



## **EMPLOYEE HANDBOOK**

**Updated: August 1, 2021**

City of Lake Stevens  
Employee Handbook

**Policy Effective** : November 26, 2019

**Revisions:**

March 6, 2020:

- 5.18 Annual Leave (Vacation) – Specific to maximum accrual and cash-out maximums.

July 15, 2020:

- 5.08 Additional Family and Medical Leave Entitlements Under Washington State Law; Integration with FMLA – updated policy to reflect Washington Paid Family and Medical Leave and removes WA Family Leave Act.

August 1, 2021:

- 1.02 About City of Lake Stevens – Updated vision statement.
- 3.09 Employment of Relatives – Updated definitions.
- 4.10 Temporary Assignment to Higher Classification/Out-of-Class Pay – Added out-of-class pay eligibility.
- 4.14 Telecommuting – Revised to expand list of items city will supply to employees and added Remote Workforce Asset Form.
- 5.01 Health and Welfare Benefits – Clarified language for the dual coverage opt-out section.
- 5.03 Retirement/Deferred Compensation – Updated to reflect the City's 1% contribution match.
- 5.07 Family Medical Leave – Revised to allow employees to use their choice of unpaid leave or accrued leave during approved FMLA events.
- 5.08 Additional Family and Medical Leave Entitlements Under Washington State Law; Integration with FMLA – Updated policy to allow employees to use supplemental benefits.
- 5.09 Other Unpaid Leave – Clarified language and added policy exception with approval.
- 5.13 Tuition Reimbursement – Added required documentation necessary.
- 5.18 Vacation – Adjusted accrual rates.
- 5.19 Sick Leave – Corrected RCW reference to definitions of family members; added frontloading of sick leave for new employees.

- 5.20 Holidays – Updated to allow holidays to be paid by scheduled work shift.
- 5.21 Bereavement Leave – Updated definitions.
- 5.22 Shared Leave – Updated to include pregnancy disability and bonding as allowed use of shared leave.

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## **INTRODUCTION**

### **1.01 WELCOME TO CITY OF LAKE STEVENS**

If you are a new employee of City of Lake Stevens, welcome to our team. For those of you who have been with us for a while, thank you for your continuing service. Our goal is to recruit, develop, and retain outstanding employees who are committed to fostering public service excellence. You are part of a dedicated team of employees and we are here to support you as you support the city's mission.

This Employee Handbook is intended as a helpful resource regarding your employment with the city. It covers topics including:

- The mission, vision, and values of our city
- Organizational structure and how various departments support our city's goals
- Tools and resources that are accessible and where to find them
- Benefits programs and payroll information
- City personnel policies and procedures
- Information to keep you safe while at work

Thank you for being a part of the city team. We hope you find working for the City of Lake Stevens a rewarding, challenging, inspiring, and personally satisfying experience. We look forward to working with you!

### **1.02 ABOUT CITY OF LAKE STEVENS**

Since settling in 1886, Lake Stevens has been home to families who set their sights on pioneering a better way of life for western Washington and beyond. Surrounding one of the region's most coveted recreational lakes, the City of Lake Stevens has emerged as one of the most desirable places in the state to call home.

Just 10 minutes east of Everett, and 34 minutes from downtown Seattle, Lake Stevens is home to hardworking families and retirees. Our growth is outpacing the rest of Snohomish County. In 2019 we had more than 33,000 residents and forecast that, by 2035, Lake Stevens will experience 40% growth to exceed a population of 40,000.

The City of Lake Stevens operates under the mayor-council system. The city's motto, "One Community Around the Lake", embodies its quality of life, top-ranked school district, and the City Council's commitment to providing excellent services and amenities for its citizens.

Our Mission Statement:

To create a beautiful and functional community by being a caring, committed, and trusted provider of municipal services.

Our Vision Statement:

By 2030, we are a sustainable community around the lake with a vibrant economy, unsurpassed infrastructure and exceptional quality of life. Our Values:

- Integrity – Promoting honesty and professional ethics
- Respect – Caring about customers and employees being trustworthy and openly trusting of others
- Service – Providing excellent service, responsive to customer needs

- Creativity – Encouraging entrepreneurial spirit within the organization
- Partnership – Creating a team atmosphere, both inside and outside the organization

### **1.03 PURPOSE AND SCOPE OF EMPLOYEE HANDBOOK**

This Employee Handbook summarizes the City’s basic personnel policies and is intended to serve as a resource concerning your employment with the City. This Handbook supersedes all prior personnel policies of the City, except where such pre-existing policies are referenced in this Handbook. As State and Federal laws change and the City grows or evolves, personnel policies may change. The City, therefore, reserves the right to modify, revoke, suspend, terminate, or deviate from the policies set forth in this Handbook at any time. The City will provide reasonable notice of any policy changes, to all appropriate representatives and employees.

There are several things to keep in mind about this Handbook. First and foremost, the Handbook contains only general information and guidelines. It does not constitute an employment contract, or promises of specific treatment, or a promise of employment of any specific duration between the City and its employees. Second, this Handbook is not intended to address every aspect of your employment in detail. In some cases, details may be found in other controlling documents, such as collective bargaining agreements, Civil Service Rules and Regulations, or summary plan descriptions of benefit plans. You may also have questions about whether and how a section applies to a specific situation. For any questions about a specific employment issue, please contact Human Resources for guidance.

Additionally, this Handbook applies to all employees of the City of Lake Stevens. Certain policies – including those addressing behavioral expectations, unlawful harassment, confidential information and ethics – also apply to volunteers and interns. In cases where these policies conflict with an applicable state or federal law or an individual written employment agreement or collective bargaining agreement, the terms of the law or contract will control. In addition, employees covered by a collective bargaining agreement should look to that agreement as the exclusive source of information describing wages and fringe benefit entitlements.

Finally, please note that in addition to the policies included in this Handbook, your Department or work group may have standard operating procedures or other work rules that pertain to you. Those rules and procedures supplement the policies included in this Handbook.

## **GENERAL EMPLOYMENT POLICIES**

### **2.01 EQUAL EMPLOYMENT OPPORTUNITY**

The City of Lake Stevens is an equal opportunity employer. All employees and potential employees will be recruited, selected, trained, promoted, compensated and, if necessary, disciplined or terminated without regard to sex, race, religion, marital status, military or honorably discharged veteran status, age, national origin, sexual orientation, gender identity, color, creed, ancestry, disability, genetic information, or any other basis prohibited by law.

Any employee who believes that he or she has been discriminated against or has suffered from unlawful harassment or retaliation should report it to their supervisor, any city management employee, or Human Resources. Any member of city management who receives such a complaint should report it to Human Resources immediately. Upon receipt of a complaint, the City will investigate and take appropriate corrective action as may be warranted.

### **2.02 DISABILITY ACCOMMODATION; PREGNANCY ACCOMMODATION**

The City of Lake Stevens complies with the Americans with Disabilities Act (ADA) and all applicable state and local fair employment practices laws and is committed to providing equal employment opportunities to qualified individuals with disabilities. Consistent with this commitment, the City will provide a reasonable accommodation to qualified employees with a disability if the reasonable accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship or a direct threat to the health or safety of others.

Additionally, an employee who needs accommodation due to pregnancy may be afforded the following accommodations with or without medical certification: frequent, longer, or flexible restroom breaks; modifying a no food or drink policy; job restructuring, part-time or modified work schedules, reassignment to a vacant position, or acquiring or modifying equipment, devices, or an employee's work station; seating or allowing the employee to sit more frequently if their job requires standing; providing for a temporary transfer to a less strenuous or less hazardous position; and providing assistance with manual labor and limits on lifting. In addition, a pregnant employee may be entitled to other workplace accommodation(s), provided there is no significant difficulty or expense, and subject to written certification from a health care professional regarding the need for the requested accommodation.

If you would like to request reasonable accommodation, please contact Human Resources. Human Resources will work with you (and your health care provider, as needed) to evaluate the need for reasonable accommodation and options for providing reasonable accommodation.

### **2.03 RELIGIOUS ACCOMMODATION**

The City respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on city business or operations. If you believe you need accommodation for religious reasons, please contact Human Resources.

## **2.04 PROHIBITION OF UNLAWFUL HARASSMENT**

The City of Lake Stevens is committed to providing a workplace that is free from discrimination or any kind of unlawful harassment. In keeping with this commitment, the City will not tolerate harassment by City employees, or of City employees, by anyone including any co-worker, contractor, vendor, member of the public, or other third party. Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, sexual orientation, gender identity, color, race, ancestry, religion, national origin, age, disability, marital status, veteran status, citizenship status, or another protected group status. The City will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

Sexual Harassment. Sexual harassment is one form of unlawful harassment that will not be tolerated. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, display of foul or obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another's body.

Examples of Harassment. Individuals must exercise their own good judgment to avoid engaging in conduct that may be perceived by others as harassment. Forms of unlawful harassment include, but are not limited to:

- Verbal: repeated sexual innuendoes, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;
- Visual/Non-verbal: derogatory posters, cartoons, drawings or emails; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
- Physical: unwanted physical contact including touching, interference with an individual's normal work movement or assault; and
- Other: making or threatening reprisals as a result of a negative response to harassment.

Complaint Procedure. If you believe you are being subjected to unlawful harassment or discrimination, or if you become aware of such conduct being directed at someone else, promptly notify Human Resources, your supervisor, or any member of City management. You may also submit a complaint to the Mayor. The City encourages employees to use this harassment reporting policy without worrying about whether the conduct involved would be considered harassment in a legal sense. If you think it might be harassment, report it. This applies to harassment or discrimination caused by anyone with whom an employee comes into contact as part of an employee's job, including co-workers, contractors, vendors, suppliers, members of the public, or any other third party.

All complaints will be investigated thoroughly and promptly. To the extent possible, complaints will be handled confidentially. Refusal to cooperate in an investigation will be grounds for discipline up to and including termination.

The City prohibits retaliation or adverse action against employees because of their good faith report of harassment or participation in the investigation of alleged harassment.

Discipline. If the investigation shows the accused individual engaged in harassment, appropriate action will be taken, as in the case of any other serious misconduct. Such actions may include warnings, verbal and/or written reprimands, suspension or termination.

## **2.05 WORKPLACE VIOLENCE**

Prohibition of Workplace Violence. The City of Lake Stevens strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct in or around City premises or the workplace, or otherwise related to City employment:

- Threatening or causing injury to a person
- Fighting or threatening to fight with another person
- Using or threatening to use a weapon while on City premises
- The possession, custody, storage, or control of a firearm on City premises (unless the employee has advance written permission from the City)
- Abusing or damaging property
- Using obscene or abusive language or gestures in a threatening manner
- Raising voices in a threatening manner (e.g., yelling or screaming)
- Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited

“City premises” Definition. The term “City premises” means all areas under City ownership and/or control including, but not limited to buildings, offices, vehicles, work areas, lounges, desks, cabinets, lockers, and storage areas. The City reserves the right to search all City premises and employee property brought onto City premises when the City determines that such a search is a reasonable and necessary precaution for workplace safety.

Reporting Violent Conduct. Any workplace violence incidents, or incidents presenting a potential for violence, are to be reported to a supervisor or other member of management (and/or Human Resources) as soon as possible. If the supervisor and Human Resources are implicated in the complaint, a report may be made to the Mayor. Incident reports are to be completed as appropriate. If management determines that an employee has violated this section, the employee will be subject to discipline up to and including discharge, as deemed appropriate by the City. The City shall handle specific concerns with customers or other public parties as it determines under its policies and procedures.

Imminent Danger/Violence Incident Procedure. Any employee who reasonably believes that a situation with an aggressive employee, guest, citizen, contractor, vendor, or other party may immediately become violent and may put the employee or others in imminent danger at the work site, should promptly leave the work area and report to their supervisor or other member of management (and/or Human Resources). Depending on the circumstances, the employee may first call 911 and/or try and secure the area and see that no other individuals are potentially at risk. No disciplinary action shall be taken against any employee who leaves a work area when the employee has a reasonable belief that an emerging situation with an aggressive person is likely to turn violent at that time at the work site. The supervisor should take immediate action

by calling 911 (if warranted) and contacting Human Resources. The timing and circumstances of the return by the employee to the work area should be coordinated by the employee with City management.

Security Precautions. Staff security is one of the City's highest priorities. All City security policies and rules must be adhered to at all times. It is especially important that building security rules and procedures are specifically enforced at all times (e.g., doors locked after hours). Failure to comply with these requirements may lead to disciplinary action, up to and including discharge, as deemed appropriate by the City.

Safety Accommodations for Victims of Domestic Violence, Sexual Assault or Stalking. The City will make reasonable safety accommodations for any employee who is a victim of domestic violence, sexual assault or stalking. Accommodations may include, for example, modification of a telephone number or email address, modified work schedule or implementation of safety procedures. If you are a victim in need of safety accommodations, please contact Human Resources.

## **2.06 CODE OF ETHICS/CONFLICTS OF INTEREST**

The City of Lake Stevens is committed to achieving the highest standards of professionalism and ethical conduct in its operations and activities, and to complying with all applicable laws. This section is intended to increase awareness of potential conflicts of interest and establish a procedure for reporting them.

Conflict of Interest: The City prohibits all employees from using their position with the City or the City's relationship with its clients, vendors, or other business affiliates for private gain or to obtain benefits for themselves or members of their family. For purposes of this section, a potential conflict of interest occurs when an employee's outside interests (e.g., financial or personal) interfere with the City's interests or the employee's work-related duties. If you have a question about whether a situation is a potential conflict of interest, please contact Human Resources. By way of example, employees shall not:

- Use or give the appearance of using their positions for personal gain for themselves or for those with whom they have family, business or other personal interests
- Receive, accept, take, seek or solicit, directly or indirectly, anything of economic value as a gift, gratuity or favor from any person or from any officer or director of such person, if they have reason to believe the donor would not give the gift, gratuity or favor but for their position with the City
- Receive, accept, take, seek or solicit, directly or indirectly, anything of economic value as a gift, gratuity or favor from any person or from any officer or director of such person, if they have reason to believe such person:
  - Has or is seeking to obtain contractual or other business or financial relationship with the City; or
  - Conducts operations or activities that are regulated by the City; or
  - Has interests which may be substantially affected by the performance or non-performance of official duties
- Have a beneficial interest, directly or indirectly, in any contract, sale, lease or purchase that may be made by, through or under their authority, in whole or in part, or accept, directly or indirectly, any compensation, gratuity, or reward from any such person beneficially interested therein

- Use any person, money, equipment or property under their official control, custody or direction for their own private gain or benefit.

Outside Employment: Outside employment can create a conflict of interest. Employees may engage in another job outside their employment with the City if the outside job does not conflict with the interests of the City or interfere with the employee's ability to perform the City job.

Specifically, outside activities may not:

- Interfere with City job responsibilities;
- Be conducted during the employee's work hours;
- Utilize City telephones, computers, supplies, or any other resources, facilities or equipment;
- Involve employment with or the provision of consulting to a firm that contracts with or does business with the City; or
- Be reasonably perceived as a conflict of interest or raise a reasonable appearance of a conflict of interest

Before accepting outside employment, an employee must disclose the work to their supervisor and obtain a determination that the outside job would not constitute a conflict of interest.

Consensual Relationships Between Employees: At times, consensual romantic and/or sexual relationships may develop between co-workers. When such a relationship arises between an employee who has supervisory authority and one who does not, an actual or perceived conflict of interest may exist. Accordingly, these situations must be disclosed to Human Resources. The City will carefully consider the circumstances and may take appropriate action to address any conflict of interest. A supervisor's failure to disclose a relationship pursuant to this section may be grounds for discipline, including demotion or termination.

Employee Relationships with Citizens, Vendors and Other Business Affiliates. Employees are expected to maintain a courteous, business-like, and professional relationship with citizens, vendors and other business affiliates.

## **2.07 CIVILITY IN THE WORKPLACE**

Incivility, defined as deviant behavior with ambiguous intent to harm another person, violates our workplace norms for mutual respect and will not be tolerated. Employees will conduct themselves in an orderly, courteous, and civil manner toward others and not engage in behavior that generally tends to adversely affect or impair the efficiency of a co-worker, jeopardize working relationships with other employees, customers, business partners, or the general public.

The following are provided as examples, and not an inclusive list, of uncivil behaviors that employees are expected to refrain from:

- Backstabbing
- Bullying, defined as deliberate and focused mistreatment of a person
- Making, publishing or repeating false, vicious or malicious statements concerning a co-worker or client
- Hazing
- Hurtful gossip

- Mobbing, defined as an impassioned, collective campaign by two or more people to exclude, punish and humiliate an individual
- Physical aggression such as throwing objects, violent outbursts (i.e., hitting the wall, pounding on desks, damaging property, etc.); any physical act that a reasonable person would consider menacing or threatening behavior
- Unconstructive talk, such as rude comments or crude jokes; profanity

## **2.08 CONFIDENTIAL INFORMATION**

In the course of your employment with the City of Lake Stevens, you may have access to sensitive personal and medical information about co-workers and those we serve, as well as access to confidential information about City operations. This confidential information (whether in verbal, written or electronic format) may not be disclosed to anyone, except where required for a business purpose. The disclosure of confidential information (whether purposefully or inadvertently through casual conversation) not only violates City policy, but may also violate applicable state or federal law. Any unauthorized disclosure of confidential information may result in disciplinary action up to and including discharge.

## **2.09 WORKPLACE SAFETY/REPORTING OF INJURIES**

Every employee is responsible for maintaining a safe work environment. Employees must promptly report all unsafe or potentially hazardous conditions to their supervisor. The City of Lake Stevens will make every effort to remedy problems as quickly as possible. If an employee endangers other employees or the public, the action may result in immediate suspension or other disciplinary action up to and including termination.

If an employee is injured while on the job, no matter how minor, the employee must immediately notify their supervisor or Human Resources about the injury. The supervisor should promptly confer with Human Resources to ensure appropriate forms are completed.

In the event of an emergency, such as an employee's need for immediate medical care or an imminent safety threat such as fire or other hazard, employees should first address the immediate need by calling 911 or otherwise seeking assistance. As soon as possible thereafter, employees should report the situation to their supervisor or Human Resources.

Please refer to the city's Accident Prevention Plan (Health and Safety Manual) for more safety information and requirements.

## **2.10 HUMAN IMMUNODEFICIENCY VIRUS (HIV), HEPATITIS B AND C EXPOSURE**

The City will comply with all Centers for Disease Control & Prevention recommendations and current Washington State regulations regarding HIV, Hepatitis B and Hepatitis C risk and exposure. Any employee exposed to the HIV, Hepatitis B and/or Hepatitis C virus will receive baseline and follow-up studies. For procedures and protocols regarding exposure, please contact your direct supervisor or Human Resources.

## **2.11 WHISTLEBLOWER PROTECTION**

The City of Lake Stevens, in compliance with the Local Government Whistleblower Protection Act, RCW 42.41, encourages employees to disclose any improper governmental action of local

government officials or employees without fear of retaliation. This section also safeguards legitimate employer interests by encouraging complaints to be made first to the City, with a process provided for speedy dispute resolution.

Definitions:

“Improper Governmental Action” is any action by a local government officer or employee that is undertaken in the performance of the officer’s or employee’s official duties, whether or not the action is within the scope of the officer’s or employee’s employment, and

- a) in violation of any federal, state or local law or rule;
- b) an abuse of authority;
- c) of substantial and specific danger to the public health or safety; or
- d) 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.

“Retaliatory action” means any adverse change in the terms and conditions of a City employee’s employment, or hostile actions by another employee towards a City employee that are encouraged by a supervisor or senior manager or official.

