



# Employee Guidelines



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## TABLE OF CONTENTS


<b>Purpose and Guidelines Disclaimer</b> .....	<b>1</b>
Section 1.1    General Purpose .....	1
Section 1.2    Scope .....	1
<b>Definitions</b> .....	<b>3</b>
Section 2.1    Employees .....	3
Section 2.2    Probationary Period .....	4
Section 2.3    Chemical Dependency.....	4
Section 2.4    Controlled Substance .....	4
Section 2.5    Drugs.....	5
Section 2.6    Work Week and Work Day.....	5
Section 2.7    Job Sharing .....	5
Section 2.8    Flex-Time .....	5
Section 2.9    City.....	5
Section 2.10   Day.....	5
Section 2.11   Domestic Partner .....	5
Section 2.12   Immediate Family .....	5
Section 2.13   Court Employee.....	5
<b>General Guidelines and Practices</b> .....	<b>7</b>
Section 3.1    Equal Employment Opportunity.....	7
Section 3.2    Anti-Harassment .....	7
Section 3.3    Employee Privacy/Personnel Records/Employment References.....	9
Section 3.4    Reporting Improper Governmental Action and Protecting Employees Against Retaliation.....	10
<b>Employment of Personnel</b> .....	<b>13</b>
Section 4.1    Procedures .....	13
Section 4.2    Nepotism .....	14
<b>Hours of Work</b> .....	<b>15</b>
Section 5.1    Overtime.....	15
Section 5.2    Compensatory Time .....	15
Section 5.3    Standby.....	16
Section 5.4    Rest Period.....	16
Section 5.5    Meal Periods .....	16
Section 5.6    Scheduling.....	16
Section 5.7    Alternative Work Schedule.....	17
Section 5.8    Attendance and Tardiness/Absenteeism.....	20
Section 5.9    Time Reporting.....	20
Section 5.10   Record Keeping.....	20
Section 5.11   Emergency Conditions .....	21

<b>Compensation .....</b>	<b>23</b>
Section 6.1 <i>Pay Periods and Paydays .....</i>	23
Section 6.2 <i>Salary Administration .....</i>	23
Section 6.3 <i>Call-Out .....</i>	23
Section 6.4 <i>Extra Duty Pay/Work at a Higher Classification .....</i>	24
Section 6.5 <i>Performance Evaluations.....</i>	24
Section 6.6 <i>Travel and Other Expenses.....</i>	24
Section 6.7 <i>Severance Pay.....</i>	25
 <b>Benefits.....</b>	 <b>27</b>
Section 7.1 <i>Retirement.....</i>	27
Section 7.2 <i>Health and Welfare Plans.....</i>	27
Section 7.3 <i>Worker's Compensation.....</i>	29
Section 7.4 <i>Training and Education Assistance .....</i>	29
Section 7.5 <i>Employee Assistance Program.....</i>	30
Section 7.6 <i>Federal Way Community Center (FWCC) Membership.....</i>	31
 <b>Leaves .....</b>	 <b>33</b>
Section 8.1 <i>Sick Leave .....</i>	33
Section 8.2 <i>Washington Paid Sick Leave.....</i>	33
Section 8.3 <i>Family Leave.....</i>	35
Section 8.4 <i>Washington Paid Family/Medical Leave .....</i>	37
Section 8.5 <i>Vacations.....</i>	39
Section 8.6 <i>Holidays .....</i>	40
Section 8.7 <i>Jury Duty and Witness Leave.....</i>	41
Section 8.8 <i>Funeral Leave .....</i>	41
Section 8.9 <i>Leave of Absence – General.....</i>	41
Section 8.10 <i>Leave of Absence – Medical.....</i>	42
Section 8.11 <i>Military Duty.....</i>	43
Section 8.12 <i>Shared Leave.....</i>	44
Section 8.13 <i>Administrative Leave.....</i>	46
Section 8.14 <i>Sabbatical Leave .....</i>	46
Section 8.15 <i>Service Leave .....</i>	47
Section 8.16 <i>Domestic Violence Leave .....</i>	47
 <b>Employment Practices .....</b>	 <b>49</b>
Section 9.1 <i>Code of Conduct.....</i>	49
Section 9.2 <i>Personal Appearance and Dress Attire.....</i>	50
Section 9.3 <i>Aromatic Sensitivities.....</i>	50
Section 9.4 <i>Tobacco Use.....</i>	50
Section 9.5 <i>Lost and Found Items.....</i>	50
Section 9.6 <i>Workplace Privacy.....</i>	50
Section 9.7 <i>Office Equipment Use Policy and Procedures.....</i>	51
Section 9.8 <i>Text Messaging Policy .....</i>	55

Section 9.9	Media Policy .....	56
<b>Safety and Security .....</b>		<b>59</b>
Section 10.1	Identification .....	59
Section 10.2	Safety.....	59
Section 10.3	Use of City Vehicles .....	61
Section 10.4	Accidents and Reports.....	62
Section 10.5	Legal Liability.....	63
Section 10.6	Uniforms/Personal Protective Equipment .....	63
Section 10.7	Safe Workplace .....	64
Section 10.8	Firearms and Dangerous Weapons .....	65
<b>Personnel Administration.....</b>		<b>67</b>
Section 11.1	Vacancies and Assignment.....	67
Section 11.2	Alternative Duty/Early Return to Work.....	67
Section 11.3	Reclassification .....	70
Section 11.4	Disciplinary Action .....	70
Section 11.5	Grievance Procedures.....	72
Section 11.6	Resignation .....	74
Section 11.7	Layoffs.....	74
Section 11.8	Retirement.....	75
Section 11.9	Separation Procedures.....	75
Section 11.10	Employee Recognition.....	75
<b>Alcohol and Drug Free Work Environment.....</b>		<b>79</b>
Section 12.1	Purpose and Policy .....	79
Section 12.2	Drug & Alcohol Testing.....	80
<b>Collective Bargaining Representation Campaign Activity.....</b>		<b>83</b>
Section 13.1		

Procedure Title:

**EMPLOYEE GUIDELINES**

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**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:

- A. To provide a uniform system of personnel administration throughout the City service.
- B. 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, court rule, 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 the 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 of 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. However, by law and by court rule, the City controls the wages and benefits of court employees, but the court controls the working conditions of court employees. Court employees are appointed by and serve at the pleasure of the court and are subject to modified or additional guidelines created by the court and may only be disciplined or terminated by the court.

