should not be less than one workday and should not exceed one month in duration, and should generally be used in cases of misconduct and not for performance-based problems. Suspensions of exempt employees are not permitted except in special circumstances and only when authorized by the Human Resources Director and City Manager prior to implementation.

Demotion
Involuntary demotion to a lower level classification. Demotion is usually made to the employee’s former classification or one in the same job family. Demotion is appropriate
when the problems are directly related to the requirements of the higher classification and the employee is likely to succeed in a lower position. For example, demotion might be used when a previously capable employee is not able to perform effectively in a supervisory role following promotion.

**Salary Step Denial**
Denial or delay of a scheduled step increase. Generally used in cases of borderline job performance and not as a punitive measure. Used to freeze the salary for a specified period until the required performance improvements are met and/or until performance rises to a level to be commensurate with the step in the range the person would progress to next.

**Final Probation**
A defined, pre-termination, performance improvement period, usually 30-120 days, used to provide an employee with a last opportunity to avoid termination. "Final" is used to distinguish this period from an initial probationary period following hire or promotion. An employee on final probation is not eligible for promotion, transfer or salary step increase.

**Discharge**
As approved by the City Manager, a Department Head may terminate an employee based on unsatisfactory job performance, misconduct, unacceptable off-duty conduct affecting the City’s interests, or such other causes as may be appropriate, however, for at-will employees the City reserves the right to terminate employment without cause or notice.

13.1.4 **Procedure and Approvals**
Human Resources' review is required regarding any formal corrective or disciplinary action when such action is grievable under the applicable labor agreement or could result in financial liability to the City. Generally this means at the level of a written warning, suspension, demotion or termination. Human Resources will consult with the City Attorney or outside counsel when formal legal review is required.

13.1.5 **Records**
All corrective action taken at the level of a written warning or higher should be included in both the department's and Human Resources personnel file. Other written materials -- documentation of counseling sessions, complaints about an employee, performance notes, etc., should be retained by the supervisor in working files.

13.2 **Appeal Procedure**

13.2.1 **Basis for Appeals**
The City will accept formal and informal appeals of decisions or actions in the areas of testing, hiring, promotion, compensation, benefits eligibility and application or other matters addressed by published City policies and directives. Appeals will be accepted based on the following grounds:
- Unlawful discrimination based upon age, race, sex, color, disability, national origin, or any other lawfully protected group of activity.
• Violation of other laws, these policies or other written policies and procedures.

13.2.2 Scope of this Procedure
Where employees are covered by a collective bargaining agreement prescribing a grievance procedure that procedure shall supersede this policy unless the agreement allows for employees to elect to use this complaint resolution process and the employee so chooses.

Civil Service employees shall utilize the appeal procedure prescribed by City Civil Service rules in all areas addressed by those rules.

Appeals of departmental decisions not governed by these policies may only be appealed as provided by policies promulgated at the department level.

Informal Resolution
Applicants and employees are encouraged to pursue informal resolution of complaints or challenges prior to initiating a formal appeal. In the event the problem cannot be resolved informally, the procedures in this section should be followed.

Confidentiality
All appeals will be treated with the maximum confidentiality permitted by law and appellants are assured that they will be free from any reprisal or adverse consequence based upon their exercise of the rights afforded by these policies.

Special Cases/Sensitive Complaints
Appeals may be filed at a higher step, including directly with the City Human Resources Director or City Manager in certain situations. These include allegations concerning levels of management who may be listed as one of the appeal steps.

Applicant Appeal Procedure And Timelines (Employment, promotional testing and selection processes):

Step 1
Appeals should be filed with the Human Resources staff member with responsibility for the recruitment or selection process complained of. Appeals must be filed within seven days of the applicant's knowledge of the alleged violation or seven days of the date the applicant should have known of the alleged violation. The Senior Human Resources Analyst will meet with the appellant if necessary and respond in writing within seven days of receipt of the complaint or the meeting, whichever is later.

Step 2
If the appellant is not satisfied with the response at step 1, he/she may file the complaint within seven days with the Human Resources Director. The responding official at this step will meet with the appellant if necessary and respond in writing within seven days of receipt of the complaint or the meeting, whichever is later.
Step 3
If the appellant is not satisfied with the response at step 2, he/she may file the complaint within seven days with the City Manager if he/she was not the respondent for the City at step 2. The City Manager will meet with the employee if necessary and respond in writing within seven days of receipt of the complaint or the meeting, whichever is later. The decision at this step shall constitute the final internal step and shall be final and binding on all parties.

13.2.3 Employee Grievance Procedure
This procedure is applicable for employees not covered by a collective bargaining agreement and is to be used by employees for appeals of departmental decisions falling within the scope of these policies. Appeals of decisions not within the scope of these policies shall be handled and processed in accordance with formal and informal procedures of the applicable department:

Step 1
Advertisements should be filed with the immediate supervisor or manager. Appeals must be filed within seven days of the employee's knowledge of the alleged violation or seven days of the date the employee should have known of the alleged violation. The manager will meet with the employee if necessary and respond in writing within seven days of receipt of the complaint or the meeting, whichever is later.

Step 2
If the employee is not satisfied with the response at step 1, he/she may file the complaint within seven days with the next formal level of management (division head, assistant department head, etc.). The responding official at this step will meet with the employee if necessary and respond in writing within seven days of receipt of the complaint or the meeting, whichever is later.

Step 3
If the employee is not satisfied with the response at step 2, he/she may file the complaint within seven days with the Human Resources Director. The Human Resources Director will meet with the employee if necessary and respond in writing within seven days or receipt of the complaint or the meeting, whichever is later.

Step 4
If the employee is not satisfied with the response at step 3, he/she may file the complaint within seven days with the City Manager. The City Manager will meet with the employee if necessary and respond in writing within seven days of receipt of the complaint or the meeting, whichever is later. The decision at this step shall constitute the final internal step and shall be final and binding on all parties.

13.3 Employment Standards and Conduct Expectations
The City's duty to its customers, customers and employees require that we establish and maintain the highest standards of job performance and conduct of employees. This section sets forth a set of general standards and expectations for employee job performance and on-the-job (and some off-the-job) conduct. It is intended to guide managers and employees in knowing what is acceptable and what may serve as the basis for corrective or disciplinary
action or termination. These standards are not intended to be all-inclusive. Subject to Human Resources approval each department may establish additional standards to ensure the effective operation of their organization.

### 13.3.1 Departments Affected
The standards and expectations promulgated herein are applicable to all City employees unless superseded by a provision in a collective bargaining agreement, but are subject to interpretation, clarification and application at the department level.

### 13.3.2 Definitions
For the purposes of this policy, performance and conduct are defined as follows:

**Performance:** Any and all factors and measures which influence the employee's effectiveness and contribution to the organization such as attendance, communications skills, working relationships, etc.

**Conduct:** Compliance with laws, rules, policies, and ethical standards, such as absence without leave, theft, dishonesty, conflicts of interest and others. Most willful violations of City or departmental policies and expectations will fall in the category of misconduct.

### 13.3.3 Job Performance Standards
Most job performance expectations are defined specifically based on the employee's department, job classification, qualifications, assignment, etc. This section sets forth general standards and areas of measurement. Where possible, the policy expresses expectations in the positive, e.g. "meets all standards" vs. "fails to meet standards." Certain types of behavior, must, of necessity be expressed as prohibitions. The following are general standards for fully effective performance that apply to all employees:

- Knows and follows working policies, procedures and work techniques.
- Exercises appropriate judgment, decision making and initiative.
- Carries out work assignments in a diligent, cost-effective, efficient and timely fashion. Displays an adequate sense of priorities and a strong work ethic.
- Overall output or quantity is acceptable and within established timelines and priorities.
- Work product meets all standards of accuracy, quality and professionalism.
- Achieves and maintains the level of knowledge, skill and ability required by the employee's job classification and assignment.
- Carries out assignments with the level of training and supervision appropriate to the employee's classification and qualifications (does not require too much training or supervision in relation to expected skill levels).
- Establishes and maintains effective working relationships with coworkers at all levels within and outside the organization/department as necessary to accomplish job objectives. Expresses disagreements in an appropriate setting and in a manner that is constructive and not disruptive or harmful to the goals of the job and department.
- Communicates effectively and appropriately with the public and department customers and displays an adequate commitment to effective customer service.
• Maintains an acceptable record of attendance and punctuality.
• Meets the established physical and mental standards required of the position/classification to effectively perform the essential functions of the job.
• Adheres to relevant Equal Employment Opportunity and work conduct guidelines and standards.
• Is mentally and physically able to perform the essential tasks of the position, with, if required, reasonable accommodation due to a qualifying disability.
• Is attentive to job safety considerations and follows all required safety policies, procedures and techniques.

**Conduct Standards**

Any of the following are considered forms of misconduct and could serve as the basis for corrective or disciplinary action up to and including immediate termination of employment:

• Abuse of leave privileges or misrepresentation of reasons or necessity for leave or failure to return from leave.
• Insubordination/Failure to Follow Instructions: Willful refusal to carry out a reasonable order from an authorized supervisor.
• Theft or misuse of City property, funds or working time.
• Violation of published policies and standards regarding employee conduct.
• Falsification of official documents or other forms of misrepresentation or dishonesty.
• Negligence or other acts which damage or endanger the City's property, equipment, or the personal safety of employees or others, including fighting, physical abuse or possession of unauthorized weapons in the workplace.
• Conviction of a felony or misdemeanor or violation of laws and ordinances provided the criminal offense or activity is harmful to the legitimate interests of the City or has a bearing on the employee's job responsibilities.
• Off-duty conduct, which discredits the City or department or employee's profession or impairs the employee's on-the-job effectiveness.
• Maintaining or acting upon a conflict between job responsibilities and private (business, personal or financial) interests.
• Possession, sale or use of controlled substances while on duty or reporting for duty or working with impaired effectiveness due to off-duty use of controlled substances. See also the City’s Substance Abuse policy (Section 13.7).
• Discrimination or harassment based on race, sex or other prohibited basis in the exercise of employment responsibilities.
• Unprofessional conduct or appearance, abusive or inappropriate language or behavior, wearing of inappropriate attire or unacceptable/unprofessional attire, grooming and cleanliness.
• Engaging in other unlawful or inappropriate activity on the job including prohibited activities in the areas of employee solicitation, political activities, or other activity that is damaging or detrimental to the City's reputation and interests.
• Absence without leave, unacceptable attendance record, or failure to follow required procedures for requesting and reporting absences.

The standards and expectations promulgated herein are applicable to all City employees unless prohibited by law or superseded by a provision in a collective bargaining agreement.
These standards are not intended to be all-inclusive and the City may establish or revise standards to ensure the effective operation of City government.

13.3.4 Ethical Conduct

The City expects the highest standards of integrity, honesty and ethical conduct of its employees. This section is intended to promulgate standards and guidelines to assist managers, employees and the public in understanding the meaning and importance of ethical conduct in all aspects of City government.

This section is also intended to amplify, clarify and expand upon the provisions of RCW 42.23 regarding ethical standards for municipal officers in the state of Washington.

No officer or employee of the City shall solicit or accept any benefit, profit or advantage, directly or indirectly, from or by reason of the discharge of his or her responsibilities and duties as a City employee. Further, no officer or employee of the City may use his or her position to secure special privileges or exemptions for himself/herself or others nor shall he/she be influenced by or act upon the basis of any personal or non job-related influence or interest -- financial or otherwise.

Standards of integrity and ethical conduct are best expressed as a “code:” “I will accept no gift or gratuity in exchange for the exercise of my job responsibilities.” For that reason, the core of the City’s expectations are expressed in the “Code of Ethics” statement included at the end of this section. Additionally, the use of specific examples can help employees to grasp the concepts of ethical behavior. This section also includes a list of examples illustrating ethical and unethical behavior.

Interpretation and application of this policy should be guided primarily by three factors:

• The degree to which the employee benefited personally -- financially or otherwise.
• The degree to which a decision or action was or might be influenced by personal interest.
• The degree to which the consideration was solicited by the employee.

Particularly stringent standards apply to employees authorized to make City purchases or other officers and employees authorized to enter into contractual relationships with vendors, consultants or contractors or otherwise grant favor or consideration to any external enterprise or individual. For these employees, any solicitation or acceptance of any gift or other consideration of value is strictly prohibited.

All employees shall disclose to their department head any situation in which there is an apparent or potential conflict of or the appearance of a conflict between their personal and occupational interests or responsibilities. The department head, in consultation with the City Manager and City Attorney, shall determine whether such a conflict exists and determine an appropriate remedy. The appropriate remedy may include a disqualification of the employee.

1 Exceptions can be permitted by the City Manager when dealing with international business endeavors or cultural activities.
from participation in the decision, job reassignment or other measures to prevent an actual or perceived conflict.

This policy is not intended to ban customary and usual business practices or substitute for reasonable judgment. Attending a hosted hospitality suite at a professional conference or allowing a person with whom the City has a continuing business relationship to “pick up the tab” at a luncheon meeting would not be viewed as inappropriate or unethical, so long as the situation cannot be construed as an attempt to buy favor or influence.

Additionally, the standards shall not be construed to apply to “de-minimus” situations in which an employee receives a product or consideration of minimal or inconsequential value or influence. For example, the City does not expect employees to disclose receipt of or return unsolicited items of no significant material value such as office items, coffee cups, calendars, note pads and the like.

Corrective or disciplinary action for violations of this policy may range from counseling to termination and must take into account all appropriate factors. Serious ethical violations, especially on the part of officials and managers, could result in immediate termination.
### City of Longview Code of Ethics

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seek no favor</td>
<td>I will not seek or accept favored treatment, privilege or financial consideration based on the exercise of my duties and responsibilities. I will not attempt to exercise influence on behalf of personal interests, nor will I accept or yield to such efforts on the part of others.</td>
</tr>
<tr>
<td>Integrity</td>
<td>I will support and follow the rules, policies and tenets of my employer, my profession and my job, and will do so even when the outcome is unfavorable to my professional or personal interests.</td>
</tr>
<tr>
<td>Honesty</td>
<td>I will be honest and forthright in my dealings with others, while respecting and adhering to necessary principles of tact, diplomacy and confidentiality.</td>
</tr>
<tr>
<td>Merit Principle</td>
<td>To the extent I am empowered to make or implement personnel decisions, I will be guided and influenced only by merit and will exclude from consideration all non-job related matters.</td>
</tr>
<tr>
<td>Professional</td>
<td>I will support, promote and abide by the generally accepted standards of my profession. My decisions and actions shall be based entirely on professional, not personal, judgments, considerations and factors.</td>
</tr>
<tr>
<td>Standards</td>
<td></td>
</tr>
<tr>
<td>Disclosure</td>
<td>I agree to disclose to my superiors any situation in which there is the fact, appearance or possibility of a conflict of interest between my interests and those of the organization. I also accept the responsibility and duty to disclose or refuse to conceal acts or wrongdoing or malfeasance of which I may have knowledge. I will make appropriate judgments as to how, when and to whom these disclosures shall be made.</td>
</tr>
<tr>
<td>Loyalty</td>
<td>I will dedicate my professional efforts to the interests and betterment of the organization. I will support and carry out the decisions and actions of the organization and my superiors, even when I may disagree with those actions. I recognize that dissent, expressed in appropriate means and settings, is an act of loyalty and will not take retribution against dissent from those I supervise and/or direct.</td>
</tr>
</tbody>
</table>

### Examples of Unethical or Borderline Behaviors

- An employee intervenes in an employment decision regarding a friend or relative.
- A buyer accepts Blazer tickets from a potential vendor.
- A building inspector “looks the other way” on a code violation involving the home of a high-ranking City official.
• An outside contractor donates prizes for a City golf tournament.
• A supervisor grants an early salary increase to the employee because they are close friends.
• An employee accepts a stipend for a speaking engagement done as a representative of the City (does not include a meal provided at the function).
• Work time is spent doing work for a separate, outside employer.
• A supervisor “strongly encourages” his staff to donate to a charitable organization he supports.
• An employee uses City bulletin boards and mail systems to advertise a private business.
• A City Manager uses contacts and influence to obtain a vehicle registration without having to wait in line with the public.
• Work assignments or training opportunities in a unit are based on who the supervisor “likes” the most.
• An employee tells a friend who is applying for a job what is on the rating form.
• A manager signs up for a professional conference because he has family in the town, not based on the content of the program.
• A rule is enforced for a marginal employee but the better employees are allowed to “slide”.