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

Procedure for Reporting Improper Government Action: Employees who become aware of improper governmental action should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee’s belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves the employee’s supervisor, the employee may raise the issue directly with Human Resources or with the employee’s Department Director, the City Administrator or the Mayor. This should be done as soon as the employee becomes aware of the improper action. In the event a particular complaint involves allegations of criminal behavior, the City may refer the matter to the appropriate law enforcement authorities. If the complaint involves allegations of criminal behavior that may cause immediate harm to an individual or to property, the complaining employee may first report the matter to the Police Department before initiating the procedures described in this section. The Department Director, the City Administrator or the Mayor (or a designee) shall take prompt action to assist the City in properly investigating the report of improper governmental action. Officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes in writing the disclosure of the employee’s identity. 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 the personnel actions taken as a result of the investigation may be kept confidential (to the extent permitted by law).

In an emergency, where the employee believes that personal injury or property damage may result if action is not taken immediately, the employee may report the improper governmental

action directly to the appropriate government agency with responsibility for investigating the improper action, such as:

Snohomish County Prosecuting Attorney  
3000 Rockefeller, M/S 504  
First floor of Mission Building  
Everett, WA 98201  
Phone: 425-388-3333  
<http://snohomishcountywa.gov/202/Prosecutor>

Attorney General, State of Washington  
1125 Washington St SE # 7  
Olympia, WA 98501  
Phone:(360) 753-6200  
<http://www.atg.wa.gov/>

U.S. Attorney (Western District of Washington)  
700 Stewart Street, Suite 5220  
Seattle, WA 98101-1271  
Phone: (206) 553-7970 or toll free: (800) 797-6722  
<http://www.justice.gov/usao-wdwa>

As noted above, the employee may also report an emergency criminal matter to the Police Department or another law enforcement agency.

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

Employees who fail to make a good faith attempt to follow the City's procedures in reporting improper governmental action shall not be entitled to the protection of this section against retaliation, pursuant to RCW 42.41.030.

Protection Against Retaliatory Actions: Officials and employees are prohibited from taking retaliatory action against an employee because the employee has in good faith reported an improper governmental action in accordance with these policies and procedures.

An employee who believes he or she has been retaliated against for reporting an improper governmental action must provide written notice to their supervisor within 30 days of the alleged retaliatory action. If the supervisor is allegedly involved in the retaliation, the written notice should be provided to the Department Director, the City Administrator, Human Resources, or the Mayor. The written notice must specify the alleged retaliatory action and the relief requested. Officials and supervisors shall take appropriate action to investigate and assess complaints of retaliation. Represented employees may elect to pursue such issues through the labor agreement grievance process, in which case the procedures that follow would not apply.

After receiving the City's response to the retaliation complaint, or 30 working days after the delivery of the complaint 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 Department Director, Human Resources, the City Administrator, or the Mayor within the earlier of either 15 working days after delivery of the City's response to the complaint of retaliation, or 45 working days after delivery of the employee's complaint of retaliation to the City. Upon receipt of the request for hearing, the City shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge.

Management Responsibilities: The City Administrator is responsible for implementing City policies and procedures, for reporting improper governmental action and for protecting employees against retaliatory actions. This includes ensuring that this section and these procedures are:

- a) Permanently posted where employees will have reasonable access to them;
- b) Made available to any employee upon request, and;
- c) Provided to all newly hired employees.

Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this section and these procedures may result in appropriate disciplinary action up to and including discharge.

## **2.12 USE OF CITY VEHICLES**

City vehicles may be used by and assigned to employees who require transportation in order to conduct City business. Employees using City vehicles will be expected to adhere to policies set forth concerning the use of such vehicles. No City vehicle is to be used for any purpose other than for conducting the business of the City. Employees may be asked to use private vehicles for conducting City business in situations when a City vehicle is not available. All employees driving on behalf of the City must possess a current and valid Washington State driver's license. All employees driving City vehicles must maintain a driving record satisfactory to the City's insurance carrier.

City employees who use, or have been assigned to drive, a City vehicle as a condition of employment will be expected to exercise caution and care when driving in the course of employment. Employees must follow all applicable laws while driving on City business, including those requiring the use of seat belts and addressing the use of mobile devices. The City will make courses in defensive driving available from time-to-time to employee drivers.

Employee drivers will immediately report any accident/incident involving the use of a City vehicle to their immediate supervisor, and will call law enforcement upon any collision with damage over \$1000 or injuries to any party. The supervisor will review each accident/incident and ascertain whether the City driver was at fault. The City will counsel each driver involved in an accident/incident as appropriate, emphasizing the need to practice defensive driving.

Employees who use or are assigned to drive a City car as a condition of employment shall report any loss or suspension of their driver's license, or any arrest on a DUI charge, to their immediate supervisor within seven days of that event, regardless of whether the loss, suspension, or arrest involved City business.

The following shall be considered gross misconduct and grounds for disciplinary action of a City employee who drives a City vehicle as a condition of employment: (1) Loss or suspension of the employee's Washington State Driver's License; or (2) Conviction of driving a City vehicle under the influence of drugs or alcohol (DUI).

Driving violations while operating a City vehicle (including but not limited to reckless driving, negligent driving, or citations for accidents) may be considered gross misconduct and grounds for disciplinary action dependent upon the circumstances. If such situations arise, they will be reviewed by the City and a determination made as to whether disciplinary action is appropriate. The City will take into consideration all facets of the matter, including: (1) the extent of bodily injury, death, or property damage resulting from an accident; (2) the impact of the incident upon the City's ability to maintain automobile liability insurance; (3) the employee's explanation of circumstances involving the accident/citation; and (4) any extenuating circumstances.

### **2.13 USE OF PERSONAL VEHICLES FOR CITY BUSINESS**

The City maintains a fleet of vehicles for employee use when carrying out work assignments and to facilitate attendance at meetings, trainings, conferences and other work-related functions. Absent prior approval to use a personal vehicle by an employee's direct supervisor, employees must use City vehicles when carrying out City business. Permission to use a personal vehicle may be granted where it would be more economical or efficient, such as when an employee is responding to an emergency or other unexpected assignment, where use of a City vehicle would be uneconomical, where an employee has a work assignment that is on the way to or from work, or other circumstances where the employee's use of a personal vehicle is beneficial to the City.

If an employee's use of their personal vehicle is approved, the employee will be reimbursed at the then-current IRS mileage rate. Mileage for the employee's regular work commute is not reimbursable and will be subtracted from any reimbursement calculation. Where an employee is permitted to use their personal vehicle on a regular basis, the employee will be required to provide documentation establishing that the employee's personal insurance covers such use. The City will not be responsible for any costs associated with personal auto insurance.

### **2.14 EMPLOYEE IDENTIFICATION BADGES AND PROXIMITY CARDS/FOBS**

To enhance security and provide easy identification of City employees, all employees will be issued an identification (ID) badge within three days of employment with the City. For employees assigned to work locations other than the Police Department, the ID badges are also proximity cards for secure access to city facilities. All employees will wear ID badges while in City facilities or on City business. The employee is responsible for the ID Badge/Proximity Card, or security fob if the employee of the Police Department, assigned to them and will notify Human Resources or Police Department management immediately if the card or fob is lost, damaged or stolen.

### **2.15 ELECTRONIC COMMUNICATIONS AND TECHNOLOGY**

Electronic communications and technology develops and changes rapidly, with new devices and new forms of old ones emerging every year. City staff have the need to utilize a variety of modern communications tools in carrying out city business. These are useful and often

essential in daily work, but in emergencies they become critically important. Certain city positions have been identified to carry wireless communication devices at all practical times to assist with communications in the event of an emergency. Employees holding those positions will be provided city devices.

Some of these tools and devices also have the potential for personal use, and many employees own similar devices of their own. Some tools can also become a significant distraction from productive work time when browsing non-business related sites or carrying out personal business. Personal use of City tools and devices must be kept to a minimum, such as during rest or meal periods.

Employees may subject their personal devices to public records disclosure if they conduct City business, including email and text messages, on personal devices. The City does not authorize employees' use of personal devices for City business unless the business conducted also resides on the City's servers; a personal device may be subject to review for public records in accordance with state laws.

The purpose of this section is to govern the use of these tools and provide a unified set of standards and guidelines that cover multiple devices in order to minimize the potential exposure to the City from damages which may result from unauthorized use of City resources. It covers devices now in use, and new devices as they enter usage.

Applicability. This section applies to:

- Internet access, whether on a desktop PC, a laptop PC, a smart phone, a tablet, or any other electronic technology device
- Any use of a telephone (i.e., cellular, smart phone, land line, etc.)
- Any use of a fax machine
- Any transmittal of messages, information, or other electronic signals via devices owned by the City
- Any transmittal of messages, information, or other electronic signals involving or related to City business via devices not owned by the City
- Any posting of information on internet sites using City devices
- Any posting of City-related information on internet sites using devices not owned by the City

Definitions:

Business calls. Calls directly related to City business.

Desktop PC. A computer which generally consists of a monitor, keyboard, and computer, and which is therefore not easily portable. Typically (though not always) it is linked to the internet.

Hands-free. A telephone or other electronic device designed to be operated without using the hands.

Laptop PC. A portable computer with most, if not all, of the functions of a desktop computer. May include wireless internet connectivity.

Mobile Device. Device for transmitting information and/or data from a variety of locations. It is not tethered by a cord or by the need to remain close to a short-range transmitter. A

mobile device may be a computer tablet, smart phone or laptop enabled with wireless connectivity.

Personal calls. Calls not directly related to City business.

Remote Access. Ability to remotely connect to the City's network from any host. Only persons authorized in accordance with the Remote Access Section will be granted remote accessibility.

Voice Over Internet Protocol (VOIP). A method of speaking in real time over an internet connection. This is usually done via a service such as Skype, FaceTime or Google Voice, and may include voice only or voice and video connections. It may also be used for videoconferencing.

Virtual Private Network (VPN). Secure connection between two networks over a non-trusted network (such as the internet). VPNs are very useful when sensitive information must be transmitted or received over the Internet. VPN prevents third parties from reading or modifying the information in transit. The connection is controlled and secured by the software installed at the connection end-points. This software implements authentication, key exchange, and data encryption according to standards. Authorization for VPN access is limited and available only for those authorized in accordance with the Remote Access Section.

General Information. City-owned internet-access and communication devices shall be used predominantly for City-related business. Personal use of such City equipment is allowed on a limited basis, provided that all of the following conditions are met:

- There is little or no cost to the City
- Any use is brief in duration, occurs infrequently (e.g., on breaks or meal periods), and is the most effective use of time or resources
- The use does not interfere with the performance of the employee's official duties
- The use does not disrupt or distract from the conduct of City business due to volume, frequency, or substance
- The use does not disrupt other City employees and does not obligate them to make a personal use of City resources
- The use does not compromise the security or integrity of City property, information, or software

Employees should always consider both cost and effectiveness in determining what type of device to use for any particular communication.

Reasonable precautions should be made to prevent equipment theft and vandalism. All City-owned devices that are lost or stolen must be reported immediately to a manager/supervisor and the IT Department.

No Expectation of Privacy. By using the City's technology systems, employees acknowledge and agree that they have no expectation of privacy or confidentiality in their use of these systems or in any data that they create, store, or transmit on or over the systems, including any data created, stored or transmitted during an employee's incidental personal use of the City systems as permitted under this section. To ensure appropriate use, employees' use of the systems may be monitored and any data that they create, store, or transmit on or over City

systems may be inspected by City management at any time. Employees should understand that certain email messages, other electronic communications and documents created on City computer systems (to include printers, copiers, scanners, fax machines, etc.), or on personal devices where it relates to City business, may be considered a public record subject to disclosure and/or subject to discovery in the event of litigation.

Costs. Expenses incurred for the purchase and use of City-owned devices should be billed directly to the City. Expenses incurred for the purchase of employee-owned wireless communication devices and air time usage should be billed directly to the employee.

Usage of Wireless Devices. The following rules apply to employee use of City-owned wireless devices, or the use of employee-owned devices while conducting City business:

- Wireless communication devices shall not be used while driving unless they are hands-free. To make or receive calls or text messages, or to access or view data while in a vehicle, the vehicle must be parked. Even hands-free devices can be a distraction from safe driving and should be used minimally and only when necessary for legitimate business purposes.
- The display or transmission of any message or image that contains ethnic slurs, racial epithets, or anything that is harassing or disparaging of others based on their race, national origin, sex, sexual orientation, age, disability, religious, political beliefs, or any other protected class, is not permitted on City-owned devices. This applies before, during or after business hours, and applies whether or not on City property.
- The display or transmission of sexually explicit images, messages or cartoons on City-owned equipment (unless a job requirement) is not permitted. This applies before, during or after business hours, and applies whether or not on City property.
- Employees shall use care and common sense with open websites, especially when visitors are in the area, to avoid inadvertent offense.
- The display or transmission of any political message or image for the purpose of lobbying or endorsing a candidate or political message is not permitted on City-owned devices. This applies before, during or after business hours, and applies whether or not on City property.
- Solicitation, promotion, or advertising of any organization, product or service is not permitted on City-owned devices. This applies before, during or after business hours, and applies whether or not on City property. The only exceptions are for activities that are clearly part of or supportive of official City business, or promotion of a charitable effort as endorsed by the City.
- Using appropriate sites for business purposes is unrestricted as long as it is reasonable.
- Downloading or copying from any device or service including the internet should be done with caution as it confers potential risk to the City. Data storage is a potential problem; therefore, the amount of downloaded material should be kept to a minimum.
- The City has the right and capability to monitor internet browsing by each user on its system. However, the City's goal is that employees will make this unnecessary.
- The City does not endorse personal electronic mail or other personal data on City devices. Recognizing that it may occur occasionally, it is to be kept to a minimum; personal electronic mail should be sent or received seldom and should be as brief as possible. Personal correspondence and data on City equipment are subject to review in response to public records requests.
- The City reserves the right to determine when an employee is accessing or transmitting inappropriate types or amounts of images or messages.

Equipment. To preserve the integrity and security of City technology, the following rules must be observed:

- All mobile devices connected to the City network shall comply in total with the City's standards for hardware and software.
- The City has the right to require the removal of specific software or files from any device connecting to the City's network.
- City-owned devices are assigned to a specific position and the employee in that position is responsible for the device(s). When an employee for which a device was approved has left their position, the device, software and accessories will be returned to that position's manager/supervisor.
- All devices connected to the City network environment shall have password, PIN, or other access protection enabled.
- All City-owned devices may be inspected for existence of unauthorized use or organization data and security compliance.
- All non-City owned devices (e.g., personal iPhone) must be compatible as determined by the City prior to being used to access City information.

System Protection and Support. Employees must observe the following rules and guidelines to protect City systems and the confidentiality of information on City systems:

- Passwords are an important aspect of computer/data security. All City employees, interns, temporary employees, volunteers, as well as contractors and vendors with access to City systems, are responsible for selecting strong passwords, changing them frequently and keeping them secure. Do not use the same City password for other non-City access; keep City passwords different from personal passwords. Passwords are to be treated as sensitive, confidential information. Strong passwords must follow the following characteristics:
  - Contain upper- and lower-case characters (i.e., a-z, A-Z)
  - Contain digits and punctuation characters (i.e., 0-9, \$%(\*!}>+)
  - Contain at least 8 characters and must contain at least one small letter, one capital letter, one number, and one punctuation character
  - Is not a word in any language, slang, dialect, jargon, etc.
  - Is not based on personal information, names of family, etc.
  - Create passwords that can be easily remembered
- Invasion of the City's mail system by viruses is a daily risk. Users must remain aware of all policies and procedures that are published to assist in the prevention of virus attacks or improper entry into the data systems. Attempting to disable any security or monitoring tools without City approval is not allowed.
- Electronic mail is a City asset and is subject to review or monitoring at any time without notice by designated IT Department personnel.
- IT Department will provide support for installation of City standard software in connection with City-owned devices. Support for hardware will be coordinated with the hardware vendor.
- The City won't provide technical support for personally owned equipment, personal software, and/or configuration/customization thereof, personal wired or wireless network configuration. Further, the City won't facilitate access to personal data on any City managed devices and strongly discourages personal data being stored on City managed devices. Personal data on City equipment is subject to review in response to public records requests.

## 2.16 REMOTE ACCESS

The purpose of this section is to define requirements for connecting to the City's network (or any network managed by the City) from an external entry point. These requirements are designed to minimize the potential exposure to the City from damages which may result from unauthorized use of the City's resources. Damages include the loss of sensitive or confidential information, damage to public image and damage critical to the City's internal systems.

Applicability. This section applies to all City employees, contractors, vendors and agents with a City-owned or personally-owned device(s) used to connect to the City's network. This section applies to remote access connections used to perform work on behalf of the City, including reading or sending email and viewing internet web resources. Remote access implementations that are covered by this section include, but are not limited to, dial-in modems, frame relay, ISDN, DSL, VPN, SSH, Wi-Fi, and cable modems.

### Definitions.

Cable Modem. Cable companies provide Internet access over Cable TV coaxial cable. A cable modem accepts this coaxial cable and can receive data from the internet.

Dial-in Modem. A peripheral device that connects computers to each other for sending communications via the telephone lines.

DSL. Digital Subscriber Line (DSL) is a form of high speed Internet access competing with cable modems.

Dual Homing. Having concurrent connectivity to more than one network from a computer or network device. Examples include: being logged into the City network via a local Ethernet connection, and dialing into some other Internet Service Provider (ISP).

Mobile Device. Device for transmitting information and/or data from a variety of locations. It is not tethered by a cord or by the need to remain close to a short-range transmitter. A mobile device may be a computer tablet, phone or laptop enabled with wireless connectivity.

Remote Access. Ability to remotely connect to the City's network from any host. This includes, but is not limited to, an employee accessing the City's Outlook system while away from work. Only persons authorized in accordance with this section will be granted remote accessibility.

Split Tunneling. Simultaneous direct access to a non-City network (such as the internet, or a home network) from a remote device (PC, iPhone, etc.) while connected into the City's network via a VPN tunnel.

Voice Over Internet Protocol (VOIP). A method of speaking in real time over an internet connection. This is usually done via a service such as Skype, FaceTime or Google Voice, and may include voice only or voice and video connections. It may also be used for videoconferencing.

Virtual Private Network (VPN). Secure connection between two networks over a non-trusted network (such as the Internet). VPNs are very useful when sensitive information must be transmitted or received over the Internet. VPN prevents third parties from reading or modifying the information in transit. The connection is controlled and secured by the software installed at the connection end-points. This software implements authentication,

key exchange, and data encryption according to standards. Authorization for VPN access is limited and available only for those authorized in accordance with this section.

Wi-Fi. Wireless networking technology that uses radio waves to provide wireless high-speed Internet and network connections. A Wi-Fi enabled device such as a PC or cell phone can connect to the Internet when within range of a wireless network.

General Information. Only approved City employees and authorized third parties may be granted remote access to the City's network. To receive approval for remote access, an employee must obtain approval from their manager and/or director. Upon approval by the employee's department, the request for remote access will be forwarded to the IT Department for appropriate device deployment, set up, and/or approval of non-City owned devices. Once approved, remote access usage is subject to the following:

- It is the responsibility of City employees, contractors, vendors, and agents with remote access privileges to the City's network to ensure that their remote access connection is used in accordance with the City's network section.
- General access to the internet for recreational use by the employee or immediate household members through the City's network on personal computers or devices is not permitted. The City employee bears responsibility for the consequences should access be misused.
  - At no time should any user covered under this section provide any City login or password credentials to anyone, not even family members.
- Authorized users with remote access privileges to the City's network must not use non-City email accounts (e.g., personal Hotmail, Gmail) or other external resources to conduct City business.
- Work schedules must comply with the Fair Labor Standards Act, City policies and collective bargaining agreements governing overtime and compensatory time. The fact that an employee has been authorized for remote access services does not constitute approval for overtime or work from home. Absent emergencies or other extenuating circumstances, an employee's supervisor shall limit communications during non-working hours with non-exempt employees and supervisors shall not expect a response during non-working from a non-exempt employee. All time spent accessing work using remote network and email services by non-exempt (those eligible for overtime) City employees is considered compensated work time and must be preauthorized and compensated; non-exempt employees must receive manager authorization in advance of any hours worked outside of and/or beyond their normal agreed upon work schedule.

