



Employee Guidelines




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1 PURPOSE AND GUIDELINES DISCLAIMER

1.1 GENERAL PURPOSE

These guidelines are enacted by the City of Federal Way in order to further the following goals:

- To provide a uniform system of personnel administration throughout the City service.
- To ensure that recruitment, selection, placement, promotion, retention, and separation of City employees are based upon employee qualifications and abilities, and are in compliance with federal and state laws.

1.2 SCOPE

These personnel guidelines shall apply to all City employees except elected officials, and independent contractors. In the event of conflict between these guidelines and a written employee contract, City ordinance, state or federal law, the terms and conditions of that contract, rule, or law shall prevail. In all other cases, these guidelines shall apply.

In the event of the amendment of any ordinance, rule, or law incorporated in this document or upon which these provisions rely, these guidelines shall be deemed amended in conformance with those changes.

The personnel guidelines contained in this Employee Guidelines manual are designed and intended to be general in nature. These guidelines may be amended or exceptions to them made by the Mayor or his/her designee for any reason at any time. These guidelines are not intended as, nor should they be construed to create, terms of an express or implied contract of employment at the City of Federal Way or any type of promise or guarantee of specific treatment. Except as may be otherwise provided by express written agreement signed by the Mayor or his/her designee, all employees serve at the discretion of the Mayor or his/her designee and all terms and conditions of employment at the City of Federal Way are subject to change without notice at any time, provided however that the City acknowledges the importance of progressive discipline as described in section 11.4 of this manual.

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2 DEFINITIONS

2.1 EMPLOYEES

Exempt Employees

For purposes of the Fair Labor Standards Act (FLSA), an exempt employee is any employee who acts in a bona fide executive, administrative or professional capacity, as determined by Human Resources. Exempt employees are paid on a salary basis and are not subject to FLSA overtime provisions.

Non-Exempt Employees

A non-exempt employee is any employee in a position not designated exempt as defined above. Non-exempt employees are subject to the overtime provisions of the FLSA.

Regular Full-Time Employee

Any employee hired for an indefinite period of time in a budgeted, authorized position, who works forty (40) or more hours/week on a regular year-round schedule.

Regular Part-Time Employee

Any employee hired for an indefinite period of time in a budgeted, authorized position who works less than forty (40) hours/week on a regular year-round schedule. This includes job sharing employees.

Temporary/Hourly Employee

Any employee hired to work a fixed or flexible schedule of hours for a specified period of time, or an employee who is hired on an intermittent or as-needed basis, which will include, without limitation,

1. Grant-funded projects: These employees will be involved in projects or activities that are funded by special grants for a specific time or activity. These grants are not those that are regularly available to, nor are their receipt predictable, by the City.
2. Information systems technology projects: These employees will be needed to plan and implement new information systems for the City.
3. Capital improvement projects: These employees will be involved in the management of construction projects.
4. Miscellaneous projects: Other significant and substantial bodies of work may be appropriate for temporary/hourly employees. These bodies of work should be either non-routine projects for the department or related to the initiation or cessation of a City function, project, or department.
5. Seasonal positions: Employees who work in positions that, due to the nature of the work, have predictable periods of inactivity exceeding one month.

6. Temporary placement in regular positions: Employees who fill regular positions due to a regular employee's temporary absence such as extended leave or during the recruitment and selection process for a regular position.
7. Lifeguards, Recreation Instructors and Building Supervisors: These employees work a limited number of hours per week in a quarter and, depending on enrollment, may be employed for several quarters during the year.
8. Internships/Job Training Programs: Employees hired to work in a position for the purpose of gaining practical experience related to his/her course of study in an undergraduate or graduate school program, or other type of formal job training program.

Temporary/hourly employees are in probationary status and can be terminated at any time with or without cause, and are not entitled to any of the procedural rights contained in the Employee Guidelines. Temporary/hourly employees are paid on an hourly basis and receive worker's compensation, unemployment, and social security benefits.

Temporary/hourly employees who fill positions requiring seventy (70) or more hours per month for five (5) or more months in a year on an ongoing basis, will participate in the Public Employees Retirement System (PERS), which requires employer and employee contributions. It is the responsibility of the hiring supervisor and Human Resources to determine PERS eligibility at the time of hire, and to monitor all temporary/hourly positions so that PERS membership requirements are met. Human Resources staff are available to provide assistance in determining PERS eligibility.

It is the intent of the City that temporary/hourly employees are used to adjust to changing department needs, for time-limited projects, or to provide assistance and/or services which are supplemental to regular City positions and require substantially fewer hours per week on an ongoing basis. When there are temporary/hourly employees doing work similar to work done by regular employees in a division or department, the supervisor is expected to annually evaluate regular staffing levels and to make appropriate recommendations to limit the use of temporary/hourly employees in the future.

2.2 PROBATIONARY PERIOD

All regular full-time and regular part-time employees are subject to a probationary period. The probationary period will be one year from the initial hire date with the City as a regular employee. Termination of employment during the probationary period may be with or without cause, and probationary employees are not entitled to the procedural rights contained in these Guidelines. The City may extend the probationary period and will notify the employee of the extension in writing prior to the end of the probationary period.

2.3 CHEMICAL DEPENDENCY

Addiction to alcohol or chemical substances of a prescription or illegal nature.

2.4 CONTROLLED SUBSTANCES

Those substances whose dissemination is regulated by state or federal law including, but not limited to, narcotics, depressants, stimulants, hallucinogens, cannabis and other drugs.

2.5 DRUGS

Any substance which, in the opinion of his or her supervisor, impairs an employee's ability to perform his or her job or which poses a threat to the safety of others. This definition includes prescription and over-the-counter medications.

2.6 WORK DAY AND WORK WEEK

The work day is defined as a consecutive twenty-four (24) hour period. For most employees, the standard work day consists of the period from midnight to 11:59 p.m.

The work week is defined as a fixed and regularly recurring period of 168 hours; i.e., seven (7) consecutive twenty-four (24) hour periods. The standard work week for most employees consists of the period from midnight Saturday to 11:59 p.m. the following Saturday.

2.7 JOB SHARING

A form of regular part-time work in which two or more people voluntarily share the responsibilities of one full-time position. Job sharing employees shall be considered regular part-time for the purpose of benefits.

2.8 FLEX-TIME

Work schedules that permit flexible starting and quitting times within limits set by the department director.

2.9 CITY

The City of Federal Way.

2.10 DAY

For purpose of these guidelines, Day is defined as a calendar day unless specified otherwise.

2.11 DOMESTIC PARTNER

A person whom a City employee identifies as his or her domestic partner by providing proof of registration as domestic partners with the Washington Secretary of State or by completing an Affidavit of Domestic Partnership will be provided the same consideration as an employee's "spouse" for purposes of these guidelines.

2.12 IMMEDIATE FAMILY

For the purpose of these guidelines, Immediate Family is defined as the employee's parent, spouse or domestic partner, children, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparents, grandchildren, aunt, uncle, step-relations equivalent to those listed, and no other persons.

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3 GENERAL GUIDELINES AND PRACTICES

3.1 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the City of Federal Way to treat all applicants and employees equally and without regard to race, religion, creed, color, national origin, sex, sexual orientation, age, the presence of a physical, mental or sensory disability, genetic information, marital or veteran status, or any other basis that is required by local, state, or federal law. It is also the desire of the City to reflect the diverse community that we serve. As an organization we are committed to seeking diverse applicant pools for our vacant positions and to creating a culture that promotes mutual respect, acceptance, cooperation and productivity among diverse people. Toward this end, racial, ethnic, religious or sexual slurs or comments demeaning national origin or individuals with disabilities by any employee to or about any employee, applicant, or the public will not be tolerated.

Violations of this policy may be cause for disciplinary action in accordance with section 11.4 of this manual and applicable laws.

Any employee who feels he or she has been subject to discriminatory treatment in violation of this policy should bring this concern to the attention of his/her immediate non-involved supervisor, department director, or Human Resources. A non-involved supervisor is defined as the first supervisor in an employee's department who is not the object of the complaint.

Any supervisor advised of such a concern shall immediately report all concerns to the department director and Human Resources. Human Resources will determine the appropriate course of action.

3.2 ANTI- HARASSMENT

It is the policy of the City of Federal Way that all employees should be able to work in an environment free from all forms of discrimination or harassment, including sexual harassment.

Sexual harassment is unlawful and violates federal and state law and the City's policies. Sexual harassment is a form of misconduct which undermines the integrity of the employment relationship. No employee shall be subject to unsolicited and unwelcome overtures or conduct, either verbal or physical. Sexual harassment generally is defined as the following:

- Any deliberate or repeated unsolicited sexual or gender-based conduct such as verbal comments, gestures, or physical contact which is unwelcome to the recipient, which causes the recipient discomfort or humiliation or which interferes with the recipient's work performance; or
- Any incident in which a supervisor uses implicit or explicit coercive sexual behavior or influence to affect the career, salary, or employment of another employee or prospective employee.

Sexual harassment does not refer to casual conversation or compliments of a socially acceptable nature. It refers to behavior that is not welcome and which is personally offensive, interfering with effectiveness or creating uneasiness on the job.

Such conduct, whether committed by supervisory or non-supervisory personnel, is specifically prohibited. This includes repeated offensive sexual flirtation, advances or propositions, continued or repeated verbal abuse of a sexual or gender-based nature, graphic or degrading verbal comments about an individual or his/her appearance, the display of sexually suggestive objects or pictures, or any offensive or abusive physical contact.

No individual should imply to an employee that lack of cooperation of a sexual nature would in some way negatively affect a person's employment, assignment, compensation, advancement, career development, or any other condition of employment.

Examples of conduct that the City of Federal Way prohibits include, but are not limited to:

- Epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts that are related to gender, sexual orientation, marital status, race, color, national origin, veteran status, creed, religion, age, or actual or perceived disability.
- Written or graphic material displayed, possessed or circulated in any City workplace (including vehicles) that denigrates or shows hostility or aversion toward an individual or group because of their gender, sexual orientation, marital status, race, color, national origin, veteran status, creed, religion, age, or actual or perceived disability.
- Intimidating, hostile, derogatory, contemptuous or otherwise offensive conduct or remarks that are directed at a person because of that person's gender, sexual orientation, marital status, race, color, national origin, veteran status, creed, religion, age, or actual or perceived disability.
- Retaliatory behavior such as making slanderous or libelous statements, withholding communication, information, resources, or employment benefits because of an individual or group's sex, sexual orientation, marital status, race, color, national origin, creed, religion, age, or actual or perceived disability.

Any of the above actions will bring prompt and certain disciplinary action, up to and including termination.

Reporting Procedures

If an employee believes that he/she is experiencing harassment of any kind, the following complaint and investigation procedure should generally be observed:

- If comfortable doing so, clearly inform the harasser that his or her behavior is inappropriate, offensive, unwelcome and should immediately cease.
- Bring the matter to the attention of the immediate non-involved supervisor within the department, the department director, or Human Resources. This should include the specific allegation, date of the occurrence, the individuals involved, and the names of any witnesses. A non-involved supervisor is defined as the first supervisor in an employee's department who is not the object of the complaint.
- The supervisor will immediately notify the department director and Human Resources. Human Resources will determine the appropriate course of action.

All complaints will be promptly and fairly addressed, and when appropriate, immediate corrective action will be taken. Human Resources or designee shall be responsible for investigating allegations of harassment based on protected class membership as covered in R.C.W. 49.60, and all sexual harassment complaints. Employees shall not be retaliated against because they have made complaints of harassment.

Management and Supervisory Responsibilities

Management and supervisory personnel of the City are responsible for being aware of the potential for harassment within their work unit and ensuring a work environment free from all types of harassment, including sexual harassment. Because of the potential for miscommunication, effects of morale, abuses of authority, and conflicts of interest, the City of Federal Way does not permit supervisors to have romantic or sexual relations with any person within their chain of supervision. This prohibition applies to all employees who have the authority or practical power to supervise, hire, terminate or discipline another employee, or who are responsible for auditing, evaluating or reviewing the work of another employee.

3.3 EMPLOYEE PRIVACY/PERSONNEL RECORDS/EMPLOYMENT REFERENCES

Personnel Records

Personnel records are maintained on all City employees and are the property of the City. The records include, among other things, an employee's application, specific examination materials (but not the test protocol, etc.), a list of positions held and pay rates received, performance evaluations, materials regarding any disciplinary action or other matters related to performance, and records related to benefits.

All personnel records are maintained in compliance with the laws related to public records. Each employee is entitled to review his or her personnel file. An employee shall have the opportunity to submit a letter to the file, responding to or rebutting information contained in his or her file.

Employment References

Unless a) required by a valid court order or the law, b) at the written request of the subject employee, or c) the employee provides a signed written release, Human Resources will furnish only the following information about past or present City employees to persons outside the City of Federal Way:

- Dates of employment.
- Current job title or job title at date of termination.
- Verification of salary information.

All requests for any information regarding past or present City employees shall be directed immediately to Human Resources.

All employees are required to keep their current telephone number and address in their personnel information within the personnel records.

Letters of Recommendation

All letters of recommendation written on City letterhead shall be approved by Human Resources prior to release and a copy shall be kept in the employee's personnel file. Personal recommendation letters may be written on non-letterhead paper without Human Resources approval. A copy to the personnel file is not required.

3.4 REPORTING IMPROPER GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST RETALIATION

Policy Statement

It is the policy of the City of Federal Way to encourage reporting by its employees of improper governmental action taken by the City of Federal Way officers or employees and to protect City of Federal Way employees who have reported improper governmental actions in accordance with the policies and procedures below.

Definitions

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

1. “Improper governmental action” means any action by a City of Federal Way officer or employee:
 - a. That is undertaken in 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
 - b. That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety or is a gross waste of public funds.

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

2. “Retaliatory action” means any adverse change in the terms and conditions of an employee’s employment, including but not limited to: denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, letters of reprimand, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal or any other disciplinary action resulting from a report of improper governmental conduct.
3. “Emergency” means a circumstance that if not immediately changed may cause damage to persons or property.

Procedures for Reporting

City of Federal Way employees who become aware of improper governmental actions should raise the issue first with their supervisor. The employee shall submit a written report to the supervisor stating in detail the basis for the employee’s belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly in writing with the department director or if it involves the department director, the employee may raise the issue directly in writing with the Mayor or his/her designee or such other person as may be designated by the Mayor or his/her designee to receive reports of improper governmental action.

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

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

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

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

Protection Against Retaliatory Actions

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

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

If the employee's supervisor or department director does not satisfactorily resolve an employee's complaint that he or she has been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state law by providing a written notice to the Mayor or his/her designee that:

- specifies the alleged retaliatory action and
- specifies the relief requested.

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

After receiving either the response of the City or thirty (30) days after the delivery of the charge to the City, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the Mayor or his/her designee within the earlier of either fifteen (15) days of delivery of the City's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City for response.

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

Office of Administrative Hearings (206) 464-6322
1904 3rd, Suite 722
Seattle, WA 98101

City Responsibility

The City of Federal Way is responsible for implementing these policies and procedures

- a. for reporting improper governmental action and
- b. for protecting employees against retaliatory actions.

This includes ensuring that this policy and these procedures:

- a. are permanently posted where all employees will have reasonable access to them,
- b. are made available to any employee upon request and
- c. are provided to all newly-hired employees.

Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

Agencies

A list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental action is available in Human Resources.