13.3.5 Employee Use of City and Personal Property
This section addresses personal usage of City equipment or services and damage to personal property occurring at work. Departments may publish detailed policies and procedures for administering this policy at the department level.

Personal use of City equipment, work time and supplies is prohibited except as provided herein. This includes long distance telephone usage (to include City calling cards or discounted rates for personal calls even if employee offers to reimburse the City), copiers, facsimile machines, computers, vehicles, office supplies and other City property or resources used for personal business e.g. mail routing. Violations may result in disciplinary action up to and including termination. Use of City equipment or work time for private business enterprises or personal financial gain is strictly prohibited.

Notwithstanding the foregoing, the City recognizes the pressures of balancing work and family issues. Employees will not be disciplined for negligible and minor personal use of City time and equipment or as otherwise permitted at the department level, and reasonable judgment should be applied to individual circumstances. Employees may make and receive occasional personal phone calls as necessary to attend to pressing personal matters. Long distance calls outside of Cowlitz County must be billed to a credit card or home number. Additionally, it is not the intent of this policy to invoke discipline for “de minimus” use of City equipment such as copying a personal document, inadvertently taking home a City pen or equivalent.

Refer to Section 13.11 regarding Electronic Communication Standards.
Refer to Information Technology Cell Phone Use & Allowance Policy
Refer to Section 13.10 regarding City Vehicle Use
When personal activities cannot be avoided, the activity should be approved in advance by the applicable department head or elected official and the employee must reimburse the City for its cost. Additionally, the activity should be conducted on the employee's own time -- breaks, lunch or paid leave.

13.3.6 Use of Personal Property and Equipment for Business Purposes

This section addresses authorizations, prohibitions and reimbursements for the use of personal property for business purposes and job responsibilities. Examples include use of personally-owned computers or software, home and cellular telephones and personal vehicle usage for business travel.

As a matter of general policy, the City will provide employees with the resources necessary to accomplish their jobs. At the same time, job demands as well as personal style considerations may create some overlap between personal and professional activities. Employees may be permitted, and in some cases required, to utilize personal property in connection with their positions.

The use of personal property for business purposes is subject to specific City and departmental policies and procedures. Department managers should promulgate clear policies and expectations in this area. Unless authorized in advance by the applicable department head or elected official, business use of personal property, for example using privately owned software applications on City computers, is prohibited.

Expenses are reimbursable (or resources provided by the City) only to the degree specifically authorized by the City. Authorization for use of personal property does not necessarily qualify the expense for reimbursement.

Loss of or Damage to Personal Equipment

In general terms, the City is not responsible for loss, theft or damage to personal property occurring at work. This includes automobiles, clothing, tools, eyeglasses, jewelry and other personal property.

Exceptions may be authorized when the incident involved personal equipment which was authorized for use such as tools used by equipment mechanics, and which was lost or damaged through no fault of the employee. When authorized, reimbursement will be based on the present value of the item. Reimbursement, except as otherwise agreed for certain occupations such as equipment mechanics, will also be limited to a reasonable value and employees who choose unnecessarily expensive items -- e.g. Rolex watches -- do so at their own risk.
13.4 Attendance

13.4.1 Background and Philosophy
Attendance is an important element of overall job performance. Unscheduled absences disrupt the operations and functions of the City's services, increase the burden on other employees and represent a significant cost to the City. The City places a high value on the importance of maintaining an acceptable attendance record.

The City's attendance policy is formulated around the "no-fault" premise. In the no-fault model, the primary measure of absenteeism is the amount of absence. It is the absence that is the problem, not the legitimacy of the reasons for it. In the no-fault model, the employer is responsible for setting and communicating standards. The employee is responsible for managing his/her attendance and addressing the circumstances, which give rise to absences.

The no-fault system also recognizes that the number and frequency of absences is an equal or better measurement than total time missed. For example, one ten-day absence due to a serious illness may be less disruptive and more manageable than ten separate and unexpected single day absences. Therefore, the City's measurement of attendance will consider both the overall quantity of absence as well as the number of occurrences to include any patterns of days regularly missed (such as Monday or immediately following a holiday).

Finally, in the no-fault model, it is important that the standards be known in advance and enforced consistently across the organization. Additionally, the same standard is to be applied to all employees: six absences a year cannot be considered as commendable in one department and substandard in another.

13.4.2 Acceptable Attendance Standard
The basic attendance standard for the City may be termed an 8/8 standard: In any twelve month period, employees who are absent in excess of a total of 64 hours (equivalent to eight days) AND who had more than eight (8) unscheduled incidents of absence over a twelve month period are recognized as needing improvement. Employees above one measurement but not the other -- e.g. 9 absences totaling 36 hours or 2 absences totaling 96 hours -- are considered to have an acceptable record.

Because of the focus on unscheduled absences, the measurement of the number of incidents need not include sick leave absences which are scheduled in advance such as medical and dental appointments, scheduled surgery and the like. Further absences resulting from a qualifying event as per the Family Medical Leave Act or other legally mandated leaves are not considered as an “incident” under this “no fault” policy provided proper advanced notification is given to the employer.

For measurement purposes, the 8/8 standard is gauged against a twelve month "rolling" time period. At any point-in-time evaluation, the attendance record should be measured by looking backward twelve months.
Departments are responsible for tracking the number of incidents of absence, noting any patterns regarding absences, and recording those that have been scheduled and unscheduled. Please note—an employee’s call in and notification practice is considered as a separate performance standard from their overall attendance record.

13.4.3 Corrective Action

When employee's attendance record reaches and remains at levels above the acceptable standard, the manager will initiate a corrective action plan in accordance with established City protocols regarding corrective action. The problem and expectations should also be documented in performance evaluations.

Generally the improvement period should span a 6-12 month period following the assessment of substandard attendance. Under the no-fault system, the final absence serves as the basis for termination but consideration may be given in special circumstances such as an absence due to hospitalization, accident, serious illness or other compelling, extenuating circumstances.

13.4.4 Tardiness

Employees are also expected to be prompt and punctual in reporting for work and to leave work only when the necessary notice and/or authorization has been provided. Because punctuality expectations vary significantly based on the employee’s position, policies and procedures dealing with tardiness and leaving early are established at the department level.

13.4.5 Notification Procedure

Employees shall follow established department notification and call in procedures when they are unable to work their shift as scheduled. Inadequate notice or conveyance of information regarding inability to work as scheduled can be extremely disruptive to the department and is treated as a performance deficiency for failure to follow instructions.

13.5 Employee Development

The City supports the training and development of employees in order to:

- Improve the quality of personal services rendered to the City;
- Provide for career advancement within the City service;
- Provide greater organizational stability and flexibility to adapt to changing demands and technological requirements;
- Provide for upward mobility & promotional opportunities;
- Provide a reservoir of occupational skills necessary to meet current and future employment needs;
- Provide increased productivity and reduce costs and;
- Provide an incentive to employees to enhance their job-related knowledge, skills, and abilities through participation in professional conferences, training functions, or formal education courses.

The City supports employee participation in both professional development activities and advanced education programs when there is a benefit to the City and a direct relationship exists to the employee’s career goals. A key objective of this policy is to provide clearly
defined parameters to determine what constitutes valuable professional development activities.

For the purposes of this section, professional development activities are defined as being funded by the City directly while voluntary participation in higher education course work via an accredited college institution is sponsored via tuition reimbursement.

13.5.1 Departments Affected
These guidelines are applicable to all regular full-time (Type A) and part-time (Type B) employees, including those covered by collective bargaining agreements when the matter is not specifically addressed in the applicable contract, subject to the duty to bargain requirements stipulated by State law.

13.5.2 Professional Training/Development
Professional development activities include participation in conferences, seminars, and workshops that are sponsored by an established and credible professional organization or higher education institution, and that are recommended or otherwise regarded as presenting meaningful training/skills to participants. When an employee is requesting training in a specialized field such as finance, human resources, legal topics, etc., an internal peer review/evaluation process of the training should occur with the appropriate internal professional or department head to assess and affirm the value of the employee’s participation as well as the training outline/course content. It is not the City’s intent to pay for all employee professional development activities.

13.5.3 Tuition Reimbursement
To be eligible for tuition reimbursement, an employee must be enrolled in a specific, formal degree or vocational program from an accredited college or university as approved by the City. Tuition reimbursement for college course work shall apply only to classes or training taken on a voluntary basis.

There are several options a supervisor can use to help a “regular” employee attain additional education. Temporary, seasonal, and/or volunteers are not covered by this policy. Any educational options are subject to approval by the department head and are not guaranteed.

Each department head that is sponsoring an employee under an education option must complete Exhibit A—Employee Educational Opportunity. The department head should keep one copy for his/her file and forward one copy to Human Resources. This form must be completed at the beginning of each term, (quarter or semester), that the employee is participating in the education opportunity.

Employee education options include the following (please note: only one educational option may be exercised per quarter/semester.

A. Paying for college classes on a case-by-case basis. Department heads may approve training funds to be used to reimburse an employee for full part tuition for a college class.
It is not the City's policy or intent to always reimburse the entire cost of an employee's tuition costs. Generally, when an employee desires to pursue an accredited college course to improve his/her skills or to enhance their opportunities for future promotion, then he/she may be entitled to:

Request that the City provide reimbursement for tuition, books and fees, provided:

- The program or class and educational institution are pre-approved by both the department head and City Manager.
- Training or course is work-related, and part of a well-documented employee development and training plan as described in section 13.6 (must be submitted to City Manager/Dept. Head when requesting approval for tuition reimbursement).
- Funds are available within the department budget.
- Under hardship cases the City Manager may advance tuition fees to the employee.
- Tuition shall be reimbursed in full upon completion of the course, provided the employee earns a grade of C or better (or a passing mark from those institutions where traditional rating systems are not used). Proof of successful completion of the course must be attached to the tuition reimbursement request.
- Tuition reimbursement will not exceed $1200 in a given calendar year, with the exception that department head reimbursement amounts are subject to the discretion of the City Manager.

In situations where an employee receives tuition reimbursements (as defined above) in excess of $500, and the employee voluntarily resigns from their position with the City, the employee will be subject to repayment of funds as follows:

<table>
<thead>
<tr>
<th>Voluntarily Resigns</th>
<th>Percentage of fees/tuition to be remitted back to the City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within 12 months of completing the course/program</td>
<td>75%</td>
</tr>
<tr>
<td>Within 13 to 24 months of completing the course/program</td>
<td>50%</td>
</tr>
<tr>
<td>Within 25 to 36 months of completing the course/program</td>
<td>25%</td>
</tr>
</tbody>
</table>

B. Allowing employees to attend classes during normal working hours is also an option. In this case the employee may take up to three hours a week from work to attend class. If this is the agreement, the employee is paid for the time spent in class. The class time is considered “time worked”. The decision to use this option is dependent on the employee’s ability to maintain a satisfactory level of work performance and the work unit’s ability to meet department requirements with a staff member spending less time at work. If a department head allows this option he/she should assess performance with the employee at the end of each quarter or class taken to make sure this agreement is still appropriate.
C. Reducing an employee’s workweek temporarily to accommodate his/her need to study and attend classes. Choosing this option is dependent on the employee’s ability to maintain a satisfactory level of performance and the work unit’s ability to meet department requirements with a staff member at reduced hours. If a department head allows this option he/she should assess performance with the employee at the end of each quarter or class taken to make sure this agreement is still appropriate. Please consult with HR in selecting this option to assure that there is no conflict with the provisions in any applicable bargaining unit agreement.

D. Flexing an Employee’s Schedule is another option to allow employees flexibility to attend daytime classes. In this case, the employee works his/her normal number of hours in a workweek, but he/she may come in later, take longer lunches, leave earlier, etc. The main requirement is that he/she meets his/her work obligations and work the required number of hours in the workweek. If a department head allows this option he/she should assess performance with the employee at the end of each quarter or class taken to make sure this agreement is still appropriate. Please consult with HR in selecting this option to assure that there is no conflict with the provisions in any applicable bargaining unit agreement.

13.5.4 Compensation for Training/Education
Computation of work time while attending or in traveling to and from professional development training shall be in accordance with the Fair Labor Standards Act. Generally, attendance and travel to and from voluntary course work is not treated as compensable work time. For more specific information on this subject contact the Human Resources Department.

13.5.5 License and Certifications
The City shall reimburse or otherwise pay the cost of licenses or certifications, which are required to maintain employment in the current classification. This shall include training and testing in cases where new requirements are established for the classification, and/or applicable licenses or certifications.

The City may also pay for professional licenses or memberships in professional organizations, provided that funds are available in the departmental budget.

13.5.6 Other Training/Professional Development Activities
Prepayment of training expenses: In certain instances, a manager may direct an employee to attend a short-term training program or college level course to acquire a skill needed by the Department. In those instances, the employee shall be entitled to compute travel time and time in class as time worked along with prepayment of tuition, books, and materials. However, the employee may be required to sign a waiver allowing the City to withhold the cost of the program from the employee’s paycheck if the employee terminates employment within the timeframes indicated above or if the employee fails to satisfactorily complete the program.
Employees are expected to fully participate in all aspects of approved professional development activities and shall conduct themselves at such functions in accordance with the City’s established conduct standards. Irregular attendance, engaging in leisure or personal activities in lieu of participation in training programs, or other forms of misconduct while participating in or attending such functions can and will result in appropriate corrective action.

13.6 Employee Development Training Plans

Training plans are intended to provide a management tool for employees and supervisors with respect to professional development. For example, when the differences between one job class and the next higher one are primarily the knowledge, skill, and independence with which an employee operates, a training plan is an effective development and assessment tool to prepare someone for a promotional opportunity. It is important to have an open process for individuals to express interest in creating a development plan with their supervisor but it is also necessary to strike a balance between employee needs and training budget constraints.