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## DEFINITIONS

### 2.1 EMPLOYEES

- I. 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.
- II. 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.
- III. Regular Full-Time Employee  
Any employee hired for an indefinite period of time in a budgeted, authorized position, who works forty (40) hours/week on a regular year-round schedule.
- IV. Regular Part-Time  
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.
- V. Temporary/Hourly Employee  
Any employee hired to work a fixed or flexible schedule of hours for specified period of time, or an employee who is hired on an intermittent or as-needed basis, which will include, without limitation,
  - A. 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.
  - B. Information systems technology projects: These employees will be needed to plan and implement new information systems for the City.
  - C. Capital improvement projects: These employees will be involved in the management of construction projects.
  - D. 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.
  - E. Seasonal positions: Employees who work in positions that, due to the nature of the work, have predictable periods of inactivity exceeding one month.
  - F. 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.

- G. 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.
- H. 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 staffs 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 employees 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.

## **2.13 COURT EMPLOYEE**

An employee supervised by the elected judges of the Municipal Court of Federal Way.

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## **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 seeing 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**

- I. 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:

- A. 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
- B. Any incident in which a supervisor uses implicit 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 conversations 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.

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

- A. 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.
- B. 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.
- C. 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.
- D. 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.

III. 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:

- A. If comfortable doing so, clearly inform the harasser that his or her behavior is inappropriate, offensive, unwelcome and should immediately cease.
- B. 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.
- C. 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 RCW 49.60, and all sexual harassment complaints. Employees shall not be retaliated against because they have made complaints of harassment.

IV. 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, or who are responsible for auditing, evaluating or reviewing the work of another employee.

**3.3 EMPLOYEE PRIVACY/PERSONNEL RECORDS/EMPLOYEMENT REFERENCES**

I. 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, material 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 contain in his or her file.

II. Employment References

Unless required by a valid court order of the law or the employee provides a signed written release from the entity they are applying to, Human Resources will furnish only the following information about past or present City employees to persons outside the City of Federal Way.

- A. Dates of employment.
- B. Current job title or job title at date of termination.
- C. 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(s) and address in their personnel information within the personnel records.

III. 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**

#### **I. Policy Statement**

It is the policy of the City of Federal Way to encourage reporting by its employees of improper governmental action taken by 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.

#### **II. Definitions**

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

A. “Improper governmental action” means any action by a City of Federal Way officer or employee:

1. 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
2. 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.

B. “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, transfers, reassignment, reduction in pay, denial of promotion, suspension, dismissal or any other disciplinary action resulting from a report of improper governmental conduct.

C. “Emergency” means a circumstance that if not immediately changed may cause damage to persons or property.

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

IV. 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:

- A. Specifies the alleged retaliatory action.
- B. 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 of Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings  
One Union Square  
600 University Street, Suite 1500  
Seattle, WA 98101

(206) 389-3400  
(800) 845-8830 (Toll-free)  
(206) 587-5135 (Fax)

V. City Responsibility

The City of Federal Way is responsible for implementing policies and procedures for reporting improper governmental action and for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures are permanently posted where all employees will have reasonable access to them; are made available to any employee upon request; and 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.

VI. 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.



## 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.

#### I. 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.

#### II. 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.

- A. **Department Review:** Screen employees within the department who meet the minimum qualifications as outline in the job description.
- B. **City-Wide Recruitment:** Open position to all City employees.
- C. **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 employment 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.

III. 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:

- A. One member would have the primary power to supervise, hire, remove or discipline the other;
- B. One member would be responsible for financially auditing the work of another;
- C. 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 affected employees must inform Human Resources as to 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 Section 3.2: Anti-Harassment, "Management and Supervisory Responsibilities."

## 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 the department supervisor.

For all regular full-time, part-time, and temporary non-exempt employees, overtime is defined as authorized hours worked, together with holiday, vacation, sick leave or comp. time hours, in excess of:

- A. The regularly scheduled shift (a minimum of eight (8) hours per day) within a twenty-four (24) hour period\* OR:
- B. 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 during that seven (7) day week.

By mutual agreement between the employee and supervisor, an employee may work beyond his or her regularly scheduled shift without incurring overtime, provided 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 for a single day or shift. When an employee uses accrued holiday, vacation, sick leave or compensatory time off for a portion of a day or shift there will be no overtime hours accrued unless an employee actually worked in excess of his or her regularly scheduled shift and such shift shall be at least eight (8) hours/day.

### 5.2 COMPENSATORY TIME

#### I. 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 compensatory time will be paid overtime, and the supervisor can deny a compensatory 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) hours 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 compensatory time will be paid at the current rate on the final paycheck.

#### II. 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 determine 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**

#### **I. 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 routed among the affected positions.

II. 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, except official City holidays. 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**

I. 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.

II. 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 (6:00 a.m. - 10:00 a.m.)	CORE TIME (10:00 a.m. - 3:00 p.m.)	FLEXIBLE TIME (3:00 p.m. - 7:00 p.m.)
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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 Schedules for Non-Exempt Employees), and must comply with the Fair Labor Standards Act (FLSA).

III. 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.

IV. 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.

V. Application Process

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 recommend solutions. Additional information may be attached to the standard application.

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 Human Resource regarding Fair Labor Standard Act (FSLA) compliance, and will forward the employee application and response to the department director for review.

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 forward to Human Resources.

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.

VI. *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 by providing 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 employee, the department, or position) change significantly.

VII. *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 holiday hours within the same pay period as the holiday.

VIII. *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 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.

- IX. Note to All Employees  
Change 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.
- X. 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 of 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 unless such absences are protected under the Washington State paid sick leave, WA Family Care, and/or Washington and Federal Family and Medical Leave Act,.

## **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 or 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 or an open and safe route, the employee should make a reasonable effort to report to his or 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 will 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, the employee may be allowed to go home to check on family and property. The employee is expected to return to work the next 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 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 (72) hours.

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## 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 are on the fifth and the twentieth of each month. If the fifth or twentieth falls on a Saturday, Sunday or a holiday, paychecks will be issued on the preceding work day. Direct deposit of paychecks is available.

### 6.2 SALARY ADMINISTRATION

The Mayor or 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, costs of living data, the financial policies and positions of the City, and other relevant considerations.

#### A. 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 the 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 designee 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 designee.

After one year of employment, the employee will be eligible to receive an increase if performance appraisal results are satisfactory and if recommend 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 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 an employee 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 designee. When such an assignment extends beyond thirty (30) calendar days, the employee may receive up to a ten percent (10%) pay increase for the entire extra duty time. The percentage of extra duty pay awarded will be determined by the department director as the department budget allows. 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 minimum) will be submitted to Human Resources as a record of the 6-month 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 evaluations is to commend strengths, address areas for improvement, and discuss new challenges, career goals and objectives.

#### **6.6 TRAVEL AND OTHER EXPENSES**

I. *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.

II. *Travel Expenses 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 reimbursements 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 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 a 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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## BENEFITS

### 7.1 RETIREMENT

#### I. 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 State of Washington's Retirement Systems.

#### II. 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.

#### III. 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%

#### IV. Investments

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

### 7.2 HEALTH AND WELFARE PLANS

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

Temporary/seasonal employees who meet the criteria under the Affordable Care Act (ACA) will be afforded the opportunity to enroll on the medical plan on a pro-rata basis calculated on hours worked during the Initial or Standard Measurement Period. Dependents of eligible temporary employees are not eligible for coverage.