4 EMPLOYMENT OF PERSONNEL

4.1 PROCEDURES

This guideline describes the City's general employment practices and basic administrative procedures as they apply to employment activities.

General Employment Practices

Employment activities are conducted to employ the most qualified persons available. Human Resources is responsible for employment administration, to include the steps necessary to attract and refer qualified applicants to the hiring department for consideration. Employment offers will be coordinated through Human Resources to ensure completion of pre-employment requirements.

Persons applying for an advertised position vacancy will be given an employment application form, job announcement, and related instruction forms determined appropriate by the hiring department and Human Resources. Further consideration for employment will be contingent upon submittal of the completed forms, and successful completion of tests and interviews, as may be required.

The City will not consider unsolicited applications and resumes as applications for employment. An informational letter will be sent to persons submitting unsolicited applications/resumes informing them of the employment process.

Procedure For Filling Vacant Positions

The procedure outlined below will be followed by departments when a position vacancy occurs or a new position is approved through the budget process. The hiring department will complete a request to fill vacancy form. This form will be signed by the department director, reviewed by Human Resources, and approved by the Mayor or his/her designee.

Human Resources will assist the hiring department in determining the appropriate process to be used: department review, City-wide recruitment, or outside recruitment, and may recommend concurrent processes.

Department Review: Screen employees within the department who meet the minimum qualifications as outlined in the job description.

City-Wide Recruitment: Open position to all City employees.

Outside Recruitment: Advertise position to the public.

All applicants, who are not selected, will be notified. It will be the responsibility of Human Resources to arrange for such notification.

DRS Retirees: Oral and written agreements prior to retirement to rehire retirees after retirement are prohibited. Retirees who seek reemployment will be required to apply according to the established recruitment and selection process for the position, and will be hired only after a justifiable need to hire a particular retiree is documented, and the hire is approved by the Mayor or his/her designee. Post-DRS retirement employment will be administered per RCW 41.40.

Offers of Employment

After the department director has selected a candidate for employment, Human Resources and the hiring supervisor will determine who will contact the successful candidate to officially extend an offer of employment and establish a starting date.

All offers of regular full-time or regular part-time employment should be made in writing on behalf of the Mayor or his/her designee. No City representative has authority to enter into any agreement for employment for a specific period of time or make any agreement contrary to the foregoing.

When the candidate has accepted initial employment, Human Resources will prepare any necessary paperwork for the orientation procedure. Once hired, the new employee shall have an "orientation session" with Human Resources.

4.2 NEPOTISM

As determined by the Mayor or his/her designee, members of the immediate family of City employees will not be hired or remain employed if:

- One member would have the primary power to supervise, hire, remove or discipline the other;
- One member would be responsible for financially auditing the work of another;
- One member would handle confidential material which creates the appearance of improper or inappropriate access to that material by the other.

If two employees in such positions become so related to one another, one must be transferred to another department or position where the reporting, auditing or supervisory relationship does not exist or where the employees are not reporting directly to the same supervisor. If a transfer cannot be accomplished due to the unavailability of an open position, one of the employees must resign. The decision as to which employee will transfer or resign will be made by the employees involved. If the employees do not decide which employee will transfer or resign within thirty (30) days after becoming related to one another, the employee with the least seniority will transfer or resign.

For information about work restrictions applicable to non-related employees, please refer to 3.2 Anti-Harassment, "Management and Supervisory Responsibilities."

5 HOURS OF WORK

5.1 OVERTIME

Any City employee may be required, as a condition of employment, to work overtime when necessary as determined by his or her supervisor. All overtime worked by employees classified as non-exempt must be specifically authorized in advance by department supervisors.

For all regular full-time, part-time, and temporary non-exempt employees, overtime is defined as authorized hours worked in excess of forty (40) hours in a seven (7) day week, when an employee is required by the department director or his or her designee to work additional hours.

By mutual agreement between the employee and supervisor, an employee may work beyond his or her regularly scheduled shift without incurring overtime, provided however, that the employee shall be paid overtime for authorized hours worked when required by FLSA.

Any time compensated but not worked will not be considered (or included) in overtime determination.

5.2 COMPENSATORY TIME

Non-Exempt Employees

A regular full-time or regular part-time non-exempt employee may request compensatory time off in lieu of overtime payment. Compensatory time off must be requested by the employee and authorized by the appropriate supervisor. An employee who does not request comp. time will be paid overtime, and the supervisor can deny a comp. time request (if time off is not practical) and instead overtime will be paid.

Compensatory time is accrued at the rate of one and one-half hours for each hour of overtime worked. Compensatory time may be accrued to a maximum of eighty (80) hours. Compensatory time in excess of eighty (80) will be paid as overtime. Employees should be encouraged to use compensatory time accrued within ninety (90) days of earning it whenever possible. Upon termination, unused comp. time will be paid at the current rate on the final paycheck.

Exempt Employees

An employee in an exempt position is being paid to perform work which may not necessarily be completed in his or her normal work week and is therefore not entitled to overtime compensation. When an exempt employee is engaged in a project which specifically requires overtime work to accommodate a number of meetings outside of normal working hours, or to meet unavoidable deadlines, scheduling constraints imposed upon the City, or other compelling cause, the department director may authorize a flexible work schedule for that employee, when possible, to reduce the number of extra hours required.

5.3 STANDBY

City employees in designated positions as determined by the City may be required to "standby" for duty. Employees placed on standby status will be provided with a telephone or paging device, which provides the employee with the ability to conduct his or her personal business within range of the telephone or paging device. While on standby status, employees must be able to respond at the worksite within the time period prescribed by the department director. Employees may also be provided a City vehicle while on standby status. If a vehicle is provided, it may be used only for City business and must be properly secured at all times. Standby duty may include week nights and weekends and any other non-regular work hours, and standby hours will be determined by the department director. Hours on standby status will not be counted for the purposes of determining hours worked for overtime pay eligibility or eligibility to receive benefits. If and when an employee is called back to work while on paid standby status, standby pay will cease and call-out pay provisions, if applicable, will apply. If an employee on standby status fails to respond to a call to return to work, he or she may be subject to disciplinary action. (See also Section 6.3 - Call-Out)

5.4 REST PERIODS

All employees are entitled to a fifteen (15) minute rest period for each four (4) hours of working time. Breaks shall be arranged so as not to interfere with City business, provided that employees are not required to work more than three (3) hours without a rest period or meal period. Rest periods may not be combined or added to the meal period or used at the end of the day to leave prior to the regular shift ending time, except upon written request by the employee and written approval by the department director or designee.

In compliance with the Fair Labor Standards Act, an employee who is nursing will be given reasonable break time as needed to express breast milk for her nursing child for one (1) year after the child's birth and will be provided a place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, which may be used by the employee to express breast milk.

5.5 MEAL PERIODS

Employees working more than five (5) consecutive hours in a work day are required to take an unpaid meal period of thirty (30), forty-five (45), or sixty (60) minutes. This meal period may be scheduled by the employee's supervisor, and in any event, will occur no earlier than two (2) hours nor no later than five (5) hours into the employee's regular work day. Employees who work more than three (3) hours longer than their normal work day will receive an additional thirty (30) minute unpaid meal period before or during their overtime.

5.6 SCHEDULING

Work Schedules

Work schedules shall be established by the Mayor or his/her designee. Employees are expected to work all hours and days scheduled. Due to the essential public services provided by the City, some positions may be required to be on standby or to work different work schedules or a different work week. The Mayor or his/her designee shall have the discretion to determine which positions will be required to perform such duties and how such duties will be rotated among the affected positions.

Office Hours

City offices and departments will be open for the transaction of business with the public from 8:00 a.m. to 5:00 p.m., Monday through Friday, official City holidays excepted. Accordingly, the work day for employees will be scheduled to provide coverage for all City functions during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

5.7 ALTERNATIVE WORK SCHEDULE

Policy Statement

Adopting alternative work schedules can help ensure the City's compliance with the Washington Clean Air Act and the Growth Management Act. Such schedules can result in cost savings to the City by reducing absenteeism and employee turnover. The proposed work schedules will enable employees to integrate their personal lifestyles with their profession and will enhance the City's ability to recruit and retain qualified individuals.

Washington State's Commute Trip Reduction Act was adopted by the 1991 Legislature and incorporated into the Washington Clean Air Act ("Act") (RCW 70.94.521-551). The legislature made certain findings supporting this law, including finding that "Puget Sound's I-5 corridor has the fourth worst traffic congestion in the nation, traffic jams waste fuel, increase vehicle emissions and fray motorists' nerves."

The Act's goals are to improve air quality, reduce traffic congestion, and reduce the consumption of petroleum fuels through employer-based programs that encourage the use of alternatives to the single-occupant vehicle and alternatives to the standard work day and work week.

The proposed alternate work schedules comply with the Act. Compressed work weeks eliminate travel during certain days of the week. The flex-time program removes commuters from traffic during the most congested time periods. Reducing total travel and removing commuters during congested periods will improve air quality, reduce traffic congestion, and reduce the consumption of petroleum fuels.

Available Alternative Work Schedules

Flex-time: Flex-time is a work schedule that permits flexible starting times and quitting times for employees other than the standard work day, with a standard number of core hours which must be worked. The following is the flex-time model adopted for the City of Federal Way:

FLEXIBLE TIME (6 am - 10 am)	CORE TIME (10 am - 3 pm)	FLEXIBLE TIME (3 pm - 7 pm)
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Compressed Work Week/Modified Compressed Work Week: Employees work a standard number of hours within fewer days during the same week, or each work day is an extra thirty (30) - sixty (60) minutes longer, with one (1) day off every two (2) or three (3) weeks. Possibilities include:

- a. 4/40 - Four (4) ten (10) hour days each week.
- b. 9/80 - The eighty (80) hours in a two (2) week period are scheduled over nine (9) working days. Example: The normal work day is extended by one-hour five (5) days one week and three (3) days the next week, with one regular eight (8) hour day. This produces one extra day off every two (2) weeks.
- c. 14/120 - The normal work day is extended by approximately thirty (30) minutes each day, so that 120 hours in three (3) forty (40) hour work weeks are worked over fourteen (14) work days. This produces an extra day off every three (3) weeks. This schedule is available to exempt employees only. Non-exempt employees would trigger overtime which cannot be waived by the employee or employer pursuant to FLSA.

Alternative schedules for non-exempt employees should be developed carefully (see Alternative Work Schedules for Non-Exempt Employees), and must comply with the Fair Labor Standards Act (FLSA).

Eligibility

All regular full-time and regular part-time employees of the City are eligible to pursue the available alternative work schedules. Final decisions for participation will be based upon an objective review of the individual circumstances and the demands of the position.

An employee with a documented performance problem may be denied their request for an alternative work schedule, depending on the nature of the performance problem.

Standards of Review

An alternative work schedule will be implemented for an eligible individual who can satisfactorily demonstrate that the proposed schedule:

- a. will not materially interfere with regular business operations of the City; and
- b. will not compromise the City's existing service to citizens.

Application Process

1. The interested employee will complete a standard written application, which will include the proposed alternative work schedule, the employee circumstances leading up to the request, potential problems identified and recommended solutions. Additional information may be attached to the standard application.
2. The immediate supervisor, within ten (10) working days of receiving the employee application, will complete a standard form which provides an opportunity for additional information in support of the request, or reasons the request should not be approved will consult with HR regarding Fair Labor Standards Act (FLSA) compliance, and will forward the employee application and response to the department director for review.
3. The department director, within ten (10) working days, will approve or deny the request and notify the employee of the decision. Approved alternate work schedules will be forwarded to Human Resources.
4. The decision of the department director should be considered final. However, should circumstances change significantly, the employee may submit a new request which includes the justification for the reconsideration.

Trial Period

All approved applications will be implemented for a trial period, not to exceed six (6) months. At the conclusion of three (3) months, the department director and Human Resources will reevaluate the situation, and will recommend whether the alternative work schedule should or should not be continued.

At the conclusion of the trial period, the involved department director may discontinue the alternative work schedule then or at any later time, providing a verbal notice to the employee, and including reasons for the discontinuation. If the alternative work schedule is discontinued, the employee may submit a new application should circumstances (of the employee, the department, or position) change significantly.

Accruing and Using Sick and Vacation Leave and Holiday Pay

Sick leave and vacation leave will continue to accrue at the regular rate. When an employee takes a full day of sick or vacation leave, the time charged will be equivalent to the full number of hours the employee was scheduled to work. This compensates for actual time absent for regularly scheduled work hours.

When a paid holiday falls on an employee's regularly scheduled work day, the regular employee will be paid eight (8) hours of holiday pay (holiday hours are pro-rated for regular part-time employees based on their scheduled work week). If the regularly scheduled work day is greater than the holiday hours provided, the employee may be required to use either vacation or compensatory time earned to make up for the additional time the employee was scheduled to work in excess of the hours of holiday pay. In lieu of using other accrued leave, the employee may have the option of working additional hours during the same pay period as the scheduled holiday.

When a paid holiday falls on an employee's regularly scheduled day off, the employee should use the holiday hours within the same pay period as the holiday.

Standards

For exempt employees, work hours do not include time required for attendance at regularly scheduled evening City council meetings, any type of council committee meetings, commission meetings or related events unless current regularly scheduled work hours coincide with these events, and you are required to be in attendance at such meetings as part of your regularly scheduled work day.

Employees will schedule personal appointments (doctor, dentist, etc.) on their scheduled day off, whenever possible.

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

Note to All Employees

Changes in workload, funding, legal mandates, changing legal interpretations or other needs of the City and/or individual departments could cause the City to revise or cancel the alternative work schedule options offered at any time and without notice.

Alternate Work Schedules for Non-exempt Employees

Because the City does not want to incur additional costs by allowing employees to choose alternative work schedules, non-exempt employees must select an alternative schedule which does not trigger overtime pay. This may require employees to also request a different shift or work week designation.

5.8 ATTENDANCE AND TARDINESS/ABSENTEEISM

Employees are expected, as a condition of employment, to be at work during their regularly scheduled work days. Supervisors are expected, therefore, to make sure that every employee reports to work regularly and on time.

Employees who are unable to report for work on time are to notify their department in accordance with procedures established by that department.

If the absence continues beyond the first day, the employee shall notify the supervisor on a daily basis, unless arrangements are made otherwise. An employee who is absent without notification on a scheduled work day or shift may be subject to disciplinary action.

An employee who is absent without notification for three (3) consecutive regularly scheduled work days shall be considered as having abandoned his or her job and may be terminated. Employees may be disciplined up to and including discharge for failing to report to work without notice or with insufficient notice, for excessive absenteeism or tardiness, or for other attendance and tardiness problems.

5.9 TIME REPORTING

Maintaining accurate time records is essential in computing non-exempt employee pay, ensuring compliance with applicable laws and regulations, and providing accurate cost information for the City. Each employee is responsible for completing his or her own time sheet as required.

5.10 RECORD KEEPING

Careful records of overtime and compensatory time for non-exempt employees must be maintained by the Finance Department. These records should show the date the overtime was worked and the number of hours that were worked; the compensatory time earned if the overtime was not paid in wages; the date the compensatory time was taken and the number of hours that were used.

5.11 EMERGENCY CONDITIONS

It is the intent of the City that all City offices shall be open and in operation during established working hours. Because many City services are of primary importance during emergency or extreme weather conditions, employees should make a reasonable effort to report to work on a timely basis. A reasonable effort is based on the assumption that the employee's family and property are safe, and the employee has available transportation with an open and safe route to work. An open and safe route may not be the most direct or shortest route. Should conditions exist which would prevent City employees from reporting to work, it will be the employee's responsibility to contact his or her department to indicate anticipated absence from work or late arrival to work. It is understood that in regional emergencies or disasters the phone systems may not be operational for some time. The employee should continue to try to make contact with his/her department.