#### Equipment.

- All devices connected to the City network shall comply in total with the City Information Technology Department standards for hardware and software.
- The City has the right to require the removal of specific software or files from any devices connecting to the City network.
- City-owned devices are assigned to a specific position and the employee in that position is responsible for the device(s). When an employee for which a device was approved has left their position, the device, software and accessories will be returned to that position's manager/supervisor.
- All devices connected to the City network environment shall have password, PIN or other access protection enabled.

- All device users must comply with City security regulations, policies and procedures that relate to confidential information.
- The City will provide support for installation of City standard software in connection with City-owned devices. Support for mobile device hardware will be coordinated with the hardware vendor.
- By utilizing VPN technology with personally owned devices, users must understand that their devices are *de-facto* extensions of the City's network, and as such are subject to the same rules and regulations that apply to City owned equipment (i.e., their devices must be configured to comply with the City's security rules).
- The City won't provide technical support for personally owned equipment, personal software, and/or configuration/customization thereof, personal wired or wireless network configuration. Further, the City won't facilitate access to personal data on any City managed devices and strongly discourages personal data being stored on City managed devices.
- Authorized users may utilize the benefits of VPNs. However, the user is responsible for selecting an Internet Service Provider (ISP), coordinating installation, installing any required software, and paying associated fees for personal ISPs.
- All City-owned devices may be inspected for existence of unauthorized use or organization data and security compliance.
- All non-City owned devices (e.g., personal iPhone) must be approved by IT Department prior to being used to access City information.

## **2.17 UTILIZATION OF SOCIAL MEDIA**

The City endorses the use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. City social media sites are considered Limited Public Forums, which is a forum set aside by government for expressive activities; activities may be limited to specific topics but may not be limited by viewpoint. This section establishes the City's position on the utility of social media in general and not a particular form of social media, including management, administration, and oversight as it applies to city employees. Further, the personal use of social media can have a bearing on city personnel in their official capacity. As such, this section provides information of a precautionary nature as well as prohibitions on the use of social media by city personnel. This section is intended to supplement existing communication guidelines referenced in the Employee Handbook.

All department social media sites or pages shall be approved by department director. The most appropriate uses of city social media sites are:

- For time sensitive and emergency information;
- As a communications/promotional marketing tool which increases the city's ability to broadcast its message to the widest possible audience enhancing customer service;
- To share news and posts of partner agencies and community organizations;
- To promote community awareness, discussion, and understanding of city government and local issues;
- Wherever possible, social media pages shall clearly indicate they are maintained by the city;
- Social media posts shall include a link to the city's website, directing users back to the city of Lake Stevens' website for in-depth information on the posted content and appropriate contact information.

Social media content shall adhere to applicable laws; regulations; copyrights, trademarks, and service mark restrictions; and policies, including Information Systems department and records management policies. Site content must contain accurate city information and be reviewed and updated as necessary and appropriate; such reviews and updates will be completed during regular business hours.

Information posted on the city's social media sites is subject to the Public Records Act, RCW 42.56, and associated retention schedule. Original content posted on social media sites must be retained for three (3) years from the date of posting. City employees assigned to maintain social media sites shall coordinate with the Public Records Officer (City Clerk) to ensure content is appropriately retained. Prohibited content that is removed must also be retained. Removed content/comment shall be documented with a screen print, date of action, reason for content/comment removal and notes as to manager approval.

To ensure prohibited content is not displayed on city social media, all visitor posts must be approved by a city employee. The following is prohibited on the city of Lake Stevens social media sites:

- Comments that violate the social media's terms of use;
- Posts and comments that promote or advertise commercial services, entities or products except as stipulated in city marketing plans or determined by the City to be essential to economic development;
- Political statements, including comments that endorse or oppose political candidates or ballot propositions, are prohibited under state law (RCW 42.52.180);
- Religious statements, including comments that endorse or oppose any type of religion, religious opinions or activities;
- Posts and comments that include vulgar, threatening or harassing language;
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, socioeconomic status, national origin, physical or mental disability, sexual orientation, or other protected status;
- Obscene or sexual content or links to obscene or sexual content;
- Illegal activity or encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public systems;
- Comments from children under thirteen cannot be posted, in order to comply with the Children's Online Privacy Protection Act. By posting on the city social media site, users acknowledge that they are at least thirteen years old. Those twelve years old or younger may e-mail the city instead;
- Content that violates a legal ownership interest of any other party;
- Anonymous posts.

Elected officials, city employees, board/commission members and volunteers shall not comment on the city's social media sites. Participating in online discussions may constitute a meeting under the Open Public Meeting Act, RCW 42.30.

### **3.01 JOB OPENINGS/TRANSFERS/PROMOTIONS**

To obtain qualified applicants for vacant positions, public notice of job openings will usually be given by means of announcements posted on internal and external websites and/or through other means. The City may fill a position internally without posting when deemed appropriate based on the circumstances.

Hiring processes will depend on the particular positions to be filled. Criminal or other background checks may be required of current and prospective employees, in which case such individuals may be required to complete an appropriate authorization.

When hiring for or retention of current employees in non-represented positions, the City retains the discretion to develop and extend employment offers based on specific circumstances. Depending on market factors and other considerations, for example, the City may offer a moving allowance or make adjustments to standard compensation or benefits to attract and retain the most qualified candidate(s).

When deemed necessary, the City may utilize temporary or term-limited appointments. Such appointments may be short-term or have a longer term that has a clearly identifiable end date, such as project-based or those funded by grants. Except as provided for by law, the people in these appointments will not be entitled to benefits described in this handbook.

### **3.02 TRIAL SERVICE PERIOD (PROBATIONARY PERIOD)**

We believe that your initial period of employment or initial period of work in a new position should be a review period for both you and the City. To determine that our association is mutually satisfactory, new employees are hired on a probationary basis and will remain a probationary employee for the first twelve (12) months of employment. This is referred to as the “trial service period”. During the trial service period, you will have the opportunity to demonstrate satisfactory technical qualifications for your job, performance of your job duties, and personal conduct in the workplace. You will also have the opportunity to evaluate the City’s suitability as an employer and/or determine whether your new job is acceptable.

During the trial service period, employment is “at will,” which means either the employee or City may terminate the employment relationship without cause or advance notice. Upon successful completion of the trial service an employee will transition to regular status.

### **3.03 EMPLOYEE CATEGORIES**

For a variety of reasons, it is helpful to define the working category of each employee employed by the City. Employment categories relate to the nature of your job responsibilities, weekly work schedule and participation in City benefit programs. Employees may fall into one or more of the following classifications:

- Regular Full-time – an employee who has completed an initial trial service period and is regularly scheduled to work 40 or more hours per workweek.

- Regular Part-time – an employee who has completed an initial trial service period and is regularly scheduled to work less than 40 hours per week. Employees in this classification are entitled to most City-provided benefits on a pro rata basis.
- Probationary – an employee who has not yet completed their twelve-month trial service period. Probationary employees may be full-time or part-time.
- Temporary/Limited-Term – an individual hired on a temporary/emergency basis (short term) or on a longer limited-term basis (e.g., project work). Temporary limited-term employees are typically brought on for a defined term need, such as covering a regular employee's work during a medical leave or assisting with a specific project. Temporary employees may be placed by temporary employment agencies or hired directly by the City. Temporary positions are non-represented, unless covered by a collective bargaining agreement, and will generally not be eligible for City benefits or paid leave accrual, unless required by law or agreed otherwise in writing. Unless approved by Human Resources, a temporary employee may not be employed by the City for more than five (5) months in a year.
- Student Intern, Apprentice - an individual from an educational institution or program with which the City has an agreement to provide learning opportunities in a work setting. The students or interns may or may not be paid in accordance with the agreement.
- Volunteer – an individual, who through their own free will, performs assigned or authorized duties for the City without compensation. The individual must be registered and accepted as a volunteer by the City.

In addition to the foregoing categories, all employees are classified as exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA). Exempt or non-exempt status is determined based on several factors, including the nature of a position's duties.

- Exempt: Exempt employees are ordinarily paid on a salary basis, structuring their work week to ensure they can fulfill their responsibilities, and are not eligible for overtime pay.
- Non-Exempt: Non-exempt, full-time employees are ordinarily paid a semi-monthly salary and are eligible for overtime pay for hours worked beyond 40 hours in a workweek (see Section 4.16). Non-exempt, part-time employees are ordinarily paid on an hourly basis.

If you have any questions regarding your category or your exempt/non-exempt status, please contact Human Resources.

### **3.04 FULL-TIME EQUIVALENT (FTE) STATUS**

An employee's compensation and benefit eligibility are based on their Full-Time Equivalent (FTE) status. The FTE status is computed by dividing regularly scheduled weekly hours by 40 (i.e., full-time =  $40/40 = 1.00$  FTE; half-time =  $20/40 = .50$  FTE; 24 hours per week =  $24/40 = .60$  FTE). Hours worked in excess of the regularly scheduled work week will not be used in the calculation of FTE.

From time to time, the City may make adjustments to a position's FTE status. For example, based on operational or other needs, a position may be modified from part-time to full-time status, may be reduced from full-time to part-time status, or the part-time FTE status may be adjusted upward or downward. If you are in a position affected by such a modification, the City will make a reasonable effort to provide advance notice of the change in work hours and any resulting change in compensation and benefits eligibility.

### **3.05 POSITION CLASSIFICATIONS AND POSITION DESCRIPTIONS**

The City groups most positions into classifications based on duties, responsibilities and minimum job requirements. A position classification may encompass a number of positions. Position descriptions describe the duties of specific positions within a classification or unique positions that are not assigned to a classification. Position classifications or position descriptions may be amended or reclassified utilizing the City's classification review process.

### **3.06 PERSONNEL RECORDS**

The City maintains a personnel file for each employee. That file may include, but is not limited to, the employee's application and resume, performance evaluations, commendations, disciplinary memoranda, as well as benefits and payroll information. Upon request and reasonable notice, you may review your personnel file.

To ensure that your benefits and records are kept up to date, please notify your supervisor and Human Resources of any change in your name, address, telephone number, marital status, number of dependents, tax exemptions, beneficiaries/dependents, or related information as soon as possible after such changes occur. It is your responsibility to ensure that information on file is up to date and correct.

### **3.07 PERSONNEL EVALUATIONS**

We believe that goal setting and frequent feedback improve performance. Your supervisor should communicate to you the specific performance standards for your job. Formal performance evaluations are generally conducted a minimum of halfway through the probationary period, and on an annual basis thereafter. The timing of the annual evaluations varies by department and director. These evaluations are designed to enhance communication and performance. If for some reason you do not receive your performance evaluation at the appropriate time, please talk to your supervisor or Human Resources.

### **3.08 PERSONNEL REFERENCES**

All inquiries by third parties regarding current or former City employees are to be referred to Human Resources. No employee is permitted to provide any reference information to a third party regarding another current or former City employee unless the reference request has first been referred to Human Resources. Human Resources will respond to such requests or coordinate with the appropriate manager to respond, to ensure legal considerations are observed.

### **3.09 EMPLOYMENT OF RELATIVES**

The City recognizes the potential for problems, both real and perceived, where relatives work for a common employer. As a result, family members of current City employees will not be employed by the City where:

- One of the employees would have authority (or practical power) to benefit, supervise, remove or discipline the other; or make effective recommendations pertaining to the salary level, promotion, or performance of the other; or
- One employee would be responsible for auditing the work of the other; or

- Other circumstances exist that might lead to potential conflict among the parties or conflict between the interest of one or both parties and the interests of the City.

For purposes of this section, the term “relative” encompasses spouses, domestic partners, a parent/child relationship (including in-laws or step); grandparent/grandchild (including in-laws or step); siblings (including in-laws or step); nieces and nephews; and any other relative residing in the same household as the employee.

If two current employees become relatives and, in the City’s judgment, the potential problems noted above exist or reasonably could exist, the City may in its discretion determine that only one of the employees will be permitted to stay with the City, unless appropriate changes can be made by the City to eliminate the potential problem. In such case, the decision as to which employee will remain with the City must be made by the two employees within ninety (90) calendar days of the date they marry, become related, or become domestic partners. If no decision is made during this time, the City may terminate either employee.

### **3.10 STANDARDS OF CONDUCT**

The City of Lake Stevens seeks to ensure that employees are afforded the opportunity to work in an environment that is civil, respectful and courteous. Also, the City strives to provide outstanding customer service, and expects excellence from each and every employee. Each employee was selected to work for the City based on the belief that he or she would be able to fulfill those expectations.

It is important to establish certain expectations regarding employee conduct to ensure efficient City operations, and for the benefit and safety of all employees. As a general matter, employees should conduct themselves in a professional manner, use good judgment, and take personal responsibility in performing their job duties. Conduct that interferes with City operations, is detrimental to the City, and/or is offensive to co-workers or clients will not be tolerated. The following are examples of behavior that is inconsistent with City expectations and/or policies and that may result in disciplinary action, up to and including termination of employment:

- Failure to treat co-workers, clients, vendors and others in a courteous and respectful manner;
- Failure to perform assigned duties, or performance of duties in an unsatisfactory manner;
- Unauthorized absence, or excessive tardiness or absences;
- Misusing, taking for personal use, destroying, damaging or wasting property, supplies or utilities belonging to the City or another employee;
- Assaulting, threatening, or intimidating supervisors or any other fellow employee, vendor, or any other person;
- Engaging in any form of bullying towards another employee, a client, a vendor or other third party;
- Engaging in workplace violence or threats of violence;
- Engaging in any form of sexual or other unlawful harassment of, or discrimination towards, another employee, a client, a vendor or other third party;

- Falsifying or altering any City record or report, such as an employment application, production records, time records, expense records, absentee reports, financial documents, or the like;
- Misusing City communication systems, including electronic mail, computers, internet access, and telephones;
- Refusing to follow management's instructions concerning a job-related matter, or otherwise being disrespectful or insubordinate;
- Smoking or vaping where prohibited by City policy or local ordinance;
- Using profanity or abusive or offensive language;
- Sleeping on the job;
- Disclosing confidential information regarding the City or City client(s);
- Willful negligence or improper conduct resulting in injury or damage to City property;
- Failure to fully cooperate with a City investigation;
- Violating safety procedures or policies, or otherwise endangering the safety of an employee, co-workers or other third party;
- Reporting to work under the influence of alcohol; legal or illegal drugs; controlled substances or narcotics; or using, selling, dispensing, or possessing illegal drugs or narcotics on City premises, provided that use of legal medications is not improper where use is consistent with the applicable instructions or prescription and the medication does not impair safety or performance;
- Failing to report an invalid driver's license in a timely manner if you are required to drive for City business;
- Engaging in political activity during working hours or using City facilities or resources to promote a political cause;
- Representing or implying that the employee is speaking on behalf of the City when communicating with the media or elected officials when the employee does not have such authority;
- Incivility (see Section 2.07);
- Dishonesty;
- Fighting; or
- Engaging in off-duty misconduct that interferes with an employee's ability to do their job or reflects negatively on the City.

This list contains examples only and is not exhaustive. At management's discretion, any violation of the City's policies or any conduct considered inappropriate or unsatisfactory may subject an employee to disciplinary action. The City, in its sole discretion, will determine the appropriate disciplinary response to misconduct or unsatisfactory performance.

Depending on the nature of the behavior at issue, the City may place an employee on paid administrative leave pending an investigation and determination regarding discipline. As deemed appropriate by the City based on the particular circumstances, an employee on administrative leave shall be available to the City as needed during regular work hours, turn over all City property (cell phone, security cards, etc.), and/or remain away from City facilities without prior permission and escort.

### **3.11 PROFESSIONAL APPEARANCE**

The City strives to maintain a professional atmosphere that is conducive to our business environment and projects an image of efficiency and professionalism to visitors, customers and other business contacts. The City relies on employees to exercise common sense and good

judgment regarding their clothing and appearance in the workplace and to dress in a manner that is consistent with this section. Generally, employees should maintain a clean and neat appearance in the workplace and dress according to the requirements of their positions. This would include good grooming and hygiene, being mindful of using perfumes or colognes due to co-worker/public sensitivities, and wearing your name badge or nametag.

Any employee who is not dressed in proper attire consistent with this section may be considered unsuitable to work and may be asked to go home and return to work appropriately dressed. In such a case, the employee will not be compensated for time spent away from work.

While it is not possible to identify all forms of clothing that are not appropriate to our workplace, the following list is illustrative of the items that are not appropriate to our work environment: jeans with holes or excessive wear, shorts, T-shirts with advertisements or inappropriate sayings or pictures, track suits or sweat suits, sweatshirts, midriff-baring or tube tops, and flip-flops. Visible tattoos with objectionable content may need to be covered.

Any questions about the requirements of this section or what constitutes appropriate workplace attire should be directed to the employee's supervisor or Human Resources.

### **3.12 POLITICAL ACTIVITY**

Political activity by employees shall not be permitted during working hours, nor shall any City employee be required to expend time, effort or money on any political activity as a condition of employment. No employee shall solicit political contributions during working hours, either on or off City premises, for any partisan or nonpartisan political purpose. No City facilities or resources shall be used to promote or support political activities.

### **3.13 SOLICITATION**

To promote efficient operations and to protect employees from unwanted solicitations at work, the City has established restrictions on solicitation and the distribution of materials on City premises. Specifically, the following activities are prohibited:

- Solicitation by employees of co-workers during work time regarding non-City business or on behalf of themselves or outside entities;
- Distribution of literature or materials of any kind by employees (other than as necessary in performing the employee's duties) in working areas;
- Solicitation of any type on City premises by outside entities or individuals.

Exceptions to this section are communications for City-sponsored activities or City-approved charitable causes, or other specific exceptions approved by the City, as well as occasional passive sales on behalf of charitable, school or community groups (for example, an employee could communicate that they are selling fundraising cookies or similar item for their child, as long as the employee did not actively solicit co-workers to purchase the items).

### **3.14 TOBACCO-FREE WORKPLACE**

The City prohibits smoking and vaping in all City buildings, vehicles and work areas, and within 25 feet of any entrances, exits, windows that open, and ventilation intakes. The City also prohibits other forms of tobacco products in all City buildings, vehicles and work areas. To the

extent state law imposes additional or different smoking restrictions, the City will comply with applicable law.

The City may provide medical plans that include tobacco cessation benefits that vary according to the plan.

### **3.15 SUBSTANCE ABUSE**

The City is committed to providing and maintaining a safe and productive work environment that is free from the adverse effects of drugs, alcohol and other job-impairing substances. Use of alcohol or any drug that is illegal under federal law or state law (including marijuana) is a serious threat to personal, workplace safety and job performance. Employees are strictly prohibited from possessing, selling, consuming or being under any influence (defined as having any detectable amount in their body) of alcohol, or legal or illegal drugs while on the job or in any other manner that may affect the employee's work performance or the City's interests or reputation. This prohibition also extends to legal drugs for which an employee may not have a valid prescription, or that are not used in a manner consistent with accepted frequency or dosage requirements.

This section applies to all City employees while on the job and to situations where an employee's off-the-job or off-premises conduct impairs work performance or undermines the City's reputation. Our concern is to ensure that employees report to work in a condition to perform their duties safely and efficiently in the interest of the City, fellow workers and members of the public. In addition, various federal and state laws prohibit the possession, distribution, and use of controlled substances, unless in compliance with licensing requirements or a physician's prescription. Violations of federal and state laws may result in legal sanctions, including criminal prosecution.

The manufacture, possession, distribution, dispensing, sale or use of controlled substances on City property or work sites will be cause for disciplinary action up to and including termination. Depending on circumstances, such actions may be treated as a criminal matter and referred to law enforcement for investigation and appropriate action. Further, in accordance with the Drug-Free Workplace Act, employees must notify the City within five calendar days if the employee is convicted of a criminal drug violation.