When used in accordance with the principles and procedures discussed in this section, training plans are a valuable management tool.

The following outlines the steps involved in a typical training plan:

<table>
<thead>
<tr>
<th>STEP</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Identify and select candidates interested in developing a training program.</td>
</tr>
<tr>
<td>2</td>
<td>Assess employee skills in relation to the target classification.</td>
</tr>
<tr>
<td>3</td>
<td>Design individual Training Plan(s)</td>
</tr>
<tr>
<td>4</td>
<td>Submit Training Plan(s) for pre-approval of Human Resources Director.</td>
</tr>
<tr>
<td>5</td>
<td>Implement training.</td>
</tr>
<tr>
<td>6</td>
<td>Submit completed Training Plan(s) for final approval of Human Resources Director.</td>
</tr>
</tbody>
</table>

13.6.1 Developing the Plan

You will need a copy of the classification specification that is the "target" (the job for which the employee is training). This will tell you what knowledge, skills, and abilities the employee must possess in order to be eligible for promotion to the higher class. The target classification is often, but not always, the next level in a recognized career path. Exceptions to this involve situations such as layoff and injured worker. In addition, an employee might move from one occupational group to another - for example, a clerical employee moving to a more non-traditional occupation such as Maintenance Worker or Automotive Mechanic.

Training plans are appropriate if there is no eligible list for the target classification, or if there is a list but the proposed trainee did not compete. If the department wishes to assist employees who have failed exams or are not reachable on lists in achieving promotion, another alternative is to provide employees with training which will help them upgrade their knowledge, skills, and abilities, and/or training/counseling in test taking, so that they can compete more successfully in the future.

The goal of a training plan is to enhance the skills of an employee, not to "get on a list." Employees who complete a training plan are not put on an "eligible list" for the target
classification, nor are they put on a "transfer list." Once an employee has successfully completed a training plan, he/she should be better prepared for promotion to the target classification.

A formal training plan must be pre-approved by the department head and Human Resources Director. The goal of the training plan must be the same as the goal of a competitive selection process: to employ an individual who meets all the requirements for the target classification, and who is capable of performing the duties of the position at a satisfactory level.

**Step 1.** Identify and select candidate(s) interested in developing a professional development/training program.

You will need to conduct a process which provides adequate notice to interested employees and a selection process which is job related and does not discriminate based upon race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, source of income, or military/veteran's status or any other non-job related criterion. This process might consist of the following steps:

1. A notice of opportunity is posted so that interested and eligible persons are informed. The scope of the opportunity may vary from a minimum of targeting employees only within the scope of the managers’ work group, to department wide or even City-wide.
2. You will also need to consider disabled and injured workers for whom your target class has been identified as potentially suitable for return to work.
3. A job related selection process is conducted. The Human Resources Department can assist you with any questions regarding your process.

**Step 2.** Assess employee knowledge, skills and abilities in relation to the target classification.

The goal of the training plan must be the same as the goal of a competitive selection process: to select an individual who meets all the requirements for the target classification, and who is capable of performing the duties of any position of that classification at a satisfactory level. Therefore, it is critical that they possess all of the knowledge, skills, and abilities necessary to perform in any position within that classification/specialty within the City. Therefore, all of the knowledge, skills, and abilities (KSAs) of the target class must be addressed in the training plan. The department needs to show that the trainee either has the KSA through previous training and experience, or specifically how the trainee will acquire the KSA through department- sponsored training.

Assess the employee's current level of knowledge, skills and abilities (KSAs) as related to the essential KSAs listed in the target job classification description. For each KSA, identify the trainee's current level of knowledge, skill or ability in relation to the requirements of the target classification. Support the assessment with a short description of the education, training, or work experience that helped develop the current level of knowledge, skill or ability.

**Step 3.** Design individual Training Plan(s).
Describe the training methods to be used in raising the employee's KSA levels to the required levels. The Human Resources Department will consider any proposed form of training. The most commonly used forms are: formal classroom, on-the-job, self-study, workshop, or seminar.

Develop a method for evaluating when the KSA objectives have been achieved, such as some form of performance evaluation. (Knowledge, skills, and abilities are demonstrated through job behaviors.) Progress evaluations should be fairly frequent and should be done by the employee's immediate supervisor.

Estimate when the training components will be completed. (Actual dates of completion are submitted with the completed plan.) The estimated duration of the training program will be dependent upon several factors, including the number, type, and level of KSAs targeted (the training objectives); the availability of training resources; and the capability and motivational level of the employee. Typically, a training program will require about 1-2 years to complete, but not less than six months. If you have an employee you believe could complete a plan in less than six months, it is possible you may have under-assessed the employee’s need for training. A reassessment of the employees' knowledge, skills, and abilities in relation to the classification specification and the position to be filled may reveal a need for revision (adding substance). However, if the situation is that the employee possesses all (or nearly all) of the KSAs needed for a promotion, and/or has difficulty taking tests, you might more appropriately offer job related training in preparation for the next examination or training/counseling in test taking.

Describe the types of training to be offered by the department such as workshops, seminars, on-the-job training, monitored self-study, etc. Review the training plan with the trainee to ensure he/she understands the requirements. Both the trainee and supervisor sign the training plan, indicating that the requirements of the plan have been reviewed and agreed to. Suggested format for Training Plan: Matrix type; with columns, with the following headings:

1. Required KSAs (for the target class).
2. Current KSA Level (for the trainee, including how obtained).
3. Training Method (how current KSA level will be brought up to the required level).
4. Anticipated Completion Date
5. Actual Completion Date
6. Supervisor's Approval (signature or initial for completion of each KSA)

**Step 4. Submit Training Plan(s) for pre-approval**

Submit the plan for pre-approval to the department head and Human Resources Director. In Human Resources, the Senior Human Resources Analyst will review the plan and make a recommendation to the Human Resources Director. Criteria for an affirmative recommendation include factors such as:

1. Has the appropriate target classification been identified through a review of the proposed duties?
2. Are the essential KSAs listed for the target class?
3. Are the current level of Trainee KSAs clearly described?
4. Are the proposed training components appropriate for raising KSA levels to the required levels?
5. Will the training be completed within an appropriate timeframe?

**Step 5.** Implement training.

Start the training outlined in the Plan. Periodic evaluations should be done to measure employee progress toward successful completion of the Plan.

Requests for training plan extension of timelines should be addressed to the Human Resources Director. If progress is no longer being made toward reaching the goals of the training plan, the department should terminate the plan and notify Human Resources in writing.

**Step 6.** Submit completed Training Plan(s) for final approval of Human Resources Director.

When the employee has met the KSA objectives, a final evaluation report and training documentation will be submitted to Human Resources. Documentation should be included, such as course grades, certificates of completion, performance evaluations, and other appropriate documentation. This information will then be placed in the employee’s personnel file.

### 13.7 Substance Abuse Policy

The purpose of this policy is to insure employee fitness for duty, to protect employees and the public from the risks posed by employee use of alcohol and drugs, and to generally help employees, supervisors, and managers respond to the impacts of drug and alcohol use in the workplace.

*All provisions set forth in bold face print are consistent with requirements specifically set forth in 49 CFR Part 653, Part 654, or Part 40 as amended. Provisions set forth in the Drug Free Workplace Act (49 CFR part 29) are delineated in italics. All other provisions are set forth under the authority of the City.*

#### 13.7.1 Departments Affected

This policy applies to all City employees as defined herein. It includes individuals at all levels and in all capacities. **Sections 13.7.1 through 13.7.15** of this policy apply to all employees. **Sections 13.7.16 through 13.7.32** of this policy specifically applies to employees in “safety sensitive” positions in accordance with all U.S. Department of Transportation (DOT) regulations governing workplace alcohol and drug use, i.e., 49 CFR Part 382, U.S. DOT Controlled Substances and Alcohol Use and Testing; 49 CFR Part 40, U.S. DOT Transportation Workplace Drug and Alcohol Testing; and 49 CFR Part 655, U.S. DOT Prevention of Alcohol and Prohibited Misuse Rules, or as otherwise defined in that section. These regulations mandate urine drug testing and evidential breath alcohol testing for safety-sensitive positions as stated in Sections 13.7.16 through 13.7.32.
A current list of covered positions that perform a safety-sensitive function can be found in the appendices of this manual. The official list is maintained in the Human Resources Department.

13.7.2 Policy Statement

It is the policy and intent of the City to maintain a safe and healthy working environment for all employees, to ensure efficient and safe community service, to protect employees and the City from liability, to safeguard City property and assets, to help direct employees with substance abuse problems to rehabilitation assistance, and to comply with all applicable laws and regulations governing substance abuse, including alcohol and drugs.

The City is committed to a drug-free workplace and has an obligation to ensure public safety and trust with regard to its services and programs. Accordingly, the manufacture, distribution, dispensation, possession or use of a controlled substance, drug not medically authorized (or in violation of its authorization), or other substances which would impair job performance or pose a hazard to the safety and welfare of the employee, the public, or other employees, or the possession or use of alcohol in violation of this Policy, is strictly prohibited and employees are subject to appropriate corrective action measures.

The City believes it is imperative that employees who abuse substances, as defined in this policy, be aware of the seriousness of such misconduct and the potential penalties. While rehabilitation help is stressed under this policy, the placement of employees, the public, or property at risk due to substance abuse cannot be permitted or condoned. All employees who use substances that impair performance are encouraged to receive help and treatment as necessary. However, aside from law enforcement measures that would be invoked for criminal violations, such employees are subjecting themselves to serious discipline because of the safety, health and service risks that they create. Consequently, it is imperative that all employees place heavy emphasis on the guidelines in this policy and use of rehabilitation services when necessary if chemical dependency becomes a personal problem. By avoiding substance abuse, risks and penalties may be averted.

13.7.3 Responsibilities

Management

Management employees for the City are responsible for taking immediate and consistent action in compliance with this Policy and applicable procedures, i.e., taking the necessary steps to ensure that employees and supervisors comply with this Policy and all applicable laws and regulations, so that employee and public safety, liability reduction and efficient and thorough public service concerns are met.

Employees

Because of the major public service, health and safety and disciplinary concerns presented by the problem of substance abuse, employees are responsible for compliance with this Policy as a condition of employment. Employees are required to notify the City of Longview of any criminal drug statute conviction for a violation relating to the workplace no later than five (5) days after such conviction, nolo contendere plea, or sentence. Employees are also urged to seek appropriate assistance with chemical dependency problems so they can avoid the
safety, service and disciplinary issues regulated by this Policy, and must cooperate with applicable testing procedures presented in this Policy. Employees who test positive for drug or alcohol use are subject to disciplinary action. The City's Human Resources Department can provide information on available rehabilitation programs. Regardless of any drug or alcohol chemical dependency, employees at all levels must maintain job performance as normally required by the City. Each individual employee has the duty to comply with this Policy.

The City
The City is responsible for instituting and maintaining a program designed to achieve a drug-free workplace and comply with all appropriate laws and regulations as follows: (1) communicating a drug and alcohol awareness information program, and its policies and procedures to its employees; and (2) training management employees in the appropriate implementation of this Policy and its procedures.

Medical Review Officer (MRO)
A licensed physician at the testing laboratory with knowledge of substance abuse disorders and appropriate medical training shall be responsible for interpreting drug test results for the City.

City of Longview Drug and Alcohol Program Administrator
The City of Longview’s Director of Human Resources or his/her designee shall administer the City’s drug and alcohol program and shall be the contact person for the MRO as well as for other related inquiries originating either inside or outside the City.

13.7.4 Other Reference Documents
This policy has been developed in compliance with appropriate laws and regulations, such as the Federal Drug-Free Work Place Act. It is consistent with the City Civil Service Rules and relevant employment policies and procedures.

13.7.5 Definition of Terminology
Definitions of terminology used in this policy can be found in the appendices of this manual.

13.7.6 Substance Use and Abuse
The use or possession of alcohol during working hours, on City property, or in City vehicles is prohibited. Employees are not permitted to report for work or perform any City business while under any influence of alcohol.

The manufacture, distribution, dispensation, possession, or use of a controlled substance, drug not medically authorized, or other substances which could impair job performance or pose a hazard to the safety and welfare of the employee, the public, or other employees is prohibited while on City property or while engaged in Official City business.

An employee is not permitted to report to work or perform any City business while under any influence of any drug, including medically authorized or over-the-counter drugs that could
impair work performance. Employees must report the medical use of drugs or other substances that impair job performance to their supervisor and provide proper written medical authorization to safely perform work from a licensed practitioner, physician or dentist. It is the employee's responsibility to determine from the licensed practitioner, physician or dentist whether the prescribed drug may impair job performance. While all such situations will be reviewed on a case-by-case basis, employees are encouraged to place great care on assessment of prescription or over-the-counter drugs to avoid impairment at work. Failure to report the use of such drugs or other substances, or failure to provide proper evidence of medical authorization, can result in disciplinary action, including possible termination, depending on the circumstances.

13.7.7 Fitness for Duty & Reasonable Suspicion
If a supervisor or department head has reasonable suspicion to believe that an employee may be under any influence or impaired by a substance, the supervisor or department head shall not allow the employee to remain on duty and continue to perform job functions. While an employee may be relieved of duty at any time if there is concern about fitness for duty, except for an emergency situation, this supervisory judgment decision must be done in consultation with another supervisor, department head or representative of the Human Resources Department to ensure a fair assessment that there are adequate grounds for reasonable suspicion. Such employee shall not be allowed to return to work until there is a satisfactory explanation to the City of the situation, and the employee passes a drug test and/or has been approved for fitness for duty through an appropriate rehabilitation program counselor in accordance with City requirements.

13.7.8 Types of Testing

Post-Offer, Pre-Employment Testing
Only applicants seeking City employment for “safety sensitive positions” and who have been selected for employment must successfully pass a drug test before the first day of employment with the City. Each applicant shall be advised in writing (generally at the time of application) that pre-employment testing will be conducted to determine the presence of substances in the employee's system. If the test is canceled, the employee or applicant must contact the Human Resources Department to determine if they are still eligible for the appointment. An applicant who fails the drug test will be informed of the test results and will not begin employment with the City.

Reasonable Suspicion Testing
When a supervisor or manager (by direct observation or report) has reasonable suspicion to believe that any employee may be under any influence or impaired by alcohol or drugs, the employee shall be required to submit to a drug test. While an employee may be relieved of duty at any time because of such concerns, a supervisor or manager's conclusion to require a drug test must be made jointly with another supervisor (i.e., supervisor, manager, or representative of the Human Resources Department), both of whom have received drug detection training and able to articulate and substantiate specific indicators of probable drug use. If supervisory concurrence regarding the need to conduct a reasonable suspicion test is not reached, the employee will either be removed from duty or from performing safety sensitive job duties for a period of not less than eight (8) consecutive hours.
Follow-up/Return to Work Testing
As part of a follow-up to counseling or rehabilitation for use/abuse of a substance, an employee may be required to submit to a drug test. Refusal by an employee to consent to take such a test when directed by a supervisor or manager to do so shall be considered failure to follow instructions, subjecting the employee to disciplinary action. If an employee holding a “safety sensitive position” has been placed on leave through use of City counseling or rehabilitation services, the employee will not be permitted to return to work until the employee has passed a drug test, has the approval of the appropriate rehabilitation program coordinator and medical review officer, and the concurrence that the City determines that the employee is fit to return to duty. On return to duty said employees may be further subject to random testing for a period of two (2) years.