Any regular full-time or regular part-time employee unable to report to work as a result of emergency or extreme weather conditions will be given the option of using accrued vacation or compensatory time, or taking time off without pay for time missed. In the event of a regional emergency or disaster during which an employee cannot reasonably report to work due to lack of transportation and/or an open and safe route, the employee should make a reasonable effort to report to his/her local jurisdiction to offer assistance. If the local jurisdiction accepts this assistance, the employee should obtain proof of hours worked at the local jurisdiction. The documented hours worked should be used to offset the employee having to use vacation or compensatory time or taking time off without pay.

If a regional emergency or disaster strikes during working hours, the employee's supervisor or department director will determine whether the employee's services are presently needed in the response effort to the emergency or disaster. All City employees should expect that they may be called upon to perform work outside of their normal job duties to assist in the response or recovery efforts. If it is determined that the employee is not needed in the response or recovery then the employee may be allowed to go home to check on family and property. The employee is expected to return to work the next work day or as directed.

Lodging for employees who cannot go home should be arranged by their department, or if the need is great enough a shelter for City employees in a City facility may be established. The Emergency Operations Center (EOC) has limited supplies such as food and water. Distribution of these supplies will be at the direction of the Mayor or his/her designee or Emergency Manager. It is strongly encouraged that all City employees have basic emergency supplies at home and at work to last at least seventy-two hours.

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6 COMPENSATION

6.1 PAY PERIODS AND PAYDAYS

The City has two (2) pay periods each month: the first through the fifteenth, and the sixteenth through the last day of the month. Paydays have been established on the fifth and twentieth of each month. If the fifth or twentieth falls on a Saturday, Sunday or holiday, paychecks will be issued on the preceding work day. Direct deposit of paychecks is available.

6.2 SALARY ADMINISTRATION

The Mayor or his/her designee shall administer a pay plan which has been adopted by the City Council and establishes a pay range for each class in the classification plan.

The pay range for each class shall be coordinated with the classification plan based upon the range of pay for other classes, the requisite duties, responsibilities and entry level qualifications of the positions allocated in the class, the rates of pay for similar work in the public and private sectors, cost of living data, the financial policies and position of the City, and other relevant considerations.

New Employees

At the time of hire, each employee shall be advised of his or her position title and initial rate of pay, and may be given a copy of the job description for his or her position. The employee's initial rate of pay is based upon the position's pay range and the employee's relevant occupation, training and experience. New employees usually receive a salary assigned to the lower end of the range for their position when they possess the minimum required skills, knowledge and abilities. Designated City management personnel may offer a salary to a new employee at step A or B (or higher step with Mayor or his/her designee's approval) depending on the candidate's qualifications. Should the new employee possess more than the minimum skills, knowledge and abilities required for the position, the employee may be assigned to a pay scale between the minimum and the mid-range of the salary assigned to the position, with the recommendation of the department director, review by Human Resources, and approval of the Mayor or his/her designee.

After one year of employment, the employee will be eligible to receive an increase if performance appraisal results are satisfactory and if recommended by the employee's immediate supervisor or department director.

Assuming satisfactory performance, employees are eligible to move to the next step on the salary schedule at twelve (12) month intervals from the date of the initial increase until Step F is attained.

Human Resources is responsible for the development and maintenance of job descriptions and salary ranges for each position within the City.

6.3 CALL-OUT

City employees in designated positions required by the City to return to work outside of regular work hours will be entitled to call-out pay. Call-out pay for non-exempt employees (other than a continuation or early commencement of a regular shift) shall be for a guaranteed minimum period of two (2) hours. All call-out time worked outside of the individual's regular work hours shall be paid at the rate of one and one-half times the regular rate of pay for non-exempt employees.

6.4 EXTRA DUTY PAY/WORK AT A HIGHER CLASSIFICATION

Extra Duty pay may be awarded to a single individual who, for a period of time exceeding thirty (30) calendar days, assumes substantial responsibilities when assigned to substitute in a vacant position, in addition to performing the duties of the position currently held. The vacancy may be due to termination, leave of absence, extended illness or other reasons approved by the Mayor or his/her designee. When such an assignment extends beyond thirty (30) calendar days, the employee may receive up to a ten percent (10%) increase for the entire extra duty time. The percentage of Extra Duty pay awarded will be determined by the department director, and funding for the additional compensation will come from the department budget. The added compensation will cease when the assignment ends.

6.5 PERFORMANCE EVALUATIONS

Performance evaluations are designed to provide the employee with a record of his or her performance and to encourage professional growth. The performance evaluation process encourages employees to evaluate their own performance as well as having it evaluated by their supervisor. The final evaluation is prepared by the immediate supervisor.

Regular full-time and regular part-time new employees, transfers or promotions shall be evaluated at least once within the first six (6) months of employment in the position and a six (6) month evaluation checklist (as a minimum) will be submitted to Human Resources as a record of the informal evaluation. Each employee will receive a formal, written evaluation on an annual basis. The annual written evaluation will be forwarded to Human Resources for inclusion in the employee's file. Performance evaluations for regular employees are related to the position which the employee holds at that time. The purpose of the evaluation is to commend strengths, address areas for improvement, and discuss new challenges, career goals and objectives.

6.6 TRAVEL AND OTHER EXPENSES

Travel Away From the City

All travel away from an employee's work place must be in accordance with department procedures and established administrative policy. Approval of the department director is required for overnight travel. Travel may be by common carrier, City vehicles, or personal vehicles, as approved by the department director. Pooling of travel in passenger cars should be used whenever possible.

Travel Expense Reimbursement

City employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the City, including food, lodging and travel expenses while away, but excluding any expenses for alcoholic beverages. Reimbursement will be authorized by individual vouchers that will be forwarded to the Finance Department for processing.

Requests for reimbursement shall be submitted on an expense report form signed by the employee and the supervisor. Approved expenses are reimbursed through the normal accounts payable process established by the Finance Department.

6.7 SEVERANCE PAY

Conditions may arise which necessitate the dismissal of an employee or a decrease in the work force. Severance pay may be paid to a regular full or part-time employee who has completed at least six (6) months of service, when the Mayor or his/her designee determines that the employee is inappropriately and/or ineffectively placed in the organization and that no suitable alternative placement is available. Severance pay is a lump sum payment made on the final paycheck. Payment will not be considered to be salary for purposes of calculating PERS entitlement, but is subject to federal income tax withholding and Federal Way Retirement System contribution.

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7 BENEFITS

7.1 RETIREMENT

State Retirement System

All City employees in eligible positions are required to participate in the State of Washington's Retirement System (PERS or LEOFF). A PERS eligible position is one which normally requires at least seventy (70) hours of work per month for five (5) months during any twelve (12) month period. Eligibility for participation will be determined at time of hire, and will be reviewed periodically and revised as required. Participating employees shall pay any required amounts toward the contribution costs through payroll deduction. The City shall also make appropriate contributions required by state law. For further details or possible changes, consult the state statutes and other materials summarizing the Retirement Systems.

Federal Way Retirement System

The City of Federal Way Retirement Plan is a defined contribution plan provided to regular full-time and regular part-time employees of the City of Federal Way in lieu of Social Security. All eligible employees of the City will be required to participate. The City and employee contributions are consistent with the Social Security rate and limitations on total compensation. Contributions into the plan will not be subject to federal income taxation as is the case with Social Security contributions. A portion of the City's contribution will be used to purchase long term disability, survivor benefits and death benefits.

Retirement Benefits

Employee contributions will always be one hundred percent (100%) vested.

Employer contributions are subject to a five (5) year vesting schedule shown below:

End of Year	1	20%
	2	40%
	3	60%
	4	80%
	5	100%

Investments

The Board of Trustees, consisting of the Mayor or his/her designee, and six (6) employees elected to staggered terms, directs the investment of contributions of the plan.

7.2 HEALTH AND WELFARE PLANS

Regular full-time and regular part-time employees, who work at least 20 hours per week, and their dependents are eligible to participate in the City's various insurance programs.

The programs and eligibility criteria are explained upon hire. The City provides a monthly premium amount and the remainder, if any, shall be paid by the employee through payroll deduction. The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable, with prior notice to affected employees.

Medical Insurance

The City offers eligible employees a choice between at least two medical plans..

Dental Insurance

The City provides eligible employees and their dependents with dental insurance.

Vision Insurance

The City provides eligible employees and their dependents with vision insurance.

Life Insurance

As part of the Federal Way Retirement System plan, a life insurance policy is provided to eligible employees, and survivor benefits are provided to spouse and/or children. Voluntary life insurance is also available to eligible employees.

Long-Term Disability

As part of the Federal Way Retirement System plan, the City provides a long-term disability plan for eligible employees.

Accidental Death and Dismemberment

As part of the Federal Way Retirement System Plan, the City provides an accidental death and dismemberment plan for eligible employees.

Extended Health Benefits

In compliance with COBRA (Consolidated Omnibus Budget Reconciliation Act), the City offers continuing health care coverage on a self-pay basis to employees and their dependents following termination (for reasons other than gross misconduct), a reduction in hours, retirement or death, unless or until the employee is eligible for Medicare. These health benefits will be identical to the coverage offered to regular employees. For terminated employees or employees whose hours are reduced below that of a regular employee, the coverage may last up to eighteen (18) months or until they become eligible for other health insurance coverage, whichever is earlier.

In the event of the employee's retirement, divorce, separation or death, the coverage may last up to thirty-six (36) months for the employee and/or qualified beneficiary. The full policy monthly premium plus a two percent (2%) administration fee will be paid by the employee or the beneficiary to the City or designated benefit administrator. The employee or beneficiary may waive all rights to continuation coverage according to notification procedures and time limits outlined in the continuation coverage "Notification of Rights" letter.

7.3 WORKER'S COMPENSATION

All employees of the City are insured in a state insurance program which is designed to protect them against medical costs from on-the-job accidents and injuries and for work time lost as a result of such accidents or injuries.

All accidents and on-the-job injuries must be reported to a supervisor. That supervisor shall direct the injured employee to seek immediate medical treatment if necessary, and shall be responsible for ensuring the employee completes an Incident Report and reporting the injury to Human Resources. The supervisor shall also be responsible for ensuring, as soon as physically possible, that the injured employee completes the Washington State Labor and Industries form for reporting the accident.

Unless otherwise required by State law, the procedure for worker's compensation time loss payment will be as follows:

If the job-related injury or illness requires the employee to be absent from work, the employee will be paid his or her regular pay for up to 30 work days. The employee is "kept on salary" and is not required to use accrued leave and will not be eligible for State industrial insurance time loss payments. After 30 "kept on salary" days, if the employee is not able to return to work, he/she will then be eligible for State industrial insurance time loss payments according to a set formula based on marital status and number of dependents. The City will continue to pay its portion of the health insurance premiums while the employee is "kept on salary".

An employee who has been away from work due to an injury may not return to work without a written statement from the appropriate medical personnel stating the employee is able to resume his or her job duties, or specifying limits on duties which can be performed.

For additional information, see section 10 - Safety and Security.

7.4 TRAINING AND EDUCATION ASSISTANCE

Training/Education Assistance

The City of Federal Way recognizes the fact that obtaining sufficient job training improves an employee's ability to perform his or her job. It is the City's intent to encourage employees to obtain additional training and education which will facilitate their advancement in City employment and will be consistent with the best interests of the City. There are three (3) types of employee training that will be sponsored by the City of Federal Way. They are:

1. **Mandatory safety procedures and other job skills.** This category may include courses in first aid and defensive driving as well as instruction on the use of the City's telephone and mail systems and photocopiers.
2. **Employee development.** Training of this sort may include specialized accounting and computer skills, effective communication skills, supervisory skills, and other courses that enhance an employee's ability to perform his or her job. It may also include professional/management development courses such as those comprising the Cascade Management program.
3. **Post high school or vocational courses** relevant to the employee's position or promotional opportunities within the City.

Employee Training and Development

Supervisors and employees will develop an individual training plan to include necessary and desired training in categories one (1) and two (2) listed above.

Human Resources may develop training programs to meet City-wide needs when it is determined such programs will improve the efficiency or effectiveness of the services rendered by City employees. Employees shall be compensated for any time spent in such training sessions during regular working hours. The cost of such training and development courses may be paid out of the City-wide training budget, or may require department funding for employees who attend. In general, costs for training sessions approved by the department but not sponsored by the City and held away from City facilities will be paid out of individual department training budgets.

Employees shall not be compensated for any time spent at training sessions held outside of the employee's regular working hours unless attendance at the training session was mandatory, the employee was required to perform productive work, or the training session was directly related to the employee's current position and compensation was pre-authorized by the immediate supervisor.

Education Assistance

Due to budget constraints and cuts, this benefit will be suspended during the 2011-2012 biennium. No education assistance will be paid for courses taken during the 2011-2012 biennium.

7.5 EMPLOYEE ASSISTANCE PROGRAM

The purpose of the City Employee Assistance Program is to establish a voluntary program of professional and confidential counseling and assistance to regular full-time and regular part-time employees whose job performance, health, or well-being are adversely affected by personal problems. The City recognizes that a wide range of personal problems, such as emotional or mental stress, marital or financial difficulties, or drug or alcohol dependency, can affect an employee's performance. These problems may or may not be caused by or related to the individual's responsibilities as an employee, but nevertheless, they have an effect on work performance, safety, or overall welfare of that employee, co-workers, and the City. Many times the employee is able to overcome these problems independently, once the fact that work performance is being affected is brought to his or her attention. However, in other instances, professional assistance may be needed to aid the employee in recognizing and overcoming personal difficulties.

In an effort to provide a means for assisting employees and their families in identifying, beginning to deal with, and hopefully overcoming problems of this nature, the City has established an Employee Assistance Program (EAP). The program is designed to allow the employee and his or her family to voluntarily and confidentially seek professional assistance from an independent counseling service. An EAP agency is an independent agency which provides professional and confidential diagnostic, counseling and referral service to City employees and anyone living in their household by contract and at no cost to the employee.

When work performance problems are identified and cannot be corrected by the supervisor through normal corrective actions, use of the EAP will be suggested by the supervisor. The existence of non-work related personal problems does not release the employee from the responsibility to perform his/her job responsibility satisfactorily. Participation in the EAP will in no way jeopardize an employee's professional status, job security or promotional status. Utilization of the EAP agency during normal working hours will be subject to the use of sick leave.

The employee and his or her family may choose to use the agency's services independently without the suggestion of a supervisor. The self-initiated contact between the employee, his or her family and the agency will be confidential and records are not accessible to either the supervisor or the City. The EAP agency will provide up to three diagnostic sessions and, if necessary, a referral to potential service agencies for specific treatment. Coordination of medical benefits for the additional counseling or referral assistance by the EAP is determined by the medical plan covering the individual employee. Questions concerning insurance coverage can be referred to Human Resources.