The use of alcohol or legal or illegal drugs in City facilities and vehicles is strictly prohibited.

Use of Medication. The possession and use of medically prescribed or over-the-counter drugs during work hours is permissible, subject to certain conditions. The employee shall have no obligation to inform their supervisor of such use unless, according to a warning notice or the input of a physician or pharmacist, the drug may cause a possible impairment that could prevent the employee from performing their job safely or effectively. In such cases, the employee should notify their supervisor so that a determination can be made as to whether it is in the best interests of the City and the employee that the employee work, not work or be reassigned during the period medication is used.

Resources Available for Employees. 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) if dealing with problems of alcohol or substance abuse.

Drug/Alcohol Testing. An employee may be required to submit to appropriate tests, including urinalysis or breath tests, to determine the existence of alcohol or prohibited drugs or substances in the employee's system where the City has reasonable suspicion that an employee may be under the influence of drugs or alcohol while on duty. Failure to promptly permit such tests will be grounds for immediate termination.

### **3.16 OPEN DOOR POLICY**

The City believes that candid and constructive communication is essential to the smooth functioning of our workplace and to maintaining an atmosphere of mutual respect. Accordingly, the City maintains an "open door" policy, which means that you are welcome to discuss any suggestion, concern or other feedback with Human Resources, your supervisor or any member of management.

The majority of misunderstandings are satisfactorily resolved by a thorough discussion and mutual understanding between the parties involved. Generally speaking, it is best to discuss any concerns with your immediate supervisor first. If you are unable to reach a satisfactory resolution with your supervisor or are not comfortable discussing the issue with your supervisor, you are welcome to discuss the matter with another appropriate manager or with Human Resources.

If you believe that you or another employee has been subject to workplace harassment or discrimination, you must report it immediately in accordance with the section on Unlawful Harassment set forth in this Employee Handbook.

### **3.17 APPEAL PROCESS**

A non-represented employee may file an appeal concerning a decision related to employment conditions with the City. Such an appeal should be filed with the employee's immediate supervisor within 14 working days after the occurrence of the decision being appealed. Appeals will be heard by the City Administrator, or designee, whose decision shall be final. Also, see section 6.03.

Represented employees may pursue grievances in accordance with the procedures set forth in the labor agreement governing their employment.

## **HOURS OF WORK AND COMPENSATION**

### **4.01 ATTENDANCE AND PUNCTUALITY**

Regular attendance and punctuality are important parts of your responsibilities as an employee of the City. You are expected to work the hours scheduled by your supervisor.

If you are going to be absent or late to work, you must notify your supervisor at least thirty (30) minutes before the start of your work day, absent extenuating circumstances or prior arrangements. Even with appropriate notice, unreliable attendance may be a basis for disciplinary action, up to and including dismissal.

Individual offices or work groups may establish specific guidelines for attendance and punctuality, based on operational needs. If your department or work group has specific guidelines, your supervisor will review them with you, and it is expected that you will abide by those guidelines.

In the absence of extenuating circumstances, if the City has not received written or verbal communication from you for three (3) scheduled consecutive work days, you will be considered to have resigned from your employment.

### **4.02 BASIC WORK WEEK**

Unless otherwise established in writing, the work period for purposes of calculating overtime for employees assigned to a 5/8, 4/10, or part-time schedule is a seven (7) calendar-day period beginning at 12:00 a.m. Sunday and ending at 11:59 p.m. Saturday. The work period for employees working a 9/80 schedule will be a seven (7) calendar-day period beginning at the midpoint of the employee's eight (8) hour shift.

### **4.03 TIME RECORDS**

Maintaining accurate time records is essential in computing non-exempt employee pay and overtime, tracking accrued leave usage and ensuring compliance with applicable laws and regulations. Each employee is responsible for completing and submitting their own time record in a correct and timely manner.

Employees must turn in vacation approvals and scheduled sick leave approvals along with the time records for the pay period in which the vacation or scheduled sick leave was taken.

Falsification of City time records and any misrepresentation of work time or leave usage may be grounds for discipline up to and including termination of employment.

### **4.04 PAY PROCEDURES**

Employees will be paid on a semi-monthly payroll system, with pay periods ending on the 15th and the last working day of each month. Non-exempt employees will submit a signed time record on the last working day of each pay period recording the hours worked and leave taken during the period. Exempt employees will submit a signed time record on the last working day of each pay period recording the hours of leave taken during the period.

Employees' paychecks will be available on the 10<sup>th</sup> and 25<sup>th</sup> of the month. In the event a payday described in this section falls on a weekend or holiday, paychecks will be available or pay

amounts will be directly deposited on the prior regular business day. Paychecks will not be released to any person other than the employee unless the employee has provided written authorization to Finance (payroll).

The City will withhold from the employee's paycheck those deductions required by law (payroll taxes and withholding, court-ordered garnishments, etc.), as well as any voluntary deductions authorized by the employee and approved by Human Resources.

Complaints or Concerns: If you believe there are any errors in your pay, including that you have been overpaid or underpaid, that improper deductions have been taken from your pay or that your pay does not accurately reflect all hours worked, including overtime, report your concerns to payroll immediately. The City will promptly investigate all reported complaints and, if appropriate, take corrective action.

The City prohibits and will not tolerate retaliation against any employee because that employee filed a good faith complaint under this section. Specifically, no one will be disciplined, intimidated or otherwise retaliated against because that person exercised rights under this section or applicable law.

#### **4.05 ESTABLISHMENT OF SALARY LEVELS**

The City's compensation plan is comprised of a range and step system for non-exempt and exempt positions; each classification will be assigned to a salary range and each range will have seven (7) steps. There is approximately two and one-half percent (2½%) between ranges and approximately four percent (4%) between each step. Progression through the steps is described below.

Step 1: This step is considered to be the normal entry level step in each range. The assumption in hiring at this step is that the employee has the basic required skills, but further training and experience will be required. Employees entering at this step will remain in Step 1 for a period of twelve (12) months. The Department Director may authorize the step advancement early if the employee has demonstrated exceptional performance of the position's duties. Employees who may advance early to the next step shall receive a new step increase date as of the date of early advancement.

Steps 2, 3: These steps may be considered either as a progression advancement from Step 1 or as an alternate hiring step.

- a. If Step 2 or 3 is used as a hiring step, the assumption is that the prospective employee has more immediate skills and experience than one being hired at Step 1 and, therefore, should be advanced initially. Requests to use Step 2 or 3 as a hiring step must be approved by the hiring Department Director.
- b. Employees entering at this step will remain in Step 2 or 3 for a period of twelve (12) months. The Department Director may authorize the step advancement early, after a minimum of six (6) months of employment, if the employee has demonstrated exceptional performance of the position's duties. Employees who may advance early to the next step shall receive a new step increase date as of the date of early advancement.
- c. An employee who advances to Step 2 as a progression from Step 1 will remain in Step 2 for twelve (12) months before being eligible for advancement to Step 3.

Steps 3, 4, 5: These steps are the intermediate steps in the salary plan. Employees will advance to these steps provided they satisfactorily perform their position assignments.

- a. If Step 3, 4 or 5 is used as a hiring step, the assumption is that the prospective employee has progressively more skills and experience than one being hired at Steps 1, 2 or 3 and, therefore, should be advanced initially. Requests to use Steps 3, 4 or 5 as a hiring step must be approved by Human Resources.
- b. Employees entering at one of these steps will remain at that step for a period of twelve (12) months. The Department Director may request Human Resources' authorization for an early step advancement, after a minimum of six (6) months of employment, if the employee has demonstrated exceptional performance of the position's duties. Employees who may advance early to the next step shall receive a new step increase date as of the date of early advancement.
- c. An employee who advances to the next step in the progression will remain at that step for twelve (12) months before being eligible for advancement to the next step in the progression.

Steps 6, 7: These steps are advanced steps in the salary plan. Employees will advance to these steps provided they satisfactorily perform their position assignments.

- a. Step 6 or 7 may be used as hiring steps only under special circumstances. The Department Director and Human Resources will request approval from the City Administrator for hiring at these steps with documentation that the prospective employee is highly skilled and is fully capable of assuming all duties and responsibilities with little or no training and only after a thorough effort has been made to recruit at normal hiring steps.
- b. Employees entering at one of these steps will remain at that step for a period of twelve (12) months. The Department Director and Human Resources may request of the City Administrator authorization for an early step advancement, after a minimum of six (6) months of employment, if the employee has demonstrated exceptional performance of the position's duties. Employees who may advance early to the next step shall receive a new step increase date as of the date of early advancement.
- c. Step 7 is considered to be the completion step in each salary rate range, wherein it is assumed that the employee is fully qualified and experienced to perform all functions required in their position description. The employee will remain at Step 7 unless the position is reclassified to a higher rate range as a result of a change in the prevailing rate for the position or if there is a significant change in functions/responsibilities.

Exceptions to the above hiring and progression in the steps may be authorized in writing by the City Administrator under special circumstances. Such requests for exceptions must be clearly explained and documented by the originating department.

Periodically, the City may conduct a market salary survey to ensure the city's positions are paid appropriately as evaluated against our comparable cities, economic conditions in the area, prevailing wage rates, and/or recruitment or retention difficulties for certain positions. Market adjustments to positions on the salary schedule shall be subject to budgetary consideration. In general, an employee whose existing classification is moved to a higher salary range will move to the same step within the new salary range and their step increase date will not change due to a market adjustment.

General increases for positions on the salary range will be as approved by the City Council for each position classification as set forth in the City's annual budget (as amended or supplemented from time to time).

#### **4.06 LONGEVITY PAY**

Additional payment for recognition of service milestones will be made to eligible employees according to the following schedule:

- After 5 years of continuous service, employees shall receive an additional one percent (1.00%) of their base pay.
- After 10 years of continuous service, employees shall receive an additional two and one-half percent (2.50%) of their base pay.
- After 15 years of continuous service, employees shall receive an additional four percent (4.00%) of their base pay.
- After 20 years of continuous service, employees shall receive an additional 4 and three-quarters percent (4.75%) of their base pay.

#### **4.07 PROMOTIONAL SALARY INCREASE**

Promotion is defined as an employee's selection via a recruitment process or direct appointment to a position having a higher salary schedule. On the date of promotion, the employee is entitled to a minimum of the higher of:

- the first step of the salary schedule for the new position class; or,
- advancement to the step of the new salary schedule which is approximately 5 percent (5%) more than the previous salary.

Upon a promotion, the date of such advancement becomes the employee's step-increase date. The employee shall receive a new step increase date as of the date of promotion and progress through the steps as described in Section 4.05.

#### **4.08 POSITION RECLASSIFICATIONS**

Reclassifications are limited to functional responsibility comparisons within a particular position, which are not considered promotions. They are principally used to correct inequities within the position due to significant changes in duties, responsibilities and scope. If significant function/responsibility changes occur in an employee's position description that possibly change a position enough to place it in a different classification, the Department Director has the responsibility to review requests for reclassification and to either approve or deny an employee's request to continue further in the reclassification process. If the Department Director approves the employee's request, the reclassification request shall be forwarded to Human Resources to conduct an internal and external review of the position. Changes in positions due to reclassifications shall generally be brought forward in the annual budget process.

Employees who are reclassified to a higher range will generally move to the lowest step in the new range that represents an increase of at least five percent (5%). Employees who receive a reclassification shall receive a new step increase date as of the effective date of the reclassification and progress through the steps as described in 4.05.

#### **4.09 SALARY UPON RE-EMPLOYMENT**

The salary of an employee who is re-employed and who previously terminated employment through voluntary resignation shall be in accordance with Section 4.05.

#### **4.10 TEMPORARY ASSIGNMENT TO HIGHER CLASSIFICATION/OUT-OF-CLASS PAY**

Due to business needs or the extended absence of certain employees, it may be necessary to temporarily reassign an employee to a position of a higher classification. In the event an employee is temporarily reassigned to and will be performing the full responsibilities of the higher classification for thirty (30) calendar days or more, the employee shall be paid at the lowest step in the new range that represents an increase of at least five percent (5%). The temporary reassignment must be made in writing and approved by the City Administrator.

For special circumstances, the Department Director may request out-of-class pay for employees assigned to work higher level duties outside the scope of their normal job classification for hours worked at the higher job classification. Employees approved for out-of-class pay will receive at least a five percent (5%) increase more than their current base salary. Requests for out-of-class pay must be made in writing and approved by the Human Resources Director and the City Administrator.

#### **4.11 POSITION DOWNGRADES**

In rare situations, it may be necessary to downgrade (for reasons not related to a demotion as defined in Section 6.03) an employee to a lower salary range. Possible reasons are:

- Inability to perform required position functions;
- Employee performance problems in the higher position classification;
- Re-evaluation of a position in terms of prevailing rate for a particular position;
- Employee requested position changes;
- Inter/Intra-departmental transfer from a position at a higher salary range to another position with a lower salary range; or
- Redesign of positions resulting in significant reduction of responsibilities, assignments and/or authority.

In cases where downgrades (not related to demotions) occur, employees will move to the step in the lower salary range which gives consideration to:

- Current step in the higher range; and
- Ability to perform new position assignment.

Each proposed downgrade must be looked at on a case-by-case basis. Full documentation must accompany any downgrade request. Human Resources, in consultation with the Department Director, will make the final determination as to the appropriate step placement in the downgraded salary range with final approval by the City Administrator.

#### **4.12 REIMBURSEMENT OF BUSINESS EXPENSES**

Travel Expenses. From time to time, City employees may be required to travel away from their office location in connection with City business or training opportunities. Department directors must approve any overnight travel in advance. Travel time will be compensated in accordance with applicable wage and hour laws.

City employees will be reimbursed for reasonable and customary expenses incurred in connection with the business of the City, including food, lodging and travel expenses while away, but excluding any expenses for alcoholic beverages. Where an employee is asked by the City to use the employee's personal automobile on City business, mileage reimbursement will be in accordance with the then-current reimbursement rate established by the IRS. Such usage shall be in accordance with the "Use of Personal Vehicles for City Business" section of this Employee Handbook.

Meal Expenses. Employees in travel status (i.e., requiring an overnight stay) or traveling further than 50 miles (from the closer of the employee's home or city location), are eligible for meals in accordance with Washington State Office of Financial Management (OFM) per diem rates, or the U.S. General Services Administration (GSA) rates if traveling outside of Washington state. If using the GSA rates, exclude the calculation specific to federal employees. Meals will not be reimbursed if included in the cost of the business meeting, conference, etc.

Expenses for lodging, meals, parking and other travel-related expenses will be reimbursed following the employee's submission of an expense reimbursement request to their manager or director. Reimbursement requests must generally be supported with legible receipts and must be signed by the employee and their direct supervisor or department director.

Other Work-Related Expenses. The City will reimburse employees for reasonable work-related expenses, such as some meals for city and non-city employees, with a written description of the direct connection for City business. Employees should complete an expense reimbursement request form, with appropriate documentation and approved by your direct supervisor.

#### **4.13 WORK HOURS AND SCHEDULING**

The City offices are open for the transaction of business with the public from 9:00 a.m. to 4:00 p.m., Monday through Friday, with the exception of official City holidays. Accordingly, the work day for employees will be scheduled to provide coverage for all City functions during regular business hours. In addition, employees may occasionally be required to work on weekends, evenings or for emergency response. Managers and supervisors have the responsibility to establish work schedules that accommodate operational priorities in their departments or work groups. Your supervisor will advise you of the work hours associated with your position. Managers and supervisors have discretion to approve alternative work schedules on a temporary or ongoing basis if the supervisor believes that the alternative schedule will not impact operational needs or otherwise be inconsistent with the City's interests. Approval may be withdrawn in the event the supervisor determines that the arrangement is not in the City's best interests. Managers and supervisors also have discretion to require alternative work schedules where necessary to meet operational needs.

Full-Time Schedules. Employees working *other than* a 5/8 schedule will be required to complete an Alternate Work Week Schedule form, which can be obtained from Human Resources or Payroll. All regular full-time employees will be assigned to one of the following schedules:

- a. 5/8s. Unless otherwise agreed, regular full-time employees will be assigned to work five (5) eight- (8) hour days on duty, within the employee's work week, with two (2) consecutive days off. The daily starting and ending times for employees working a

- 5/8 schedule will be consistent with the standard operating hours of the work group to which the employee is assigned.
- b. 4/10s. Upon mutual agreement, full-time employees may be assigned to work four (4) ten-hour days on duty.
  - c. 9/80. Upon mutual agreement, full-time employees may be assigned to work a combination of eight (8) nine-hour days and one (1) eight-hour day on duty, during a two-week period that results in eighty (80) scheduled work hours during a two (2) work-week period. The employee will get one day off (“flex day”) every other week. Due to Fair Labor Standards Act (FLSA) and overtime requirements for non-exempt employees, the “flex day” shouldn’t be changed and the work week for a 9/80 schedule will begin and end mid-way through the employee’s 8-hour day and “flex day.”
  - d. Flexible. Upon mutual agreement, full-time employees may be assigned to work a flexible schedule of forty (40) hours per work period with starting and ending times set by agreement between the employee and their supervisor.

Part-Time Schedules. The City will determine the schedule for part-time employees based on operational needs and the role of the employee.

Exempt Employees. Allowing flexible work schedules for exempt employees is challenging due to FLSA rules, as well as assuring proper supervision of staff if they are supervisors. The normal work schedule for directors, managers, and supervisors shall be based on working five days a week, covering the large majority of hours worked by staff they manage. Directors, managers, and supervisors may request, in writing, the use of a flexible schedules to include oversight of their staff, ability to respond to issues that arise, impact on community partners and City management team, and how to respond to temporary surges in workload. Use of flexible schedules does not change their FLSA-exempt status, and as such exempt employees must put in whatever hours are necessary to effectively complete their jobs; for example, a manager on a four day schedule will occasionally work a fifth or sixth day in a week without resulting in extra pay or compensatory time.

#### **4.14 TELECOMMUTING**

The City may approve employees the opportunity to work at alternate work locations for all or part of their workweek in order to promote general work efficiencies. Alternate work locations may include employees’ homes or other approved locations. The City will determine the positions that best qualify for a telecommuting option, such as those that can effectively accomplish the essential job functions away from the central workplace (e.g., City Hall). Employee salary and benefits will not change because of telecommuting, and telecommuting employees must continue to comply with applicable City policies. Telecommuting is not to be used as a substitute for dependent care; when necessary, telecommuters must make arrangements for dependent care during agreed upon work hours.

The telecommuting timeframe may be temporary based on specific projects or a need for a specified, quiet, uninterrupted time; on-going, intermittent (e.g., once a month, every other week, once a week); or “permanent” (e.g., employee only comes in to the central workplace at designated intervals). While telecommuting, employees shall be accessible during the agreed upon hours and may be required to attend meetings in-person. Telecommuters agree to apply themselves to their work during established work hours.

The total number of hours an employee is expected to work will not change, regardless of the work location. To ensure compliance with the Fair Labor Standards Act (FLSA), non-exempt employees approved for telecommuting will be required to accurately document their hours worked and will not be expected to communicate on work-related items during established non-work hours unless previously approved. Work product for all telecommuters will be reviewed regularly by the employee's supervisor to ensure expectations are being met.

Subject to budgetary limitations, the City will provide the computer and/or other applicable technology, required software/applications, work-related files and information (with utmost care given to confidential and/or original documents), office supplies, and office furniture if necessary; the City-supplied equipment shall not be utilized for personal use. The employee will provide internet connectivity and office space. The City may provide mobile hotspots on a temporary basis for special circumstances (such as traveling, etc.). As the alternate work location is viewed as an extension of the City's workspace, the City's liability for job-related incidents will continue during the approved work schedule and in the employee's designated work location. To ensure safe working conditions exist, the City will retain the right to make on-site inspections at mutually agreed upon times. Unless otherwise agreed to in writing prior to any loss, damage or wear, the City does not assume liability for loss, damage or wear of employee-owned equipment or furniture.