Random Testing
Except as otherwise noted in this policy, or as otherwise mutually agreed as condition of employment i.e. as part of a disciplinary or last chance agreement, the City does not conduct random testing of employees.

All drug tests shall be administered at a City-designated medical facility and will require the employee to complete appropriate consent forms and to cooperate fully with the testing procedure. An employee may request the presence of his/her union representative or other representative as appropriate. (A test may be delayed a reasonable amount of time to permit the representative to be present.)

The City has determined that the test laboratory used by the City shall comply with the US Department of Health & Human Services guidelines, "Scientific and Technical Guidelines for Drug Testing Programs," ADAMHA (4/11/88), as supplemented or amended. Testing procedures are described in this policy. The City's Medical Review Officer shall receive and interpret test results for the City to determine whether an employee passes, and/or if the employee is able to return to duty.

Attempts to tamper with the specimen, refusal to submit to a properly requested test, or two consecutive “dilute” specimens will be treated as a positive test result and therefore will result in corrective action, up to and including termination of employment. The employee shall receive a copy of the test results. An employee may make a written request for re-test of the initial sample within sixty (60) days of receipt of the test results, at employee expense unless the employee subsequently passes the re-test.

13.7.9 Search Notice and Conditions
The City respects the dignity of employee privacy in the workplace; however, all employees must understand that the serious dangers regarding substance abuse in the workplace compel a heightened need to safeguard workplace locations from substances and their impact, and that this must be balanced with important employee privacy concerns.

There is no defensible reason for the presence of substances in violation of this policy in the workplace, and it is imperative to ensure employee and public safety, liability reduction, and efficient and thorough public service that this prohibition be enforced. Consequently,
employees are advised to be sure that substances in violation of this Policy are never in work-related possession. When a supervisor or manager has reasonable suspicion to believe that an employee possesses a substance in violation of this Policy, the employee will be required, at the City's direction, to submit to a search of a vehicle brought on City premises, to submit to a search of any pocket, package, purse, briefcase, tool box, lunch box or other container brought on to City premises, and/or to submit to a search of a desk, file locker or other container provided by the City.

Before any search may be conducted, however, except for an emergency situation, there must be concurrence by at least two management employees, such as a supervisor, manager, or representative of the Human Resources Department, that there is reasonable suspicion of the presence of a substance in violation of this Policy. Further, prior to the search occurring, the employee shall be informed of the suspected situation with an explanation of reasonable suspicion at that time. An employee may request the presence of his/her union representative or other representative as appropriate. (The search may be delayed a reasonable amount of time if necessary to permit the representative to attend.)

Employee privacy and confidentiality shall be preserved by the City to the extent practicable and appropriate given the circumstances. When a search is conducted by the City, a written report shall be submitted to the City’s Human Resources Department within seven (7) calendar days of the search (a copy shall be made available to the employee on written request).

Any substance discovered on City premises in violation of this Policy will be confiscated and the City will coordinate with appropriate law enforcement officials as necessary. However, an administrative search under this Policy (not based on a search warrant) does not create evidence for law enforcement prosecution purposes.

13.7.10 Corrective Action
The City takes a strong stand against substance abuse and its impact on the workplace. Accordingly, violations of this Policy will be grounds for appropriate corrective action on a case-by-case basis, up to, and including, termination of employment. Additionally, law enforcement authorities will be notified in appropriate situations. If an employee with no prior City employment record regarding substance abuse tests positive for substances in violation of this policy, there is no evidence of work related impairment at the time of the testing decision, and there are no other concerns regarding misconduct (e.g. dealing or manufacturing of drugs), then the employee may be considered for voluntary participation in rehabilitative services through existing City resources to the extent deemed necessary by the City. Employees who fail to cooperate and voluntarily participate in such programs are subject to serious disciplinary action, including a last chance return to work agreement and/or termination of employment.

For the purposes of this policy, the following are considered as a refusal to take a required test:
- Refusing to provide a specimen (insufficient volume without valid medical explanation)
• Tampering, adultering or substituting specimen
• Failing to appear within a reasonable time to submit to required testing
• Leaving the scene of an accident without just cause prior to submitting to a test
• Leaving collection facility prior to test completion
• Failing to permit an observed or monitored collection when required
• Failing to take a second test when required
• Failing to cooperate with any part of the testing process
• Failing to sign Step 2 of the alcohol test form
• Once a test is underway, failing to remain at site and provide a specimen

For Pre-employment, the following are not refusals (but may result in disqualification from further consideration of employment):
• Failure to appear
• Failure to remain at site prior to commencement of test
• Aborting the collection before the test commences

13.7.11 Reporting Violations
Any employee who has reasonable suspicion of substances on City property or in City vehicles in violation of this policy, or observes or has knowledge of an employee who either (1) violates this policy; or (2) is in a condition which might impair that employee's ability to perform job duties or which poses a hazard to the safety and welfare of others, should promptly report the situation to a supervisor. To the extent possible, the reporting individual's identity will be kept confidential.

If an employee has reasonable suspicion that a supervisor or manager is violating this Policy, the employee should report this to the City Manager, City Attorney or City Human Resources Director who shall investigate the matter as appropriate. The reporting employee's identity shall be kept confidential to the extent possible, and there shall be no reprisals against the employee for reporting their reasonable suspicion.

13.7.12 Rehabilitation
The City offers employees the use of rehabilitative services in accordance with the terms and conditions of City benefit programs. However, individual employees are personally responsible for seeking appropriate treatment for chemical dependency caused by substance abuse. Employees who voluntarily seek treatment for chemical dependencies will be allowed to use personal leave and benefits as for any other illness in accordance with related City policies, and will not have job security or opportunities for promotion jeopardized merely by seeking treatment. However, any decisions made regarding fitness-for-duty shall be made solely by the City after a review of the situation. Chemically dependent employees are subject to the same prohibitions and penalties as other employees, regarding the manufacture, distribution, dispensation, possession or use of drugs or alcohol in violation of this Policy. In addition, chemically dependent employees are subject to appropriate disciplinary action including termination of employment, if they do not comply with this Policy, successfully complete their rehabilitation program, and meet satisfactory general performance standards, appropriate conduct requirements, or other conditions of employment. Employees
participating in such rehabilitation programs may be subject to random drug testing during and up to two (2) years after completion of such programs.

13.7.13 Privacy
Records of test results, of employees receiving treatment for chemical dependency, or of employees or applicants involved in other situations related to this Policy will be maintained by the Human Resources Department and used by the City with maximum respect for individual confidentiality and privacy. Such records relating to the sample collection process and failed test results shall be retained by the City for 5 years. Passing test results shall be retained for at least 1 year by the City. Only City management representatives with a "need-to-know" responsibility will be made aware of substance abuse situations or test results. Such information will not be released to a third party without specific written authorization by the individual. The City shall maintain records and reports as required by appropriate government authorities.

13.7.14 Policy Commitment, Notice, and Training
All employees shall receive a copy of this policy. Depending on available resources, the City shall make training available for supervisors, managers and employees to help prevent, identify, and appropriately deal with substance abuse situations.

13.7.15 Identification of Safety Sensitive Positions
A current list of covered positions that perform a safety-sensitive function can be found in the appendices of this manual. The official list is maintained in the Human Resources Department.

All contractors who perform transit-related work for the City shall also be required by the City to comply with Federal Transit Administration regulations and all applicable sections of this Policy, except that such contractors shall administer their own drug and alcohol program and maintain their own records.

13.7.16 Applicability
Participation in the City of Longview’s drug and alcohol program is a requirement of employment as defined herein, and as required by applicable federal and state regulation.

Federal Highway Administration Requirements:
1. All employees who are required to and/or use a commercial driver’s license in the course of conducting their regular job duties;
2. Employees who directly supervise any of these employees

Federal Transit Administration Requirements:
1. Employees who operate transit vehicles (which carry 16 or more passengers) under any circumstances, regardless of whether the vehicle is in service or not;
2. Employees who control the dispatch or movement of transit vehicles;
3. Employees who maintain transit vehicles or equipment used in transit vehicles;
4. Employees who directly supervise any of these employees.
With the exception of random drug testing, employees that are required by law to have special motor vehicle operational licenses, endorsements, or training, and employees in Public Safety occupations where driving is an essential job function i.e., driver operators, patrol officers shall be governed by the same procedures and guidelines as employees covered by DOT and FTA fitness for duty standards and regulations for substance abuse testing.

13.7.17 Prohibited Substances
Prohibited drugs are any illegal controlled substance identified in Schedules I through V Section 202 of the Controlled Substance Act (21 U.S. C. 812) as further defined by 21 CRF 1300.11 through 1300.15. This includes but is not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the USDA or the USFDA. Illegal use includes use of, or impairment by, any illegal drug, misuse of legally prescribed or over-the-counter drugs, or illegally obtained prescription drugs.

The use of any beverage or mixture containing alcohol, including any medication, during or within four hours prior to performing a safety-sensitive function is also prohibited.

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, the use of any substance which carries a warning label indicating that mental functioning, motor skills, or judgment will be adversely affected must be reported to supervisory personnel prior to performing safety-sensitive duties. It is the responsibility of employees to remove themselves from service if they are experiencing any adverse effects from medication. Legally prescribed drugs must include documentation of the patient's name, the substance name, the quantity to be taken and the period of authorization.

13.7.18 Effects of Alcohol
For information regarding the effects of alcohol refer to the Department of Transportation Implementation Guidelines, Alcohol Fact Sheet, appendix in this manual.

13.7.19 Prohibited Conduct
Employees who are using, manufacturing, dispensing, or distributing drugs, or who are in the possession of, or impaired by, alcohol or drugs when reporting for duty, while on duty, or when on the City’s premises, constitute a threat to the health, safety and security of themselves, their co-workers, passengers and other members of the public. No employee shall report for work or continue working under any of these conditions. No employee holding a safety-sensitive position shall report for duty within four hours of using alcohol, or use alcohol while in an “on call” status.

13.7.20 Types Of Testing
Employees will be subject to testing in the following situations: prior to employment, for reasonable suspicion, prior to return to duty after failing a test or upon the completion of substance abuse treatment, random testing, and post-accident testing. A positive alcohol test
is defined under this section of the City’s substance abuse policy as a blood alcohol concentration of 0.02 or greater on an evidentiary breath-testing device. In accordance with DOT regulations, an employee who has an alcohol concentration of 0.04 or greater shall not be permitted to perform safety-sensitive functions. An employee who tests between 0.02 and 0.039 shall not be permitted to perform safety-sensitive functions until a re-test shows the employee’s alcohol concentration to be below 0.02.

Pre-Employment Testing
Applicants for all safety-sensitive positions shall undergo urine drug testing prior to employment. Receipt of a negative drug test result and a signed statement of release from two years of DOT regulated employment from the date of application or transfer are required prior to being hired or transferred to a safety-sensitive position. Failure to pass will disqualify an applicant for consideration of employment for a period of not less than six months.

Reasonable Suspicion Testing
Employees are subject to a fitness-for-duty-evaluation, including a drug or alcohol test, when there is reason to suspect impairment due to physical signs and symptoms consistent with prohibited substance use immediately prior to, during, or immediately after performing safety-sensitive functions. A referral for testing will be made on the basis of documented objective facts and circumstances. Such referrals will be made by supervisory personnel who are trained to detect the signs and symptoms of drug and alcohol use.

Post-Accident Testing
Safety-sensitive employees shall be subject to post-accident testing if they are involved in an accident involving any City vehicle or equipment (in or out of service) that results in any of the following: (1) a fatality; (2) an injury requiring immediate attention at a medical facility and the employee receiving a citation under State or local law, (3) a vehicle being towed from the scene and the employee receiving a citation under State or local law, or (4) any damage (for those governed by DOT/Federal Highway Administration Regulations the combined damage being $500 or more) to City or private vehicles, equipment, or property.

Following an accident in the above circumstances, the employee shall be tested as soon as possible, ideally within two hours of the incident, but not more than eight hours for alcohol testing and 32 hours for drug testing, after the time of the accident. The alcohol test shall be administered before the drug test is conducted. Employees involved in accidents shall refrain from alcohol use for eight hours following the accident or until a drug/alcohol test is administered. Employees who leave the scene of an accident without appropriate authorization prior to the testing shall be considered to have refused the test and shall be subject to disciplinary action, up to, and including, termination of employment. Any other City employee whose performance may have contributed to the accident may also be tested.

If a post-accident alcohol test is not administered within two hours following an accident, the supervisor at the scene of the accident shall document the reasons why the test was not administered within two hours. If the post-accident alcohol test is not administered within eight hours after the accident, the supervisor at the scene shall cease efforts to test and
document the reasons the test was not conducted. In both cases, the documentation shall be forwarded to the Human Resources Director.

**Random Testing**

Except as otherwise noted herein, employees in safety-sensitive positions will be subjected to random, unannounced testing.

No fewer than 10% of the average number of employees in safety sensitive positions shall undergo random alcohol testing in each calendar year, and no fewer than 50% of the average number of employees in safety sensitive positions shall undergo random controlled substances testing in each calendar year, as required by DOT regulations. All alcohol tests shall be conducted by a breath alcohol technician (BAT) using DOT-approved breath-testing devices, i.e., approved breathalyzer machines. Blood-alcohol tests may be used instead of a breathalyzer test where the employee is unable to provide a sufficient amount of breath, or a BAT is not readily available.

The selection of employees for random alcohol and drug testing shall be made by a scientifically valid method, such as a random number table from a computer-based random number generator which is matched with employees’ social security numbers or some other comparable identifying numbers. Under the selection process used, each employee shall have an equal chance of being tested each time selections are made. Random alcohol and drug tests shall be spread evenly throughout the calendar year.

Employees shall be subject to random alcohol and drug testing just before performing safety-sensitive functions, while performing safety-sensitive functions, or just after performing safety-sensitive functions. The City Program Administrator or his/her designee shall report the names of employees selected to their supervisors. The supervisor shall notify the employee during his/her workday or shift that he/she must proceed to the testing site for the appropriate test. Once the supervisor notifies the employee, the employee must proceed immediately to the testing site. If the employee is performing a safety-sensitive function at the time of notification, the employee shall cease performing the function and proceed to the testing site as soon as possible. Supervisors shall notify employees in the least intrusive and most private manner possible, given the work environment of the employee, and shall escort the employee to the testing site. The testing site will log in the employee, including a notation of the time the employee arrives for testing.

When the employee selected for testing is absent from work, that employee will be tested immediately upon his/her return to work. Employees on extended leave will be removed from the random pool until they return to work.

The City Program Administrator or his/her designee will fax a drug/alcohol random testing authorization to the testing laboratory.