The programs and eligibility criteria are explained upon hire. The City provides a monthly premium amount and any remainder 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.

A. Medical Insurance

The City offers eligible employees a choice between at least two (2) medical plans, with two (2) coverage levels (Plan A and Plan B). Participation in Plan A requires successful participation in the Wellness Your Way Program.

B. Dental Insurance

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

C. Vision Insurance

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

D. 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.

E. Long-Term Disability

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

F. 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.

G. Extended Health Benefits

In compliance with COBRA (Consolidated Omnibus 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. The 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 the employee's 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. The supervisor shall report the injury to Human Resources. The supervisor shall also be responsible for ensuring, as soon as 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 described below.

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 thirty (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. If the employee is not able to return to work within thirty (30) days "kept on salary," he or 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 appropriate medical personnel stating that 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

#### I. Training/Education Assistance

The City of Federal Way recognizes the fact that obtaining 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 that will facilitate their advancement in City employment and is 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.

- A. **Mandatory safety procedures and other job skills.** This category includes courses such as training in first aid, defensive driving, and instruction on the use of the City's telephone and mail systems and photocopiers.
- B. **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.
- C. **Post high school or vocational courses** relevant to the employee's position or promotional opportunities within the City are the third type of employee training.

II. 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.

III. Education Assistance

Due to current budget constraints, this benefit is suspended. No education assistance will be paid for courses at this time.

**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 or her job 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. Self-initiated contact between the employee or 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 other service providers for specific treatment. Coordination of medical benefits for 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 (FWCC) MEMBERSHIP**

Regular employees are eligible to receive membership at the Federal Way Community Center by signing up for a payroll deduction of \$6 per pay period. This membership is on a quarterly basis and enrollment must be received by the 15<sup>th</sup> of the first month of the new quarter. Employees who visit the FWCC at least eighteen (18) times during the quarter will receive a \$15 rebate check. Employees may only cancel their membership after the last payroll deduction for the quarter has been completed and upon written request. If an employee cancels their membership mid-year, they are not eligible to rejoin until the following calendar year. 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 provided on a trial basis and may be modified or discontinued.

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## LEAVES

### 8.1 SICK LEAVE

Sick leave is hereby established to be used in cases of illness, accident, or other conditions that 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 member of an immediate family member (see Section 2.12) with a serious health condition that requires treatment or supervision 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 eight (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 twelve (12) months of the child's 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 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 under City policy may be grounds for disciplinary action, up to and including termination.

A. 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 related to a forty (40) hour week.

Employees will be required to use their Washington Paid Sick Leave (section 8.2), if applicable, prior to using sick leave under City policy.

### 8.2 WASHINGTON PAID SICK LEAVE

Pursuant to Chapter 296-128-600 through 296-128-770 of the Washington Administrative Code (WAC) and Revised Code of Washington 49.46.210 Washington Paid Sick Leave is available to all employees, including temporary and seasonal employees, to care for their health and the health of their family members.

Washington Paid Sick Leave may be used for: an employee's mental or physical illness, injury or health condition; preventive care such as a medical, dental or optical appointments and/or treatment; care of a family member with an illness, injury health

condition and/or preventive care such as a medical, dental, optical appointment; closure of the employee's place of business or child's school/place of care by order of a public official for any health-related reasons; and when the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking.

Authorized use of Washington Paid Sick Leave for domestic violence, sexual assault or stalking includes: seeking legal or law enforcement assistance or remedies to ensure the health and safety of employee's and their family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault or stalking; seeking treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking; attending health care treatment for a victim who is the employee's family member; obtaining, or assisting the employee's family member(s) in obtaining, services from a domestic violence shelter, a rape crisis center, or a social services program for relief from domestic violence, sexual assault or stalking; obtaining, or assisting a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault or stalking in which the employee or the employee's family member was a victim of domestic violence, sexual assault or stalking; and, participating, for the employee or for the employee's family member(s), in safety planning, or temporary or permanent relocation, or other actions to increase the safety from future incidents of domestic violence, sexual assault, or stalking.

For purposes of Washington Paid Sick Leave, "family member" is defined as: a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis or legal guardian, or is a de facto parent, regardless of age or dependency status; a biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or domestic partner, or a person who stood in loco parentis when the employee was a minor child; a spouse, domestic partner, grandparent, grandchild or sibling.

A. Accrual

As established by law, an employee shall accrue one (1) hour of Washington Paid Sick Leave for every forty (40) hours worked. For regular full-time and regular part-time employees entitled to sick leave under City policy 8.1, Washington Paid Sick Leave will accrue in conjunction with regular sick leave according to City policy.

B. Maximum Carry Forward

The total sick leave hours that will be carried forward at year end, for both City policy and Washington Paid Sick leave, will be seven hundred and sixty (760) hours. This will include a maximum of forty (40) hours of Washington Paid Sick Leave as provided by law. If an employee is not at the maximum carry forward of seven hundred and sixty (760) hours, any hours of Washington Paid Sick Leave in excess of the forty (40) hours carry forward will be transferred to the City sick leave bank, so that the employee does not lose hours that they previously would have banked prior to the establishment of Washington Paid

Sick Leave. In no case will more than a combined total of seven hundred and sixty (760) hours be carried forward.

C. Verification for Absences Exceeding Three Days

If an employee is seeking to use or has used Washington Paid Sick Leave for authorized purposes for more than three (3) consecutive days during which the employee is/was required to work, the employee may be required to provide documentation that establishes or confirms that the use of paid sick leave is for an authorized purpose.

D. Reinstatement of Employment

If an employee leaves employment and is rehired within twelve (12) months of separation, any accrued, unused paid sick leave will be reinstated to the employee's paid sick leave bank. Should the reinstatement occur in a new fiscal year, the maximum bank will be the forty (40) hours carry over provided that the employee had forty (40) or more hours banked upon separation.

E. Retaliation Prohibited

Pursuant to Chapter 296-128-770 of the WAC, any discrimination or retaliation against an employee for lawful exercise of paid sick leave rights is prohibited. Employees will not be disciplined for the lawful use of Washington Paid Sick Leave.

### **8.3 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 "year" is a rolling 12-month period measured backwards from the date any FMLA leave is used. The employee will be required to use accrued and unused sick leave, vacation leave, and/or compensatory time in accordance with City policy to offset loss of pay during 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. Except in the case of an emergency, an employee must give at least thirty (30) days' notice when planning to take FMLA leave.