The employee must complete a Remote Workforce Asset Form for IT equipment, furniture and other City-issued supplies as determined by their supervisor. Upon separation, the employee must return the equipment to the City. If not returned, the City has the right to withhold the cost of the equipment from the employee's final pay until it is returned.

A Telecommuting Agreement, obtained from Human Resources, must be completed and approved prior to commencing the telecommute arrangement. Telecommuting is at the City's option and viewed as a benefit to both parties. Either party may end the telecommuting arrangement at any time.

#### **4.15 OVERTIME**

From time to time, non-exempt employees will be required to work overtime (which means working more than 40 hours in a workweek, inclusive of Holiday pay, but exclusive of floating holiday, vacation, sick, or compensatory leave). The City will make reasonable efforts to provide advance notice when overtime will be required and will first attempt to assign overtime hours on a voluntary basis. In the event no qualified employee wants to voluntarily work overtime, the City will assign overtime hours.

In accordance with state and federal law, the City pays employees who have non-exempt status (that is, those who are eligible for overtime pay) at time and one-half for all hours worked (including City-designated Holidays) in excess of 40 hours during the workweek. Paid leave or unpaid time off is not included as hours worked for overtime calculations (except for City-designated Holidays). Non-exempt status is determined by legal standards based on the tasks and responsibilities associated with a job, as well as the manner in which you are paid. Your supervisor will inform you of your status for purposes of overtime eligibility. If you have questions or concerns about your status, please talk to Human Resources.

Non-exempt employees must have approval from their supervisor prior to working overtime. If non-exempt employees have access to the City network (e.g., a laptop) and/or the City email system, there is no expectation for those employees to conduct any work during their non-

working hours, unless pre-approval from the supervisor has been granted. In extraordinary circumstances justified by unforeseen conditions, an employee may work overtime without prior approval, as long as the supervisor subsequently documents the overtime approval. Working unauthorized overtime may result in disciplinary action.

Exempt employees are not eligible for overtime. Therefore, to help with a work-life balance and in recognition of the work hours that frequently exceed the 40-hours work week, exempt employees may receive "management" leave as determined by the City Administrator.

#### **4.16 COMPENSATORY TIME**

Supervisors may grant a non-exempt employee's request to receive compensatory time off in lieu of overtime pay. If approved, compensatory time off accrues at the rate of one and one-half hours of paid time off for each overtime hour worked. The maximum number of compensatory time off hours that may be accrued is forty-eight (48) hours; employees will receive overtime pay for any overtime worked once that maximum is reached. The City may cash-out unused compensatory leave twice each year in May and/or November. Upon separation, employees will be paid for any unused compensatory time.

Exempt employees may earn compensatory leave days for extraordinary hours worked in a crisis as declared by the Mayor, or designee. In those cases, an exempt employee may earn compensatory leave days on a one-for-one basis for any full days worked in excess of five full days in a work week; such compensatory leave days must be pre-approved. Compensatory leave days for exempt employees shall have no cash value and must be used as days off prior to the end of the calendar year in which they were provided.

#### **4.17 MEAL AND REST PERIODS**

Meal and break periods for non-exempt employees may vary from and supersede the meal and break period requirements of WAC 296-126-092 when addressed in a collective bargaining agreement. Represented employees should refer to their labor agreement where the agreement addresses meal and rest periods.

Absent modification in an applicable labor agreement, non-exempt employees will be provided a paid fifteen-minute rest period for every four hours of working time. Where the nature of the work permits intermittent rest periods (i.e., "mini-breaks") equivalent to fifteen minutes every four hours, scheduled rest periods are not required. Break periods cannot be accrued or waived. If you do not believe you are receiving adequate rest periods during your work day, please advise your supervisor or Human Resources.

Non-exempt employees will receive a minimum of one-half (1/2) hour off, without pay, for a meal during any shift lasting longer than five (5) hours. When an employee's unpaid meal period is interrupted by work duties, the employee will be allowed to resume their unpaid meal period following the interruption to complete the unpaid meal period. In the event an employee is unable to complete the unpaid meal period due to operational necessity, the employee shall be entitled to compensation for the missed meal period he or she was required to work.

Meal and rest periods will be scheduled with the approval of the employee's supervisor. Meal and rest periods may not be used for late arrival or early departure from work, and meal and

rest periods shall not be combined, provided that occasional exceptions may be permitted with prior approval of the supervisor.

#### **4.18 LACTATION BREAKS**

The City supports employees who want to continue breastfeeding following their return to work after delivery of the baby. Accordingly, employees are entitled to unpaid breaks during the work day for up to two years following childbirth for the purpose of expressing breast milk. These breaks will be paid to the extent they run concurrently with the above-referenced daily breaks. The City will provide a private location, other than a bathroom if such a location exists. If such a place doesn't exist, the City will work with the employees to identify a convenient location and work schedule to accommodate their needs. Please contact Human Resources or your supervisor to make appropriate arrangements if you need lactation breaks.

#### **4.19 INCLEMENT WEATHER/EMERGENCY CLOSURE NOTIFICATION AND COMPENSATION**

The City is responsible for providing many crucial services in inclement weather and emergency conditions. Such situations may pose varying threats to life, health or safety of our employees and/or citizens/customers. We have a responsibility to our employees as well as the community when conditions become hazardous.

The City will remain open during inclement weather and emergencies; all employees are to assume they report to work unless the employee has been notified otherwise (see Temporary Closures, below). However, services may be reduced to balance employee and community safety with the delivery of and demand for services to the community. Ultimately, the nature of the inclement weather and emergency will determine which services and staffing must be maintained in inclement weather and emergency situations.

This section prescribes how the City will notify employees during periods where our operations may be temporarily interrupted - whether due to electrical, water or other utility emergencies, evacuation of offices, or otherwise impacted due to extreme inclement weather, volcanic eruption, earthquake, hazardous material release, or other natural or man-made disaster. This section also identifies how the City handles compensation in these situations. This section of the Employee Handbook is a supplement to the Accident Prevention Plan and Emergency Response Plan; please reference those documents for specific instructions and actions during the event of an emergency.

##### Temporary Closures

- a. Except as provided below, the Mayor retains authority to determine when emergency conditions warrant closing City offices and services. The Mayor may delegate this authority to a Person-in-Charge (PIC) who may make the decision (see below).
- b. The City may be closed, fully or partially for a full day(s), may close early, or may open late.
- c. Once a closure directive has been issued, Department Directors are authorized to determine which services will remain available and the employees required to provide those services, determine alternate work locations, and/or to provide critical or emergency services. Department Directors are encouraged to develop specific written emergency condition standard operating procedures, based on the general

requirements of this section, provide that information to the employees in their department and coordinate with other departments as to the City-wide impacts. See "Staffing Levels", below.

- d. Primary notification and related information regarding closure or interruption of City service(s) will be conveyed to City employees through a notification pushed out to employees via the city's webpage. All city issued mobile phones will be automatically opted into the notification. City employees are strongly encouraged to opt in to the notification for their personal devices to ensure they are notified in the event they are not issued a city mobile phone or if their city mobile phone is not available to them (e.g., phone is left at work or is not charged).
- e. If a closure extends for more than one week, the status of displaced employees may be reviewed by the City to determine whether a reduction in force may be necessary due to either lack of funds or lack of work.
- f. Your department or work group may have additional procedures regarding notification. If so, your supervisor will advise you of those notification procedures.

Establishing a Person-in-Charge (PIC) In the event a decision of City status has not been made, and the Mayor or designee, is not immediately available or at the office (or alternate location), the Police Chief, Police Commander, or the first law enforcement officer arriving at the office (or alternate location) shall be the Person-In-Charge (PIC) at the office/location. For role clarity to others arriving on-site, the PIC will notify others of their role. The PIC shall contact the Mayor or designee, to provide safety and status information and to obtain direction to share with other employees as they arrive on-site.

Staffing Levels When an inclement weather or emergency condition closing is directed, Department Directors, or designees, must determine which services remain available during the closure. These determinations will be shared with the Mayor or designee, as well as shared with each Department Director or designee, to ensure a collaborative effort of providing essential services. Based on the determination of essential services, the directors, or designees, shall determine the level of staffing required for their department and decide which employees can be released and which must remain on duty and/or report to work.

- a) Authorization to work: When the City has announced a closure, only those employees who have been authorized to work are to perform work and be paid for such time. Normally, employees who are authorized to work will report to an established work site. On an exception basis, a director, manager or supervisor may authorize an employee to work from home or other location to complete essential work.
- b) Emergency work schedules: When it is likely that the City may announce a closure, the work day for employees will be defined as an 8:00 a.m. to 5:00 p.m. schedule; however, directors, managers or supervisors may authorize employees to work schedules other than this, based on essential work needs.

#### Employee-Initiated Time Off

- a) In hazardous conditions, but short of a closure, employees are authorized some discretion in deciding not to report for work or to leave work early, such as when employees legitimately believe that travel to or from work is overly hazardous, or circumstances at home require their presence. The employee must notify their manager or supervisor of this decision as soon as possible.
- b) Paid time off under this section must be requested by the employee and approved by the employee's immediate supervisor or the person they would normally contact for time off. Requests will be honored provided the circumstances reasonably justify the employee's concern and the employee's presence is not required for critical services. Leave charged

for this purpose may be comp time, vacation, floating holidays, or leave without pay. Sick leave may not be used. Employees are encouraged to maintain adequate leave balances for unforeseen events.

#### Pay During Closures

- a) Partial day closures: When the City closure is announced mid-day or there is an announced late start/opening, the following applies:
  - Employees scheduled to work who reported to work on the partial day closure will be paid for their normally scheduled work day, and paid leave need not be charged for the hours applicable to the closure.
  - Employees scheduled to work who did not report to work and do not contact their manager or supervisor prior to an announced closure may be considered to have been absent without authorization and may only be eligible for leave without pay for the full work day; a supervisor may authorize paid leave (compensatory time, vacation, floating holiday) based on the circumstances.
- b) Full day closures: If the closure is announced in advance of the work day and employees scheduled to work do not report on that basis, the city will pay for the first full day of closure. Second and subsequent days of closure will require employees to use their own paid leave for the day, as described above.

#### **4.20 EMPLOYEE RECOGNITION**

The city appreciates the hard work of its employees and utilizes a recognition program as a means of honoring employees for outstanding contributions. The purpose of the recognition is to:

- Encourage a high level of employee productivity;
- Promote positive behaviors that support the City's Vision, Mission and Values;
- Create a work environment that allows people to be their best, to perform at higher levels, and to feel genuinely appreciated in the process;
- Recognize outstanding contributions and performance by individuals and teams;
- Embed recognition as a part of the City culture at all organizational levels; and
- Provide guidance and tools for managers and supervisors to express appreciation for their employees' efforts.

Through the Human Resources department, the city will provide funds to support recognition efforts, subject to budgetary limits. These funds may be used to provide:

- Service awards: Awards given to employees who reach years of service at predetermined levels, usually in five-year increments.
- Retirement awards: Awards given to retiring employees upon retirement from the city.
- Department events: Award or presentation events at the department level, such as recognition of a successful project that was unusual or unprecedented coordination of teamwork was involved.
- City events: Events sponsored by the city and approved by the Mayor or City Administrator in recognition of employees citywide, such as a summer barbeque or winter celebration.

## **BENEFITS AND LEAVES**

### **5.01 HEALTH AND WELFARE BENEFITS**

The City provides a comprehensive benefits package for full-time and part-time employees, subject to eligibility requirements. Benefits generally include insurance coverage for medical, dental, life and vision. The benefit programs and eligibility information will be explained upon hire and complete information about the benefit programs can be found in the Summary Plan Descriptions provided to employees. If you lose or misplace the Summary Plan Descriptions or have questions regarding benefit programs, please see Human Resources.

Benefit programs, coverages and cost-sharing are subject to change from time to time based on insurance market conditions, legal requirements, City resources, and other considerations. You will receive a list of benefits for which you are eligible during open enrollment each year. Please check with Human Resources if you have questions about your benefits and eligibility.

Dual Coverage Opt-Out. When an employee has family members (spouse, domestic partner and/or eligible dependents) covered or eligible for coverage under the City's health insurance plans (medical, dental, vision) and when the employee or their family members are also covered by comprehensive insurance in a qualified group health plan, the employee is said to have or be eligible for "dual coverage".

Upon hire or during open enrollment, regular full-time employees with dual coverage are eligible to voluntarily decline medical insurance for themselves or their eligible family members and receive a monthly financial incentive for doing so. The City will require reasonable documentation to show proof of coverage by another qualified group health plan. Employees electing to decline only dental and/or vision insurance will not receive an incentive. This program is also available to City employees that are husband and wife who have coverage on a City medical insurance plan; only one spouse may receive the dual coverage incentive. Incentive payments will only be made if there is an actual savings in the premiums the City is paying.

Employees must sign a waiver and acknowledge the conditions. In addition, employees who "opt out" must enroll with the third-party vendor that the City selected to administer the incentive payment.

This option does not apply to single employees with no dependents as there would be no "dual coverage" consideration. This option also doesn't apply if the employer-sponsored medical plan would otherwise be primary to Medicare or TRICARE (federal rules do not allow employers to provide financial or other benefits incentives to Medicare or TRICARE beneficiaries to opt-out of an employer-sponsored medical plan that would otherwise be primary to Medicare or TRICARE). The City retains the right to revoke, modify or cancel this program at any time.

Benefits Eligibility for Part-time Employees. Part-time employees who are regularly scheduled to work 0.5 FTE or greater are eligible to participate in the City's health and miscellaneous benefit programs (i.e., medical, dental, life and vision); dependents of part-time employees are not eligible for the City's health and welfare programs. Employees who are not regularly scheduled to work at least 0.5 FTE are not eligible for benefits, unless required by law.

Benefits Eligibility for Temporary Employees. Benefit eligibility for temporary employees depends on the particular circumstances of the temporary employment arrangement. For

example, temporary employees placed through a staffing agency may be eligible for benefits through the staffing agency. In other cases, benefit eligibility will depend on hours worked and duration of the temporary employment. Where an employee's hours of work will be uncertain or will vary, making a benefit eligibility determination difficult, the City will use certain measurement periods to make eligibility determinations in accordance with federal law.

## **5.02 COBRA**

In compliance with COBRA (Consolidated Omnibus Budget Reconciliation Act), the City offers continuing group healthcare coverage on a self-pay basis to employees and their eligible dependents when a "qualifying event" would normally result in a loss of eligibility. Some common qualifying events are termination (for reasons other than gross misconduct), a reduction in hours affecting coverage, divorce or legal separation, retirement, or death. Depending on the qualifying event, continuation coverage may be available for 18 months or 36 months, or until the affected party becomes eligible for other health insurance coverage, whichever occurs first.

Employees will be provided with information describing COBRA rights upon termination or when the City learns that a qualifying event has occurred. If you desire further clarification regarding COBRA, or if you anticipate any change in your job or family status that may affect benefits eligibility and qualify as a COBRA "event," please contact Human Resources.

## **5.03 RETIREMENT/DEFERRED COMPENSATION**

Pension for employees and contributions to the Public Employee's Retirement System (PERS) will be governed by Washington state statute.

Deferred Compensation. Upon employment, employees eligible for benefits will be given the option to participate in a voluntary retirement savings plan, such as a deferred compensation retirement plan. Subject to budgetary limitations, the City will match the employee's contribution up to 1% of their base rate of pay. It is the responsibility of the employee to keep their salary information up to date from year to year to ensure they do not exceed IRS thresholds.

## **5.04 OTHER MISCELLANEOUS BENEFITS**

To enhance your employment experience with the City, the City will consistently strive to make available a range of benefit and incentive programs for employees, such as life insurance, supplemental insurance (i.e., AFLAC) and wellness programs. Information regarding programs currently being offered by the City is available through Human Resources, and updates will be disseminated from time to time. Please see Human Resources if you are not sure whether you have the most current information regarding available programs.

## **5.05 WORKERS' COMPENSATION INSURANCE**

All employees are covered by the Washington State Labor and Industries workers' compensation (industrial insurance) program. For qualifying cases, the state workers' compensation program will pay you to cover certain lost compensation and medical expenses arising from job-related injuries or illnesses.

All job-related accidents or illnesses should be reported immediately to the employee's supervisor. The supervisor shall be responsible for directing the employee to get medical

treatment, if necessary, and shall report the injury/illness to Human Resources. The supervisor should also direct the employee to complete the necessary paperwork to submit to Human Resources and the State to report the incident and initiate a workers' compensation claim.

An employee may supplement workers' compensation benefits with accrued leave, but is not entitled to receive more than 100% of their regular earnings while receiving time loss payments through the workers' compensation program. The City will notify the employee of the possibility the employee might receive more than 100% of their regular earnings as soon as it is discovered. The employee may choose to receive less than 100% of their City earnings during the period of leave. For example, the employee may choose to receive only workers' compensation payments without utilizing any sick or vacation leave. Whenever possible, the employee and the City will mutually agree upon a method of reduced payment or repayment when overpayment is anticipated or received.

#### **5.06 LIABILITY INSURANCE**

The City maintains liability insurance policies to protect the City and its employees from liability arising from lawsuits filed against the City or City employees. Persons insured under these policies include any employee acting within the scope of their employment.

#### **5.07 FAMILY AND MEDICAL LEAVE**

The City's family and medical leave program enables employees to take time off, under certain conditions, for a serious health reason or to care for family members. This section will be administered in accordance with the federal Family and Medical Leave Act (FMLA).

Eligibility. To be eligible for leave under this family and medical leave section, an employee must have been employed by the City for at least 12 months, must have worked at least 1,250 hours in the preceding 12 months, and must work at a location where at least 50 employees are employed by the City within 75 miles.

Leave Entitlement. An eligible employee may request up to 12 workweeks of FMLA leave per "leave year" for one or more of the following reasons:

- To bond and/or care for the employee's child upon birth, or to care for a child upon the child's placement with the employee for adoption or foster care;
- To care for a spouse, son, daughter or parent who has a serious health condition;
- To care for self, if the employee has a serious health condition that makes the employee unable to perform the essential functions of the position (including incapacity due to pregnancy, prenatal medical care or childbirth); or
- For a "qualifying exigency" arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member (including those in the regular Armed Forces, the National Guard or the Reserves) who is on active duty, or has been notified of an impending call to covered active duty, and who has been or is being deployed to a foreign country.

Qualifying exigencies are generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative childcare,

addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.

The City defines a leave year as the rolling twelve-month period measured backward from the date an employee uses any FMLA leave. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, generally spouses employed by the City will be jointly entitled to a combined leave of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent with a serious health condition. Each spouse is, however, eligible for the full 12 weeks of leave in the 12-month leave period to care for a child or spouse with a serious health condition, or for either employee's own serious health condition.

Military Caregiver FMLA entitlement. An eligible employee may also take up to 26 weeks of leave during a single 12-month period to care for an injured servicemember who is the employee's spouse, parent, child or next of kin. A covered servicemember is a current member of the Armed Forces, including a National Guard or Reserves member, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform their duties for which the servicemember is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list. A covered servicemember may also be a veteran who was a member of the Armed Forces any time during the five years preceding their need for medical treatment, recuperation or therapy for a serious injury or illness, where the injury or illness was incurred or aggravated in the line of duty. For purposes of this kind of leave, the 12-month period begins with the first day the employee takes leave. The combined total of leave for all purposes described in this section may not exceed 26 weeks in the applicable leave year.