The MRO will directly advise the City Program Administrator of drug and alcohol results. The City Program Administrator will report any positive drug or alcohol test results to the applicable department head as soon as possible after the results are received.
Return-To-Duty Testing
Employees who previously tested positive on a drug or alcohol test, and who are permitted to return to work, must test negative, as documented by a Substance Abuse Professional (SAP), prior to being released for duty. An alcohol return-to-duty test must indicate an alcohol concentration of less than 0.02 before an employee will be allowed to return to work.

Follow-up Testing
Employees who have tested positive on a drug or alcohol test, and who are permitted to return to work, shall be required to undergo frequent random drug and/or alcohol testing for a period of time to be determined on a case-by-case basis by the SAP. At least six follow-up tests shall be conducted in the first 12 months after an employee returns to work, and such testing may be extended for a period of up to 60 months or as otherwise recommended by the SAP. Follow-up testing shall be conducted just before performing safety-sensitive functions, while performing safety-sensitive functions, or just after performing safety-sensitive functions.

Other conditions for Hire or Transfer to a Safety-Sensitive Position:
Written consent is required from applicants and employees transferring to safety-sensitive positions to request information from all other DOT-related employees for whom the applicant (employee) has worked within the previous two years. If the previous employer(s) does not have the requested drug testing information, the information must be sought from the applicant/employee. The City cannot allow the applicant/transferee to perform safety-sensitive duties for more than 30 days unless receipt or a documented effort to receive the information has been completed. If the City finds that an applicant/transferee has a violation on his/her record and has not successfully completed a return-to-duty process, the applicant/transferee will be deemed ineligible for continued employment in the safety sensitive position. Applicants/transferees must also disclose whether they have failed or refused a DOT drug or alcohol pre-employment test within the previous two years from employers who did not hire them. Refusal to provide consent will disqualify the applicant or employee from continued employment.

13.7.21 Substances Tested
Alcohol
Employees subject to alcohol testing will have a sample of their breath tested for the presence of the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol. Alcohol testing must be accomplished just before a covered employee performs safety sensitive duties, during that performance, or just after a covered employee has performed safety sensitive duties. The City of Longview, under its own authority, considers a breath alcohol level of .02 or greater a positive test.

Drugs
Employees subject to drug testing will have a sample of their urine tested for the presence of five (5) drugs, as follows:
1. Marijuana
2. Cocaine
3. Opiates
4. Amphetamines
5. Phencyclidine

All drug tests will be reported by the testing laboratory to the medical review officer (MRO) who will evaluate the results. After evaluation and interpretation, all verified positive test results shall be reported by the MRO to the employee and the City of Longview’s Human Resources Director. Any refusal to submit to a drug test will be immediately reported by the collection site to the City of Longview’s Human Resources Director.

With respect to verified positive drug tests, employees will be notified by the MRO that they have seventy-two (72) hours following this notification in which they can request, at their own expense, that a split urine specimen be tested by another Department of Health and Human Services (DHHS) certified testing laboratory. However, in the event that the split sample test is negative, the employee will be reimbursed for the test.

Failure to request testing of the split specimen within seventy-two (72) hours of being notified of a positive test by the MRO will result in the test results from the original specimen being accepted as the final test results.

13.7.22 Confidentiality

Confidentiality shall be maintained throughout the drug/alcohol testing process. The testing site and MRO shall maintain strict confidentiality of all test results in accordance with Sections 653.65 and 654.55 of FTA regulations and with Section 382.401 of FHWA regulations. This confidentiality shall be maintained at all times. At a minimum, the testing laboratory will:

1. Store all specimens that test verified positive for drugs in a secure locked freezer for one (1) year, or as required by law. Evidence shall be stored in the original specimen container in which it arrived in order to guard against court claims of improperly conducted testing.

2. Store test results and chain of custody documents for five years or as required by law, in a secured area, complying with legal requirements.

3. Report test results to the City of Longview Program Administrator or designee via a secure FAX machine, or other means as appropriate, on a daily basis. Written confirmation shall be provided not less than two business days after completion of the medical review officer's review of negative tests and within one business day for all verified positive test results, results requiring an immediate collection under direct observation and other refusals to test. The written report shall include the following:

   a. The controlled substances test being reported was done in accordance with FTA requirements,
   b. The name of the individual tested,
   c. The type of test,
   d. The date and location of the test specimen collection,
   e. The name of the person(s) performing the collection,
f. The name of the medical review officer,
g. The verified results of a controlled substances test and the identity of the substance(s) that were verified positive.

4. Test any specimen that has a chain of custody problem only with prior approval from the City of Longview Program Administrator.

The City’s Medical Review Officer (MRO) shall review all positive test results. The MRO shall also review the employee’s medical history and afford him or her an opportunity to offer any clarifying information that would explain the positive test. Test results shall be maintained in the strictest of confidence and shall only be made available to the City’s Drug and Alcohol Program Administrator, except in the event of a positive test. In cases where disciplinary action results from a positive test, such information shall be shared only with those that have a legitimate business need to know.

The MRO or the City of Longview shall also disclose information related to a positive drug test to the individual, the employer or the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the individual and arising from a certified positive drug test.

13.7.23 Testing Procedures
Testing will be conducted in a manner which assures the highest degree of accuracy and reliability by using the techniques, chain of custody procedures, and equipment and laboratory facilities which have been approved by the US Department of Health and Human Services as provided by 49 CFR Part 40 or as otherwise amended.

Analytical urine testing will be conducted for illegal controlled substances including, but not limited to marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted on each specimen after a split sample is provided to the laboratory. For screening results other than negative, a confirmatory Gas Chromatography/Mass Spectrometry will be performed. A positive test result, above the minimum thresholds set forth by DOT regulations and verified by the MRO, will be considered a violation of this policy.

Tests for alcohol concentration shall be conducted using National Highway Traffic Safety Administration approved evidential breath testing devices. An employee who tests at 0.02 or above shall be re-tested within 15 to 20 minutes of the first test. This is considered a confirmatory test. A confirmed alcohol concentration of 0.02 or greater will be considered a positive alcohol test and a violation of this policy.

An employee who tests positive for drugs or alcohol will be removed from safety-sensitive job duties for at least eight (8) hours, informed of any available educational and rehabilitation programs, and evaluated by a Substance Abuse Professional. The SAP will evaluate the employee to determine what assistance, if any, the employee needs in resolving problems associated with substance abuse. Assessment by an SAP does not protect an employee from
disciplinary action or guarantee continued employment. A positive drug or alcohol test also may result in disciplinary action, up to, and including termination of employment.

13.7.24 Blind Performance Testing
Blind sample quality control tests shall be performed to assess the performance of the DHHS-certified testing laboratories. Three quality control specimens shall be submitted to the laboratory for every 100 specimens sent for analysis. Specimens shall be sent to the laboratory in such a way that the laboratory will not know they are quality control specimens rather than actual employee specimens. The specimens shall be either blanks containing no drugs or spiked with a known quantity of specific drugs.

The City’s Drug and Alcohol Program Administrator shall establish procedures to ensure that blind sample tests are performed as needed, and shall contract out this responsibility to the MRO or the collection facility.

13.7.25 Compliance with Testing and Involuntary Rehabilitation
Any employee who refuses to comply with a request for testing as defined in this policy, has a “dilute” test result, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution, shall be removed from duty immediately, pending further investigation where necessary and may be subject to appropriate disciplinary action up to and including termination of employment. Such refusals to submit to the required testing/and or appropriate standards will be treated as failure to follow instructions and recorded as a positive test, with the employee subject to appropriate disciplinary action.

If the City offers involuntary rehabilitation to a safety-sensitive employee they must make and keep an appointment with the SAP within ten (10) days of notification of a positive or non-negative alcohol test and notify the City Human Resources Director of the date of such appointment. An employee with a positive test result will be suspended and placed on leave without pay during this period of time. Failure to make and keep an appointment with the SAP will result in termination of employment. After the employee meets with the Employee Assistance Program’s SAP and they have confirmed that he/she has signed a Release of Information and has made a commitment to comply with the recommended treatment plan, the City will hold the discipline or termination in abeyance pending successful completion of the recovery plan.

The terms and conditions of the recovery plan will be incorporated in the return to work agreement between the City and employee. The employee will be required to successfully complete the program as a condition of employment. All costs of the treatment/recovery program will be borne by the employee or any insurance he/she may have.

Involuntary rehabilitation does not shield an employee from appropriate disciplinary action for procedure or conduct violations.

13.7.26 Re-tests and Observed Tests
Any employee who tests positive for drugs may request, within 72 hours of notification, a test of the split sample. The employee must notify the MRO of his/her request and will be responsible for the cost of the split sample test, except that the employee will be reimbursed if the split sample test is negative.

There are certain situations that may require the employee to provide, at the collection site, another urine or breath sample, e.g., when insufficient volume or breath provides an inadequate sample or the technician has reason to suspect tampering with the sample. Under the latter circumstances, a second collection may be obtained under observed conditions.

13.7.27 Disciplinary Action
Under DOT regulations, discipline for drug and alcohol-related violations is determined at the local level. Any safety-sensitive employee who tests positive for alcohol or drugs from a random, reasonable suspicion, or post-accident test shall be subject to corrective action, up to and including, termination in accordance with the applicable labor agreement and/or the City’s Employment Policies. The level of corrective action shall depend on the circumstances surrounding the positive test.

Employees who are reasonably suspected of being unfit for duty due to drug or alcohol use shall be suspended from job duties with pay pending an investigation and verification of the condition. Employees who fail a drug or alcohol test shall be removed from duty and subject to disciplinary action, up to and including termination of employment.

A safety-sensitive employee who tests positive for alcohol or drugs from a random, post-accident, or reasonable suspicion test and is disciplined at a level short of termination, may also be subject to any or all of the following: (1) removal from the safety-sensitive position; (2) referral to, and assessment by, a Substance Abuse Professional; (3) completion of a treatment and rehabilitation program as developed by the SAP at the expense of the employee, except where such expenses are covered by the applicable employee medical insurance plan; (4) return-to-duty drug and alcohol testing; and (5) additional random testing as discussed above.

13.7.28 Education and Training
Training and education programs shall be made available to all affected supervisors and employees, as required by DOT regulations. Supervisors will receive instruction on how to identify the signs of drug and/or alcohol use or impairment and what to do in cases of reasonable suspicion.

13.7.29 Records Retention and Reporting
DOT regulations require the retention of records pertaining to alcohol and drug tests in accordance with the following schedule.
The following records must be retained a minimum of five years: (1) records of alcohol test results indicating an alcohol concentration of 0.02 or greater; (2) records of verified, positive drug tests; (3) documentation of refusals to take required alcohol or drug tests; (4) calibration documentation; and (5) records of related employee medical evaluations or referrals.

Records relating to alcohol and drug collection process training shall be retained by the testing agency a minimum of two years.

Records of negative and canceled drug tests and alcohol test results indicating a concentration of less than 0.02 shall be retained a minimum of one year.

Records obtained from previous employers shall be retained a minimum of three years.

By March 15 each year, the City shall report the results of its alcohol and drug tests on safety-sensitive employees for the prior calendar year to the appropriate federal agency.

13.7.30 Contact Information
The contact person available to answer questions about the City’s Drug and Alcohol program is Vicki Taylor, Human Resources Director, 360.442.5004.

*All provisions set forth in bold face print are consistent with requirements specifically set forth in 49 CFR Part 653, Part 654, or Part 40 as amended. Provisions set forth in the Drug Free Workplace Act (49 CFR part 29) are delineated in italics. All other provisions are set forth under the authority of the City.

13.8 Whistle Blower Policy
This section implements RCW 34.12, 43.09 and Title 42 with respect to the rights and protection of employees who, in good faith, report improper governmental actions in accordance with The City of Longview’s policies and procedure(s). It is the policy of the City to affirm and extend the protection of the act to all City employees who report wrongdoing as specified herein.

13.8.1 Definitions
"Improper governmental action" means any action by a City officer or employee:
- That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
- That is in violation of any federal, state, or local law or rule, is an abuse of authority, is a substantial and specific danger to the public health or safety or is a blatant waste of public funds.
- It does not include personnel actions including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.
"Good Faith" means the conscientious and constructive filing of a complaint based on a legitimate concern for the City and the citizen population it represents.

"Retaliatory action" means any adverse change in the terms and conditions of employment, which transpires as a result of the employee's report of improper governmental action.

13.8.2 Confidentiality
City of Longview employees involved in an investigation will keep the identity of reporting employees confidential to the maximum extent possible under law, unless an employee authorizes the disclosure of his/her identity in writing.

13.8.3 Compliance Officer
The Human Resource Director shall serve as the City Manager's designee for the purposes of compliance with this policy.

13.8.4 Reporting Procedure and Timelines

Step 1
Reports of improper governmental actions or retaliation must be filed, in writing, with the immediate supervisor or his/her designee. With respect to retaliation allegations, reporting must occur within thirty (30) days of the alleged action. Reports must include the basis for the employee's belief that an improper action or retaliation has occurred. Exceptions to this procedure include:

- When the employee reasonably believes that the improper governmental action may involve the immediate supervisor or where the corrective action is beyond the authority of the supervisor, the employee may report the improper action or retaliation allegation(s) with the next appropriate level of management or the Human Resource Director.
- In a situation where the employee believes that the improper action may cause damage to persons or property, or that the situation is serious enough to warrant it, immediate action may be taken by notifying the Human Resource Director, and filing a report directly with the particular government agency responsible for the investigation of the improper action which has taken place.

Step 2
The manager receiving the report of improper governmental action or retaliation shall take prompt action in investigating the report(s). He/She shall consult with the Human Resource Department to determine the type and scope of investigation, e.g. interviews with co-workers, members of the public, supervisors, etc. All individuals involved in an investigation shall be advised of their rights/protections under this policy and the law. Retaliatory investigations must be responded to within (30) thirty days of receipt. However, improper governmental action investigation may be projected to take an extended period of time to conduct, if so, the reporting employee shall be kept advised of the reasons for the delay.
**Step 3**  
The Human Resource Director shall review the manager's findings, establish whether improper governmental action or retaliatory action occurred, and determine the appropriate course of action. The reporting employee should be informed of the final result, except with respect to any disciplinary actions which are considered confidential under the law or per City policy.

**Step 4**  
If the employee is not satisfied with the conclusions or resulting actions of an investigation, or if he/she believes the action is likely to recur, the following options are available:

- **Improper governmental action:** The employee, after notifying the Human Resource Director, may report the action directly to the government agency responsible for the investigation of the specific improper action being reported.
- **Retaliatory action:** If the employee is not satisfied with the response from the Human Resource Director or if (30) thirty days have elapsed and no response has been received the employee may refer the matter to the City Manager, or file an investigation request with an appropriate regulatory agency as identified in the appendices of this manual.

**13.8.5 Responsibility**  
Managers and supervisors are responsible for ensuring that 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 termination.

**Local, State & Federal Investigative Agencies**  
A list of agencies responsible for enforcing local, state and federal laws and investigating other issues involving improper governmental action is listed in the appendix of this policy manual under Investigative Agencies. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the Human Resource Director.