7.6 FEDERAL WAY COMMUNITY CENTER MEMBERSHIP

Regular non-represented employees are eligible to receive membership at the Federal Way Community Center for a nominal fee. Employees must enroll at the FWCC between January 1-15, 2011. New employees will be able to enroll at the time of hire or the next quarter depending on the hire date. Employees who enroll are given a choice between a multi-visit pass (11 visits/\$80 value) for \$10, or a three month pass (\$135 value) for \$25. Employees who select the multi-visit pass must visit the FWCC 11 times during the quarter to be eligible to receive a pass for the following quarter. Employees who select the 3-month pass must visit the FWCC at least 18 times during the quarter to be eligible to receive a pass for the following quarter. Employees who meet the use requirement may purchase a new pass. New passes must be purchased at the FWCC by the 15th of the first month of the new quarter. Employees can opt to switch from the multi-visit pass to the 3-month pass or vice versa at this time. Employees who fail to fulfill the use requirement during any quarter would be allowed to enroll again the following year during the designated open enrollment period. While the City anticipates adequate funding, should there be higher than projected use, passes will be issued as indicated above only until the funding is exhausted.

Community Center membership as described above is being provided on a trial basis and may be modified or discontinued at the sole discretion of the City.

8 LEAVES

8.1 SICK LEAVE

Sick leave is hereby established to be used in cases of illness, accident or other conditions which require medical treatment or supervision and require an employee to be absent from work. Sick leave may be used to care for an employee's own health condition, or to care for a child of the employee with a health condition that requires treatment or supervision, or for a spouse, parent, parent-in-law or grandparent of the employee who has a serious health condition or an emergency condition as more particularly established in Chapter 296-130 of the Washington Administrative Code (WAC). Sick leave may also be used for the care, treatment and preventative health care of the employee and dependents. With prior approval of the department director, up to 8 hours of sick leave per calendar year may also be used to attend educational seminars or workshops related to a chronic medical condition of the employee, or employee's spouse, child, parent, parent-in-law, or grandparent.

Up to 240 hours of accrued sick leave may be used to care for a healthy newborn within 12 months of the birth, adoption, or placement for foster care. This leave runs concurrent with applicable Federal and State family leave available to the employee and does not extend available leave beyond that required by law. Approval of the schedule for using this leave is at the sole discretion of the City.

Sick leave has been established for the benefit of both the employee and the employer, but no vested right to sick leave is guaranteed by the City. In the event that abuse of sick leave is suspected or excessive absenteeism or tardiness occurs, or after three (3) consecutive days of sick leave, an employee may be required to provide medical certification from his or her health care provider. Abuse of sick leave or excessive absenteeism or tardiness may be grounds for disciplinary action, up to and including termination.

Accrual

Sick leave shall be accrued by regular full-time employees at the rate of eight (8) hours per month.

Regular part-time employees shall accrue sick leave on a pro-rated basis in the same percentage as the employee's average weekly scheduled hours relate to a forty (40) hour week.

No employee may accrue more than seven hundred twenty (720) total hours. When this maximum is reached, an employee shall no longer accrue sick leave.

Sick Leave Incentive

Any non-exempt employee who has an accumulated sick leave balance of at least 100 hours on December 31 of each year and has used 24 or fewer hours of sick leave during that calendar year will be eligible to receive 24 hours of additional vacation accrual the following year. Sick leave that is donated as shared leave will not be included in determining eligibility for the sick leave incentive.

8.2 FAMILY LEAVE

Pursuant to provisions of the Federal Family and Medical Leave Act (FMLA) of 1993, an employee who has been employed by the City for twelve (12) months and has worked at least 1,250 hours in the past twelve (12) months is entitled to up to twelve (12) work-weeks of unpaid leave per year to care for a child, spouse, or parent with a serious medical condition, or for serious personal illness. The twelve (12) weeks may be scheduled intermittently or used through part-time leave, when the basis for leave is medical difficulties. For purposes of calculating leave availability, a rolling “12 month period” is a rolling 12 month period measured backwards from the date you use any FMLA leave. The employee will be required by the City to use accrued and unused sick leave, vacation leave and/or compensatory time in accordance with City policy to offset loss of pay during the leave.

Leave may be taken to care for a new child by birth, adoption, or foster care, or for a child, spouse, or parent with a serious illness, or for personal serious illness requiring inpatient or continuing treatment. An employee must give at least thirty (30) days notice when planning to take the leave, except in emergencies.

The City will continue to contribute its portion of the medical insurance premiums during the leave. If the employee does not return to work, the City may recover the premiums paid during the leave unless the failure to return is beyond the employee’s control. Vacation and sick leave accruals will not continue during any unpaid leave. Employees who return to work at the end of the twelve (12) weeks of leave will be returned to the same or an equivalent job at the same pay, however, employees remain subject to legitimate job changes or layoffs that would have occurred even if they had not been on leave.

Under Washington State law, employees are entitled to twelve (12) weeks of unpaid leave to care for a newborn child, in addition to time off for any period of actual disability with pregnancy or childbirth. The City is not required to continue to pay its portion of medical insurance beyond the twelve (12) week FMLA leave entitlement.

Injured Service Member Leave

An employee may take up to twenty-six (26) work weeks of FMLA leave to care for a spouse, child, parent, or next of kin (i.e., nearest blood relative) who is a member of the Armed Forces, including the National Guard or Reserves, that suffers from a serious injury or illness incurred on active duty. The injured service member must be undergoing medical treatment, recuperation, or therapy, be in outpatient status, or be on the temporary disability retired list as a result of the serious injury or illness. FMLA leave for an injured service member includes the twelve (12) weeks of traditional FMLA leave. Thus, if an employee has already taken twelve (12) weeks of FMLA leave, the employee is only eligible for an additional fourteen (14) weeks of leave regardless for whom the prior FMLA leave was taken.

FMLA Qualifying Exigency Leave

FMLA Qualifying Exigency leave allows eligible employees to take up to twelve (12) weeks of FMLA leave when a spouse, child, or parent is on active duty or has been called to active duty and there is a “qualifying exigency.” Child is defined broadly to include an employee’s biological, adopted, or foster child, step-child, legal ward, or one for whom the employee stood in place of the parent, regardless of age. This leave applies only to employees whose spouse, child, or parent is a member of the National Guard and reserves and certain retired members of the military; it does not apply to employees whose family members are active members of the regular armed services. FMLA leave for qualifying exigency includes the twelve (12) weeks of traditional FMLA leave. Thus, if an employee has already taken twelve (12) weeks of FMLA leave, the employee is not eligible for any more FMLA leave.

Reasons for “qualifying exigency” leave include:

- Short-notice deployment, meaning a call or order that is given no more than seven(7) calendar days in advance (the employee can take up to seven (7) days of leave beginning on the date of notification);
- Military events and related activities, such as official military-sponsored ceremonies and family support programs sponsored by the military and related to the family member’s call to duty;
- Urgent child-care and school activities, such as arranging for child care (urgent does not mean recurring or routine);
- Financial and legal tasks, such as making or updating legal arrangements to do with the family member’s call to duty;
- Counseling for the employee or his minor child that isn’t already covered by FMLA;
- Time with the family member while on rest or recuperation break from active duty, up to five (5) days;
- Post-deployment activities, such as arrival ceremonies and reintegration briefings or to address issues from the service member’s death while on active duty; and
- Other purposes arising out of the family member’s call to duty, as agreed to by the City and the employee.

Employees must give reasonable and practicable notice if the exigency is foreseeable. The notice must cite a listed reason for the leave and give the anticipated length of the absence. The notice must also include a copy of the service member’s active-duty orders or Form WH-384, QE Certification.

8.3 VACATIONS

Vacation leave is hereby established for the mutual benefit of the employer and the employee. The purpose of vacation leave is to provide employees with adequate time away from work and to provide the City with well-rested and efficient employees.

Accrual Time

Full-time employees shall accrue vacation at the following rate:

- Initial hire through the fifth complete year of continuous employment – eight (8) hours per month.
- After five (5) full years of continuous employment – eleven (11) hours per month.
- After ten (10) full years of continuous employment – twelve and a half (12.5) hours per month.
- After fifteen (15) full years of continuous employment – fifteen (15) hours per month.
- After twenty (20) full years of continuous employment – seventeen (17) hours per month.

Regular part-time employees shall accrue vacation leave on a pro-rated basis in the same percentage as the employee’s average weekly scheduled hours relate to a forty (40) hour week. Vacation leave may be used as soon as it is accrued.

Maximum Accrual

The maximum vacation accrual that will be paid upon termination or carried forward at year end will be 240 hours.

8.4 HOLIDAYS

The following twelve (12) holidays are hereby established:

New Years Day
Martin Luther King, Jr. Day
Presidents' Day
Memorial Day
Independence Day
Labor Day
Veterans' Day
Thanksgiving Day
The day after Thanksgiving
Christmas Day
Floating Holiday (2)

Regular employees employed as of January 1 and new regular employees starting employment between January 1 and June 30 of each year will accrue eight (8) hours as a Floating Holiday, and regular employees employed as of July 1 of each year will accrue an additional eight (8) hours as a second Floating Holiday and new regular employees starting between July 1 and December 31 will accrue eight (8) hours as a Floating Holiday. The floating holiday must be used during the current calendar year. No unpaid holiday will be carried over to the following year, and no unpaid floating holiday will be paid out upon termination of employment. These holidays are established on the dates set by state law provided, however, the City Council reserves the right to amend its holidays as provided for by state law.

Any hours worked by non-exempt employees on Thanksgiving or Christmas will be paid at one and one half times the regular rate of pay. Non-exempt employees who work any other holiday shall be paid at the regular rate of pay, pursuant to FLSA overtime requirements, in addition to the holiday pay, or will be entitled to receive another eight (8) hour day off during the pay period, which day shall be approved by the appropriate supervisor. Exempt employees required to work on a holiday may take another eight (8) hour day off as a holiday during the remaining calendar year, upon approval of the appropriate supervisor.

Regular part-time employees are paid holiday hours on a pro-rated basis in the same percentage as the employee's average weekly scheduled hours relate to a forty (40) hour week (i.e. a twenty (20) hour/week employee would be paid four (4) hours for an established holiday).

Religious Holidays

If an employees religious beliefs require observance of a holiday not included in the holiday schedule, the employee may, with his or her department directors approval, take a day off using vacation, compensatory time, a floating holiday, or leave without pay.

8.5 JURY DUTY AND WITNESS LEAVE

The City acknowledges that its employees have obligations as citizens to serve on juries and jury panels, and to appear in court as subpoenaed witnesses. Regular full-time and regular part-time employees will be provided leave with pay when summoned to serve as jurors or subpoenaed witnesses, unless appearing as a plaintiff or defendant in legal action against the City. Regular full-time employees are eligible for up to 80 hours paid leave per jury duty summons, and regular part-time employees are eligible for the number of hours equivalent to two regular work weeks. Compensation received by the employee, with the exception of mileage reimbursements, shall be reimbursed to the City to the end that the employee shall not receive more total compensation in the form of regular pay and compensation for jury duty than the employee would normally receive as wages from the City.

The City shall have the right, at the City's expense, to request the court to excuse the employee from any or all jury duty if there are circumstances that would make the absence of the employee an undue hardship on the City or other personnel.

8.6 FUNERAL LEAVE

A regular full-time employee may take up to twenty-four (24) hours of funeral leave for a death in the employee's immediate family (see section 2.12). With department director approval, up to fifty-six (56) additional hours of sick leave may be utilized in these situations, for a total absence of eighty (80) hours (two (2) regular work weeks).

Under unusual circumstances, the Mayor or his/her designee may construe more broadly this definition to other persons living within the employee's household, to others related to the employee by blood or marriage, or to established relationships having attributes to familial ties.

With department director approval, a regular employee may use sick leave, not to exceed eight (8) hours, to attend the funeral of close friends or other relatives.

Funeral leave is provided for regular part-time employees on a pro-rated basis in the same percentage as the employee's average weekly scheduled hours related to a forty (40) hour week.

8.7 LEAVE OF ABSENCE – GENERAL

A personal leave of absence is a privilege the City may extend to qualified regular full-time and regular part-time employees for specific periods of time under certain circumstances. It allows an employee to take time off from work for personal reasons, or to fulfill a military obligation in excess of twenty-one (21) calendar days per year (see also 8.9 Military Duty). All such leaves are taken without pay.

A leave of absence must be requested in writing and submitted to the employee's immediate supervisor and department director for a recommendation as soon as the need for such a leave is known. The department director shall then forward the request to Human Resources for review. Only the Mayor or his/her designee may grant or deny any leave requested. All leaves granted are without pay. The employee may request or may be requested by the City to use accrued vacation or compensatory time to offset loss of pay during the leave. No benefits such as vacation or sick leave are earned while on unpaid leave. Employees on leave may return early from leave if they notify the supervisor in advance. Failure to return from leave on or before the agreed upon date, however, will result in termination.

An unpaid leave of more than thirty (30) calendar days will affect an employee's performance and salary review dates. These days will be adjusted forward until the employee has completed as many days of continuous employment as the length of the leave of absence.

An employee will normally be assured of returning to his or her position for a leave of absence of one hundred eighty (180) days or less in duration. Because of staffing requirements, however, it may be necessary to fill the current position for a leave of absence in excess of one hundred eighty (180) days. In this event, efforts will be made to place the employee in an available, open, comparable position.

During any unpaid leave ninety (90) days or less, an employee may continue his or her group insurance coverage by prepaying on a monthly basis the premium plus two percent (2%) during any affected period of the leave.

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

8.8 LEAVE OF ABSENCE – MEDICAL

Medical leaves of absence may be granted for regular full-time and regular part-time employees who are unable to perform their job duties due to an illness or an accident and who are ineligible for or have exhausted FMLA leave. This medical leave of absence requires a doctor's certification and cannot exceed one hundred eighty (180) days total, including any FMLA leave. During medical leave, the employee may receive previously earned sick pay and earned but unused vacation benefits. A written request for a medical leave of absence must be returned to the department director along with a doctor's certification indicating the nature of the medical problem and the anticipated length of absence. A medical leave of absence may be extended, upon a written request, accompanied by an explanation from the employee's doctor of the need for an extension period. Even with an extension, however, a medical leave cannot exceed one hundred eighty (180) days total, including FMLA leave.

Employees returning from a medical leave of absence must provide a doctor's written certification of their ability to return to work. The City reserves the right to require an examination by a doctor of the City's choice. Employees returning from a medical leave of one hundred eighty (180) days or less return to the same position or a similar position of like pay or status, provided however, that the employee remains subject to legitimate job changes or layoffs that would have occurred even if they had not been on leave.

During a paid medical leave of absence, the City will pay its portion of the employee's medical insurance premiums for up to six (6) months total, including during paid or unpaid FMLA leave.

An unpaid leave of more than thirty (30) calendar days will affect an employee's performance and salary review dates. These days will be adjusted forward until the employee has completed as many days of continuous employment as the length of the leave of absence.

8.9 MILITARY DUTY

An employee who is a member of the Washington National Guard or a federal military unit is entitled to leave from his or her duties for up to twenty-one (21) work days each calendar year (using an October 1 to September 30 year) for official military duty in accordance with RCW 38.40.060. "Day", for purposes of this section, shall be defined as a twenty-four hour period, beginning and ending at midnight. Such leaves are in addition to any other leave or vacation benefits. During the twenty-one (21) work day period of military duty, the employee shall continue to receive his or her normal rate of pay.

An employee who is called to or volunteers for service with the armed forces of the United States or the Washington National Guard, may be entitled to reinstatement in his or her position upon completion of service, pursuant to state and federal laws.

An employee promoted or hired to fill a vacancy created by a person on military leave is appointed to the position subject to the return of the absent employee. Upon such return, a promoted employee is restored to his or her original position or an equivalent position subject to the provisions of state and federal law.