Serious Health Condition. For purposes of this FMLA section, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

- Any period of incapacity or treatment connected with inpatient care (e.g., an overnight stay) in a hospital, hospice or residential medical care facility;
- A period of incapacity of more than three consecutive, full calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a healthcare provider;
- A period of incapacity due to pregnancy or for prenatal care;
- A period of incapacity or treatment due to a chronic serious health condition, for a permanent or long-term condition for which treatment may not be effective, or to receive multiple treatments for restorative surgery after an accident or injury or for a condition that would likely result in an incapacity of more than three full, consecutive calendar days in the absence of medical treatment (e.g., chemotherapy for cancer or dialysis for kidney disease).

Intermittent or Reduced Work Schedule Leave. In certain circumstances, eligible employees may take FMLA intermittently (for example, in smaller blocks of time) or by reducing their work schedule. If the FMLA leave is because of the employee's own serious health condition or to care for a family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency arising

from a family member's military service. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the City's permission. Where intermittent leave or reduced-schedule leave is needed for planned medical treatment, an employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly business operations. Where an employee needs intermittent or reduced-schedule leave based on planned medical treatment, the City may transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.

Notice and Certification. Employees who want to take FMLA leave ordinarily must provide the City with at least 30 days' notice of the need for leave, if the need for leave is foreseeable. If 30 days' advance notice is not possible, notice must be provided as soon as practicable (which is generally the same day or next business day after the need for leave becomes known). Absent unusual circumstances, employees are required to follow the City's regular procedural requirements when requesting FMLA leave. When requesting leave, employees must provide sufficient information for the City to determine whether the leave may be FMLA-qualifying, and the anticipated timing and duration of requested leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

In addition, employees who need leave for their own or a family member's serious health condition may be required to provide reasonable documentation to confirm the family relationship and/or medical certification from a healthcare provider of the serious health condition. The City may require a second or third opinion (at City expense), periodic recertifications of the serious health condition and, when the leave is for an employee's own serious health condition, a certification that the employee is fit to return to work. Employees who need leave for a qualifying exigency arising from a family member's military leave must provide a certification confirming the need for leave.

The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City also may delay or deny approval of leave for lack of proper certification establishing the need for leave.

Please contact Human Resources to obtain further information and forms relating to FMLA leave requests.

Continuation of Pay and Benefits. FMLA leave is unpaid leave. However, employees may choose to use any accrued paid leave available to them as part of their FMLA leave. This includes accrued sick leave (if applicable to the situation), vacation, compensatory time or floating holidays.

During all leave under this family and medical leave section, the City will continue to pay the employer's portion of health insurance premiums, provided that the employee continues to pay their share of insurance premiums, if any. Failure of the employee to pay their portion of the premium may result in cancellation of health insurance. Under certain circumstances, if an employee fails to return to work at the end of the leave, the employee may be responsible to pay back the City for the employer portion of the health insurance premiums. Leaves such as vacation and sick leave will continue to accrue during paid leave, but not during unpaid leave.

Job Restoration Upon Return from Leave. Upon return from FMLA leave, an employee will be entitled to return to the employee's former position or a position with equivalent pay, benefits and conditions of employment, unless unusual circumstances have arisen (e.g., the employee's

position or shift was eliminated for reasons unrelated to the leave). If the employee chooses not to return to work for any reason, the employee should notify the City as soon as possible.

For Guidance. For more information about leave entitlements, or if you think you may need to take a Family and Medical Leave, please contact Human Resources. The leave laws, particularly those applicable to pregnancy and childbirth, can be confusing. Employees are encouraged to contact Human Resources with any questions about how the various laws are coordinated in a particular situation.

## **5.08 ADDITIONAL FAMILY AND MEDICAL LEAVE ENTITLEMENTS UNDER WASHINGTON LAW; INTEGRATION WITH FMLA**

Pregnancy Disability Leave. In addition to leave under the federal FMLA described above, Washington law provides certain additional leave rights in connection with pregnancy-related disability and to care for a newborn. Regardless of whether an employee is eligible for FMLA leave, she is entitled to Pregnancy Disability leave for the period of time that she is temporarily disabled because of pregnancy or childbirth. Medical certification may be required to confirm the need for leave. If the employee is eligible for FMLA leave, the Pregnancy Disability leave will run concurrently with FMLA leave. Pregnancy Disability leave is unpaid, although accrued leave may be used to cover the absence. If the absence is unpaid, benefits are not automatically continued (unless the employee is also eligible for FMLA leave); however, the employee may continue insurance coverages at her expense through COBRA.

Family Care Act. This act allows employee to use accrued leave to care for sick family members (see section 5.19). Family members include children, parents, spouses, registered domestic partners, parents-in-law, and grandparents. This includes accrued sick leave, vacation, compensatory time or floating holidays.

### Washington Paid Family and Medical Leave.

The Washington 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. PFML benefits began on January 1, 2020. 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.

Payroll Deductions. The PFML program is funded through premiums collected by ESD through employee 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.

Eligibility. Under PFML, employees may be eligible for monetary benefits and job protection when taking leave for covered reasons. Eligibility requirements are as follows:

Monetary Benefits: 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.

Job Protection: 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).

Leave Entitlement. Eligible employees are entitled to take up to 12 weeks of medical or family leave, or a combined total of 16 weeks of family and medical leave per claim year; an additional two weeks of leave may be available in the event the employee's leave involves incapacity due to her pregnancy. The claim year begins when the employee files a claim for PFML benefits or upon the birth/placement of the employee's child. PFML leave may be taken for the following reasons:

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.

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 where an absence is covered by both laws. PFML leave may be taken intermittently, provided that there is a minimum claim requirement of eight consecutive hours of leave in a week for which benefits are sought.

PFML Application Process. 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 is solely responsible for complying with the requirements of ESD's PFML Program.

Notification Requirements. An employee must provide written notice to the City of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least 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, the City 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 leave intermittently, an employee must notify the City each time PFML leave is taken so that the City may properly track leave use.

PFML Monetary Benefits. 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 75-90 percent of an employee's average weekly wage, subject to a maximum of \$1,000 per week. Employees may obtain additional information at [www.paidleave.wa.gov](http://www.paidleave.wa.gov).

With the exception of leave taken in connection with the birth or placement of a child or qualifying military exigency, monetary PFML benefits are subject to a seven-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 PFML leave, but no monetary benefits will be paid by ESD for that week.

Supplementation of PFML Benefit with Paid Leave. The City has designated the following accrued leave banks as a "supplemental benefit" under the PFML law: sick (if sick leave qualifying), vacation, or compensatory time. Employees may use such available accrued leave in accordance with the applicable City leave policy, even if the employee also seeks PFML benefits for the same week. The supplemental benefits program will be monitored and may be modified if found to be detrimental to city operations or contrary to applicable state statutes and regulations.

Important note: When submitting a weekly PFML benefit application to ESD, an employee should not report the receipt of supplemental accrued leave to ESD; this will ensure that the full PFML benefit is received for the week.

Coordination with Other Benefit Programs. 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.

Job Restoration; Return to Work Recertification. An employee who is eligible for job-protected leave will be restored to the same or equivalent position at the conclusion of PFML leave, 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 City 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.

Collective Bargaining Agreements. Employees covered by collective bargaining agreements will be subject to the specific terms of those agreements and rules. In the event a collective

bargaining agreement does not contain language regarding Washington Paid Family and Medical Leave as specified in this policy, then those employees will be governed by this policy.

#### **5.09 OTHER UNPAID LEAVE**

Subject to operational need and other considerations, the City may grant a leave of absence without pay for an absence not covered by any other type of leave or policy. Any available accrued leave must be exhausted before an unpaid leave will be approved. Exceptions to this policy must be approved by the City Administrator and the Human Resources Department. An example of an absence that may qualify is a prolonged illness or medical condition for which an employee needs reasonable accommodation.

#### **5.10 BENEFITS DURING LEAVE**

Employees who are on a paid leave of absence shall continue to receive benefits they were entitled to prior to the start of their leave, including the accrual of annual leave, sick leave, holidays, retirement and health insurance benefits. Unless stated otherwise in these policies, an employee's benefits (including health insurance) will be suspended during any period of unpaid leave in excess of 30 consecutive days. In certain cases, self-payment of insurance premiums may apply (see COBRA information). Leave accruals will be suspended during an unpaid leave, or as stated in the applicable leave section.

#### **5.11 JURY DUTY**

Employees who are required by law to render jury service will be granted time off with pay during the period of jury duty. Compensation received by the employee for jury service (other than expense payments) will be deducted from the employee's normal salary for the same period so that the income from both sources does not exceed the employee's normal salary. The employee will have the option of providing the pay received from jury duty to the City and collecting full salary from the City.

Employees should notify their supervisor as soon as possible after receipt of a juror summons so that operational adjustments can be made as needed during the employee's absence. A copy of the juror summons must be provided upon request. If an employee is summoned for jury service during a critical work period, the City may ask the employee to request a waiver from duty. Employees are expected to return to work if they are excused from jury duty during regular working hours or are released from jury service earlier than expected.

#### **5.12 PROFESSIONAL DEVELOPMENT**

The City recognizes the value and importance of employee development and training in improving individual job performance, enhancing knowledge, skills and abilities directly related to an employee's position, as well as broadening the skill level within our workforce. The City shall provide job related training opportunities to employees as needed and as financial resources are available. The professional development opportunity must be pre-approved by your supervisor.

The City may reimburse or pay expenses for employees to attend job-related certifications, seminars, webinars, conferences and business meetings when the proposed educational program is deemed of value to the operations of the City, or is required by the City, and funding

permits the authorization of attendance at such programs. Work schedules shall be arranged such that overtime costs are minimized or not incurred.

Regarding certifications or licenses, the City will reimburse the cost of the course work and testing fees upon attaining the certification or license. If the certification and/or license are not a requirement for your current position, you must use your own time (paid leave or non-working hours) to attend courses and testing.

### **5.13 TUITION REIMBURSEMENT**

Subject to budgetary limitations, the City encourages post-secondary education opportunities (courses toward associate's or bachelor's degrees) for employees to the end that services provided to the residents of Lake Stevens may be made more effective. Further, the City may assist employees with costs, subject to budgetary limitations, incurred in receiving approved education, upon satisfactory completion of such education when it relates to the employee's current position, or it would support the employee's professional growth toward a potential future position within the city. Nothing in this section shall be interpreted as a guarantee that the costs of education will be paid or reimbursed, in whole or in part, by the city.

To be eligible for consideration of this section, an employee must:

- Be in regular full-time or part-time status;
- Must have successfully passed their new hire probationary period and be in good standing (not currently under discipline);
- The educational classes must be offered at accredited colleges, universities or vocational schools. Classes must be relevant to the employee's current position or would support the employee's professional growth toward another position with the City. This also includes classes which relate to the degree program the employee is working towards when such degree program and institution of study has been pre-approved (this does not include elective courses);
- The employee must provide documentation as to the applicability of the proposed training;
- The employee must provide documentation as to the costs paid by the employee prior to receiving reimbursement (i.e., receipts for eligible costs listed below).
- The employee must successfully complete the course(s), attaining a minimum of a 2.5 or "C" letter grade or a "Pass" in a Pass/Fail course;
- The course work must be approved by the employee's director, Human Resources Director and City Administrator.
- As a condition of acceptance of the reimbursement, employees who accept education reimbursement agree to remain employed by the city for a minimum of twenty-four (24) months after completion of the course(s) for which reimbursement is received. If an employee voluntarily separates employment prior to the twenty-four (24) months, the employee agrees to repay the city the amount of reimbursement received.

Subject to the above eligibility requirements and budgetary limits, the city's reimbursement of 50% of the following costs, up to a maximum of two thousand five hundred dollars (\$2,500) per calendar year, include:

- Registration or tuition;
- Books or course work materials; and
- Lab fees and costs directly associated with the course.

Reimbursements will not be granted retroactively to the date of final approval. If training and education assistance is available through outside grant funds or any other potential sources, including G.I. or V.A. benefits, then reimbursement shall be through that source. Any remaining costs after outside funds have been used may be eligible for city reimbursements in accordance with this section. Student loans shall not be considered outside funds for purposes of this section.

#### **5.14 MILITARY LEAVE**

Every employee who is a member of the National Guard or of the U.S. Army, Navy, Air Force, Coast Guard, or Marine Corps, or of any organized reserve of the United States, will be granted military leave in accordance with state and federal law. Employees who take military leave will have whatever rights to reinstatement, seniority, vacation, layoffs, and compensation as are provided by applicable law.

Paid Leave of 21 Days Per Year. Under Washington law, a public employee is entitled to a paid military leave of absence for a period not to exceed 21 working days during each year beginning October 1<sup>st</sup> and ending the following September 30<sup>th</sup>. Military leave beyond the 21 days of paid time off will be unpaid, provided that employees may elect to use accrued vacation, compensatory time or other available paid time off during the period of military leave.

You should notify your supervisor as soon as you receive notice of your need to report for military duty and provide your supervisor with a copy of your orders. Human Resources can provide additional information at that time regarding benefits and other employment matters associated with your military leave.

#### **5.15 LEAVE FOR SPOUSES AND REGISTERED DOMESTIC PARTNERS OF MILITARY PERSONNEL**

During a period of military conflict declared by the President or Congress, an employee who is the spouse or registered domestic partner of a member of the Armed Forces, National Guard or Reserves is entitled to up to 15 days of unpaid leave while their spouse or domestic partner is on leave from deployment, or before and up to deployment. (Family military leave may also be covered under FMLA leave for a qualifying exigency, although an employee need not meet the more stringent FMLA eligibility requirements in order to take the family military leave described in this section.) The purpose of this leave is to support the families of military personnel serving in military conflicts by permitting them to spend time together before a family member is deployed or while the family member is on leave from a deployment. An employee must work an average of 20 hours per week to be eligible for this family military leave.

An employee who seeks to take family military leave must provide the City with notice of their intent to take leave within five business days of receiving official notice that the employee's spouse or domestic partner will be on leave or of an impending call to active duty. The employee may substitute any available accrued leave for any part of this family military leave.

#### **5.16 LEAVE DUE TO DOMESTIC VIOLENCE OR SEXUAL ASSAULT**

In compliance with Washington state law, the City will authorize leave for employees who are victims of domestic violence, sexual assault, or stalking, or for employees with a family member

(child, spouse, registered domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking. A reasonable amount of leave will be provided, and this leave may be taken in blocks, intermittently, or on a reduced leave schedule. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use the employee's accrued paid leave (e.g., vacation or sick leave) in connection with such leave.

Domestic Violence/Sexual Assault Leave may be taken for the following purposes:

- To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault or stalking;
- To seek health care treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such health care treatment for a family member;
- To obtain (or assist a family member in obtaining) services from a domestic violence shelter, rape crisis center, or other social services;
- To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or
- To participate in safety planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member relating to domestic violence, sexual assault, or stalking.

When possible, employees must give advance notice of the intention to take leave. If advance notice is not possible, employees (or their designees) must give notice of the need for this leave no later than the end of the first day the employee takes the leave. The City may require verification to support the need for the leave. Except where disclosure is authorized or required by law, or where an employee authorized disclosure of certain information, the City will maintain confidentiality of all information provided by the employee in conjunction with Domestic Violence/Sexual Assault Leave.

You're urged to contact Human Resources in the event you need leave from work to address a domestic violence situation.

#### **5.17 UNPAID LEAVE FOR REASONS OF FAITH OR CONSCIENCE**

Consistent with Washington state law, employees are entitled to two (2) unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

You may select the days on which you desire to take the two unpaid holidays after consultation with your supervisor. If you prefer to take the two (2) unpaid holidays on specific days, then you will be allowed to take the unpaid holidays on the days you have selected unless the absence would impose an undue hardship on the City, or your presence at work is necessary to maintain public safety. "Undue hardship" means an action requiring significant difficulty or expense to the City, taking into account factors such as the effect of your absence on operations and the

number of other employees requesting leave, and the impact on other employees' leave entitlements.

You should submit a written request for an unpaid holiday(s) to your supervisor a minimum of two weeks prior to the requested day off; see Human Resources for the request form. Approval of the unpaid holiday(s) shall not be deemed approved unless it has been authorized in writing by your supervisor. Partial days off will count as a full day toward the annual entitlement of two (2) unpaid holidays.

Employees may not use accrued vacation or other leave for this time of leave; if you would like to take vacation or other paid time off instead of an unpaid holiday under this section, it will be subject to the paid time off approval process applicable to the type of paid leave requested.

The two unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.

**5.18 ANNUAL LEAVE (VACATION)**

The City provides paid annual leave (vacation) to full-time employees at the following accrual rates:

Months of Continuous Employment	Monthly Accrual	Yearly
1 – 12	8 hrs	96 hrs
13 – 36	9.33 hrs	112 hrs
37 – 60	10.66 hrs	128 hrs
61 – 120	12 hrs	144 hrs
121 – 180	14 hrs	168 hrs
181 – 240	16.33 hrs	196 hrs
241 +	16.66 hrs	200 hrs

Accrual. Employees shall accrue annual leave on the basis of completed calendar months of continuous employment in a paid status. New employees shall begin accruing paid annual leave from the first day of employment and may use accrued annual leave; however, there shall be no cash value for accrued annual leave prior to satisfactory completion of the trial service period. New employees will normally be hired at the lowest level of vacation accrual. However, with the prior approval of the City Administrator, a new employee may be hired at a vacation accrual level above the minimum when experience, training or proven capability warrant, or when employment market conditions require a higher starting vacation accrual.

Part-time and Temporary Employees. Annual leave accrual for part-time employees will be calculated by multiplying the employee's FTE by the employee's accrual rate based on years of service. Temporary employees are not generally eligible to accrue annual leave.

Use of Annual Leave. Use of annual leave is subject to the approval of the employee's supervisor. Timing of the requests will be a minimum of one week in advance of the leave, especially those requests for planned vacations (e.g., a full work week or majority of a work

week). For example, if you're taking a trip you've probably made arrangements well in advance; please provide as much notice as possible.

For those opportunities that come up last minute, make the request as soon as possible with every effort to provide a minimum of one week's notice. Depending on business needs, an unplanned request *may* be denied; however, every attempt will be made to approve the request.

For emergency situations, please notify your supervisor as soon as practical and provide a return time if known. These situations should be rare.

The City will attempt to accommodate an employee's preferred leave dates, subject to operational needs and the leave requests of other employees. When it is necessary to restrict the number of employees granted leave during a particular period, due consideration will be given to such factors as operating needs, skills availability, timing of request and seniority. When all other factors are equal, the employee with the greatest City seniority will be given preference for the preferred leave period.

Maximum Accrual. The City encourages employees to use their accrued leave to achieve a good work-life balance. To that end, employees may accumulate up to a maximum of two hundred forty (240) hours of annual leave. Any annual leave accumulated in excess of two hundred forty (240) hours shall be forfeited on January 1<sup>st</sup> each year. Employees may, with prior written authorization of their department head and concurrence by the City Administrator, arrange carry-over more than two hundred forty (240) hours past January 1, only when work circumstances have prevented the employee from taking previously scheduled vacation, and a schedule has been agreed to for the taking of vacation within an approved period of time.

Cash-out Upon Separation. Employees who are separated from employment by the City, or who resign or retire with at least ten (10) working days' advance notice, will be paid for annual leave that is accrued but unused as of the separation date. Any accumulated hours of vacation in excess of two hundred forty (240) hours shall not be paid upon retirement or termination of employment. An employee who has not satisfactorily completed their trial service period is not eligible for any annual leave cash-out.

## **5.19 SICK LEAVE**

The City will provide eligible employees a measure of financial protection by allowing reasonable time off with pay when a personal illness, accident, or disability, or that of a member of the employee's immediate family, requires the absence of the employee. The City's sick leave policy is also intended to fulfill its obligations under Washington state law. No employee will be subject to retaliation based on their legitimate use of paid sick leave. Paid sick leave based on the individual employee's regular weekly work schedule shall be the method to ensure that the intent of the policy is equitably accomplished.

### Definition and coverage.

Coverage under this section includes all employees of the City.