**13.9 Policy Against Work-Place Violence**  
This section clarifies the City’s commitment to providing, in so far as it reasonably can do so within available resources, a safe environment for working and conducting business. The City will not tolerate acts of violence committed by or against City employees, contractors, volunteers, or members of the public, while on City of Longview property or while performing City of Longview business at other locations.

**13.9.1 Definitions & Scope of Policy**  
The word “violence” as used in this policy shall mean an act or behavior that:

- Is physically assaultive;
- A reasonable person would perceive as obsessively directed, e.g. intensely focused on a grudge, grievance, or romantic interest in another person, and reasonably likely to result in harm or threats of harm to persons or property;
• Consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;
• Would be interpreted by a reasonable person carrying potential for physical harm to the individual;
• Includes verbal and physical acts that excite or provoke a situation. Such as directing caustic comments or obscenities at another person, aggressive positioning of one’s body such as pointing a finger in someone’s face, yelling at someone or making aggressive/demeaning statements inches from their face, and placing oneself between a person and an egress from the situation.
• A reasonable person would perceive as intimidating or menacing;
• Involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
• Consists of a communicated or reasonably perceived threat to destroy property.

Violent actions on City property or facilities, or while on City business, will not be tolerated or ignored. Any unlawful violent actions committed by employees or members of the public while on City property, or while using City facilities, will be prosecuted as appropriate. The City intends to use reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public. Managerial actions may include employee referrals to counseling or other help, such as a substance abuse program or disciplinary action up to an including dismissal in accord with applicable policies and collective bargaining agreements.

13.9.2 Possession and Use of Dangerous Weapons by Employees

A dangerous weapon is any instrument capable of producing bodily harm when used in a manner and under circumstances that manifests intent to harm or intimidate another person or that warrants alarm for the safety of another person. Dangerous weapons are further defined by RCW 9.41.

**Prohibition**

In the interest of maintaining a workplace that is safe and free of violence, except as hereinafter provided, possession or use of dangerous weapons is prohibited on City property, in City vehicles, or in any personal vehicle, which is used for City business.

*Exceptions to Dangerous Weapons Prohibitions*

Individuals may possess a firearm on City property if:
• Engaged in military or law enforcement activities

Employees may possess a knife on City property if:
• It is needed as a tool to carry out their job responsibilities

13.9.3 Responsibilities

**Employees**
All employees are responsible for:
- Refraining from acts of violence and for seeking assistance to resolve personal issues that may lead to acts of violence in the workplace; and
- Reporting to managers, supervisors, or the Human Resources Department any dangerous or threatening situations that occur in the workplace.

Employees are encouraged to report to their managers/supervisors situations that occur outside of the workplace, which may affect workplace safety or may lead to acts of violence in the workplace, i.e., instances where protection orders have been issued, etc.

**Managers/Supervisors**
Managers and supervisors are responsible for assessing situations, making judgments on the appropriate response, responding to reports of or knowledge of violence, and initiating the investigation process.
- Any report of violence will be evaluated immediately and confidentially, and appropriate action will be taken, where possible, in order to protect the employee from further violence. Appropriate disciplinary action will be taken when it is determined that City of Longview employees have committed acts of violence. Where issues of employee safety are of concern, managers and supervisors should evaluate the workplace and make appropriate recommendations regarding a reasonable response.

**City Manager**
In so far as is reasonably possible, the City Manager, or the City Manager’s designee, is responsible for developing procedures that are designed to achieve:
- Prompt and appropriate response to any act of violence;
- Accountability among employees for acts of violence committed in the workplace;
- Oversight of investigations of violence;
- Establishment of a Crisis Management Team to provide immediate response to serious incidents;
- Establishment of avenues of support for employees who experience violence; and
- Communication of this policy and administrative procedures to employees, managers and supervisors.

**13.9.4 Achieving Goals and Evaluating Progress**
To achieve the goals and objectives of this policy, the City intends to do the following:
- Establish procedures and methods for implementing policies and for addressing violence in the workplace;
- Provide training to managers, supervisors, and other employees;
- Evaluate the physical environment for safety and consider modifications; and
- Evaluate progress in achieving the goals and objectives of this policy.

**13.9.5 Procedures for Dealing with Acts of Violence in the Workplace**
**Guidelines**
When violent acts or behavior occur:

- If the act or altercation constitutes an emergency, CALL 9-911. After contacting 9-911, contact an immediate manager or supervisor. In instances that are not emergency situations, contact your immediate manager or supervisor.
- If possible, separate the parties involved in the violent altercation. If the parties cannot be separated, or it would be too dangerous to the employee or manager to attempt to separate the parties, CALL 911.
- Contact the appropriate Department Director.
- The Department Director will contact the Human Resources Director, who will take responsibility for coordinating response to the incident.
- In instances that involve emergency situations, or criminal activity, the Human Resources Director will contact the City Manager and the Police Department. Incidents involving emergency situations and/or criminal activity will be referred to the Police Department for assessment and, if necessary, investigation.
- In instances when it is not appropriate to refer an incident to the Police Department, the Human Resources Director will evaluate the situation and make a recommendation regarding the need for an investigation. If an internal investigation is recommended, the Human Resources Director will coordinate the investigation process.

13.9.6 Investigation Responsibilities

Incidents involving emergency and/or criminal activity will be referred to the Police Department for investigation. Incidents that do not involve an emergency situation, and/or criminal activity, will be handled by the Human Resources Department. The Human Resources Director, in consultation with the City Manager, will determine whether an investigation is needed and who will conduct the investigation.

Procedures for conducting an investigation

Data Collection

There are significant liabilities and legal implications associated with violent behavior in the workplace. Before beginning any investigation, consult with higher management and the Human Resources Department or City Manager.

The investigation that you conduct could lead to disciplinary action; please be sensitive to the rights of all persons involved and proceed in a manner that demonstrates objectivity, fairness and a concern for confidentiality. Remember- Document all aspects of your investigation.

Interview with the Alleged Victim

When talking with the alleged victim, speak clearly and non-judgmentally. Approach the interview in a sensitive, supportive manner. The goal of the interview is to develop a true and accurate account of the incident.

- Obtain the date/time of the violent incident.
- Find answers to the questions: who, what, when and where. Find out what specifically happened in this and any previous incidents.
- Determine the background of the situation, including the relationship between the parties before the incident.
• Obtain the names of anyone else who:
  o Saw or heard the incident.
  o The person has talked with about the incident.
  o The person believes has also had encounters with the alleged offender.
• Find out what the person did in response to the violent encounter.
• Find out whether the person has documented the incident, or any previous violent
  encounters that the person has had with the alleged offender.
• Reassure the person that the City is actively responding to the incident and that any
  retaliation will not be tolerated.

**Interview with the Alleged Offender**
Approach the interview in a non-judgmental, sensitive manner. Keep in mind that a person is
innocent until proven at fault. Unreasonable assumptions of guilt before an investigation has
been completed can impede an appropriate investigation.
• If the alleged offender is a member of a City bargaining unit and asks for union
  representation, allow it.
• Present the incident or incidents described by the victim, or your own observations if
  you directly saw the incident.
• Get the alleged offender’s side of the story.
• Investigate with such questions as:
  o "Describe the incident that occurred between you and the victim."
  o "Describe your relationship with the victim and other interactions that you
    have had."
• Listen attentively as the alleged offender talks.
• Advise the offender of the seriousness of any form of retaliation against the
  recipient/victim, or any action that might be interpreted as retaliation.

**Interviews with Observers or Others in the Workplace**
In your investigation, realize that observers may also be disturbed by the violent interaction
they have witnessed.
Investigate with questions such as:
• What type of interaction did you observe between the offender and victim?
• Are there others who might be able to comment, or who observed the same incident?
• Reassure the observer or witness that the City is responding to the incident and that
  retaliation by the offender against witnesses for cooperating with the investigation
  will not be tolerated.

**Conclusion**
Once the investigation is concluded a recommended course of action will be provided to the
appropriate department head(s) for review and approval. Suggested corrective measures may
include disciplinary action up to and including termination of employment, employee referral
to the Employee Assistance Program and employee debriefing activities.

**13.9.7 Post Incident Guidelines**
After the potential act or an act of violence, the appropriate department head and Human
Resources Director will determine crisis management steps to be taken. Consideration
should be given to public relations/media notification, effective strategies to assist employees in managing stress and concerns related to the incident, and analyzing the incident potentially with the assistance of outside consultant.

13.10 City Vehicles
This section addresses assignment of City vehicles for business use, for home-to-work commuting and after-hours use, use of personal vehicles for City business, mileage allowances, general motor vehicle safety expectations, and reporting requirements for commercial vehicle operators as per RCW 46.25.030.

13.10.1 Applicability
This policy applies to all users of City vehicles or personal vehicles being used for business purposes, including regular employees, temporary employees, contractors, volunteers and citizens.

Subject to the duty to bargain, this policy is applicable to employees governed by a collective bargaining agreement.

13.10.2 Considerations for Assignment of City Vehicles for Home/Work Commute
City vehicles may be assigned to an employee on a 24-hour basis in order to enable the employee to respond to emergency situations. Assignments must be authorized by the City Manager and may be authorized on a continuous basis or for a specified time period. Under no circumstances is anyone other than an authorized City employee to be assigned a City vehicle.

Assignments may be authorized when:
- There is considerable workday usage of the vehicle; and
- The employee is frequently called out to duty during off-hours for emergency response; and
- The vehicle must be equipped with a radio, weapon or other equipment that cannot reasonably be kept in a personal vehicle; and/or
- As otherwise approved by the City Manager.

Each employee authorized a vehicle assignment under this section must maintain a record of after-hours calls requiring vehicle usage including dates, miles driven and the event or reason for the trip. Such record shall be maintained at the department level and approved by the department head or designee on a monthly basis. Such employees are also required to provide, to their supervisor, proof that they possess a valid motor vehicle operator’s license.

Employees operating City owned vehicles shall abide by all vehicle operation, inspection, and damage reporting standards developed and periodically updated by the City’s Safety and Risk Manager.

Smoking in City vehicles is absolutely prohibited.
Tax treatment of all vehicle assignments shall be subject to current IRS regulations.

13.10.3 Use of Personal Vehicles for City Business

City employees are authorized to utilize personal vehicles for business travel purposes subject to the following requirements and conditions.

Usage is subject to the approval of the department head. Employees may be required to utilize a City vehicle based on cost or safety considerations. Authorization may be given on a trip-by-trip or standing approval basis. Such employees are also required to provide, to their supervisor, proof that they possess a valid motor vehicle operator’s license and proof of current auto liability insurance.

Private vehicles being utilized for City business are considered official vehicles and must conform to the following requirements:

- The vehicle must meet legal requirements to operate on a public highway.
- The vehicle must be in sound mechanical condition and present no safety risks.

Except as otherwise arranged and/or approved by the City Manager, employees will be reimbursed at the IRS optional standard mileage rate allowance. The Finance Director shall periodically publish the reimbursement rate.

13.10.4 Personal Use of City Vehicles

Employees utilizing City vehicles on a continuing assignment or trip-by-trip basis are prohibited from using those vehicles for personal business except as provided herein. Unauthorized personal use of a City vehicle may result in disciplinary action, up to and including termination of employment.

Employees and their managers should exercise responsible judgment regarding the use of a City vehicle for personal purposes. Personal use of a City vehicle may be permitted, subject to the approval of the applicable department head, where the use serves the City's interests, results in negligible expense and/or is justified by compelling circumstances.

**Prohibited personal uses of a City vehicle include:**

- Personal trips or route variations for personal purposes adding significant mileage to the otherwise shortest distance of the business travel.
- Use of the vehicle to transport or store personal equipment outside of travel necessitated by business related activities such as attending a conference.
- Transporting unauthorized passengers for non-business related purposes.

**Permitted use of a City vehicle for personal use includes:**

- With advance approval of the department head, immediate family members of employees may ride with them to out of town business conferences and meetings.
- Car-pooling arrangements between City employees.
Employees with a City assigned vehicle are subject to current IRS regulations. Additionally, The City Manager may fix fees to be charged to employees receiving transportation to and from work in a City vehicle.

**13.10.5 Use of City Vehicles by Other Individuals**

Use of City vehicles by temporary employees or volunteers requires authorization from the department head. Temporary City employees and volunteers are subject to the applicable provisions of this policy.

Interagency use of a City vehicle requires authorization from the department head. Use of a City vehicle under an interagency agreement is subject to the provisions mutually agreed upon by the agencies involved.

**13.10.6 Motor Vehicle Operator Requirements**

Use of a City or personal vehicle for business purposes is contingent upon meeting the following conditions and requirements:

Department heads or their designees will provide Risk Management with the names of their employees who are authorized to drive a personal or City vehicle on City business, including those who hold a Commercial Driver’s License (CDL).

To be eligible to operate a motor vehicle, City-owned or personal, for business purposes, employees must provide to their supervisor proof that they possess a valid driver’s license. As appropriate, employees operating a personal vehicle to conduct City business will also be required to provide proof of current auto liability insurance.

Risk Management will annually verify employee eligibility to operate a motor vehicle as appropriate and will notify the department head of any employees who become ineligible to operate a vehicle under this policy. Information obtained from this process will be kept strictly confidential and will be shared only with those that have a legitimate business need to know. Those deemed ineligible to operate a motor vehicle will be evaluated on a case by case basis – generally options to be considered when an employee is deemed ineligible include removal from motor vehicle operation until the person is deemed “eligible” to do so, job reassignment, or evaluation of their continued employment (where driving is an essential job function).

An employee required to operate a motor vehicle to carry out their job duties, whose operating license is suspended, revoked, or canceled, must notify his or her supervisor within the next business day. The supervisor will notify Risk Management immediately.

Employees that utilize non-assigned City vehicles will be required to present their driver’s license to the Department head or designee each time they check out a City vehicle.
13.10.7 Accidents and Citations

In the event that an employee has a motor vehicle accident while on City business, the department head, after consulting with the Human Resources Department, may require such employee to submit to a post-accident drug and alcohol screen.

Employees are fully accountable to operate vehicles on City business in a legal, safe and prudent fashion and are subject to appropriate corrective action for failure to do so, up to and including termination.

Citations, to include parking violations, are the responsibility of the vehicle operator. Citation fines shall be paid promptly by the offending employee and in accordance with the regulations of the specific jurisdiction. The City may provide the appropriate authority with the name of the employee operating a City vehicle that is observed speeding via Photo-Radar so a citation can be issued to the driver.

Employees shall report moving violation citations that occur while operating a vehicle for City business within 24 hours of occurrence. Employees will notify their immediate supervisor, who, in turn, forwards the report to Risk Management.