Active Military Duty Shared Leave

The intent of this shared leave provision is to provide short-term financial stability to allow an employee to adjust to a different income and benefit level under military pay.

Any employee who is ordered to report for active military duty for a significant military event such as "Operation Enduring Freedom: as determined by the Mayor or his/her designee and is unable to perform the duties of his or her City position may be eligible to receive donated hours. This may include an employee who is a member of the Army, Navy, Air Force, Marine Corps, Coast Guard and their reserves; the Army and Air National Guards, the Public Health Service commissioned corps, and other categories designated by the President in a time of emergency.

Any regular full-time or part-time City employee may donate accrued vacation leave hours to provide financial assistance to employees who are called to active military duty and who are unable to perform the duties of their position.

Donations of leave shall be in hourly increments. Vacation leave shall be transferred on a dollar for dollar basis. The value of the leave shall be determined at the current hourly wage of the donor and the leave available to the receiving employee shall be calculated at the receiving employee's wage.

An eligible employee may receive up to 50% of their regular pay per pay period as shared leave to supplement military pay for a total not to exceed 100% of their regular pay. The employee must turn over military paycheck stubs to the City so the City can determine the correct supplemental pay and donated leave amounts. An employee can receive shared leave for active military duty for up to six (6) consecutive pay periods.

While receiving shared leave, the City will continue to pay its portion of the employee and family health insurance benefits, and the employee will pay his or her portion. Employees will not accrue vacation, sick leave or other leave benefits while receiving shared leave. Other regular benefit deductions, such as retirement, will continue and will be based on the amount of pay received or number of hours of shared leave paid as appropriate. Continuation of optional benefits deductions is at the discretion of the employee receiving active military duty shared leave.

Any donated leave of less than \$100 value which is unused because an employee returns to work will be forfeited and used to cover the costs of administering the shared leave program. If the value of unused donated leave exceeds \$100, the unused leave will be returned to the donors on a pro rata basis, proportional to the donation, to the extent administratively feasible.

Military Family Leave

A regular or part-time employee who works an average of twenty (20) hours or more per week, whose spouse is called to active duty for the Armed Forces, including the National Guard or Reserves, or who will be, or is, deployed during a period of military conflict, may take up to fifteen (15) work days of Military Family Leave. This leave may be taken before the deployment of the military spouse or when the military spouse is on leave during active deployment. There is no requirement that the 15 days be taken at the same time; an employee may take part of the leave at the time of initial deployment and reserve part of the leave to use when the spouse is on leave from active deployment. For each new deployment of the military spouse, an employee may take another Military Family Leave of up to 15 work days.

An employee must give notice of the intent to take Military Family Leave within five (5) business days of receiving official notice of the call or order to active duty or of a leave from active deployment. An employee who takes Military Family Leave may elect to use sick leave, vacation leave, compensatory time, or unpaid leave time.

8.10 SHARED LEAVE

The purpose of shared leave is to permit regular full and regular part-time employees of the City, at no additional cost to the City other than the costs of administering the program, to come to the aid of a fellow City employee. A department director, with the Mayor or his/her designee's approval, may permit an employee to receive shared leave if all of the following conditions are met:

- The employee suffers, or has an immediate family member (see section 2.11) suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to go on leave without pay status or to terminate his or her employment with the City; and
- The employee has completed one year of employment with the City; and
- The employee has depleted or will shortly deplete his or her total of accrued vacation, sick leave, compensatory time, holiday time and/or other paid leave; and
- Prior to the use of shared leave, the employee has abided by the City's sick leave policy and has accumulated leave balances commensurate with his/her years of employment and reasonable sick leave usage; and
- When appropriate, the employee has diligently pursued and is found to be ineligible for other disability benefits including workers comp time loss; and
- The use of shared leave will not significantly increase the City's costs, except for those costs which would otherwise be incurred in the administration of this program or which would otherwise be incurred by the employee's department.

The employee shall be required to provide appropriate medical justification and documentation both of the necessity for the leave and the time which the employee can reasonably be expected to be absent due to the condition. An employee must have a minimum sick leave balance of 40 hours in the 12 months prior to the request to be eligible to receive shared leave. Employee's eligibility to receive shared leave will be limited to the highest total number of hours of the employee's own sick leave balance in the 12 months prior to the shared leave request, so that the employee is eligible to receive a "match" to their own accrued sick leave bank. An employee shall not receive more than the equivalent of one-half of the number of hours in their typical work year as shared leave throughout his or her employment. Shared leave is to be used on a consecutive basis.

Employees may request their department director to approve the transfer of a specified amount of accrued vacation leave, comp. time or sick leave to an employee who is authorized to receive shared leave. In order to be eligible to donate accrued vacation leave, an employee must have a total of more than eighty (80) hours of accrued leave, have taken at least eighty (80) hours of vacation leave within the calendar year, or have a total of used and accrued leave of more than eighty (80) hours for the calendar year. There is no limit to the number of hours of comp. time an employee can donate.

To be eligible to donate sick leave, an employee must have at least one hundred (100) hours of accrued sick leave after the donation of leave, and may only donate a maximum of eight (8) hours of sick leave per incident of shared leave need.

Donations of leave shall be in hourly increments. The department director shall not transfer vacation leave in excess of the amount specified in the request. All donations of leave shall be voluntary. The department director shall determine that no significant increase in City costs will occur as a result of a donation of leave.

While an employee is on shared leave, he or she will continue to be classified as a City employee and shall receive the same treatment, with respect to salary and benefits, as the employee would otherwise receive if using other paid leave.

All salary and benefit payments made to the employee on shared leave shall be made by the department employing the person using the shared leave.

The employee's salary rate shall not change as a result of being on shared leave, nor, under any circumstances, shall the total of the employee's salary and other benefits, including but not limited to State Industrial Insurance or any other benefit received as a result of payments by the City of an insurer, health care provider, or pension system, exceed the total of salary and benefits which the employee would have received had he or she been in a regular pay status.

Vacation leave and comp. time shall be transferred on a dollar for dollar basis, sick leave shall be transferred on an hour for hour basis. The value of the leave shall be determined at the current hourly wage of the transferor and the leave available to the receiving employee shall be calculated at the receiving employee's wage.

Human Resources shall be responsible for computing the values of donated leave and shared leave. Payroll shall be responsible for adjusting the accrued leave balances to show the transferred leave. Records of all leave time transferred shall be maintained in the event any unused time is returned at a later date. Human Resources shall determine when shared leave is no longer needed, based on a medical certification. The value of any leave transferred which remains unused shall be returned at its original value to the employee or employees who donated the leave. To the extent administratively feasible, the unused leave shall be returned on a pro rata basis, proportional to the donation, but in no case will exceed the original number of hours donated.

Human Resources shall monitor the use of shared leave to insure equivalent treatment for all employees of the City. Inappropriate use or treatment of the shared leave provision may result in the cancellation of the donated leave or use of shared leave. In no event shall any unused shared leave be paid to the employee receiving shared leave in the event of leaving City service.

As with all other provisions of these guidelines, the City in its sole discretion may amend or cancel this program at any time.

8.11 ADMINISTRATIVE LEAVE

In certain circumstances, the City may choose to place an employee on paid administrative leave pending City investigation, for a period of time determined by the City.

When an employee is placed on paid administrative leave, the employee's work station is his or her residence. The employee is therefore required to be at home and available for contact by phone from 8:00am to 4:00pm Monday-Friday unless leave has been requested and approved by the employee's supervisor.

8.12 SABBATICAL LEAVE

The purpose of sabbatical leave is to promote renewal and rest for longer term service, management level employees of the City. After completion of each ten (10) year period of regular employment with the City, designated employees are eligible for four (4) weeks of sabbatical leave, using two (2) weeks of accrued vacation and two (2) weeks of paid sabbatical leave.

Regular full-time and regular part-time management level employees paid at range 46 or above are eligible if they have completed ten (10) years of service, and if job performance has been satisfactory, as indicated on their most recent performance review.

The four (4) weeks must be taken at one time, and may be combined with additional vacation leave, subject to staffing needs and approval by the City. Sabbatical leave must be taken within two (2) years of eligibility or the leave is forfeited. Regular pay and benefits continue during sabbatical leaves, however employees do not receive an extra day off if a holiday falls during the paid sabbatical leave. No sabbatical leave will be paid to an employee at termination.

Requests for sabbatical leave should generally be received at least ninety (90) days in advance. Employees must provide a written request for sabbatical leave and obtain approval of the department director and Mayor or his/her designee. Scheduling will be administered by each department. It is the employee's responsibility to develop a plan, for department director approval, to provide coverage for the position during a sabbatical leave. This should be done well in advance (6-12 months, if possible) of the leave date. For record keeping purposes, and to ensure consistent administration, the employee should coordinate with Human Resources prior to the leave.

8.13 SERVICE LEAVE

Regular employees in positions not eligible for Sabbatical Leave per Employee Guideline 8.12 will be provided a one-time accrual of 40 hours (pro-rated for regular part-time employees) of vacation leave after each consecutive 10 year period of continuous employment (i.e., after 10 years, 20 years, 30 years, etc.).

8.14 DOMESTIC VIOLENCE LEAVE

Pursuant to state law, an employee may take reasonable leave from work, intermittent leave, or leave on a reduced leave schedule for the following activities related to the employee or employee's family member (child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) being a victim of domestic violence, sexual assault, or stalking:

1. seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee of family member;
2. seek treatment by a health care provider for physical or mental injuries or to attend health care treatment for a family member;
3. obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program;
4. obtain, or assist a family member in obtaining mental health counseling related to an incident in which the employee or the employee's family member was a victim; or
5. participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or family member.

An employee who is absent from work for one of the reasons above may elect to use sick leave, vacation leave, compensatory time, or unpaid leave time. An employee must give the City advance notice of taking domestic violence leave. If the employee cannot give the City advance notice because of an emergency or unforeseen circumstance due to domestic violence, sexual assault, or stalking, the employee must give notice no later than the end of the first day that the employee takes leave. The City may require verification that the employee is a victim and that the leave was taken for one of the permitted purposes.

Confidentiality

An employee is only required to provide information for verification that the employee's leave is protected under this chapter. An employee is not required to produce or discuss any information that would compromise the employee's or family member's safety. The City must maintain the confidentiality of all notice and verification information unless requested or consented to by the employee, ordered by a court or administrative agency, or otherwise required by law.

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9 EMPLOYMENT PRACTICES

9.1 CODE OF CONDUCT

All employees are expected to perform their job duties and to exercise good judgment, loyalty, common sense, dedication and courtesy in the performance of those duties, and to comply with the provisions of these guidelines, department directives, policies and procedures, and the City's Code of Ethics. The primary mission of each employee is to provide courteous, orderly, efficient and economic delivery of services to the citizens consistent with the City's rules, regulations, applicable laws and the general goals and targets of the City. Failure to meet these expectations may establish cause for discipline.

The following are examples of types of behavior which may result in discipline. This is by no means an exhaustive list, but merely illustrates the type of behavior not consistent with the general code of conduct expected of employees:

1. Drinking alcohol, illegal drug use under both state and federal law, abuse of non-prescription or prescription drugs or other controlled substances on the job, or arriving on the job under the influence of or while in possession of alcohol, illegal drugs or other controlled substances.
2. Insubordination.
3. Violation of a lawful duty.
4. Dishonesty.
5. Charges filed and /or conviction of a felony or misdemeanor that may or may not directly relate to job duties.
6. Habitual absence or tardiness for any reason.
7. Absence from work without first notifying and securing permission from the appropriate supervisor.
8. Inability, refusal or failure to perform the duties of the assigned job.
9. Misappropriation or illegal use of City supplies, equipment, or time for personal use or gain.
10. Violation of the duties or rules imposed by this manual or any other City rule, regulation, administrative order or applicable state law.

9.2 PERSONAL APPEARANCE AND DRESS

Employees shall wear appropriate attire for their position and department. Most City jobs involve contact with the public and other employees. Dress, grooming, and hygiene standards which are compatible with a professional, business-like atmosphere and which demonstrate respect for co-workers should be observed. A neat and presentable appearance is required at all times while on the job and representing the City of Federal Way.

Should uniforms, safety apparel, or equipment be required for a particular position, they will be provided at City expense as provided for in administrative regulations. Except for exigent circumstances, uniforms identifiable with the City of Federal Way shall only be worn during hours of work or duty.

9.3 AROMATIC SENSITIVITIES

Some employees may be sensitive and/or have allergies to smells and/or fragrances. Please be courteous to those around you when cooking strong smelling foods, such as fish, in common areas not designated as the lunchroom, and/or eating such food at your desk, as well as when using scented products, such as air fresheners, sprays, potpourri, lotions, and colognes/perfumes. Scents linger and travel from workspace to workspace affecting those that may have sensitivities.

9.4 TOBACCO USE

Use of tobacco products is prohibited at all times in City facilities, in or around City vehicles, and all work sites. This shall apply in all work and common areas, whether the area is enclosed or not, or whether the area is individual or shared. This prohibition shall apply to all persons who visit in work and common areas, including all officers, employees, contractors, or visitors during all hours and days of the year.

9.5 LOST AND FOUND ITEMS

A City employee who finds any lost item(s) on City property and/or in the performance of his/her job duties is required to turn in the found items to his/her supervisor. All found items will be tagged with information regarding the location and date found and will be held in a central location in each City facility for sixty (60) days. After sixty (60) days, any unclaimed items will be donated to a charitable organization.

9.6 WORKPLACE PRIVACY

The City regards desks, computers, file cabinets and files, furniture, lockers, work spaces and other personal property, as well as data, programs and other property acquired by, developed for or located in any City facility, either in printed or digital format, as City property. The City reserves the right to inspect the same if, in its sole discretion, it determines that there is a security, health, or other appropriate reason to do so. Such reasons may include, without limitation, the following: the need to locate City property; health or safety concerns; reasonable suspicion of work-related misconduct; termination of employee; or for other work-related purposes.

Electronic mail ("E-mail") communications generally constitute public records and as such, employees should not expect or assume any privacy regarding the content of E-mail communications. All messages are the City's records and are the property of the City. The City reserves the right to read, use and disclose E-mail messages. Even after an E-mail message has been deleted, it can still be possible to retrieve it.

9.7 OFFICE EQUIPMENT USE GUIDELINES AND PROCEDURES

9.7.1 Purpose

City equipment is provided for the purpose of conducting City business and is expected to be used in a lawful manner at all times. For example, use of hand held City-owned or personal cell phones while driving in a City vehicle or on City business is prohibited with limited exceptions under the law effective in July 2008. Any personal use of the equipment is a use of public assets and is a diversion of productive public service time and resource from the performance of City business. On the other hand, the City recognizes it is the reality of today's workplace that employees have legitimate needs at times to contact family, friends, and take care of a certain amount of personal business during the workday, and a total prohibition of incidental and minimal personal use of regular office equipment such as copier and telephone is counterproductive. In most cases, the benefit of allowing incidental use outweighs the associated costs.

This guideline establishes general parameters for use of City equipment, including limited personal usage. It is not intended to be all encompassing. Employees are expected to exercise judgment and use common sense when using City equipment. Any personal use must be incidental and minimal, occur during breaks or nonworking hours, out of public view, and in no way interfere with one's duties or responsibilities as a City employee, nor should it in any way interfere or impede the access of others in conducting City business. Departments may establish additional guidelines and procedures as deemed appropriate by department directors. Failure to observe this or other guidelines/procedures in using City equipment will be considered inappropriate conduct and may establish cause for disciplinary action up to and including termination.