- Paid sick leave is defined as a specified period of time that an employee is absent from work due to an illness, injury or health condition of the employee or an immediate family member, or for other authorized reasons, and for which the employee receives regular salary.
- The term "immediate family member" is defined herein as the employee's spouse, state-registered domestic partner, child (biological, step, foster, adopted or de facto), parent

(whether biological adoptive, step, or person who stood in loco parentis to employee as a child), parent-in-law, grandparent, grandchild or sibling. For further clarification see RCW 49.46.210.

- Paid sick leave is intended solely as a form of financial protection and is not to be considered as paid time off that is owed to an employee.

#### Accrual schedule and eligibility.

Regular full-time employees shall accrue paid sick leave at the rate of eight (8) hours per completed calendar month of continuous employment for use following one (1) month's continuous employment. Regular part-time employees accrue sick leave on a prorated basis based on the employee's FTE status (i.e., a .5 FTE will receive four (4) hours each month).

- A temporary change in the employee's regular weekly work schedule shall not affect the employee's accumulation of sick leave benefits, unless the change lasts longer than thirty (30) days.
- For purposes of accrual by regular employees, the employee's regular weekly work schedule includes regular hours worked, holidays, vacations, sick leave, or bereavement leave and excludes unpaid leave of absence periods.
- Employees in an unpaid leave status are not eligible to accrue sick leave.

Non-regular part-time employees, seasonal employees and temporary employees shall accrue paid sick leave at the rate of one hour for every 40 hours worked. For accrual purposes, hours worked encompasses actual working time, and not paid or unpaid leave. Accrual will begin on an employee's first day of employment, provided that an employee will not be permitted to use paid sick until the employee has been employed for 90 days.

Frontloading Sick Leave for New Employees. Upon employment, employees will be credited with eighty (80) hours of sick leave, which shall be considered "frontloaded". The frontloaded leave is intended to cover the employee's projected accrual described in this policy and employees will not accrue additional sick leave hours until such time they have completed enough continuous service to reach the prescribed accrual rate. If an employee separates from service with the City and the employee has used more than the equivalent of the prescribed accrual rate described in this policy prior to separation, the City shall withhold an amount equal to the used, but unearned sick leave hours from the employee's final paycheck. The amount shall be based on the employee's final rate of pay.

Carry-over. Employees may carry over up to 1,168 hours of earned but unused sick leave from one calendar year to the next.

- When there is a separation of employment and an employee is rehired within twelve (12) months of separation, previously accrued unused sick leave shall be reinstated.
- When there is a separation of employment and an employee is rehired more than twelve (12) months from separation, there shall be no reinstatement of sick leave. The rehired employee shall be considered to have newly commenced employment for purposes of this section.

#### Reporting and use of accrued sick leave.

- It is the responsibility of employees to notify their supervisors in the event of any absence before or immediately following the start of each work day. Where the need to use sick leave is foreseeable, an employee must provide notice at least 10 days' advance notice, or as early as practicable under the circumstances. Failure to notify may result in loss of paid sick leave for the day as well as discipline. Employees may be

required to present a physician's statement at the discretion of the Department Director, provided that for non-exempt employees: (i) documentation may only be required when an employee uses sick leave on more than three consecutive work days; (ii) an employee will have up to ten (10) calendar days to provide the required documentation; (iii) if requested, documentation need not disclose the nature of the medical condition causing the need for leave; and (iv) if a requirement to provide documentation will result in unreasonable burden or expense to the employee, an employee may advise the City of this concern and the City will evaluate its request in light of the circumstances and its obligations under the law.

- Paid sick leave shall be granted when an employee is required to be absent from work under the following conditions:
  - Injury, illness or health condition of the employee; or to accommodate the need for medical diagnosis, care or treatment of a health condition; or for preventive medical care;
  - Disability of the employee due to pregnancy, childbirth and associated periods of recovery;
  - The employee's care for an immediate family member with an illness, injury or health condition; care for family member who needs medical diagnosis, care or treatment; care for family member who needs preventive medical care;
  - An absence due to closure of the City's offices by order of public official for any health-related reason, or where the employee's child's school or day care is closed for such a reason;
  - Absences covered by the City's Domestic Violence/Sexual Assault/Stalking leave policy. approved medically necessary treatment program.
- Employees who are utilizing paid sick leave as defined above will be returned to their position with the City. Concurrence of the employee's physician may be required.
- In the event that an employee is absent for a condition listed above, and subject to the Family Care Act (RCW 49.12.265), the following shall be exhausted in the order listed:
  - Sick leave; followed by
  - Earned but unused compensatory time; followed by
  - Earned but unused vacation time; followed by
  - Earned but unused floating holiday; followed by
  - Leave of absence without pay, which may result in a review of the employee's attendance record, unless such leave is a qualifying event under federal or state Family Medical leave.
- In the event that an employee incurs a personal illness, injury, accident or disability, or that of a member of the immediate family, while the employee is on scheduled vacation leave, the employee may cease utilizing vacation leave and convert to the use of accrued sick leave. Such conversion from vacation to sick leave may require a physician's certification.
- An illness related absence of three (3) consecutive work days or more may require verification by the employee's personal physician that the employee is physically capable of resuming the regular duties of the job classification. Sick leave is computed up to the nearest quarter hour for non-exempt employees and payable for the approved period of absence up to the regularly scheduled hours of work for the day(s) absent.

Use of Sick Leave in Connection with On-the-Job Injury. Any employee who sustains an injury or develops an illness considered by the employee to be job-related should inform the attending

healthcare provider, who will prepare the necessary forms for the employee to receive benefits under the Washington State Labor & Industries' Workers' Compensation system.

Employees receiving time-loss compensation from Labor & Industries are eligible to use accrued leave to cover the shortfall between their regular base rate of pay and time-loss compensation. Any amount paid out by the City will be charged to sick leave, accrued compensatory time or vacation. When the employee's paid leave accounts are exhausted, the City's payment will cease. An employee may not receive more pay while on time loss than the employee would have received had they not been injured. During time-loss leave, upon receipt of time-loss compensation, the employee shall either endorse those payments to the City or provide personal payment to the City. If an employee desires their paid leave balances not to be utilized, that employee must notify Payroll in writing at the start of the time-loss period.

If the ruling is that the injury or illness is not covered by Workers' Compensation, the employee will continue to be charged sick leave for the time lost due to a bona fide injury or illness. If the employee exhausts all sick leave, then the absence will be charged against all other leave balances until exhausted. Thereafter such leave shall be unpaid. Also, refer to section 5.05.

Termination/Retirement. Non-represented employees retiring or resigning in good standing may convert accrued and unused sick leave into a post-separation health reimbursement arrangement (HRA) plan as follows:

- Employees with five (5) years (i.e., completion of 60 months) of consecutive service to the City may convert ten percent (10%), up to a maximum of forty-eight (48) hours, of available sick leave.
- Employees with seven (7) years (i.e., completion of 84 months) of consecutive service to the City may convert fifteen percent (15%), up to a maximum of one hundred (101) hours of available sick leave.
- Employees with ten (10) or more years (i.e., completion of 120 or more months) of consecutive service to the City may convert twenty-five percent (25%) up to a maximum of two hundred ninety-two (292) hours of available sick leave.

Such conversions shall reduce the final sick leave balance to zero.

Except as specifically described in this section, a separating employee will not receive payment for accrued sick leave upon separation.

NOTE: The terms of retirement are in accordance with the provisions of the Public Employees Retirement System (PERS) and the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF).

## **5.20 HOLIDAYS**

The City provides paid time off for the following holidays:

New Year's Day	January 1
Martin Luther King Day	Third Monday of January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	First Monday in September

Veterans' Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving Day	Friday after Thanksgiving
Christmas Day	December 25

Full-time employees shall receive holiday pay for the number of hours they are scheduled to work on that day (i.e., an employee working a 5/8 schedule will be paid 8 hours for the holiday, an employee on a 4/10 schedule will be paid 10 hours for the holiday).

Part-Time and Temporary Employees. Part-time employees shall earn holiday pay on a pro rata basis determined by multiplying their FTE times the full-time benefit. Temporary employees are generally not eligible for holiday pay.

Floating Holidays. Full-time and part-time employees are entitled to take two (2) floating holidays per calendar year. Floating holidays may be taken on a day chosen by the employee provided the floating holidays will be taken at a time approved by the City and at a time that will not impair the efficiency of the City. Part-time employees are entitled to floating holidays on a pro rata basis according to the proportion of a full-time work schedule they regularly are assigned to work.

Employees beginning work before July 1<sup>st</sup> will be entitled to two (2) floating holidays during that calendar year. Employees beginning work July 1<sup>st</sup> or later will be entitled to one (1) floating holiday during that calendar year.

Floating holidays must be used in full-day increments based on the employee's schedule (or the pro-rated equivalent if less than full time). Floating holidays lapse at the end of the calendar year if unused and are non-compensable upon termination.

## **5.21 BEREAVEMENT LEAVE**

Upon notification, full-time employees shall be granted bereavement leave with pay up to six (6) months following a death in the family. The maximum number of working days of leave shall be three (3), except that when the death occurs at a distance beyond 500 miles, additional time not exceeding two (2) working days may be granted. Part-time employees are entitled to bereavement leave on a pro rata basis according to the proportion of a full-time work schedule they are regularly scheduled to work.

For the purpose of bereavement leave, the employee's family shall include the employee's spouse or domestic partner, and any of the following relatives of the employee, spouse or domestic partner (including biological, foster, by marriage or defacto): child, parent, brother, sister, grandchild, grandparent, or other relative residing in the employee's household. If there are extenuating circumstances of a person considered a "relative" for purposes of bereavement leave, a special request may be made through Human Resources.

When requesting bereavement leave, employees should inform their immediate supervisor as to who died and the date of death. Proof of death and/or relationship may be required by your supervisor or Human Resources.

## 5.22 SHARED LEAVE

The City will allow employees to transfer accrued unused sick and annual leave to co-workers who, without such transfers, would be forced to go without pay or terminate employment in order to meet the needs of their own severe illness. It is understood that the use of shared leave will not significantly increase the City's costs, except for those costs which would otherwise be incurred in the administration of this section. Shared leave shall be subject to the following conditions:

1. The employee:
  - a. Must be suffering from a non-work illness, injury, impairment, or a physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to go on leave without pay or to terminate their employment with the City; or
  - b. Is sick or temporarily disabled because of a pregnancy disability. Pregnancy disability means a related medical condition or miscarriage; or
  - c. Needs the time for parental leave. Parental leave means leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care.
2. The employee must first use all compensatory time, floating holiday or holiday leave bank they have accrued before using shared leave. The employee is not required to deplete all of their accrued vacation and sick leave and can maintain up to forty (40) hours of vacation leave and forty (40) hours of sick leave.
3. The employee must be ineligible for state industrial insurance benefits.
4. To the extent possible, the shared leave shall be used on a consecutive basis. The employee's salary and benefits on shared leave shall not exceed the total of salary and benefits the employee would have received had they been in regular pay status.
5. The employee shall be required to provide appropriate medical justification for reasons 1(a) & 1(b) from a licensed physician or health care practitioner verifying the extraordinary or severe nature, or pregnancy disability and expected duration of the leave.
6. The donating employee must submit the Shared Leave Donation form to Human Resources to approve a transfer of a specified amount of accrued sick or annual leave to an employee who is authorized to receive shared leave. In order to be eligible to donate annual leave, a donating employee must have a sick leave balance in excess of four hundred eighty (480) hours or an annual leave balance in excess of eighty (80) hours, and must retain four hundred eighty (480) hours of sick leave and eighty (80) hours of annual leave after donation. If an employee has less than four hundred eighty (480) accrued sick leave hours, the employee will be allowed to donate on a one-time basis, up to sixteen (16) hours with prior approval by the Human Resources Director.
7. Annual leave shall be donated in terms of a specified number of hours of the donor's annual leave. Those hours will be translated into a dollar value based on the donor's rate of pay, and that value translated back into hours of leave based on the recipient's hourly rate of pay.

8. The value of any leave transferred which remains unused shall be returned to its original value to the employee(s) who donated the leave. To the extent administratively feasible, the unused leave shall be returned on a pro rata basis.
9. While on shared leave, the employee will continue to be classified as an active City employee and receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive on annual leave.
10. An employee receiving shared leave for parental leave may receive up to twelve (12) weeks immediately after the birth or placement which must be used within the first year of the child's life or placement.
11. An employee is limited to receiving a total of 60 working days of shared leave during their entire employment with the City. An employee may request shared leave in excess of 60 days in extraordinary circumstances and must be approved by the City Administrator and Human Resources.

### **5.23 EXEMPT EMPLOYEES' LEAVE TIME**

The City adheres to federal and state regulations which require exempt employees to be paid on a salary basis. All time off must be scheduled in advance and approved as stated in previous sections.

- Unscheduled absences are subject to the City's attendance standards.
- Unless absent for a partial day due to FMLA-qualified absence, exempt employees shall not be required to use their paid leave balances for occasional absences during a working day and shall be paid their regular salary despite such absences. Exempt employees shall notify their supervisor in advance and shall schedule such absences to cause the least impact on the work unit. Such absences shall not interfere with the employee's ability to produce their expected work outcomes.
- When an exempt employee is eligible for the federal Family and Medical Leave Act, deductions from paid leave bank(s) or salary may be made in one (1) hour increments. FMLA qualified absences are tracked in one (1) hour increments and will be counted toward their FMLA entitlement.
- The City shall continue the exempt employee's salary while they are on jury duty or temporary military leave with an expectation the employee is providing services to the City for at least part of the work week(s).
- When an exempt employee's applicable paid leave (vacation or sick) is exhausted, then deductions from their pay will only occur in full-day increments occasioned for personal reasons, illness or injury.
- The City limits the use of unpaid disciplinary suspensions for exempt employees to full days and to those limited circumstances allowed by federal and state regulations.
- The City will not pay the full salary of an exempt employee in any partial initial or terminal week of employment.
- Any exempt employee who believes that improper deductions have been made from their salary are urged to bring their concerns to Human Resources as soon as they are discovered. Human Resources will investigate promptly and, if applicable, the City will reimburse the employee on the next payroll.

## **SEPARATION AND DISCIPLINE/DISCHARGE**

### **6.01 SEPARATION FROM EMPLOYMENT**

Separation of your employment with the City may be for a number of reasons including, but not limited to your resignation, retirement, layoff, or discharge.

Upon separation, employees must immediately return all City property to the City including keys, security cards, equipment, etc. Departing employees will normally be given an opportunity for an exit interview. This interview will be conducted by Human Resources or another designated representative. This interview will usually be held on the employee's last day of work. The City encourages employees to share their insights about their employment experience with the City so that the City can identify ways to improve its work environment.

Final paychecks will normally be issued on the next payroll date following the separation date, unless applicable law imposes different requirements. Information regarding post-separation benefits will be provided by Human Resources or directly by the benefit provider.

### **6.02 REDUCTION IN FORCE (LAYOFFS)**

The City may lay off employees as necessary due to lack of work, operational changes or other legitimate reasons. Determinations as to which employees will be laid off will be in the sole discretion of City administration, taking into account the future needs of the City, and the City's assessment as to which positions and personnel are most necessary to continued operations. An approved leave of absence does not prevent an employee from being subject to a reduction-in-force.

Prior to layoff of any regular employee, the City will make a reasonable effort to provide 30 days' written notice to the employee affected. During such period the employee may offer proposals regarding alternatives to such layoff which will be duly considered by the City. If the employee to be laid off is an initial trial service employee, the above procedure will not apply and the City will be required to give the employee a minimum of five (5) working days advance notice.

### **6.03 DISCIPLINE AND DISCHARGE**

The City may suspend, suspend without pay, transfer, demote, or discharge an employee who has completed the trial service period for just cause. The City may also impose other corrective action as deemed appropriate, including verbal or written warnings, performance improvement plans or required retraining. The City may place an employee on paid administrative leave pending an investigation into potential misconduct.

Suspension. For just cause, the City may suspend an employee for a period up to 15 calendar days as a single penalty, or up to a total of 30 calendar days in any one calendar year as an accumulation of several penalties. Exempt employees may only be issued suspensions in increments of full workweeks unless the suspension is for violating a safety rule of major significance or other situations as allowed by law. A suspension will not affect seniority, but it will result in a suspension of holiday pay, accumulation of sick leave and accumulation of annual leave.

Demotion. Demotions may be appropriate where an employee has demonstrated an inability to perform in their current position or for serious or repeated issues. No demotion shall be made as a disciplinary action unless the employee to be demoted possesses the minimum qualifications for employment in the lower position. An employee demoted for disciplinary reasons will be placed in the pay range of the lower position and at the step in the lower range that is the closest in pay to what they are making in the position from which they are being demoted. Further, the employee has no right to displace a subordinate or junior employee who has regular status.

Discharge. Discharge of an employee from employment may be appropriate where an employee continues to demonstrate an inability to perform in their current position, for serious or repeated issues, or egregious act(s). If the City believes that an employee being discharged should be separated immediately from employment, the City may suspend the employee immediately without pay.

Abandonment of Position. An employee who is absent from work for a period of three (3) consecutive days without notice to the City is deemed to have abandoned their position. Such employee may be notified of discharge from employment by written notice by registered mail to the employee's last known address.

Pre-Disciplinary Notice and Opportunity to Respond. Before implementing an unpaid suspension, demotion or discharge, the City will furnish the employee with a written notice of the intended action that states the reason for the intended action and offers the employee an opportunity to respond. The notice will be furnished directly to the employee during working hours, or if the employee is absent on that day of work, the notice may be sent by registered mail to the employee's last known address. The employee will be afforded an opportunity to respond to the intended action, either in writing or in a meeting with the supervisor(s) involved. The employee may also waive the opportunity to respond. After the employee has had a chance to respond to the intended action, the City may proceed with discipline or discharge as deemed appropriate.

Discipline or Discharge During Trial Service Period. An employee serving their initial trial service period is employed "at will" and may be disciplined or discharged without cause or advance notice. In such cases, the employee will have no right to appeal the discipline or discharge.

Appeals. Non-represented employees may appeal discipline or discharge decisions to their supervisor within fourteen days (14) after the occurrence of the condition being appealed. Represented employees may pursue an appeal via the grievance procedure in the applicable labor agreement. Also, see section 3.22.

## APPENDIX A

### A.1. DRUG AND ALCOHOL TESTING FOR COMMERCIAL DRIVER'S LICENSE HOLDERS

This section applies to all employees who are required to have and maintain a Commercial Driver's License (CDL). Participation in the City's drug and alcohol testing program is a condition of employment for any employee who is required to maintain a CDL. Any employee who has questions about this policy may contact the City's Designated Employer Representative(s) at (425) 622-9420 (Human Resources).

Federal regulations require that employers conduct alcohol and controlled substances testing of drivers who operate commercial motor vehicles, mechanics, and supervisors with a commercial driver's license who fill in. For the purpose of this policy, the employee will be referred to as "driver" and the employer will be referred to as "Employer." This policy provides guidelines for circumstances under which the Federal Motor Carrier Safety Administration (FMCSA) and the United States Department of Transportation (DOT) mandated testing must be conducted. Of course, all the details of every possible situation cannot be anticipated, so the Employer reserves the right to determine the appropriate application of this policy and general employment policies to any particular case.

The Employer expects all drivers to work drug- and alcohol-free at all times. If you have any questions about this policy, contact the City's Designated Employer Representative(s) at (425) 622-9420 (Human Resources).

Employees covered by this policy have been provided a copy of these FMCSA/DOT provisions and by signature verify that they have read and understand the policy. **Drivers should note that in addition to the required DOT regulations, they are also subject to the Employer's drug and alcohol policy and all other policies and procedures applicable to all employees.** Throughout this policy, any provisions that are based on Employer's sole authority (vs. mandated by federal regulations) will be underlined.

For purposes of this policy, "drugs" refers to marijuana, cocaine, amphetamines, phencyclidine (PCP), and opioids.