13.10.8 Commercial Motor Vehicle Operator Requirements

In addition to the conditions and requirements for all motor vehicle operators, employees who hold a Commercial Driver’s License (CDL) and operate equipment requiring such credential on the job are subject to the following additional requirements:

- Department heads or their designees will provide Risk Management with the names of their employees who hold a Commercial Driver’s License (CDL).
- CDL holders shall provide a signed “Request for Abstract of Driving Record” to Risk Management prior to a job assignment requiring a CDL.
- Risk Management will annually obtain an Abstract of Driving record to verify employee eligibility to operate a commercial motor vehicle.
- CDL holders must report to their immediate supervisor, in writing, any and all motor vehicle violations of a state, municipality or federal government or of a province or territory of Canada, other than parking violations, within thirty days of the date of conviction.
- CDL holders who are disqualified from driving a commercial motor vehicle by any state shall notify his or her supervisor within the next business day. The supervisor will notify Risk Management immediately.
- Risk Management will notify the appropriate department heads when it is determined that an employee does not have an acceptable driving record.
- The requirements of the Uniform Commercial Driver’s License Act will be used as the grounds for being disqualified from driving a commercial motor vehicle for the City.
- CDL holders who are disqualified from driving a commercial motor vehicle are not allowed to drive any commercial motor vehicle on City business until the CDL is reinstated.
• Job applicants that have been extended an offer of employment for a position that requires a CDL will be required to provide the City with an Abstract of Driving record prior to commencing employment.

If the City requires an employee, as an essential function of their duties, to obtain a Commercial Driver’s License (CDL) with proper endorsements, that employee shall do so in accordance with State and Federal regulations.

For employees required to obtain and retain a CDL with proper endorsement, the City agrees to the following:

• The City agrees to pay the cost of all training required by state and federal regulations. The City will provide or arrange for the CDL training one time only. Any additional training and attempts to successfully pass the various exams will be paid by the employee. Should the employee fail to successfully pass the license exams within three attempts, the employee shall reimburse the City the cost of the training paid for by the City. This provision may be waived by the department head at his/her sole discretion contingent upon the employee successfully passing the required examinations and obtaining a CDL within a reasonable period of time after completing the City-provided training. Except under extenuating circumstances, reasonable period of time shall generally mean ninety (90) days following completion of the City-provided training.

• The City agrees to pay the cost of the CDL physical examination administered by the City’s contracted provider and as required by law. If the employee elects to obtain the required physical elsewhere then the City will pay for any co-payment required by the employee’s insurance company up to fifty dollars ($50.00). The City will pay the cost of one CDL physical examination per new license or license renewal. Should the employee fail the CDL physical examination, the employee shall be responsible for the cost of all further or repeat examination costs to obtain the new license or license renewal.

• The City will pay the costs of the required written exams and driving tests for the required license and endorsements. Further, the City will provide or pay the cost to provide a vehicle appropriate for the employee to take the driving tests. Should the employee fail to pass the driving test(s) within the number of attempts included in the testing fee and the fee paid to provide a suitable vehicle for the driving test, the employee shall pay the cost of providing an appropriate vehicle for all additional re-tests.

• The City will pay the CDL license fee (first time fee and renewal) and the fees for any other required endorsements and related testing.

• The employee is responsible for obtaining and paying the fees for their own basic Washington State driver’s license, and for all endorsements not required by the City.

• The City is not responsible for renewal of lost cards.
Employees are responsible for:
1. Passing the knowledge test
2. Passing the skills test
3. Paying for the cost of re-testing if they fail to pass on the three attempts provided by the initial City-paid written exam fee.
4. Passing the physical exam, which will include a urinalysis.
5. Paying for all required costs if they lose their card.
6. Maintaining their license and endorsements as a requirement of their employment with the City.

The value of the CDL training, education, certification, and license furnished by the City to the employee is significant. In the event the employee should voluntarily terminate his or her employment by the City prior to the expiration of three (3) years from the date of completing the training, the employee shall repay to the City as follows:

1. If such termination occurs within 24 calendar months of the date of completing the training, the employee shall pay the City the entire amount of the CDL certification costs identified above.
2. If such termination occurs after 24 calendar months but within 36 calendar months of the date of completing the training, the employee shall pay the City the sum equal to 75% of the entire amount of the CDL certification cost identified above.
3. Payment to the City shall be made within thirty (30) days after the date of voluntary termination. The City is authorized to withhold from any salary or any other amounts owing to the employee by the City, up to the total sum identified.
4. In the event the City should incur any costs of collection, including attorney’s fees and/or court costs, the amount thereof shall be added to the amount owing to the City by the employee.

13.10.9 General Motor Vehicle Safety
It is the responsibility of all employees who operate motor vehicles while conducting official City business to operate the vehicle in a lawful, safe and prudent manner.

Motor vehicle safety expectations shall be under the direction of the Safety and Risk Manager and each department head or their designee, who will document and direct matters involving motor vehicle safety. This includes violations of the Uniform Commercial Driver’s License Act, applicable to Commercial Vehicle operators.

City Departments may have additional requirements for the safe operation of motor vehicles. Further, the Finance Director and/or Risk Manager will establish minimum City standards.
with regard to operation of rental vehicles to carry out official City business to include the City standards and expectations regarding the purchase of optional insurance coverage offered by such rental agencies.

### 13.11 Electronic Communications Standards

This section sets forth the City’s general standards regarding use of electronic communication, primarily electronic mail and the Internet. The policy exists to ensure that the City’s use of these forms of communications is professional and appropriate and contributes to organizational effectiveness.

This policy is primarily directed toward use of Email and external communications through the Internet or other on-line services. To the extent that other applications, e.g. Microsoft Outlook Scheduler, provide electronic communications capability its provisions apply to them as well. The policy addresses three core areas:

- Propriety standards -- inappropriate materials and communications; and
- Personal usage standards -- restrictions on use of these media for personal communications; and
- Productivity standards -- ensuring time and activities devoted to electronic communications, especially the Internet, are appropriate in light of other duties and responsibilities.

The policy applies to all employees – those not governed by a contractual agreement, union members, and temporary/seasonal employees, as well as consultants, contractors, volunteers, or others who are acting as agents of the City in their communications. Except as otherwise stated in the agreements governing “City Provided Computers In The Home” the terms of this policy are also applicable to individuals that have been provided a home computer to conduct official City business.

#### 13.11.1 Background

Communications with others via electronic mail takes on a far less formal tone than business communications via memoranda, reports and letters or even the telephone. Email is analogous to leaving a note, albeit an electronic one. It can cause users to share thoughts they otherwise wouldn’t or to express them in informal and sometimes inappropriate ways.

Secondly, the ease and speed of Email provides the opportunity and temptation to make use of the medium for personal communications or inappropriate materials -- off color jokes for example. Internet connections create easy access to materials that range from being inappropriate in the work place to obscene or unlawful.

Finally, access to the Internet and World Wide Web create time management challenges in that time devoted to these activities must be balanced with other priorities. Employees and their managers must exercise caution as to the relative priority of external electronic communications in relation to other work demands.
13.11.2 Official Materials
Electronic communications and electronic files are considered official, business communications and are the property of the City -- not the employee. The City has the absolute right to examine electronic communications i.e. Email at any time, just as an employer may direct, control, and review other aspects of an employee’s job. Information Technology employees, because of the nature of their job duties, have the technical ability to read the electronic mail and review Internet usage of any employee of the City. The policy, however, is not to do so unless directed by City management, or unless required in the maintenance of the electronic communications system. Even deleted Email messages are recoverable, often months or years after the communication.

13.11.3 Security
Even though electronic mail is not completely private, much of the information in electronic mail is not subject to public disclosure, and must be accessible only to those with a need to know. This includes personnel-related information, information pertaining to litigation, and any other specific data not normally subject to public disclosure. Effective password protection is the best defense against unauthorized access to electronic mail. Passwords are assigned to each user of the mail system. Users are advised to change their passwords no less than once a month and to keep their passwords completely private.

13.11.4 “Broadcast” Mail
The electronic mail system is available to post items which may be of general interest to all electronic mail users; however, such broadcast mail (mail sent to all users) shall not be utilized unless the information is imperative and cannot be conveyed through any other means.

13.11.5 World Wide Web –Public Forum
Internet access to specific sites, participation in news or discussion groups, or other use can generally be monitored from both within the City’s computer network system organization and by individuals external to the City. All activities on the Internet using access provided by the City of Longview should be performed assuming that those activities will be monitored by citizens and may be monitored by City staff.

Obtaining Access to the Internet
Internet usage within the City shall be relevant to the job, which the user is expected to perform for the City and to enhance the value or productivity of that job. Access will be granted as approved by the appropriate department head.

13.11.6 Acceptable Business Use
Acceptable business use of the Internet varies depending on the nature of an employee’s job duties. For example, a Librarian would be expected to visit a wide range of sites while an engineer may have legitimate reason to access a smaller subset of Internet sites.

It is possible to accidentally venture into material which you or others may find personally offensive or which violates laws. If that occurs, you are expected to immediately back out of such a site and return to acceptable uses of the Internet per this policy. The City cannot be held liable for your contact with information or graphics you may not desire to contact -- we cannot control the content of the Internet.

13.11.7 Electronic Mail between City Employees and City Council-members
With the exception of department heads, City employees are prohibited from sending electronic mail to City Council members without prior approval of the City Manager. Further, if there is a need for an employee to communicate with a City Council member electronically, the employee’s department head shall obtain the necessary approval rather than the employee.

Public Meeting Act Applicability
The Open Public Meetings Act in Washington requires meetings of elected officials to occur in public. Some Internet chat or other communication allows concurrent discussion between and among individuals to occur on the Internet. Any Email, chat, telephony, or other interactive feature that allows four or more council members to communicate at the same time should be considered a public meeting.

13.11.8 Public Access
It is the policy of the City to make all information, which is public information available as appropriate, in accordance with RCW Chapter 42.17, Disclosure. Requests for electronic mail shall be given a prompt response; however, such requests must be specific and should be reviewed by the City Attorney before a response is provided. General requests such as “All Council Email for May” are overly broad, and a response cannot be reasonably provided.

RCW Chapter 42.17 provides that the City may pass along the cost of copying the requested information to the person making the request. Individuals requesting copies of electronic mail shall be charged the standard rate for providing copies, i.e., $0.10 per page. In no case shall media representatives or individuals who are not City employees be given direct access to the City computer system, except in areas of the system devoted specifically to public access.

13.11.9 Downloading or Uploading Files and Use of Software
Computer programs are not to be downloaded or installed without express permission from the Information Technology Department. This includes licensed or unlicensed software, games, freeware, shareware, updates, music, movies, graphics or other Internet programs.
Any of the above may be subject to copyright law, trademark, license agreement or other implicit or explicit legal agreements.

13.11.10 Propriety Standards
Employees are accountable for their use of electronic communications just as they are for other conduct and communications at the workplace. The City will view the propriety or impropriety of any communications on the basis of how it would have been perceived and dealt with had it been conducted by phone, in-person or “paper” communications.

Employees are prohibited from communicating via electronic media in a way that would be unacceptable in other official communications forums such as use of inappropriate language. While language standards may vary somewhat from unit to unit within the City, those standards apply equally to electronic communications.

Employees are also prohibited from sending messages or possessing materials that would generally be considered to be inappropriate in the workplace. This includes any material of a sexual nature such as jokes, posters, pictures or sexual communications. Employees may not access or download materials from Internet sites that are inappropriate based on the above standards.

Finally, communications that would be inappropriate under other policies -- sexual harassment, racial comments, religious or political solicitations, insubordination, breaches of confidentiality etc. are equally unacceptable if delivered via electronic communication.

13.11.11 Personal Usage Standards
The City’s policies regarding personal use of Email and other electronic communications tools and channels are the same as those that are applicable to traditional written communications tools and resources -- computers, the intra-City mail system, bulletin boards etc. The policy prohibits personal use of City equipment, work time and supplies. However, it provides that employees will not be disciplined for negligible and minor personal use of City time and equipment and reasonable judgment should be applied to individual circumstances. The same philosophy applies to Email and internet usage.

The “deminimus” (too minor to warrant concern) standard would mean that some personal communications, while not sanctioned, are not prohibited by the policy. Generally, this would include such uses as adding a personal comment to an official Email, sending a short personal note to a few colleagues or other personal interactions that are routinely a part of day to day business interaction and the only change is the use of electronic media.

The appropriateness of any particular electronic communications or activities should be measured by three factors -- the number of addressees, the scope of the message or activity, and the content or purpose of the communication. For example, use of mass mailings to distribute a personal announcement would be inappropriate, as would elaborate personal messages to a single or small group of users.
As permitted by the appropriate department head, employees may be permitted to “surf the net” or otherwise utilize electronic communications for personal reasons provided such activity does not occur during the employee’s regular work time. In general, employees shall not utilize electronic communications for personal business during the regularly scheduled work shift. Rather, personal use shall be limited to before and after the scheduled work shift.

13.11.12 Productivity Standards

Employees are generally accountable to their supervisors and managers as to the allocation of their time and the prioritization of work activities. Electronic communications and particularly Internet access can create opportunities and temptations and these activities must be prioritized and managed in relation to other work demands. While exploring the Internet for professional resources may qualify as “City business,” the types of activities and the proportion of time devoted to them are subject to management review and approval. As these vehicles become available, managers should set and communicate standards and expectations at the department and employee level relative to Internet and Email activities.

13.11.13 Policy Violations

Use of City-owned computers for electronic communications, to access the World Wide Web and any other Internet or electronic information system is a privilege and not a right. Such privilege requires strict adherence to the policies expressed herein.

Violations of this policy may lead to revocation of Internet access and/or appropriate disciplinary action, up to and including termination of employment.

13.11.14 Cell Phone Use & Allowance

Department Heads shall determine which employees shall receive a City owned Cellular phone to assist them in carrying out their established job duties and supervision responsibilities. Generally, eligible employees shall have field responsibilities, be subject to emergency calls, and/or shall have supervision responsibilities of employees that meet these criteria. Refer to Information Technology Cell Phone Use & Allowance Policy.

13.12 Travel Expenses

13.12.1 Budgetary Guidelines

It is the policy of the City to support travel and training expenditures as necessary to accomplish department goals and objectives. Additionally, an investment in employee training and development is necessary to ensure that all staff remains current in the knowledge, skill and abilities required of their positions. Budget proposals and expenditures for travel and training expenses will be considered in the context of competing demands for funds in other areas including personnel and equipment, capital improvements, etc. Annual travel and training budgets should relate to the size and makeup of the department's employee population.
Travel expenses when authorized may be paid through one or more of the following methods: the City’s advance travel fund, use of a City credit card, through the voucher accounts payable system, and/or by reimbursement to employees who have paid the expenses themselves.

**Expenditure Guidelines and Approvals**

Individual expenditures should be considered carefully to ensure that training and travel expenditures represent a cost-effective investment. Programs that provide immediate, practical skills at the least cost should be favored. Other factors to be considered include:

- The cost of training in relation to the travel and accommodations expenses.
- Economy of scale, i.e., sending one employee to attend and return to train others.
- Maximizing discount opportunities by using Internet resources such as [www.expedia.com](http://www.expedia.com), [www.orbitz.com](http://www.orbitz.com), [www.travelocity.com](http://www.travelocity.com) or [www.priceline.com](http://www.priceline.com) to obtain lower airfares, less expensive lodging, etc.
- Alternative training sources; i.e., interactive computer tutorials, ordering only the reference materials for the course, etc.