Personal use of City equipment is a privilege. It shall not be considered a benefit, a right, or a working condition, and the City reserves the right to modify or revoke this privilege at its sole discretion anytime without prior notice.

9.7.2 Scope

1. This guideline is intended to address all office equipment including but not limited to copiers, printers, faxes, desktop or laptop computers, personal digital assistant (PDA) and other wireless devices, desktop, and cellular (cell) phones, as well as city-owned software and city-maintained social media sites.

This guideline does not apply to any vehicles, heavy equipment or other rolling stock and power equipment primarily used in the field or for maintenance. The use of these types of equipment is addressed in the Fleet Management Manual.

2. Unless otherwise exempted by the Mayor or his/her designee, this policy applies to all employees, volunteers and/or others who use City equipment in the performance of their assigned roles and responsibilities.

9.7.3 Costs Deemed Minimal

Unless otherwise identified in this guideline, the incidental and minimal personal uses of City equipment is deemed minimal and the reimbursement to the City does not justify the cost incurred by the City to individually track the usage and process the billing/deposit.

9.7.4 Ownership of Electronically Produced Documents

All documents, databases, software, codes, data and/or any other work product created in the course of an employee's job is the sole property of City of Federal Way with any and all rights and compensations retained by the City. This applies regardless of the time period during which the product was developed, unless an agreement is entered into and approved by the City prior to the commencement of the creation of such documents.

9.7.5 Privacy vs. Public Disclosure Issues

1. The City owns its electronic computing systems and all records transmitted and maintained on these systems. All records, communications, files, or data are City property. As referenced in Section 9.5, employees shall not expect or assume any privacy of the records, communication, files or data. E-mail, voice messages, and comments on city-maintained social media sites that are not otherwise exempt from public disclosure may be examined by the public if requested. The City has the right to and will periodically access or monitor email messages, internet access information, comments on city-maintained social media sites, and telephone logs for work-related purposes, health or security reasons, or to respond to public record requests.
2. Cell phone transmissions are not secure. Employees should use discretion in relaying confidential information over cell phone.

9.7.6 Unauthorized Uses of Activities of City Equipment

City equipment is not to be used for the following purposes:

1. Commercial purposes or personal profit.
2. Installing any software on City computers with the exception of screen savers. The screen savers may be installed if each person installing the software has a legal right (license) to the product and it is not prohibited by the provisions of this policy.
3. To gain access to web sites or computer systems of individuals or other agencies in a manner that is commonly known as "hacking."
4. To make on-line purchases for City business, unless otherwise approved by supervisor or department director.
5. Displaying on a screen, transmitting by e-mail, voice mail or accessing internet information that promotes or transacts the following:
 - a. Discrimination on the basis of race, creed, color, national origin, sex, age, religion, disability, marital or veteran status or any other basis that is protected under local, state or federal law.
 - b. Any form of harassment.
 - c. Contents which is known or would reasonably be expected to be personally offensive to another individual.
6. Copyright infringement.
7. Solicitation of any kind unless it is for City sponsored activities/events or for activities/events otherwise approved by the Mayor or his/her designee. Posting items for sale on employee intranet bulletin board is allowed.

8. Promotion on behalf of any and all persons or for any and all commercial purpose, or promotion of any and all political candidates or causes.
9. To post or transmit information that is untrue or intended to mislead or distract from the truth.
10. To post or transmit confidential information related to City business to parties unauthorized to receive it.
11. Any unlawful activity.
12. Improper creation or use of social media sites. The process for creation/maintenance of a city-maintained social media site is outlined in the City's Social Media Policy. Staff should refrain from posting any comments or wall posts to the City's social media sites in their capacity as city employees, unless specifically authorized to do so as outlined in the City's Social Media Policy.

9.7.7 Care Of and Personal Responsibility for Assigned Equipment

For practical reasons and convenience, certain equipment will be assigned to individuals who will maintain custody and have use of the equipment such as pager, cell phone, PDA, laptop and other portable equipment. The individuals assigned the equipment shall be primarily responsible for the reasonable care of the equipment including access, use, and storage.

1. Lost or stolen.
Report the incident to supervisor promptly. Depending on the circumstance and the value of equipment missing, the City may require employee and/or their home owner insurance to replace the missing equipment.
2. Misuse or abuse.
IT Department will report any recurring abnormal repair or replacement of equipment of a person, an operation, or a department to the department director for follow up as appropriate.

9.7.8 Designation of Usage

1. Usage plan designation.

Department directors shall determine the type of equipment and usage plan that is appropriate for specific positions.

Department is also responsible to review the appropriateness of the usage plan periodically and request changes as needed.

2. Reporting and Monitoring Usage.

Information Technology (IT) Department is responsible for providing inventory and usage of office electronic equipment and on an annual basis to departments. This report shall, at minimum, include:

Cell phone cost by user for the department;

Long distance cost, if identifiable, by employee for the department;

Extended internet connection/usage time by employee for the department.

Much of the equipment is connected to or through central systems that retain detailed usage logs and allow the City to access various reports for monitoring purposes. Such special reports will also be provided upon the request of a director and or the Mayor or his/her designee.

9.7.9 *Reimburse City for Cost of Personal Use – Procedure*

IT Department is responsible for managing equipment resources including their acquisition, maintenance and operation, and disposition. Billing statements for such equipment shall be reviewed and processed by IT for payment monthly. The following uses, while not prohibited, require that special conditions or procedures be observed:

1. Common/Shared Equipment that Usage not Individually Tracked

- a. Personal long distance calls made from City facilities shall be charged to either personal credit card or other personal calling card/account.
- b. A charge shall be paid to the City based on the current published fee schedule for personal copies and/or faxes exceeding 5 pages.

2. Assigned Equipment with Metered Usage

When personal usage is identifiable and could cause increased costs for a type of equipment (such as airtime for cell phone or other wireless devices), IT Department shall distribute such monthly billing statements on a quarterly basis to departments to identify any personal usage and reimburse the City for any incremental costs the City might have incurred.

The statement distribution, review, and reimbursement will generally follow the following procedure:

- a. IT Department shall provide copies of billing statements with the Personal Cost Reimbursement Form for such equipment at least on a quarterly basis to the department directors or designees.
- b. Department directors or designee shall:
 - Distribute the statements to individual employees.
 - Collect from employees properly completed reimbursement forms and any reimbursement payments.
 - Review the billing statements, the amount claimed as personal use, and the appropriateness of the designated plan levels for positions in the department.
 - Remit the reimbursement and all forms to Finance within for (4) weeks of receiving the statement packets from IT.

- c. Employees assigned the equipment shall:
- Review the billing statements and identify any personal use.
 - Reimburse the City for more than incidental personal use of the equipment.
 - If personal uses are more than incidental, employee should reimburse the City based on the percentage of personal use times the billing amount.
 - If the equipment usage or air-time is pooled or shared, employee may chose to reimburse the City by multiplying the Personal Use Percentage to the Average per Equipment Cost.
 - The Personal Use Percentage can be determined by using one of the following methods:
 - i. Average monthly personal use percentage for the preceding year as documented by the user; or
 - ii. Flat rate of approximately 30% of the Average Per Cell Phone Cost for all pooled/shared calling plans as determined annually by Finance.
 - Promptly return the reimbursement form with signature certifying accuracy of the claimed personal uses to the director or designee for their review and transmission to IT.

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10 SAFETY AND SECURITY

10.1 IDENTIFICATION

Upon employment with the City, eligible employees will be issued identification cards. The card identifies the employee by position and department, and provides building access to areas of City Hall.

The card is to be carried at all times when an employee is acting in an official capacity. The card should be used as identification, if requested by a member of the public or another employee.

Unauthorized or inappropriate use of the employee identification card is prohibited and may result in disciplinary action.

Police Records Division is responsible for preparation of the identification card. If a card is lost, damaged or destroyed, it should be immediately reported to Police Records Division. Identification cards must be returned to Human Resources when an employee terminates employment.

10.2 SAFETY

The City believes in a safe and healthy environment for its employees, customers and volunteers. We will establish and maintain a safety management program consistent with all applicable laws, that emphasizes the integration of safety and health measures into job tasks so that safety/health and job performance become inseparable. The objectives, scope, organization and effectiveness of the Safety Management Plan are evaluated at least annually and revised as necessary. The success of the program will be accomplished through the cooperative efforts of the Mayor or his/her designee, directors, managers, supervisors and employees.

Safety orientation for new and transferred employees, timely and appropriate training, a management/employee safety committee, an active self-inspection program, and personal protective equipment are examples of some of the tools which may be used to reduce work hazards.

Last, but not least, a successful safety program requires employees to be responsible for safe operation of equipment and working in a safe manner thus contributing to the well-being of personnel, customers and volunteers.

Responsibilities for safety and health are established to enhance the program's effectiveness and promote communication between workers, supervisors and management. Specific safety and health responsibilities for personnel are as follows:

Management: Since active participation and support is essential for success, managers will strive to display their interest in safety and health matters. Designated managers may serve on safety and health committees and all managers may, as appropriate, participate in accident investigations and facility inspections.

Supervisors: Supervisors acknowledge the importance of the safety and health of the employees they supervise, while recognizing that such employees are responsible for the safe operation of equipment and working in a safe manner.

Managers and supervisors will strive to:

1. Ensure that all safety and health rules, regulations, policies and procedures are understood and observed by providing opportunity for employee training.
2. Annually review and update, as necessary, departmental safety policies and procedures.
3. Require the proper care and use of all protective equipment required by law.
4. Identify, eliminate and/or reduce job hazards.
5. Receive and as deemed appropriate, take initial action on employee suggestions, awards or disciplinary measures.
6. With available resources, train employees (new and experienced) in safe and efficient methods of accomplishing jobs or tasks as deemed necessary.
7. Work with Human Resources in reviewing accident trends and establishing prevention measures.
8. Attend safety meetings, if appointed by the Mayor or his/her designee, and actively participate in the proceedings.
9. Conduct periodic staff meetings wherein safety is a topic.
10. Participate in required investigations and inspections.
11. Promote employee participation in safety and health programs.
12. Follow the progress of injured workers and display an interest in their rapid recovery and return to work.

Employees: Every employee has an important role in the City's Safety Plan. He/she is expected to cooperate fully in all safety related activities and measures. Employees' responsibilities include, but are not limited to:

1. Active participation and cooperation in the Safety Plan.
2. Knowledge and skill in his/her job.
3. Application of the principles of accident prevention in daily work, and the use of proper safety devices and protective equipment as required.
4. Adherence to all safe work practices governing their work.
5. Compliance with all safety rules.
6. Concern for life and safety of self, co-workers, and the public.

7. Immediately report to supervisor any unsafe work practices or conditions observed.
8. Report all accidents to his/her supervisor immediately.
9. Consider safety meetings, education, and training as a part of his/her regular job.
10. Properly care for all personal protective equipment.

Safety Officer: Responsible to the Mayor or his/her designee for the development, implementation and monitoring of the City's Safety Management Plan. The Human Resources Director serves as the Safety Officer for the City.

Seatbelts

In accordance with state law, when operating a City vehicle, the employee must use the seatbelt/safety restraint device and require any passengers to do the same. Any employee who does not use safety restraints/seatbelts shall be subject to disciplinary action up to and including termination.

Driver's Licenses

Any employee whose work requires he or she drive City vehicles must hold a valid Washington State driver's license. Any employee who does not hold a valid driver's license will not be allowed to operate a City vehicle until such time as he or she obtains a valid license.

Any employee whose work requires substantial and ongoing operation of a City vehicle must maintain an acceptable Department of Motor Vehicle record in order to function in their position. If their license is expired, suspended, or revoked, they shall be subject to disciplinary action up to and including termination, unless that employee is able to obtain an occupational permit from the State Department of Licensing. Should the employee fail to immediately report such a revocation or suspension of his or her license to the appropriate supervisor and instead continues to operate a City vehicle under such circumstances, that employee shall be subject to termination.

10.3 ACCIDENTS AND REPORTS

On the Job Employee Injuries

It is the City's intent to provide safe working conditions for its employees. However, occasional on-the-job injuries may occur. When they do, employees are to immediately report to their immediate supervisor each injury or illness regardless of the degree of severity. As soon as possible after an accident or occupational illness is discovered, the employee and the supervisor must complete an accident report form and submit it to Human Resources. Should the injury require attention beyond first aid, the employee's treating physician is to complete the State Industrial Medical Claim form. Injured employees on Worker's Compensation must submit physician time loss certification to their supervisor and if absent from work for more than seven (7) days, contact his or her supervisor once a week to keep the City informed of their condition and progress.

Accidents/Incidents

Employees shall report any work-related 3rd party injuries and/or damage to public/private property or equipment to their immediate supervisor. Such report shall be made as soon as possible, but in no case later than eight (8) hours following such incident.

Employees shall compile any reports requested by their supervisors. In case of a motor vehicle accident, the required State Motor Vehicle Collision Report shall be completed by the employee.

Human Resources shall be notified of all work-related accidents involving City employees and City equipment as soon as possible and not later than the next working day following the day during which the accident occurred. Human Resources is responsible for monitoring the progress and following the case through to completion.

10.4 LEGAL LIABILITY

Employees shall comply with all laws and regulations that relate to the performance of their duties and shall perform their duties as reasonable and prudent persons. The City shall provide legal defense to employees for actions filed against employees acting totally within the scope of their performance as authorized and as determined by the City.

10.5 UNIFORMS/PERSONAL PROTECTIVE EQUIPMENT

The uniform/personal protective equipment guideline has been established to provide for the proper identification and safety of City employees. Uniforms improve the visibility of employees and easily identify employees as official agents of the City of Federal Way. The uniform helps create a professional appearance of staff and aids in establishing a positive image with citizens. For their safety, employees are to wear personal protective equipment as required.

Certain employees, shall be required to wear the uniform or personal protective equipment designated for his/her position. Exceptions to the required uniform must be approved by the department director or his/her designee.

Guideline

Uniforms shall be worn as follows:

- Uniforms shall be kept clean and neat in appearance as much as possible under current working conditions.
- Uniform shirts will be tucked in, unless straight cut and hemmed for wear outside of pants.
- Uniform shirt, sweatshirt, jacket and pants shall be only type worn during working hours.
- Uniforms shall be free of adornment with the exception of the official City of Federal Way logo. Any other adornment must be authorized by the department director.
- Shorts and tennis shoes may be authorized for wear by the department director or his/her designee when duties are warranted (i.e., crowd control, parking, special events, etc.).
- Routine maintenance of uniform will be the responsibility of the employee. Routine maintenance includes washing, ironing, and mending.
- Issue and replacement of uniforms will occur as determined by the department director.
- If authorized by the department director, in extreme cold weather, personal heavy winter coats or dark colored vests may be worn with the uniforms.
- Uniforms will be worn during working hours only. Upon separation of employment, it shall be the City's option to collect uniforms from the terminating employee.

Personal Protective Equipment/Boots

Suitable protective apparel shall be used, wherever significant danger exists due to physical contact with hazardous/dangerous/infectious materials as required by Washington State law.

All protective apparel shall be periodically tested to ensure adequacy, as appropriate to the hazard involved. All personal protective equipment, including boots, will meet standards, if any, required by state law, for the particular work duties of the position.

Following the initial uniform or personal protective equipment issue, annual replacement shall be based on need. Replacement requests must be authorized by the department director or his/her designee.