The City will continue to contribute its portion of health insurance premiums and the employee will pay his or her portion during FMLA leave. If the employee does not return to work, the City may recover the premiums paid during FMLA leave unless the failure to return to work 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 twelve (12) weeks of FMLA 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 Paid Family and Medical Leave (PFML), employees are entitled to take up to twelve (12) weeks of medical or family leave, or a combined total of sixteen (16) weeks of family and medical leave per claim year; an additional two (2) weeks of leave may be available in the event the employee's leave involves incapacity due to pregnancy. FMLA leave runs concurrently with PFML when an absence is covered by both laws. The City is not required to continue to pay its portion of medical insurance beyond the twelve (12) week FMLA leave entitlement.

A. *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 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 traditional FMLA leave. Thus, if an employee has already taken twelve (12) weeks of leave, the employee is only eligible for an additional fourteen (14) weeks of leave regardless for whom the prior FMLA leave was taken.

B. *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:

1. 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);
2. 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;
3. Urgent child-care and school activities, such as arranging for child care (urgent does not mean recurring or routine);
4. Financial and legal tasks, such as making or updating legal arrangements related to a family member's call to duty;



5. Counseling for the employee of his or her minor child that is not already covered by FMLA;
6. Time with the family member while on rest or recuperation break from active duty, up to five (5) days;
7. 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
8. 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 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.

#### **8.4 WASHINGTON PAID FAMILY AND MEDICAL LEAVE**

The Washington State Paid Family and Medical Leave (PFML) law (Chapter 50A RCW) and supporting regulations establish a program administered by the Washington Employment Security Department (ESD) to provide paid leave benefits and job protection to eligible employees who need leave for certain family and medical reasons. This policy provides a summary of the PFML program. Employees may obtain additional information at [www.paidleave.wa.gov](http://www.paidleave.wa.gov). To the extent an issue is not addressed in this policy, the City will administer this benefit program consistent with applicable statutes and regulations.

The PFML program is funded through premiums collected by ESD via payroll deductions and employer contributions. The premium rate is established by law; employees are currently responsible for two-thirds of the total premium amount. Should the State in the future modify the PFML premium rate or the percentage of premiums subject to collection through payroll deduction, the City will modify payroll practices to reflect those statutory changes.

Under PFML, employees may be eligible for monetary benefits and job protection when taking leave for covered reasons. In order to be eligible for monetary benefits from ESD, an employee must have worked 820 hours in Washington (for any employer or combination of employers) during the year preceding the claim. In order to be eligible for job protection under PFML, an employee must meet FMLA eligibility requirements (must have worked for the City for at least 12 months and have worked 1250 hours in the last year).

An employee is ineligible for PFML benefits during any period of suspension from employment or during which the employee works for remuneration or profit (*e.g.*, outside employment or contracting).

Eligible employees are entitled to take up to twelve (12) weeks of medical or family leave, or a combined total of sixteen (16) weeks of family and medical leave per claim year; an additional two (2) weeks of leave may be available in the event the employee's

leave involves incapacity due to pregnancy. The claim year begins when the employee files a claim for PFML benefits or upon the birth/placement of the employee's child.

A. Medical Leave

Medical leave may be taken due to the employee's own serious health condition, which is an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as those terms are defined under the FMLA and RCW 50A.05.010. However, an employee is not eligible for PFML benefits if the employee is receiving time loss benefits under the workers compensation system.

B. Family Leave

Family leave may be taken to care for a covered family member with a serious health condition; for bonding during the first 12 months following the birth of the employee's child or placement of a child under age 18 with the employee through adoption or foster care; or for qualifying military exigencies as defined under the FMLA. For purposes of family leave, covered family members include the employee's child, grandchild, parent (including in-laws), grandparent (including in-laws), sibling, or spouse.

PFML runs concurrently with FMLA when an absence is covered by both laws. PFML leave may be taken intermittently, provided that there is a minimum claim requirement of eight (8) consecutive hours of leave in a week for which benefits are sought.

An employee must submit an application to ESD in order to seek PFML benefits. For guidance on the application process, please refer to the ESD website ([www.paidleave.wa.gov](http://www.paidleave.wa.gov)). Eligibility determinations will be made by ESD. If approved, the employee will need to file weekly benefit claims with ESD to continue receiving benefits.

An employee must provide written notice of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least thirty (30) days in advance of the leave. For unforeseeable leave, notice must be given as soon as practicable. The employee's written notice must include the type of leave taken (family or medical), as well as the anticipated timing and duration of the leave. If an employee fails to provide this required notice to the City, ESD will temporarily deny PFML benefits. After receiving the employee's notice of the need for leave, Human Resources will advise the employee whether the employee is eligible for job protection under PFML or FMLA or both.

If leave is being taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt City operations.

If taking intermittently, an employee must notify their supervisor each time PFML leave is taken so that the City may properly track leave use.

If ESD approves a claim for PFML benefits, partial wage replacement benefit payments will be made by ESD directly to the employee. The amount of the benefit is based on a statutory formula, which generally results in a benefit in the range of seventy-ninety (70-90) percent of an employee's average weekly wage, subject to a maximum of one

thousand (\$1,000) per week. ESD's website is expected to include a benefits calculator to assist employees in estimating their weekly benefit amount.

With the exception of leave taken in connection with the birth or placement of a child, monetary PFML benefits are subject to a seven (7) day waiting period. The waiting period begins on the Sunday of the week in which PFML leave is first taken. The waiting period is counted for purposes of the overall duration of the PFML leave, but no monetary benefits will be paid by ESD for that week.

Paid leave accruals (vacation, sick leave, floating holidays, compensatory time, or any other accrued leave) are not supplemental to PFML. An employee may elect to use such accrued leave during a PFML-covered absence, although the receipt of accrued leave must be reported to ESD as part of the PFML claims process and will result in a pro-rated weekly PFML benefit. Important note: failure to report the receipt of accrued leave may result in an overpayment by ESD, which ESD may recoup from the employee.

When an employee is on leave and only receiving PFML benefits, the employee is deemed to be in unpaid status for purposes of City policies and benefit programs. Insurance coverage will be handled in the same manner as other unpaid leaves of absence, pursuant to City policy and subject to any FMLA or other legal requirements requiring continuation of coverage.

An employee who is eligible for job-protected leave will be restored to the same or equivalent position at the conclusion of PFML, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). The City may require a return-to-work certification from a health care provider before restoring the employee to work following PFML leave where the employee has taken leave for the employee's own serious health condition. Under certain conditions, the City may deny job restoration to a salaried employee who is among the highest paid ten percent of the City's employees. If an employee taking PFML leave chooses not to return to work for any reason, the employee should notify the City as soon as possible.

## 8.5 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.

### A. Accrual Time

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

1. Initial hire through the fifth complete year of continuous employment - eight (8) hours per month.
2. After five (5) full years of continuous employment - eleven (11) hours per month.
3. After ten (10) full years of continuous employment - twelve and a half (12.5) hours per month.
4. After fifteen (15) full years of continuous employment - fifteen (15) hours per month.