Generally, all training opportunities and associated travel costs should be pursued within the state of Washington, the Portland metropolitan area or other locations within the region of equivalent distance and cost. City management will consider exceptions to this guideline for programs that are not available within the area, activities that are less costly than regional travel, or to allow senior managers and officials to participate in the national programs of their respective professional associations.

**Approval procedures**

- All planned travel and training expenditures must be approved in advance by the department head or his/her designee.
- The City Manager/Assistant City Manager’s advance approval is required for all travel and training expenditures approved by the department head that require travel outside the state of Washington or Portland metropolitan area, result in the need for overtime (including backfill), and/or are estimated to exceed a cost of $1,000.
- Requests that do not require out of area travel, overtime, and/or are estimated to cost less than $1,000 do not require City Manager approval.

**13.12.2 Travel Expenses**

**Key Travel Expense Considerations:**

- **Dates/Travel Time.** Will changing your travel dates such as staying overnight Saturday dramatically reduce the cost of airfare? Is the cost benefit still evident if you factor in additional hotel and meal costs? How about the extra time you will be missing from work and related staff coverage costs?
- **Hotel/Lodging.** If the conference/training activity is being held at a hotel, are the hotel costs reasonable? Could you obtain a cheaper government rate by calling the hotel directly to book your reservation? Can you reduce lodging costs by staying at a different hotel that offers shuttle service to/from the training event?
• **Transportation.** Search for the most economical transportation fares by use of advance purchase of tickets and obtaining competitive quotes from Internet travel discount sites (previously referenced) and local travel agencies.
  
  o Is a rental car necessary? Many hotels have free shuttle service to and from the airport. Is mass transit an option?
  
  o If a rental car is necessary, search for the lowest cost option. The City has an established contract with Enterprise Rent-A-Car, Corporate Class Account Number G24416, but you may identify a lower rental rate through a different provider. Further, when a rental car is required, training participants should stay at a less expensive hotel within 10-20 minutes of the training site unless related expenses such as parking would mitigate the cost savings of doing so.

• **Communications.** Verify that cellular phone coverage, pager or long-distance calling charges are reasonably inexpensive before using these services. Wireless roaming costs and phone calls placed during peak calling times could be cost-prohibitive. Less expensive long-distance calling options should be used whenever possible, such as use of SCAN calling cards or prepaid discount calling cards to place business-related calls.

### 13.12.3 Allowable Expenses

**Allowable expenses (detailed receipts required) include** meals; 15% restaurant gratuity; air fare; travel to and from the airport in personal vehicle, rental car, taxi, bus, train, and/or mass transit; baggage checking; business phone calls and FAX transmissions; business postage; conference registration fees; currency exchange fees/surcharges, and other similar direct business expenses.

**Personal Mileage/Parking:** Total amounts allowed for travel on a trip involving air travel includes personal vehicle mileage to and from the airport from City Hall or the individual’s residence if the residence is out of the city limits, whichever is closer, and the cost of parking the vehicle at the airport; or the cost of round trip limousine service or vehicle mileage for drop off and pick up from the airport if less costly than driving and parking the personal vehicle.

When personal mileage is claimed for a trip, the reimbursement shall be based at the rate per mile currently adopted by the IRS; however, the total reimbursement shall not exceed the amount of the round trip coach class airfare if available for the same trip. Employees are encouraged to travel in one vehicle when more than one person is attending the same function, and to utilize a City-owned vehicle whenever possible.

**Meals/Per Diem Rates:** The City provides for meal expenses in two different ways: in advance on a per diem basis, or reimbursed based on actual expenses incurred if accompanied with detailed receipts, subject to the following limitations. The reimbursement limit on each meal, including the maximum 15% gratuity, is $3 more than the established per diem rate. The receipt method must be used when paying for meals of other individuals.

When attending a conference or seminar where some of the meals are included in the price of the registration, the per diem allowance will only include the meals that were not part of the registration.
The established per diem amount is $45 per day*. The per diem amount for partial days is based on each meal as follows:

<table>
<thead>
<tr>
<th>Meal</th>
<th>Per Diem Rates*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breakfast</td>
<td>$9</td>
</tr>
<tr>
<td>Lunch</td>
<td>$12</td>
</tr>
<tr>
<td>Dinner</td>
<td>$24</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>$45</strong></td>
</tr>
</tbody>
</table>

*The per diem amount for major metropolitan areas shall be based at the per diem rate established by the IRS.

Reimbursement for meals is intended for activities that occur outside of Cowlitz County, and only when the duration of such activity occurs for more than half of a business day. Payment for meals or a City provided meal is also permitted when it is a necessary part of an in-town business or staff meeting that could not otherwise be practically conducted at any other time than during a meal.

13.12.4 Non-Allowable Expenses

Non-allowable expenses include air/train fares or other transportation costs higher than the lower fare options available (unless advanced approval is received from the appropriate department head); personal entertainment; reimbursement for loss/damage/theft of personal property; expenses of spouse, family or other persons not authorized to receive reimbursement under this policy; beauty parlor/barber shop charges; rental car, airline or other trip insurances; personal postage; personal reading material; personal telephone calls (except one 15-minute call home per day outside of peak calling times); personal toilet articles; alcoholic beverages; cleaning/pressing of clothing unless stay exceeds five days; and other similar non-business related personal expenses.

Exceptions to these guidelines may be made by the City Manager.

Procedures for business expense reimbursements and payments are addressed in the City’s general procedures and guidelines as distributed by the Finance Department.

13.12.5 City-Sponsored Training and Business-Related Expenses

This section addresses reimbursable expenses when the City is sponsoring a business-related activity where travel out of the area is not required; i.e. onsite training functions, employment selection processes, or business activities with outside entities for economic development purposes. If the activity is scheduled to last longer than half of the business day and naturally overlaps into a meal period, then it may be appropriate to provide a meal or refreshments to those in attendance. Such expenses are permitted with advance approval of the appropriate department head.
Business expenses and activities related to the City’s economic development endeavors and activities with industry groups and private sector organizations fall under the direction of the City Manager. Expenses and reimbursement requests related to such activities i.e. food, light refreshments etc. to be provided during said activities must be authorized in advance by the City Manager.
Section 14 - Miscellaneous Policies

14.1 Smoking
Smoking is prohibited in all indoor City facilities, buildings, vehicles and within 25 feet of building entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited as defined in RCW 70.160

14.2 Employee Indemnification
The City shall protect, defend, hold harmless and indemnify for any damages, including court ordered attorney's fees, all current and past officers, employees, elected officials and their respective marital communities against any and all claims or causes of action which arise as a result of alleged acts or errors and omission occurring within the scope of their duties and responsibilities or employment with the City. Provided, the City may elect not to provide indemnification for acts not undertaken in good faith, official acts of misconduct, for the defense of the right to hold office or if the employee fails to fully cooperate with the defense of such action. If the City Manager makes such determination, the employee shall be notified of such decision and shall have a right to meet with the City Manager prior to the decision being final.

Legal services will be provided as deemed appropriate by the City Manager.

14.3 Outside Employment
Outside employment is permitted to the extent that it does not present an actual or potential conflict of interest or the appearance of a conflict and if the outside employment has no negative impact on the employee’s job performance or effectiveness in their City role. The following restrictions and procedures apply:

The hours of work must not infringe upon or overlap the assigned hours of work for the City position.

City equipment, supplies or working time must not be used.

There can be no conflict between the purpose or duties of the outside employment and the position held with the City or the interests of the City department.

Employees engaged in or contemplating outside employment that may potentially be in violation of these standards must notify their department head of the role and organization for who they are employed or contemplating employment. The manager may request information, as necessary, to determine whether the employment represents a conflict as provided herein.

If, in the judgment of the manager, a conflict is determined to exist the employee shall be notified of the disapproval and may be subject to disciplinary action if he/she continues to engage in the outside employment without authorization. Conflict situations may be remedied through mutually acceptable changes in the hours, duties or role of the employee in his/her City or outside employment.
14.4 Political Activity
Political activity shall not be permitted on City time nor shall any City employee be required or permitted to expend any time, effort or money on any political activity as a condition of employment.

No person shall solicit any financial contribution or other support from City employees on City property, during working hours or through the use of City equipment and facilities.

Discrimination for or against a City employee based upon political views or affiliations is prohibited unless such affiliation or support is found to be a bona fide consideration in the quality and effectiveness of their job performance and contribution to the organization.

14.5 Solicitations
The general policy of the City is that any solicitation of employees that makes use of City work time, equipment, facilities or resources is prohibited. It is also the policy of the City to prohibit activities that would provide any particular organization an advantage or preference over another in its access to City employees. Even if the vendor offers attractive products, services or discounts for City employees, it is not appropriate for the City to provide an advantage to any particular vendor. The same holds true for charitable campaigns.

Toward that end, the following rules apply:

- Solicitation for any non job-related purpose of employees during work hours or through the use of City equipment and facilities is generally prohibited. This prohibition extends to any of the City's communications tools: mail systems, voice mail, telephones, etc.
- An employee who wishes to solicit or distribute literature to other employees by or on behalf of any individual, organization, club or society, may do so only during break periods and with the authorization of his/her immediate manager and the manager of employees of the work area in question. Managers should interpret this rule with reasonable flexibility. The City does not wish to ban or prohibit minor activities such as employees selling candy bars or raffle tickets to coworkers to raise funds for a child's soccer team provided no undue pressure is placed on co-workers to buy or financially support said activity.
- Non-employees, including commercial vendors and charitable organizations may not solicit employees or distribute literature on City property at any time. The City will consider and authorize certain exceptions to this policy and will officially sponsor certain activities as it determines appropriate. Approval for exceptions must be obtained from the City Manager.
- Within reason, the City will make literature or information available to employees through the Human Resources Department but will not directly distribute information to employees. For the purposes of this policy, employee lunchroom and break area is considered as non-work areas.
- The City reserves the right to reject any and all materials or offerings based upon their legitimacy and suitability.
14.6 Bulletin Boards
City bulletin boards are designated for the official business use of the City and the City retains the exclusive right to determine the appropriateness of any use of or the materials to be posted. Use of bulletin boards for commercial or political solicitation is prohibited. All other uses require the approval of the responsible department head or his/her designee.

14.7 Health and Safety
The City of Longview recognizes the need to maintain a healthy and safe working environment for all employees. Responsibility for health and safety matters is shared between the City’s designated safety official and the respective department heads. Specific safety policies and guidelines can be found in the City’s Safety and Health policies and individual Department policies.

14.8 Business Attire
All employees through the course of their work are representing the City of Longview. As public servants of our community, it is imperative for employees to represent themselves in a professional manner as expected by our employer- the citizens of Longview.

With the exception of formal City functions, official ceremonies and business transactions where formal attire is most appropriate, the City supports a “business casual” work environment. Civil Service employees are further subject to the appearance and uniform standards as directed and approved by the Fire and Police Chiefs. Individuals employed in management, supervisory, or public safety positions will be held to a higher overall standard due to the nature of their role in the organization and interaction with the public.

In general terms “business casual” can be defined as items that are generally conservative in style/length/cut, clean and in good condition/repair, pressed as appropriate, and an appearance that is suited for the work to be performed, and appropriate to serve the public as a representative of the City of Longview. This same general philosophy extends to personal appearance and decoration as well, i.e., hair length and color, tattoos and body piercing.

The City recognizes it is impossible to develop an all-inclusive guideline and that it may be appropriate to deviate from these guidelines based on bonafide religious or cultural or other equal employment considerations. As a result, the City encourages employees to solicit input or clarification from their supervisor regarding attire or personal grooming preferences. Employee requests to be exempted from a specified guideline based on religious, cultural or other legally protected attribute should be submitted in writing to the Human Resources Director for review.

Employee appearance and grooming guidelines include the following:
- Hair color shall be shades limited to colors naturally occurring in humans.
- Hairstyle and length shall be neat in appearance and safe for the work to be performed.
- No visible body piercing i.e., tongue, face.
- No visible tattoos above the neck (this does not apply to cosmetic facial coloring).
- Visible ear piercing is permitted to the extent it is not overly excessive or distracting, and does not pose an unsafe working condition.
• Personal attire, jewelry, grooming, tattoos, and fragrance should not distract attention from business transactions or be disruptive to work environment activities.

Examples of suitable business casual attire includes:
• Full-length trousers/slacks; shirts with collars; dress shirt/blouse; sport coat/blazer; sweater/cardigan; and dresses or skirts (shorter lengths should not be more than two to three inches above the knee).
• Shoes (with appropriate hosiery) worn should provide adequate foot protection, traction, and support for the work to be performed.
• Garments worn in observance of religious beliefs.
• City provided uniforms (as applicable) or garments provided by the City with official Emblems or Logos imprinted.
• Shirts without print. Shirts worn with print shall not contain pictures, images, insignias, lettering or logos larger than three inches in height and/or width.
• Fridays are designated as a casual attire workday. However, consideration should be given to scheduled business events/meetings to ensure business appropriate attire is worn. Examples of appropriate casual wear includes blue jeans, casual shirts with art/decoration, athletic shoes tennis shoes/sneakers are acceptable provided they meet the same general definition of "business casual" as defined above.

Examples of inappropriate attire in City office areas includes:
• Clothing that does not fully conceal undergarments or cover the full torso.
• Clothing that is extreme in fit- excessively tight or loose/baggy.
• Strapless dresses or shirts (worn without cardigan, blazer etc.)
• Shorts (except as otherwise permitted by department-specific rules)
• Clothing (to include hats) with statements, captions, or print that could be construed to be offensive, unprofessional, or inappropriate for official City functions or related business activities.
• Items that are in poor condition i.e. damaged, stained or torn.
• Sweats or athletic attire except as otherwise promoted or encouraged via official City activities such as a wellness day, golf tournament, civic events, etc.

Employees who report to work in attire or with an appearance that is offensive, inappropriate to accomplish their work, or to provide service to the public may be subject to appropriate corrective action, which can include being sent home (unpaid time) to obtain appropriate work attire.

14.9 Nepotism
The City will not permit employment situations in which a conflict of interest is created based upon family or personal relationships. A conflict of interest shall be deemed to exist when any employee has the authority or practical power to exert favorable or unfavorable influence over the employment or treatment of a relative or other personal relationship. This would include the authority to supervise, appoint, terminate, discipline or to review or audit the work or to award
contracts or other City resources. (see Washington Administrative Code 162-16-150) For the purposes of this section a conflict may be determined to exist based upon an actual or potential conflict or the appearance thereof.

Employees who become related or otherwise involved such that the relationship would create a potential conflict of interest must notify their respective department head. The responsible official shall make such changes as are necessary to preclude the conflict of interest and the employees will be allowed a "grace period" in which to change work responsibilities, supervisors, or positions in order to comply with the intent of the policy. The grace period shall be for no longer than ninety (90) days.

In addition to the above provisions, all employees are prohibited from attempting to intervene in or influence the City’s treatment of other employees or business contacts when a family or personal relationship exists between them and the other party. Similarly, the City will deal directly with and only with its employees and will not handle employment issues or disagreements with anyone other than the employee, or, if authorized, his/her official representative.