Request for additional uniform will be at the employee's expense. Exceptions may be authorized by the department director of his/her designee.

10.6 SAFE WORKPLACE

The City of Federal Way is committed to providing a safe and secure work environment for employees, contractors, and the general public. In an effort to prevent the possibility of violence in our workplace, the City has implemented this Safe Workplace Guideline. The City strictly prohibits threatened or actual workplace violence. This includes the following types of behavior:

- Threatening injury or damage against a person or property;
- Fighting or threatening to fight with another person;
- Stalking, following, or invading another employee's personal life;
- Violation of section 10.7 regarding the use or possessing of a weapon on City premises;
- Engaging in shoving, fighting, blocking, impeding, even if done "all in fun";
- Abusing or injuring another person;
- Using obscene or abusive language or gestures in a threatening manner; and
- Raising voices in a threatening manner.

Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited. Any employee who violates this policy will be subject to immediate discipline, up to and including termination at the discretion of the City. Contractors or agents who violate this policy are subject to immediate termination of their contractual relationship with the City.

Reporting Procedure

Any employee who reasonably believes that a situation with an aggressive employee, member of the general public, or other party (e.g., any person who uses obscene or abusive language or gestures, makes threats, or acts in a violent or threatening manner) may become violent should immediately leave the area and report the situation to his/her supervisor. Any supervisor who receives a report of potential or actual violence should immediately contact Human Resources. The report will be investigated and the appropriate disciplinary or corrective action will be taken.

10.7 FIREARMS AND DANGEROUS WEAPONS

It is the policy of the City of Federal Way to prohibit all employees while on City property ("City property" means all areas within the ownership and/or control of the City, and includes offices, buildings, parking lots, desks, cabinets, lockers, or storage areas.) or time, or while performing City business from:

- Carrying in any manner any firearm, rifle or handgun, whether such person has a license or permit to carry such firearm or not, and whether such firearm is concealed or not.
- Carrying any knife, sword, dagger, or other cutting or stabbing instrument, with a blade of a length of three inches or more, or any razor with an unguarded blade, whether such weapon or instrument is concealed or not.
- Carrying any instrument or weapon of the kind usually known as a slingshot, taser, throwing star, bow, sand club, blackjack, metal knuckles, or any stick, chain, metal pipe, bar, club or combination thereof including a device thrown as numchuk sticks, or any device having the same or similar components or parts, whether or not connected by a rope, chain or other device, or any explosive or poison or injurious gas (excluding those normally used in the course of one's employment duty), or any other instrument capable of producing bodily harm, whether such instrument or weapon is concealed or not.
- Carrying, exhibiting, displaying or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at the time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of another person or persons.

The policy shall not apply to or affect the following:

- Any person who is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty.
- Any person making or assisting in making a lawful arrest for the commission of a felony.
- Other exceptions as may be authorized by the Mayor or his/her designee.

Any employee violating this policy may be subject to disciplinary action, up to and including termination.

11 PERSONNEL ADMINISTRATION

11.1 VACANCIES AND ASSIGNMENTS

Notices of open City positions are posted on the City's bulletin boards. Any employee who is qualified for an open position may apply for a posted opening.

Temporary appointments may be made by the department director for a specified time or assignment, as necessary. Such appointments are made on an "acting" basis. Upon completion of the assignment, the "acting" employee returns to his or her regular position. Employees who are assigned to a higher paying position in an acting capacity are paid as outlined in section 6.4. The actual salary is set by the department director in consultation with Human Resources.

If a transferred employee fails to perform satisfactorily, he or she may be transferred back to his or her pre-transfer position, provided a vacancy exists. If a vacancy does not exist in the pre-transfer position, the employee may be separated from employment.

11.2 ALTERNATE DUTY/EARLY RETURN TO WORK

Purpose and Intent

The City of Federal Way considers employees its most valuable asset. Therefore, if work is available and a regular employee is injured, we will make every reasonable effort to return the employee to work, with the approval of his/her medical provider, at the earliest possible time. By doing so, we show our commitment to our employees to work together to minimize the human and financial loss associated with employee injury.

This program is designed to:

1. assist the recovery process by providing a focus and a goal for return of the injured worker
2. benefit employees by allowing resumption of full wages as soon as possible, and
3. benefit the City of Federal Way by reducing workers' compensation and retraining costs.

The Alternate Duty/Early Return to Work Program is temporary for a maximum six month period, unless otherwise required by law. It is not intended to be a guarantee of permanent continued employment. If at any time during the six month period it is determined that the employee will be unable to perform the essential job functions of his or her job at the conclusion of the six month period, the City will evaluate the employee's situation. Depending upon the outcome of the evaluation, it is possible that the City may terminate the person's employment. Termination of employment does not preclude provision of worker's compensation benefits as provided by Washington State statutes.

Policy

Provided that work is available, the City of Federal Way will make every reasonable effort to seek transitional alternate duty/early return to work opportunities for all regular employees who are temporarily disabled due to an injury or illness, and to return employees to work as early as medically possible. Return to work opportunities will first be considered within the same division, then within the same department. Employees injured on the job will be given priority for available work. Early return to work assignments are intended to assist workers who are transitioning back to work after a temporary disability. Temporary employees are not eligible for alternate duty and must have a full duty medical release prior to returning to work following an injury.

The Mayor or his/her designee is committed to making alternate duty/early return to work a priority of the City. The Human Resources Director is the designated individual responsible for coordinating the alternate duty/early return to work program.

The success of this program depends upon team work, with all members of the team knowing and understanding their respective responsibilities. Directors and managers will receive instruction in their role in support of the alternate duty/early return to work program. Assigned supervisors will receive training which includes an explanation of the City's alternate duty/early return to work program, and procedures for implementation of the program. During new employee orientation, employees will receive a copy of the alternate duty/early return to work program. Human Resources will outline the role of the City as well as the role of each team member.

Procedures & Responsibilities

A. Employee

1. Notify supervisor of injury as soon as reasonably possible.
2. Upon written light duty release from the attending physician, submit written request for consideration for alternate duty/return to work program, and provide signed release of medical records to the City.
3. Communicate with supervisor on a regular basis regarding injury status, treatment, and expected return date.
4. Participate as an active member of the alternate duty/early return to work team to establish job modification and transitional alternate duty/early return to work plan.
5. Employee has a responsibility to accept alternate duty/early return to work assignment, which meets the limitations specified by the attending physician. In the event of any dispute as to the employee's ability to perform the available work offered by the City, the department of Labor and Industries will make the final determination, in situations involving on-the-job injuries. Reference: RCW 51.32.090

B. Immediate Supervisor/Manager or Responsible Individual Designated by Department Director

1. As soon as reasonably possible after the injury/illness:
 - a. Make initial contact with the worker by phone or personal visit, whichever is appropriate, to discuss the extent of injuries and anticipated return date. Reassure worker that the City is concerned and supervisor is available to answer questions as they arise.
 - b. Notify Human Resources that worker will be away from work and estimated date of return.
 - c. If/when early return to work appears to be a possibility, complete "Job Analysis" on existing job and send to Human Resources Director within one work week (copy to be given to injured worker). The Job Analysis is performed on current job, without modification. After physician review and recommendations, any possible job modification occurs.
2. Coordinate with Human Resources and the worker to determine whether work is available that can be performed with the limitations the worker may have, and whether alternate duty/early return to work is appropriate and in the best interest of the City. If so, establish job modification and transitional alternate duty/early return to work plan.
3. Review assignment every 60 days after job modification has been approved, or sooner if necessary, for further modification, if needed. This is a temporary assignment.
4. If at any time during the six month period it is determined that the employee will not be able to perform the essential functions of his or her position at the completion of the six month period, the City, through the Human Resources department, will evaluate the employee's situation. Depending on the outcome of this evaluation, the City may terminate the person's employment.

C. Human Resources

1. Upon receipt of notification from supervisor of an employee who has submitted doctor's release to light duty and written request for alternate duty/early return to work, ask supervisor to complete Job Analysis form.
2. Contact worker about return to work policy and leave buy-back options, where the employee turns over state compensation check to the City in exchange for a return of used sick and/or vacation days due to on the job injury or illness.
3. Send "Letter to Physician", "Physician's Evaluation" completed job analysis and a current job description, to attending physician requesting response by a set date. Physician's Evaluation completely or partially releases the injured worker to return to work, and in instances of partial release outlines any physical limitations imposed on the worker as a result of their injury. This evaluation also requests the physician to provide a schedule for transition back to full/regular duties.

4. Upon receipt of Physician's Evaluation, coordinate with supervisor and employee to determine whether alternate duty/early return to work is appropriate and in the best interest of the City. If so, establish job modification and transitional alternate duty/early return to work plan, based upon physician's requirements and City's ability to make temporary modified assignment.
5. Contact worker and explain the terms of the return to work plan that has been established through consultation with the attending physician. Explain job assignment and, if applicable, modified duties. Send "Employee Job Assignment" to worker for signature and return.

11.3 RECLASSIFICATION

Changing service demands, requirements, and job responsibilities requires periodic review and adjustment of City jobs. Reclassification is the result of a change in the level of responsibilities, tasks, and duties of a position which changes areas of emphasis and the level of skill required in the current position. These changes may be reflected in different qualification requirements. A position may be reclassified to a higher or lower range if the responsibilities of the job are determined to be less or more than originally indicated, or if certain responsibilities are removed from or added to the job.

A reclassification is not to be used as a merit raise nor is it to be used to reflect an increased volume of work at the same level of responsibility that the incumbent is currently performing. As a result of reclassification, and due to an overall change in the responsibilities of a position, the monetary compensation (pay ranges) established for the position may increase or decrease. The reclassification of a job involves a comparable position market survey and critical analysis of the relative worth of a position for placement in the City's classification/pay scale.

Whenever a new position is created or the duties of an existing position materially change, the appropriate department director shall provide to Human Resources a written, comprehensive job description describing in detail the duties, responsibilities and qualifications of the affected positions. Employees who consider their position improperly classified may also submit a request for consideration for reclassification, in writing, to their immediate supervisor. The immediate supervisor shall review the request with the department director. If the department director finds that the duties, responsibilities or qualifications of the position have changed, the department director shall make a recommendation that Human Resources conduct a job audit.

The Mayor or his/her designee shall make the final decision regarding granting or denying reclassification requests. Any reclassification is subject to budgetary appropriations by the City Council.

11.4 DISCIPLINARY ACTION

It is the intent of the City of Federal Way to maintain a productive and positive work environment. In accordance with this guideline and the laws, rules and regulations applicable to the City, inappropriate or illegal actions or work performance by an employee may subject the employee to discipline. The nature and severity of the discipline will be determined on an individual basis according to the particular circumstances. Various disciplinary actions available may include, at the discretion of the City, those listed below.

Verbal Warning

Verbal warnings may be given for minor offenses or to bring to the attention of an employee potential work performance problems. Verbal warnings may include an explanation of the violation or problem and requests for corrective action on the part of the employee. A notation of each verbal warning should be placed in a file and maintained by the supervisor for future reference.

Written Warning

A written warning may be given for a more serious offense or when the employee, who has been verbally warned for minor offenses or problems in his or her work performance, repeats them or fails to take corrective actions. Written warnings should contain: a statement of the facts; a statement of the discipline being given, if any; if appropriate, the employee's explanation and reason for the violation; the required corrective action on the part of the employee; if appropriate, a written and definite period of disciplinary probation, during which the employee must clearly demonstrate improvement; and a statement indicating further disciplinary action may follow if correction is not achieved. The warning may be signed by the employee and any other person who may be present at the discussion and should be signed by the employee's direct supervisor and the City department director involved. Copies of written warnings are to be forwarded to Human Resources. After review with the employee, a copy of the written warning is to be given to the employee and a copy is to be entered into the employee's personnel file.

Demotion

The department director may demote an employee to a position which has a lower salary range. Examples of when a demotion may be given include but are not limited to unacceptable work performance of the duties for the position, or a serious offense.

Suspension/Final Warning

A suspension may be given for serious offenses of employee rules of conduct which are not deemed sufficient justification for immediate discharge, or for repeated offenses, or for failure to correct an action for which a written warning was previously given. A suspension is time off without pay for disciplinary reasons, and will be for as long as the City determines is reasonable and necessary for a specific violation. In each case of disciplinary suspension, a written memo should be prepared indicating: the event or events which led to the suspension; the duration of suspension; a statement indicating required corrective action on the part of the employee; if appropriate, the employee's explanation or comment; and a statement indicating that it is a "final warning" and further indicating that the employee will be discharged upon the occurrence of another infraction or unless corrective action is taken within the stated time. Suspensions for exempt employees will not be for periods of less than one week and must be given in one week increments, except for major safety violations.

The memo may be signed by the employee and any other person who may be present at the discussion. The memo must be signed by the employee's direct supervisor and the department director involved, with copies forwarded to the Mayor or his/her designee and Human Resources. After review with the employee, a copy of this memo is to be given to the employee and a copy is to be entered into the employee's personnel file.

Discharge

When the nature of a violation warrants discharge, or if the discharge is a result of the disciplinary procedure where the desired corrective action was not achieved by one or more of the steps above (written warning, suspension, etc.), such supervisor will prepare a written report to his or her department director and Human Resources. The written report should include the reason(s) for the discharge; information on any previous warnings or disciplinary actions which may be relevant; a brief summary of the regular employee's past work record and length of employment with the City; and any other relevant information. The employee's department director will make a decision regarding intent to discharge after consultation with the City Attorney or his or her designee, Human Resources, and the employee's supervisor. Before a final decision is made regarding a discharge, a meeting may be convened as follows at the employee's request:

Pre-Discharge Meeting - The employee shall be provided with written notice of the charge or grounds for termination and a summary of the City's evidence. The employee shall be given an opportunity to respond to these charges, either verbally or in writing, and to explain why the City should not go ahead with the discharge. Although the written notice of the City's evidence should be sufficient to inform the employee of the basis for discharge, this procedure shall not be construed to limit the City at any subsequent hearing or proceeding from presenting a more detailed and complete case related to the basis for discharge, including the presentation of witnesses and documents not introduced at the pre-discharge meeting. Should the department director determine to proceed with the discharge, or some alternative disciplinary action, the City will give the employee written notice of discipline or discharge.

Final disciplinary actions resulting in discharge or suspensions for at least three (3) days or more (for any non-exempt employee) or one week increments (for exempt employees) may be appealed to the Mayor or his/her designee pursuant to the formal grievance procedures set forth in Employee Guideline Section 11.5 beginning at step 3.

11.5 GRIEVANCE PROCEDURES

It is recognized that communication of constructive suggestions and of problems can contribute significantly to improving the overall quality of work and conditions of employment. It is the City's intent to provide appropriate avenues of communication to meet a variety of needs. It is also the desire of the City to resolve problems and pursue suggestions through an informal process where such a process is in the best interest of the City and its employees. Formal procedures are provided for those situations when the informal process is not appropriate.

Employee Communication

Any time an employee has a question, problem or complaint, the employee should do the following:

- Consult with the employee's immediate supervisor. Generally, the employee and supervisor will be able to resolve the problem. If the problem is not solved at this level;
- The employee may request a meeting with his or her department director to resolve the problem. If the employee receives no satisfaction at this level;
- The employee may request a meeting with the Mayor or his/her designee to resolve the problem. The final determination will be made by the Mayor or his/her designee.