5. After twenty (20) full years of continuous employment - seventeen (17) hours per month.
6. After twenty-five (25) full years of continuous employment - eighteen (18) 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 related to a forty (40) hour week. Vacation leave may be used as soon as it is accrued.

B. Maximum Accrual

The maximum vacation accrual that will be paid upon termination or carried forward at year end will be two hundred forty (240) hours.

## 8.6 HOLIDAYS

The following twelve (12) holidays are hereby established:

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

Regular employees employed as of January 1<sup>st</sup> and new employees starting employment between January 1<sup>st</sup> and June 30<sup>th</sup> of each year will accrue eight (8) hours as a Floating Holiday, and regular employees employed as of July 1<sup>st</sup> of each year will accrue an additional eight (8) hours as a second Floating Holiday and new regular employees starting between July 1<sup>st</sup> and December 31<sup>st</sup> 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. The above Holidays are established by state law. The City Council reserves the right to amend its holidays as allowed by law.

Any hours worked by non-exempt employees on Thanksgiving or Christmas will be paid at one and one half times (1.5) 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 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).

A. Religious Holidays

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

## **8.7 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 or as subpoenaed witness, and regular part-time employees are eligible for the number of hours equivalent to two regular work weeks. Compensation received by the employee for jury duty, 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.

## **8.8 FUNERAL LEAVE**

A regular full-time employee may take up to thirty (30) hours of paid funeral leave for a death in the employee's immediate family (see section 2.12). With department director approval, up to fifty (50) 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 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 the attributes of 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.

## **8.9 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 commitment. 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 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 personal 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 may 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. However, due to staffing requirements, it may be necessary to fill the current position for a leave of absence in excess of one hundred eight (180) days. In this event, efforts will be made to place the employee in an available, open comparable position.

During any unpaid leave of ninety (90) days or less, an employee may continue his or her 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.

## **8.10 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. The medical leave of absence requires a doctor's certification and cannot exceed one hundred eighty (180) days total, including 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 written request and accompanied by an explanation from the employee's doctor of the need for an extension period. Even with an extension, a medical leave of absence 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 that the employee remains subject to legitimate job changes or layoffs that would have occurred even if he or she 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 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.

## 8.11 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 38.40.600. "Day" for purposes of this section is 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 subject to the provisions of state and federal law.

### A. 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.

An 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 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 donator 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 health insurance premiums 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 is 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.

B. *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 once; 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 of active deployment. An employee who takes Military Family Leave may elect to use sick leave, vacation leave, compensatory time, or unpaid leave time.

## **8.12 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 designee approval, may permit an employee to receive shared leave if all of the following conditions are met:

- A. The employee suffers, or has an immediate family member (see section 2.12) suffering from an illness, injury, impairment, or physical or mental condition which is an extraordinary or severe nature and that has caused, or is likely to cause, the employee to go on leave without pay status or to terminate his or her employment; and



- B. The employee has depleted or will shortly deplete his or her total of accrued vacation, sick leave, compensatory time, holiday time, and/or paid leave; and
- C. Prior to the use of shared leave, the employee has abided by the City's sick leave policy and has accumulated leave balances consistent with his or her years of employment and reasonable sick leave usage; and
- D. When appropriate, the employee has diligently pursued, and is found to be ineligible for, other disability benefits including worker's compensation time loss payments; and
- E. The use of shared leave will not significantly increase the City's costs, except for those costs 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 that 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. An 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, compensatory 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 compensatory 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. Donation of Washington Paid Sick Leave is not allowed.

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 status.

Vacation leave and compensatory 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. Shared leave donations will remain in Human Resources until Payroll determines the number of hours needed for the current pay period. Donations will then be transferred to Payroll as needed on a first in first out basis to the extent it is administratively feasible. Payroll shall be responsible for adjusting the accrued leave balances to show the transferred leave. Records of all leave time transferred shall be maintained and any unused time will remain in the donor's bank. Human Resources shall determine when shared leave is no longer needed, based on a medical certification.

Human Resources shall monitor the use of shared leave to insure equal 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.

### **8.13 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 8:00 a.m. to 4:00 p.m., Monday through Friday unless leave has been requested and approved by the employee's supervisor.

### **8.14 SABBATICAL LEAVE**

The purpose of sabbatical leave is to promote renewal and rest for longer term service by 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 50 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 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.

#### **8.15 SERVICE LEAVE**

Regular employees in a position not eligible for Sabbatical Leave per Employee Guidelines 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.).

#### **8.16 DOMESTIC VIOLENCE LEAVE**

- I. Pursuant to state law, an employee may take reasonable time off 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:
  - A. Seeking legal or law enforcement assistance or remedies to ensure the health and safety of the employee or family member;
  - B. Seeking treatment by a health care provider for physical or mental injuries or to attend health care treatment for a family member;
  - C. Obtaining, or assisting a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program;
  - D. Obtaining, or assisting 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
  - E. Participating in safety planning, temporarily or permanently relocation, or taking 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 member is a victim and that the leave was taken for one of the permitted purposes.

II. 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.

## 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 the 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:

- A. Employees shall be courteous and respectful to all other employees of the City. Be considerate in their interactions with each other and shall control their tempers exercising the utmost patience and discretion. Employees shall avoid engaging in any altercations, physical or otherwise, with any other employee whether actively working or not.
- B. Employees shall respect the dignity of all individuals, with recognition and sensitivity to the traditions of the diverse cultures that comprise our organization and the community.
- C. Drinking alcohol, using illegal drugs, abusing 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 substance.
- D. Insubordination.
- E. Violation of a lawful duty.
- F. Dishonesty.
- G. Charges filed and/or conviction of a felony or misdemeanor that may or may not directly related to job duties.
- H. Habitual absence or tardiness for any reasons.
- I. Absence from work without first notifying and securing permission from the appropriate supervisor.
- J. Inability, refusal, or failure to perform the duties of the assigned job.
- K. Misappropriation or illegal use of City supplies, equipment, or time for personal use or gain.

- L. 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 ATTIRE**

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 that are compatible with a professional, business-like atmosphere and that 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. 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 to or have allergies to smells or fragrances. Please be courteous to those around you when cooking strong smelling goods, such as fish, in common areas not designated as the lunchroom, or eating such food at your desk as well as when using scented products, such as air fresheners, sprays, potpourri, lotions and colognes or 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 at all work sites. This shall apply in all work 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 on City property in the performance of his or her duties is required to turn in the found item to his or 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.

E-mail communications passing through City systems generally constitute public records and as such, employees should not expect or assume any privacy regarding the content of e-mail communications passing through City systems. 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 by an employee, it can still be possible to retrieve it.

## 9.7 OFFICE EQUIPMENT USE GUIDELINES AND PROCEDURES

### I. 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 is prohibited with limited. 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 a 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.

### II. Scope

A. 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 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.

C. 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.

III. 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.

IV. 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 the 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 document.

V. Privacy vs. Public Disclosure Issues

A. 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 9.6, employees shall not expect or assume any privacy of the records, communications, files or data, e-mail, voice messages, and comments on city-maintained social media sites that are not otherwise exempt from public disclosure. These records may be examined by the public if requested.

B. Cell phone transmissions are not secure. Employees should use discretion in relaying confidential information over cell phones.

VI. Unauthorized Uses of Activities of City Equipment

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

A. Commercial purposes or personal profit.

B. 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.

C. To gain access to websites or computer systems of individuals or other agencies in a manner that is commonly known as "hacking."

D. Displaying on a screen, transmitting by e-mail, voice mail or accessing internet information that promotes or transacts the following:

1. 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.

2. Any form of harassment.

3. Contents which is known or would reasonably be expected to be personally offensive to another individual.

E. Copyright infringement.



- F. Solicitation of any kind unless it is for City sponsored activities/events or for activities/events otherwise approved by the Mayor or designee. Posting items for sale on employee intranet bulletin board is allowed.
- G. 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.
- H. To post or transmit information that is untrue or intended to mislead or distract from the truth.
- I. To post or transmit confidential information related to City business to parties unauthorized to receive it.
- J. Any unlawful activity.
- K. Improper creation or use of social media sites. The process for creation/maintenance of a city-maintained social media site is outline in the City's Social Media Policy located at G:\Policies\Mayor\Social Media. 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 outline in the City's Social Media Policy.

VII. 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 pagers, cell phones, PDAs, laptops and other portable equipment. The employee to whom the equipment is assigned shall be primarily responsible for the reasonable care of the equipment including access, use and storage.

A. Lost or Stolen City Equipment.

Employees shall report the incident to his or her supervisor promptly. Depending on the circumstances and the value of equipment, the City may require the employee and/or their home owner insurance to replace the missing equipment.

B. Misuse or Abuse of City Equipment

The IT Department will report any recurring abnormal repair or replacement of equipment of an employee, an operation, or a department, to the department director for follow up as appropriate.

VIII. Designation of Usage

A. 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.

B. Reporting and Monitoring Usage

The Information Technology (IT) Department is responsible for providing inventory and usage of office electronic equipment. 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. Upon the request of a

director or the Mayor or designee, special reports may be provided which at a minimum could include:

1. Cell phone cost by user for the department;
2. Long distance cost, if identifiable, by employee for the department;
3. Extended internet connection/usage time by employee for the department.

IX. Reimburse City for Cost of Personal Use - Procedure

The IT Department is responsible for managing equipment resources including their acquisition, maintenance and operations, 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:

A. Common/Shared Equipment that Usage not Individually Tracked

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

B. 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, as outlined below, for any incremental costs the City might have incurred.

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

1. 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 designee.
2. Department directors or designee shall:
  - a. Distribute the statements to individual employees.
  - b. Collect from employees properly completed reimbursement forms and any reimbursement payments.
  - c. Review the billing statements, the amount claimed as personal use, and the appropriateness of the designated plan levels for positions in the department.
  - d. Remit the reimbursement and all forms to Finance within four (4) weeks of receiving the statement packets from IT.

3. Employees assigned the equipment shall:
  - a. Review the billing statements and identify any personal use.
  - b. Reimburse the City for more than incidental personal use of the equipment.
  - c. If personal uses are more than incidental, employee should reimburse the City based on the percentage of personal use times the billing amount.
  - d. If the equipment usage or air-time is pooled or shared, employee may choose to reimburse the City by multiplying the Personal Use Percentage to the Average per Equipment Cost.
  - e. The Personal Use Percentage can be determined by using one of the following methods:
    - Average monthly personal use percentage for the preceding year as documented by the user; or
    - 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.

## 9.8 TEXT MESSAGING POLICY

- I. Policy

Absent a Department Director's approval or during a regional disaster or emergency, the City of Federal Way prohibits the use of text messaging to conduct government business.
- II. Purpose

The Public Records Act (PRA), Chapter 42.56 of the Revised Code of Washington "RCW", requires that public agencies make identifiable, non-exempt public records available for inspection and copying upon request. The City is also required to preserve records as outline in the state retention schedule (available at [www.sos.wa.gov/archives](http://www.sos.wa.gov/archives)). These laws apply to all records of City business, including those records that may exist on hardware that is privately-owned by City employees. This policy will minimize the use of text messaging related to government business and describe how authorized text messages will be preserved as required by state law.
- III. Text Messaging Directives
  - A. Work-related Text Messages Generally Prohibited

Subject to the definitions and exceptions outline in sections B through D below, no City employee will conduct business via text message. Because the City

preserves all email sent or received by City servers, email from an official City account is the approved format for electronic communications.

- B. *Personal Use of Text Messaging*  
Entirely personal text messages between employees (i.e., completely unrelated to government business) are not work-related text messages that are prohibited by this policy. Personal use of government systems is governed by Section 9.7 if the Employee Guidelines, “Office Equipment Use Guidelines and Procedures.”
- C. *Text Messages Containing Information “Transitory in Nature”*  
Public records that document information of temporary, short-term value that are not needed as evidence of government business are called “transitory records.” Because these types of public records have no retention value, they are permissible use of text messaging. These records should be promptly deleted once they are no longer needed. Transitory records that are not deleted when no longer needed are subject to disclosure should a request be made for them. Text messages related to an employee’s current location and estimated time of arrival on scene fall into this category. Any questions regarding the retention value of a text message should be directed to the Law Department’s civil law division.
- D. *Department-authorized Exceptions*  
A Department Director may authorize the use of a City-issued device to send and receive text messages containing government business with the City-issued device. All texts on these devices will be retained pursuant to the methods prescribed by the IT department. All messages sent and received on these devices will be retained per the state retention schedule (for up to 10 years). This includes any personal messages that have been sent or received via the device.
- E. *Emergency or Disaster*  
If a regional emergency or disaster strikes 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 as outlined in section 5.11. Communication to the City, whether actively at work or not, is crucial. Text messaging may be the only viable option whether using a City-issued device or personal device. All texts on these devices will be retained pursuant to the methods prescribed by the IT department. All messages sent and received on these devices will be retained per the state retention schedule (for up to 10 years). This includes any personal messages that have been sent or received via the device.

## **9.9 MEDIA POLICY**

- I. The City of Federal Way values openness with the media, and strives to ensure timely transparent and factual information is provided to our media partners. The following policy describes the City’s communications practices in responding to media requests for information and/or interviews with staff.
- II. *Routing of Media Inquiries*  
Media inquiries shall be directed to the appropriate communications staff. For Police department matters, inquiries should be directed to the Police Department Public Information Officer (“PIO”). Inquiries for all other City matters should be directed to the

Mayor's designee. The Mayor's designee will respond as quickly as possible with respect to the stated deadline, and the availability of staff resources.