Grievance

A grievance is a complaint by a regular employee or group of regular employees alleging a violation of a section(s) of the City's ordinances, employee guidelines or department rules and regulations which pertain to the terms and conditions of such employment by the City.

Grievance Procedure Steps

A grievance shall be handled in the following manner:

Step 1: The aggrieved employee or group of employees shall present the grievance verbally to the immediate supervisor within five (5) working days of its occurrence, not including the day of the occurrence. The supervisor shall give a verbal reply within five (5) working days of the date of presentation of the grievance, not including the date of the presentation. If the grievance is resolved at Step 1, the supervisor shall prepare a memorandum to the grievant(s) setting forth the terms of the resolution. A copy of this memorandum should be sent to the department director and Human Resources at the time it is sent to the grievant(s).

Step 2: If the grievance is not settled at Step 1, the employee or employees shall prepare the written grievance in detail, and shall date and sign it, and present it to the department director within five (5) working days after the supervisor's verbal reply is given, not including the day the answer is given. The department director shall reply in writing to the grievant(s) within five (5) working days of the date of the presentation of the written grievance, not including the day of the presentation. If the grievance is resolved at Step 2, the department director shall prepare a memorandum to the grievant(s) setting forth the terms of this resolution. Human Resources should be provided with a copy of this memorandum for the file at the time it is sent to the grievant(s).

Step 3: If the grievance is not settled in Step 2, the written grievance shall be presented by the employee, along with all pertinent correspondence and information, to the Mayor or his/her designee within five (5) working days after the department director's response is given, with a copy going to the department director. The Mayor or his/her designee may meet with the aggrieved employee or group of employees, the immediate supervisory personnel and the department director. The Mayor or his/her designee shall reply to the grievant in writing within ten (10) working days of the date of presentation of the written grievance, not including the day of presentation. The Mayor or his/her designee shall prepare a memorandum to the grievant(s) setting forth the terms of the resolution. A copy of this memorandum should be sent to Human Resources for the file at the time it is sent to the grievant(s). The Mayor or his/her designee's decision is final and binding. There shall be no further appeal from such decision.

11.6 RESIGNATION

A regular employee may resign by giving his or her supervisor written notice of the effective date of resignation as far in advance as possible. The minimum amount of written notice which is requested is fourteen (14) calendar days in order to provide adequate coverage; however, a resignation can be accepted immediately upon receipt.

11.7 LAYOFFS

The City may lay off employees where there are changes in duties or a reorganization of positions, a position or service is abolished, there is lack of work or shortage of funds, or other appropriate reasons. Efforts will be made to integrate affected employees into other available positions. The procedures are generally as follows:

- At least thirty (30) days prior to the anticipated layoff, employees whose jobs may be affected, will be notified of the situation and what options may be made available to them.
- Temporary employees performing similar work in the same department or division will be laid off before regular employees are affected.
- Options such as part-time work schedules, job sharing and voluntary time and/or pay reductions, may also be explored, if, in the opinion of the department director, such options are feasible.
- Regular employees will be retained on the basis of job performance. Relative job performance will be determined by the department director on the basis of relative qualifications, experience, past job performance evaluations and current job evaluations. Qualifications will be determined by the knowledge, abilities and skills required for an affected position, as stated in the classification descriptions, and the employee's ability to perform the remaining work without further training.
- For a period of twelve (12) months from the date of layoff, regular employees who were laid off, will be placed on the City's job announcement mailing list to assist them in applying for other job vacancies with the City for which they are qualified.
- The City may provide limited out-placement services to regular employees who have been laid off. This may include job counseling, assistance in development of resumes, and assistance in locating contacts and resources which may lead to other suitable employment.
- These procedures are guidelines only and shall not create any right of action in the event of deviation from the guidelines.

11.8 RETIREMENT

Notification

An employee will provide written notice of retirement to his or her department director thirty (30) days prior to retirement date. The employee's department director is responsible for sending the notice of retirement letter to Human Resources for processing. Payroll is responsible for sending documentation of the employee's separation and authorization for pension payments to the Department of Retirement Systems. Human Resources is responsible for conducting an exit interview with the employee prior to the date of retirement.

Procedure – State of Washington Retirement System

Employees covered by the State of Washington Retirement System who are eligible to retire, should notify the Department of Retirement Systems in Olympia at least ninety (90) days in advance of the anticipated date of retirement.

Procedure - FWRS

Employees covered by the Federal Way Retirement System (FWRS) who are eligible to retire, should notify Human Resources at least sixty (60) days in advance of the anticipated date of retirement.

11.9 SEPARATION PROCEDURES

Human Resources will notify Finance of the employee's separation date for payroll purposes. A final paycheck will be issued to the employee on the next regular payday after completion of the following: exit interview; return of City keys, City car, ID card, City tools and equipment, City uniforms, printed material belonging to the City; and resolution of status as to retirement contributions, insurance conversions, and deferred compensation. Regular employees shall receive full pay for unused accrued vacation. Non-exempt regular employees shall receive compensation for all accrued but unused compensatory time. No unused floating holiday will be paid out upon termination.

11.10 EMPLOYEE RECOGNITION

The goal of the employee recognition program is to create an organizational culture, which recognizes and rewards employees for consistent outstanding performance, and special efforts or accomplishments. The program includes both informal and formal recognition and reflects the organization's SPIRIT values of Service, Pride, Integrity, Responsibility, Innovation, and Teamwork, and areas of special emphasis or focus as determined by the Management Team. City employees at all levels of the organization are eligible for a variety of awards which include but are not limited to the following:

Informal Recognition

Informal recognition of an individual or a team by departments or work groups is encouraged. Informal awards provide important recognition to an employee because the reward is often more spontaneous and therefore more timely and specific, and can be closely matched to the individual and the particular achievement. This would be a good place to incorporate the "FISH!" principles of "play, make their day, be there, and choose your attitude." Some examples of informal recognition may include work group, department or City-wide celebrations; humorous trophies, certificates or cards; or a coupon for a favorite treat, or a dead fish. Departments and work groups are encouraged to be creative, to recognize each other often, and to have fun doing so. Sharing of ideas for recognition and information about those being recognized with the rest of the organization is also appreciated.

Formal (Yet Still Fun) Recognition

A formal recognition program has also been developed. This includes standard awards that are available to employees according to the criteria established for each.

1. Letter of Appreciation are for employees who consistently demonstrate their commitment to doing their job well, and provide quality service to their customers or have contributed significantly to a special project. Letters of appreciation may be initiated and signed by any supervisor or manager at the City. The original is presented to the employee and a copy is placed in the employee's personnel file.
2. Service Awards are presented in appreciation to employees who have reached important milestones of 5, 10, 15 and 20 years of dedicated service with the City. The award is a framed certificate signed by the Mayor or his/her designee and may include a service award gift, depending on the milestone reached. These awards are presented to recipient employees by the Mayor or his/her designee at All Staff meetings.
3. FISH! Tickets are presented to/by co-workers to thank them for a job well done, extra effort, or anything else the employee did to practice the FISH! Principles of "Play, Make Their Day, Be There and Choose Your Attitude." Completed tickets are deposited in the boxes around City Hall, and the recipient is provided a copy of the ticket. A copy of the ticket is included in a drawing for a \$25 gift certificate at the All Staff meetings.
4. SPIRIT Award: This award recognizes employees who exemplify the characteristics described in the City's SPIRIT value statement (Service, Pride, Integrity, Responsibility, Innovation and Teamwork) on a consistent basis. Any employee, up to and including Directors and the Mayor or his/her designee, can nominate an employee or group by submitting a brief written or e-mail nomination form to a Department Director or Human Resources. The Management Team will review nominations and select a recipient on a quarterly basis. The employee(s) selected to receive the SPIRIT award will be given a \$100 check, a traveling trophy, and an assortment of fun prizes selected by the Customer Service Team especially for the individual. In addition, they are entitled to park in a reserved parking place for the quarter, the award is presented at an All Staff Meeting, and their name is added to the SPIRIT plaque in City Hall. Two runners up will be selected by drawing to receive \$10 gift cards. The Management Team will select a group recipient on an annual basis. Members of the selected group will have their names added to the SPIRIT plaque in City Hall, will be provided with a pizza party, and will each be given a \$100 check, up to a maximum of \$1,000/group to be divided equally among the group if more than 10 members. The award will be presented at an All Staff meeting. All nominees will have a copy of the nomination placed in their personnel file.
5. Stewardship Award: This award will be conferred upon an individual who has developed an idea or initiated a change in his or her work area resulting in a measurable improvement in delivering services to the public or within the organization. Nominees must have recommended a plan or procedure that was subsequently adopted by the department. The plan or procedure must involve the creative use of resources and must have achieved a measurable savings in operating costs and/or time for the City. The Management Team will review nominations and select a recipient annually. The recipient will be announced at an All Staff meeting, and will be awarded 16 hours of vacation.

12 ALCOHOL AND DRUG FREE WORK ENVIRONMENT

12.1 PURPOSE

The City of Federal Way has a significant interest in ensuring the health and safety of its employees and citizens. We regard prevention, intervention and treatment as the best approaches for creating an alcohol and drug free work environment. The purpose of this guideline is to outline the steps the City is taking to ensure that all its employees are free of alcohol and drugs while in the performance of their duties.

12.2 POLICY

The City of Federal Way strictly prohibits the manufacture, possession, distribution, sale, dispensing or use of alcohol, controlled substances, or any illegal drug under both state and federal law in the workplace. When employees are on the job, they are expected to be physically free from any impairment or substance which would contribute to an injury, property damage, or interfere with productivity. They are to be free of illegal drugs or potentially impairing levels of legal substance. In short, all employees are expected to be "fit for work."

The possession and use of medically prescribed and legal under state and federal law drugs or over-the-counter drugs during working hours is permissible. The employee shall have no obligation to inform his or her supervisor of such usage unless the prescribed or over-the-counter drug contains a warning notice of possible impairment which may prevent the employee from performing his or her job safely or effectively. Prescribed drugs possessed and used must be prescribed for the specific use of that employee.

The manufacture, possession, distribution, dispensing, sale, or use of any illegal drug under both state and federal law on City property will be cause for disciplinary action up to and including termination. This will be treated as a criminal matter and referred to the Federal Way Police Department for investigation and appropriate action. The use of alcohol in City vehicles is not permitted. Alcohol may be permitted on City premises for bona fide celebrations or functions, its use pre-approved by the Mayor or his/her designee, subject to applicable statutes, rules and regulations.

Supervisors, co-workers, and employees are encouraged to request confidential assistance through Human Resources or to access diagnostic, counseling, and treatment programs such as those provided by the City's Employee Assistance Program (EAP) when dealing with problems of alcohol or substance abuse. The amount of the City's financial support towards a substance abuse treatment program depends upon the medical insurance benefit selected by the employee.

The City is establishing a drug-free awareness program to inform employees and supervisors about the danger of chemical dependency and the penalties that may be imposed upon employees for violations of this policy.

In compliance with the Drug-Free Workplace Act of 1988, additional requirements are made of any City employees who work in a department or division which receives one or more federal contract awards of \$25,000 or more, federal contracts awarded to individuals, or a federal grant regardless of grant size. Those requirements are:

- All employees will receive a copy of this guideline and will agree to comply with its terms as a condition of employment.
- Employees must report criminal convictions for activity in the workplace in accordance with the Drug-Free Workplace Act of 1988. The report must be made to Human Resources or designee no later than five (5) days after the conviction.
- Human Resources or designee shall notify the federal contracting or granting agency of any criminal convictions of employees for illegal drug activity in the workplace within ten (10) days of learning about the conviction.

The directors of departments which receive federal funds as specified earlier in this policy shall be responsible for notifying all department/division employees that they are subject to the provisions of the Drug-Free Workplace Act of 1988, and the provisions of all sections of this City policy. The department director shall also be responsible for ensuring that all department/division employees have read and understand the provisions of this policy, and for providing all new employees - regular, temporary, and voluntary - with a copy of the City's policy statement.

12.3 DRUG AND ALCOHOL TESTING

All Employees

The City may require an employee to submit to appropriate tests, including urinalysis, to confirm the existence of alcohol or prohibited drug or substance in his or her system when

1. the City has a “reasonable suspicion” that an employee may be under the influence of drugs or alcohol while on duty and/or
2. an employee who, while driving a City vehicle or while driving on City business, is involved in an accident which results in a fatality, or in which the employee is cited under state or local law for a moving traffic violation.

“Reasonable suspicion” will be based on contemporaneous, articulable observations by a supervisor who has received training concerning the signs and symptoms of drug and alcohol use.

Failure to promptly permit such tests upon management’s request is cause for disciplinary action, up to and including termination.

Details of the testing program are set forth in the “Employee Drug and Alcohol Testing Policy and Procedures Manual” document.

Employees Who Operate Commercial Vehicles

Regulations issued by the United States Department of Transportation mandate urine drug and evidential breath alcohol testing for employees in safety-sensitive positions, including those who are required to hold a Commercial Driver’s License. The City of Federal Way’s alcohol and drug testing program and the testing and reporting requirements of those regulations are set forth in the “Drug and Alcohol Testing Policy for Employees Who Operate Commercial Vehicles” and “Drug and Alcohol Testing Procedures Manual for Employees Who Operate Commercial Vehicles” documents.

13 COLLECTIVE BARGAINING REPRESENTATION CAMPAIGN ACTIVITY

13.1 PURPOSE

These guidelines are adopted to safeguard the integrity of any collective bargaining representation election held for City of Federal Way employees.

The purpose of a representation election is to determine the uncoerced choice of bargaining unit employees concerning their representation, if any, for the purposes of collective bargaining.

These guidelines adopted by City management are intended to preserve every ability of any - representation election to be conducted under "laboratory conditions;" i.e., under conditions nearly as ideal as possible, to determine the uninhibited desires of the employees.

To safeguard against any allegations of improper conduct, the Mayor or his/her designee of the City of Federal Way adopts these following administrative guidelines for conduct during any campaign organized by or held in behalf of City employees on the issue of collective bargaining representation:

Campaign Activity by City Management

Throughout any representation campaign, City management shall be prohibited from the use of deceptive campaign practices, or any degree or implication of coercion or intimidation or threat of reprisal or promise of reward to eligible voters.

Misrepresentation

Throughout the campaign, the City shall take affirmative steps to insure that no misrepresentation be made concerning the effect of the election, the effect of collective bargaining representation, or the effect of non-representation. All representatives of City management are deemed to have intimate knowledge of the subject matter so that employees may be expected to attach added significance to the assertion. Therefore, there is a heightened need on behalf of all City management to avoid any active misrepresentation.

Electioneering

The City of Federal Way management shall be prohibited from making election speeches during City's work time to assemblies of City employees:

- Within twenty-four (24) hours before the scheduled time for the opening of the polls for an election conducted under "in person voting procedures;" or
- With the period beginning with the issuance of ballots to employees for an election conducted under "mail ballot" voting procedures and the tally of ballots; and
- There shall be no electioneering at or about the polling place during the hours of voting.

Election Procedures - Balloting

Elections shall be by secret ballot, the integrity of which shall be strictly upheld.

Each party to an election ballot may be represented by observers during polling times, subject to any limitations issued by the Executive Director of the Public Employees Relations Commission ("PERC") and provided, further, that no City management official having authority over any proposed bargaining unit employees shall serve as an observer for the City.

Employer Rights

Nothing in these policies is intended to diminish the entitlement of the City, during any specific pending election period and within all legal limits, to communicate its views on union representation.