III. Requests for Factual Information

With requests for factual information, the Mayor's designee will determine how best to respond quickly and efficiently to the request. Depending on the specific query, the response may include providing a document(s), providing answers by email, phone, and/or arranging a conversation with a staff issue expert. If an immediate response is not possible, the Mayor's designee will contact the reporter to let them know when the information will be available.

IV. Media Inquiry Including Exposure

When a media inquiry includes a request for an interview, in person, by phone or on-camera, the request will be evaluated based on staff availability, the subject of the story, the appropriate spokesperson for that issue, and fairness to employees. The City's goals in all requests will be to provide access to information, where possible.

V. Media Attendance Exceptions

In the event of an interview of any kind is granted, the City may have the Mayor's designee attend the meeting. This is done in the event that:

- A. It is requested by the staff person; or
- B. The Mayor or his or her designee deems it is in the best interest of accuracy and context.

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## 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. The City will establish and maintain a safety management program 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, 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 that may be used to reduce work hazards.

Last, but not least, a successful safety program requires employees to be responsible for safe operations 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:

- A. 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.

- B. 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.
- C. 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, 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 necessary.
  7. Work with Human Resources in reviewing accident trends and establishing prevention measures.
  8. Attend safety meetings, when appointed by the Mayor, and actively participate in the proceedings.
  9. Conduct periodic staff meetings wherein safety is a topic.
  10. Promote employee participation in safety and health programs.
  11. Follow the progress of injured workers and display an interest in their rapid recovery and return to work.
- D. Employees: Every employee has an important role in the City's Safety Plan. He or she is expected to cooperate fully in all safety related activities and measures. Employee responsibilities include, but are not limited to:
1. Active participation and cooperation in the Safety Plan.
  2. Knowledge and skill in his or 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 reporting to a supervisor any unsafe practices or conditions observed.
8. Report all accidents to his or her supervisor immediately.
9. Consider safety meetings, education, and training as a part of his or her regular job.
10. Properly care for all personal protective equipment.

E. Safety Officer: Responsible to the Mayor or designee for the development, implementation and monitoring the City's Safety Management Plan. The Human Resources Manager serves as the Safety Officer for the City.

### 10.3 USE OF CITY VEHICLES

I. Purpose

The City of Federal Way has a significant financial investment in its fleet of automobiles and equipment. It is the intent of the City to establish a fleet management policy and program to ensure that vehicles and equipment are being maintained and operated in such a way that maximizes safety for employees and the general public, and maximizes protection for City assets. The following are highlights from the Fleet Management Program Manual.

II. Vehicle Operation

The safety of the driver, any passengers, and the public is the responsibility of the person driving a City vehicle. The vehicle must be driven in compliance with all Washington State motor vehicle laws and codes.

III. Use of City Vehicles on Personal Business

Personal use (any use outside of normal actions necessary to carry out City business) of City fleet vehicles is **NOT ALLOWED** unless specifically authorized by an established City program or policy.

IV. Driver's License

An employee whose work requires that he or she drive City vehicles or personal vehicle on City business 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 or conduct City business using their personal vehicle until such time as he or she obtains a valid license.

V. Seat Belts

In accordance with state law, when traveling in a City vehicle, employees must use seatbelt/safety restraint device.

VI. Compliance with all Washington State motor vehicle laws and codes

Any employee who drives a City vehicle will drive responsibly and within the legal requirements of all traffic laws in the City of Federal Way, the state of Washington, and other relevant jurisdictions.

City employees operating City vehicles that are confirmed as infracting traffic laws, including but not limited to the use of hand held City-owned or personal cell phones (see employee guideline section 9.7.1) and will be responsible for paying all fines and associated court costs. This policy will be applied in the same manner to all City employees operating City vehicles regardless of the jurisdiction the infraction occurred. The supervisor of the employee assigned the vehicle at the time of the infraction will be notified and will investigate to confirm the driver of the vehicle, and the severity of the violation. The employee will have the opportunity to explain if they were driving the vehicle or not, as well as any circumstances relating to their actions. An employee who fails to pay all fines and associated court costs shall be subject to disciplinary action.

Any employee found to violate any part of the vehicle use policy, 10.3, will be subject to disciplinary action. Disciplinary action shall be applied in a progressive manner, in accordance with Section 11.4 of the employee guidelines, based on the severity of the violation and history of violation(s), up to and including termination. Employees who are unable to drive due to loss of driving rights due to driving violations may be terminated due to the employee's inability to perform an essential function of his or her job.

For further information on the Fleet Management Program, including but not limited to the purchase of additional vehicles, inspection and maintenance of existing vehicles, vehicle breakdown and accidents, and providing assistance to citizens, please refer to the Fleet Program Management Manual. Copies are provided at the time of hire and available in Human Resources.

## **10.4 ACCIDENTS AND REPORTS**

### **I. 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 more than seven (7) days, contact his or her supervisor once a week to keep the City informed of their condition and progress.

### **II. Accidents/Incidents**

Employees shall report any work-related 3<sup>rd</sup> party injuries and/or damage to public/private property or equipment to their immediate supervisor. Such reports 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.

## 10.5 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 within the scope of their official duties as authorized by City ordinance and as determined by the City.

## 10.6 UNIFORMS/PERSONAL PROTECTIVE EQUIPMENT

The uniforms/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 of his/her designee.

### A. Guideline

Uniforms shall be worn as follows:

1. Uniforms shall be kept clean and neat in appearance as much as possible under current working conditions.
2. Uniform shirts will be tucked in, unless straight cut and hemmed for wear outside of pants.
3. Uniform shirt, sweatshirt, jacket and pants shall be the only type worn during working hours.
4. 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.
5. Shorts and tennis shoes may be authorized for wear by the department director or designee when duties are warranted (i.e., crowd control, parking, special events, etc.).
6. Routine maintenance of the uniform is the responsibility of the employee. Routine maintenance includes washing, ironing, and mending.
7. Issue and replacement of uniforms will occur as determine by the department director.
8. If authorized by the department director, in extreme cold weather, personal heavy winter coats or dark colored vests may be worn with the uniform.

9. 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.

B. Personal Protective Equipment/Boots

Suitable protective apparel shall be used wherever significant danger exists due to physical contact with hazardous, dangerous, or 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, established by state law, for the particular work duties of the position.

Following the initial issuance of the uniform or personal protective, annual replacement shall be based on need. Replacement requests must be authorized by the director or designee.

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

## **10.7 SAFE WORKPLACE**

- I. 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:

- A. Threatening injury or damage against a person or property;
- B. Fighting or threatening to fight with another person;
- C. Stalking, following, or invading another employee's personal life;
- D. Violation of section 10.8 regarding the use or possessing of a weapon on City premises;
- E. Engaging in shoving, fighting, blocking, impeding, even if done "all in fun";
- F. Abusing or injuring another person;
- G. Using obscene or abusive language or gestures in a threatening manner; and
- H. 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.

II. 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 or 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.

**10.8 FIREARMS AND DANGEROUS WEAPONS**

I. It is the policy of the City of Federal Way to prohibit all employees while on City property or time, or while performing City business from:

- A. 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.
- B. 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.
- C. 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 explosives 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.
- D. 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.

II. "City property" for purposes of this section includes all areas within the ownership or control of the City, and includes offices, buildings, parking lots, desks, cabinets, lockers, or storage areas.

III. The policy shall not apply to or affect the following:

- A. Commissioned law enforcement officers.
- B. Any person making, or assisting in making a lawful arrest for the commission of a felony.
- C. Other exceptions as may be authorized by the Mayor or designee.

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

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## 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 outline 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 ALTERNATIVE DUTY/EARLY RETURN TO WORK

#### I. Purpose

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 or 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:

- A. Assist the recovery process by providing a focus and a goal for return of the injured worker.
- B. Benefit employees by allowing resumption of full wages as soon as possible, and
- C. 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 (6) 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 (6) 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 (6) 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.

#### II. 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 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 is 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 is committed to making alternate duty/early return to work a priority of the City. The Human Resource Manager 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 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.

### III. Procedures & Responsibilities

#### A. Employee will:

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 Manager 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.
- d. 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.
- e. Review assignment every sixty (60) days after job modification has been approved, or sooner if necessary, for further modification, if needed. This is a temporary assignment.
- f. If at any time during the six (6) 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 (6) 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 employee's employment.

2. Human Resources

- a. Upon receipt of notification from the supervisor of an employee who has submitted a doctor's release to light duty and written request for alternative duty/early return to work, ask supervisor to complete Job Analysis form.
- b. Contact worker about return to work policy, kept on salary program, and leave buy-back options, if applicable.
- c. 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.
- d. 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.

- e. 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**

- I. 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 that 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 Human Resources a written, comprehensive job description. Employees who consider their position to be 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 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.

A. 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.

B. Written Warning

A written warning may be given for a more serious offense of 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 the following: 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.

C. Demotion

The department director may demote an employee to a position which has 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.

D. Suspension/Final Warning

A suspension may be given for serious offenses of employee rules of conduct that are not deemed sufficient justification for immediate discharge, 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 will be prepared indicating: the event or events which led to 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 may 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 full day and must be given in one or more full days, 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 the employee's direct supervisor and the department director involved, with copies forwarded to the Mayor or 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.

E. 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(s), suspension, etc.), the 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 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 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.

1. **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 may be appealed to the Mayor or designee pursuant to the formal grievance procedures set forth in Employee Guidelines 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 goal 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.

A. Employee Communication

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

1. Consult with the employee's immediate supervisor. Generally, the employee and supervisor will be able to resolve the problem.

2. If the problem is not resolved through consultation with the employee's direct supervisor, the employee may request a meeting with his or her department director to resolve the problem.

3. If the problem is not resolved at the director level, the employee may request a meeting with the Mayor or designee to resolve the problem. The final determination will be made by the Mayor or designee.

B. 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.

C. 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. 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 group of employees shall prepare a written grievance in detail, 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) 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 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(s), along with the pertinent correspondence and information, to the Mayor or 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 designee may meet with the aggrieved employee or group of employees, the immediate supervisory personnel and the department director. The Mayor or 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 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 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 of written notice that 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 when 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:

- A. 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.
- B. Temporary employees performing similar work in the same department or division will be laid off before regular employees are affected.
- C. 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.
- D. 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 and current job performance. 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.
- E. 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.
- F. 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 that may lead to other suitable employment.
- G. These procedures are guidelines only and shall not create any right of action in the event of deviation from the guidelines.

## 11.8 RETIREMENT

### I. 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 on the employee's separation authorization for pension payments to the Department of Retirement Systems (DRS). Human Resources is responsible for conducting an exit interview with the employee prior to the date of retirement.

### II. 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.

### III. 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 up to the maximum accrual of two hundred forty (240) hours. 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 that 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:

### A. 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 a good place to incorporate the "FISH!" principles of "play, make their day, be there, and choose 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. 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.

B. 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. Letters of Appreciation are for employees who consistently demonstrate their commitment to doing their job well, 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, 20 and 25 years of dedicated service with the City. The award is a framed certificate signed by the Mayor and may include a service award gift, depending on the milestone reached. These awards are presented to recipient employees by the Mayor or designee at All City 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." Tickets are completed on the intranet and are deposited in a box in Human Resources. The recipient and the supervisor are provided a copy of the electronic ticket. A copy of the ticket is included in a drawing for a \$5 gift token at the All City Staff meetings. Four tickets will be drawn at each meeting.
4. SPIRIT Awards recognize 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, can nominate an employee or group by completing the SPIRIT Nomination Form on the intranet. 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. In addition, they are entitled to park in a reserved parking place for the quarter. The award is presented at an All City Staff Meeting. Two runners up will be selected by drawing to receive \$10 gift cards. The Management Team will select a group recipient during the second and fourth quarter of each year. Members of the selected group will each be given a \$100 check, up to a maximum of \$1,000 per group to be divided equally among the group if more than ten (10) members. The award will be presented at an All City Staff meeting. All nominees will have a copy of the nomination placed in their personnel file.
5. Stewardship Awards are 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 City Staff meeting and will be awarded 16 hours of vacation.

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## 12.1 ALCOHOL AND DRUG FREE WORK ENVIRONMENT

### I. 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.

### II. 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 the employees are on the job, they are expected to be physically free from any impairment or substance which would contribute to any 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 that 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 when pre-approved by the Mayor or designee and 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:

- A. All employees will receive a copy of this guideline and will agree to comply with its terms as a condition of employment.
- B. 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 no later than five (5) days after the conviction.
- C. Human Resources 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 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 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.

## **12.2 DRUG AND ALCOHOL TESTING**

### **I. All Employees**

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

- A. The City has a reasonable suspicion that an employee may be under the influence of drugs or alcohol while on duty and/or;
- B. An employee who, while driving a City vehicle or while driving on City business, is involved in an accident that 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.

### **II. Employee 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” document.

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## 13.1 COLLECTIVE BARGAINING REPRESENTATION CAMPAIGN ACTIVITY

### 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”; under conditions nearly as ideal as possible to determine the uninhibited desire of the employees.

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

#### A. 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, intimidation, threat of reprisal, or promise of reward to eligible voters.

#### B. 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

#### C. Electioneering

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

1. 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
2. With the period beginning with the issuance of ballots to employees for an election conducted under “mail ballot” voting procedures and the tally ballots; and
3. There shall be no electioneering at the polling place during the hours of voting.

D. Election Procedures - Balloting

Elections shall be by 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 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.

E. 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.