The following conditions and activities are expressly prohibited:

The manufacture, or sale, or use or possession of alcohol, any controlled or illegal substance (except strictly in accordance with medical authorization) or any other substances which impair job performance or pose a hazard, when use or possession occurs on Employer premises or property, or during work time, or while representing the Employer in any work-related fashion.

Reporting for work having consumed alcohol or used illegal drugs or controlled substances at a time, or in such quantities, or in a manner that may impair work performance. For purposes of this policy, having any detectable level of an illegal or controlled drug, or alcohol with an alcohol concentration of .02 or greater, in one's system while covered by this policy will be considered to be a violation.

An on-call employee who consumes alcohol within four hours of being called in must acknowledge the use of alcohol and may not report for duty.

## Alcohol and Drug Problems

In some cases, alcohol and drug abuse can be a result of chemical dependency that can be successfully treated with professional help. Drivers who are having problems with alcohol or drug use are encouraged to seek voluntary counseling and treatment. It is the *driver's* responsibility to seek help when needed, and to do so *before* substance abuse causes problems on the job, results in a positive drug or alcohol test, or results in disciplinary action.

Drivers who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation, and treatment requirements of 49 CFR Part 382 and 40, provided that:

- 1) The admission is in accordance with the Employer's written established voluntary self-identification policy;
- 2) The driver does not self-identify in order to avoid testing;
- 3) The driver makes the admission of alcohol misuse or controlled substances use before performing a safety-sensitive function;
- 4) The driver does not perform a safety-sensitive function until the Employer is satisfied that the driver has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

Normally, the Employer will:

- 1) Not take adverse action against a driver making a voluntary admission of alcohol misuse or controlled substances use provided that the admission occurs before the employee has been subject to disciplinary action or the use/misuse has affected job performance;
- 2) Allow the driver sufficient opportunity to seek an evaluation, education or treatment to establish control over the employee's drug or alcohol problem;
- 3) Permit the employee to return to safety sensitive duties **only** upon successful completion of an educational or treatment program, as determined by a substance abuse professional.

The following Substance Abuse Professional can provide help and referrals:

***ComPsych (Employee Assistance Program)***  
***(800) 570-9315***  
***Guidanceresources.com***  
***Company/Organization Web ID: trusteeap71***

## Definitions

**"Alcohol"** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

**"Alcohol concentration (or content), BAC"** means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under 49 CFR Part 382.

**"Alcohol use"** means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

**"Commercial motor-vehicle" (or "CMV")** means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- Has a gross vehicle weight rating of 26,001 or more pounds; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F).

**"Controlled substances"** mean those substances identified in 49 CFR Part 40.85, as amended: marijuana, cocaine, opiates, amphetamines, and phencyclidine.

**"DOT Agency"** means an agency (or "operating administration") of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing (14 CFR parts 61, 63, 65, 121, and 135; 49 CFR parts 199, 219, 382, and 655), in accordance with 49 CFR Part 40.

**"Driver"** means any person who operates a commercial motor vehicle. This includes, but is not limited to: full-time, regularly-employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer.

**"Drug"** has the meaning of any controlled substances, prescription, or over-the-counter medication.

**"EBT (or evidential breath testing device)"** means an EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL), and identified on the CPL as conforming with the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.

**"Employer"** means an entity employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with 49 CFR Part 382. The term refers to the entity responsible for overall implementation of DOT drug and alcohol program requirements, as well as those individuals employed by the entity who take personnel actions resulting from violations of 49 CFR Part 382 and any applicable DOT agency regulations. Service agents are not employers.

**"Licensed medical practitioner"** means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

**"Medical Review Officer (MRO)"** means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with their medical history and any other relevant biomedical information.

**"Performing (a safety-sensitive function)"** means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

**"Refuse to submit (to an alcohol or controlled substances test)"** means that a covered employee:

- Fails to show up for any test (except a pre-employment test) within a reasonable time after being directed to do so by the Employer. This includes the failure of an employee to appear for a test when called by a Consortium/Third Party Administrator;
- Fails to remain at the testing site until the testing process is complete; provided, that an applicant who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused a test. The testing process commences once the applicant has been provided the specimen collection cup.
- Fails to provide a urine specimen for any drug test or breath or saliva sample for an alcohol test required by 49 CFR Part 382, if the employee leaves after the testing process has commenced;
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the provision of a specimen;
- Fails to provide a sufficient amount of urine, breath or saliva when directed, unless it has been determined, through a required medical evaluation, that there was an adequate medical explanation for the failure to provide.
- Fails or declines to take a second test the employer or collector has directed following a negative dilute result as required by CFR 40.197(b);
- Fails to undergo an additional medical examination, as directed by the MRO as part of the verification process, or as directed by the Designated Employer Representative (DER) concerning the evaluation as part of the "shy bladder" procedures in 49 CFR Part 40, subpart I; or fails to undergo a medical examination or evaluation as directed by the employer as part of the insufficient breath procedures outlined in CFR 40.265(c).
- Fails to cooperate (e.g., refuses to empty pockets when directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector) or otherwise interferes with any part of the testing process.
- Fails to sign the certification at Step 2 of the alcohol testing form (ATF).
- Is reported by the MRO as having a verified adulterated or substituted test result.
- For an observed collection, fails to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process.
- Possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
- Admits to the collector or MRO to having adulterated or substituted the specimen.

**"Safety-sensitive function"** means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- 1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- 2) All time inspecting equipment as required by FMCSA regulations or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- 3) All time spent at the driving controls of a commercial motor vehicle in operation;
- 4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR 393.76);

- 5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- 6) All time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

### **Prohibited Conduct**

The following is considered prohibited conduct under this policy:

- 1) No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- 2) No driver shall use alcohol while performing safety-sensitive functions.
- 3) No driver shall perform safety-sensitive functions within four hours after using alcohol.
- 4) No driver required to take a post-accident alcohol test under 49 CFR 382.303 shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- 5) No driver shall refuse to submit to a post-accident, random, reasonable suspicion, or follow-up controlled substance and/or alcohol test required by 49 CFR Part 382.
- 6) No driver shall report for duty, remain on duty or perform a safety-sensitive function when there is a quantifiable level of a controlled substance in the driver's body above the minimum thresholds established in 49 CFR Part 40. Although the personal use of marijuana is permitted under Washington law, federal law still prohibits the use and possession of marijuana. Employees must be aware that having a detectible level of marijuana in their body, regardless of whether their use was for recreational or medical purposes, constitutes prohibited conduct.
- 7) No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any drug except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in §382.107, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. Notwithstanding the above, the medical use of marijuana that causes drug or drug metabolites to be present in the body above minimum thresholds established in 49 CFR Part 40 constitutes prohibited conduct regardless of whether the marijuana was used under the guidance of a medical practitioner and regardless of whether the medical practitioner advised that such use will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- 8) The Employer shall not permit a driver to continue to perform safety sensitive functions if the Employer has actual knowledge of a driver violating any of the aforementioned prohibitions. Actual knowledge may be based on the Employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substances use, except as discussed in the Employer's voluntary self-identification program.

### **Prescription and Other Medications**

No driver may possess any prescription medication or report to work while using any prescription medication, except when he/she is under a doctor's care and the doctor has advised the driver that the substance does not affect their ability to safely operate a commercial motor vehicle. The use of any medication, whether prescription or over-the-counter, that could affect a driver's safe job performance is prohibited while working. The driver shall report to the City's Designated Employer Representative(s), at (425) 622-9420 (Human Resources), the use

of any prescribed medication and, without identifying the medication, shall provide a certificate from the driver's doctor that the use of the medication will not impair the ability to safely perform their duties. If, as a result of testing under this policy, the driver is found to have the presence of controlled substances in the body which is a result of the use of their legally prescribed medication that has not been reported, the driver shall be removed from service without pay until it is determined that the use of medication will not impair their ability to safely perform assigned duties. Notwithstanding the above, a driver may not possess or report to work while using marijuana under any circumstances, even if the marijuana was prescribed by a doctor.

### **Other Related Alcohol Conduct**

A driver tested under the requirements of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall be removed immediately from performing safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following the test administration.

Depending on the circumstances, an employee who is removed from service due to an alcohol concentration of 0.02 or greater but less than 0.04 may be subject to discipline.

### **Controlled Substances and Alcohol Testing**

Submission to the controlled substance and alcohol testing described in this policy is a condition of employment with the Employer for those drivers covered by DOT and FMCSA regulations. A refusal to submit (as described above) will constitute a violation of this policy and be grounds for termination of employment. A driver may be tested for controlled substances at any time during their work day, except pre-employment, and alcohol testing will be conducted just before, during or after performing safety sensitive functions.

Drivers will be subject to testing as follows:

**Pre-Employment:** Drivers will be tested for controlled substances unless:

- 1) the driver participated in a DOT testing program within the past 30 days and:
- 2) While participating in that program, either:
  - a. Was tested for controlled substances within the past 6 months (from the date of application with the Employer), or
  - b. Participated in the random controlled substances testing program for the previous 12 months (from the date of application with the Employer); and
- 3) No prior employer of the driver of whom the employer has knowledge has records of a violation of DOT controlled substances regulations within the previous 6 months.

A driver/applicant who tests positive on a pre-employment test will not be hired but may be eligible to reapply for employment with the Employer after six months from the date of the positive test. In addition, an applicant who tested positive on any DOT mandated pre-employment drug test after August 1, 2001, must provide documentation of their successful completion of DOT return-to-duty requirements (i.e., an evaluation by a substance abuse professional, education and/or treatment, and a negative DOT pre-employment test, all of which meet the requirements of 49 CFR Part 40).

In the event a driver does reapply following a positive test, the driver/applicant will be responsible to pay for the pre-treatment evaluation, education and/or treatment, and the subsequent pre-employment test.

**Post-Accident:** As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each surviving driver shall be tested for controlled substances and alcohol if:

- 1) the driver was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life (fatality); or
- 2) the driver received a citation for a moving violation and the accident involved bodily injury to any person who, as a result of the accident, immediately receives medical treatment away from the scene of the accident; or
- 3) the driver received a citation for a moving violation and the accident involved one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

A driver may not consume alcohol for eight (8) hours following an accident that requires the DOT alcohol test. The alcohol test must be completed within two (2) hours of the accident; if not, the supervisor must document the reasons for the delay, and shall continue to have the test conducted up to eight (8) hours following the accident. After eight (8) hours the attempt to test will be ceased, and the supervisor must again provide the reasons for the test not being administered.

A controlled substances test shall be administered as soon as practicable up to 32 hours following the accident. After 32 hours the attempt to test will be ceased, and the supervisor must provide the reasons for the test not being administered promptly. A driver must remain readily available for testing, or may be deemed by the Employer to have refused to submit to testing.

Nothing in this policy should be construed to require the delay of necessary medical attention for the injured.

In addition, any driver involved in any commercial motor vehicle accident involving an injury requiring immediate medical attention or any vehicle towed away because of disabling damage, will be required to submit to testing, even if the driver is not issued a citation. Testing will be to determine the presence, use, or any involvement with alcohol or drugs unless the Employer determines, in its discretion, that the accident could not have been caused by alcohol or drug use.

The driver will submit to an alcohol test within eight (8) hours and a controlled substances test within 32 hours of the accident. The Employer/driver must advise the collection site and alcohol testing personnel that the test being required is an Employer-required test, and not a mandated DOT test.

**Random:** The Employer is using a consortium/third party administrator to facilitate the random selection of drivers and notification to the employer of the driver(s) selected for testing. The consortium/third party administrator is:

A WorkSAFE Service, Inc.  
1696 Capitol St NE  
Salem OR 97301  
(503) 391-9363

Drivers will be subject to random alcohol and controlled substance testing under the following program:

- 1) Random selection of drivers will be made by a scientifically valid method using a computer-based random number generator that is matched with drivers' social security numbers.
- 2) Each driver shall have an equal chance of being drawn each time selections are made.
- 3) Selections for testing are unannounced and reasonably spread throughout the calendar year.
- 4) Random selections are made to ensure testing for controlled substances is conducted at not less than the minimum annual 25% rate and alcohol is conducted at not less than the minimum annual 10% rate, or the rates as established by the FMCSA.
- 5) A driver shall only be tested for alcohol just before, during, or after performing safety-sensitive functions; however, he/she may be tested for controlled substances any time while performing work for the Employer.
- 6) Once a driver is notified of selection for random alcohol and/or controlled substances testing, he/she shall proceed to the test site immediately.

**Reasonable Suspicion:** Drivers will be tested for alcohol and/or controlled substances whenever the employer has reasonable suspicion that the individual is under the influence of alcohol or a controlled substance. Reasonable suspicion will be based on specific, contemporaneous, articulable observations concerning the behavior, speech, appearance or body odors of the driver, including any indicators of the chronic and withdrawal effects of controlled substances. Drivers required to be tested under reasonable suspicion testing will be removed from performing safety-sensitive functions pending the outcome of the test result(s) and be transported to the testing facility by the Employer.

Reasonable suspicion drug testing is authorized when the supervisor's observation (or another trained person) of the driver's behavior occurs any time during the workday. Reasonable suspicion alcohol testing is authorized only if the supervisor's observation (or another trained person) of the driver's behavior has been made during, just preceding, or just after performing any safety-sensitive function.

The alcohol test must be completed within two (2) hours of the observation; if not, the Employer must document the reasons for the delay, and shall continue to have the test conducted up to eight (8) hours following the observation. After eight (8) hours, the attempt to test will cease. If an alcohol test is not completed within the two (2) or eight (8) hour time periods, the employer shall prepare and maintain on file a record stating the reasons the test was not administered within the appropriate time frames.

The Employer shall not permit a driver to report for duty, remain on duty, perform, or continue to perform any safety-sensitive functions while the driver is impaired by alcohol, as shown by the behavioral, speech, or performance indicators of alcohol misuse, until:

- 1) An alcohol test is administered and the driver's alcohol concentration measures less than 0.02 percent; or
- 2) The start of the driver's next regularly-scheduled duty period, but not less than twenty four (24) hours following the determination that reasonable suspicion exists.

Supervisors and any Employer representative that may be expected to serve in a supervisory capacity or who may be required to make a reasonable suspicion determination, must have

received at least 60 minutes of training on the indications of probable drug use and an additional 60 minutes training on the indicators of probable alcohol misuse. Only those individuals who have received this training are qualified to make these decisions.

**Return-to-Duty:** No driver found to be in violation of the Employer drug and alcohol policy will be permitted to return to duty involving safety-sensitive functions until the driver has undergone an assessment with a Substance Abuse Professional as required by 49 CFR Part 40 and has a verified negative controlled substances test and/or an alcohol test with a result less than 0.02 alcohol concentration. All controlled substances return-to-duty tests will be conducted by same-gender direct observation. Refusing to permit an observed collection will constitute a refusal to test with the same consequences as testing positive.

**Follow-Up:** Any driver in need of assistance in resolving problems associated with alcohol misuse and/or controlled substances use as identified through the evaluation by the Substance Abuse Professional will, if still employed, be required to enter into a Last Chance Agreement as a condition of continued employment and to submit to unannounced follow-up testing for controlled substances and/or alcohol as directed by the Substance Abuse Professional. The Employer may perform follow-up testing for five years. All controlled substances return-to-duty tests will be conducted by same-gender direct observation. Refusing to permit an observed collection will constitute a refusal to test with the same consequences as testing positive.

### **Failure to Cooperate**

Employees who are subject to this policy are expected to comply fully with any required testing. Failure to do so (including, for example, refusing to sign consent or refusing to test, obstructing the testing process, failing to make themselves available for a required test, failing to provide an adequate sample for testing, attempting to adulterate or substitute a specimen, or in any way tampering with a required test, failure to empty pockets or wash hands as requested by collection site personnel, refusing to permit an observed collection, possessing or wearing a prosthetic or other device that could be used to interfere with the collection process) will cause the driver to be immediately relieved from performing safety-sensitive functions, and will also be considered a violation of Employer policy that will subject the employee to discipline, up to and including termination of employment. The Employer also reserves the right to involve law enforcement officials for any conduct that it believes might be in violation of state or federal law.

### **Testing Procedures**

**Urine Specimen Collection:** Specimen collections will be conducted in accordance with the procedures of 49 CFR Part 40, as amended. The collection procedures are designed to ensure the security and integrity of the specimen provided by each covered employee, and those procedures will strictly follow federal chain-of-custody guidelines. Moreover, every reasonable effort will be made to preserve the individual's privacy as much as possible consistent with ensuring an accurate result. Covered employees will be required to empty their pockets before providing the drug test specimen.

Under normal circumstances, the applicant or covered employee will be afforded complete privacy in the restroom for providing the urine sample. Certain situations do require the urine sample be provided under same-gender direct observation. Those situations include:

- The temperature on the original specimen was out of range; or
- The original specimen appeared to have been tampered with (i.e., unusual color, odor, foam, etc.); or
- The collector observes materials brought to the collection site or the individual's conduct clearly indicates an attempt to tamper with a specimen; or
- The laboratory reported to the MRO that a specimen is invalid, and the MRO reported to the Employer there was not an adequate medical explanation for the result; or
- The MRO reported to the Employer that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed; or
- The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5mg/dL, and the MRO reported the specimen to the Employer as negative-dilute and a second collection must take place under direct observation; or
- All return-to-duty or follow-up drug tests.

When that occurs, the individual subjected to testing will be required to follow the observer's instructions to raise their clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process.

Refusing to permit an observed collection, or possessing or wearing a prosthetic or other device that could be used to interfere with the collection process, are considered a refusal to test and will constitute a verified positive drug test result.

Laboratory Analysis: As required by 49 CFR Part 40, only a laboratory certified by the Department of Health and Human Services (DHHS) will be retained by the Employer to perform the analysis of the urine specimen for controlled substances. The initial screening test will be performed by immunoassay and will test for substances and at cutoff levels required by 49 CFR Part 40, as amended. All specimens identified as positive on the initial screening test will be confirmed using gas chromatography/mass spectrometry techniques at cutoff levels required by 49 CFR Part 40, as amended.

Negative Dilute Specimens: All negative dilute specimen test results will require the driver to submit to an immediate retest with minimum advance notice. The retest results shall become the test result of record. If the retest results are also negative and dilute, the test will be deemed a negative result, unless the MRO has directed a recollection under direct observation.

Breath Alcohol: Testing will be conducted by a qualified technician according to 49 CFR Part 40 procedures using a DOT-approved device. If an initial test indicates an alcohol concentration of less than 0.02, no further testing will be conducted. If the initial test result is 0.02 or greater, a confirmation test will be conducted by a Breath Alcohol Technician using an Evidential Breath Testing (EBT) device. Testing will be conducted in a manner that protects the confidentiality of the employee's testing information as well as the integrity of the testing process.

### **Medical Review**

All controlled substances test results will be reviewed by a Medical Review Officer (MRO) before results are reported to the City. The MRO will attempt to contact the driver to discuss the test results before reporting positive results to the City.

The Employer Medical Review Officer is:

Dee J. McGonigle, M.D.  
18912 North Creek Parkway  
Suite 202  
Bothell, Washington 98011  
(425) 488-9755

### **Notification of Results**

The City will notify the affected driver of any controlled substances test that is reported as positive by the MRO. The City will notify driver-applicants of the results of pre-employment controlled substances testing if the applicant requests that information in writing within 60 days after the City notifies the applicant that he/she has or has not been hired.

### **Analysis of Split Sample Specimen**

A urine sample will be split at the time of collection. Within 72 hours of the MRO notifying the driver of a verified positive controlled substances test, or an adulterated or substituted specimen, the driver may request the split sample to be tested. Only the MRO may authorize such testing, which may take place only at laboratories certified by the Department of Health and Human Services (DHHS). If the split sample test fails to reconfirm the presence of the drug or drug metabolite, the MRO shall cancel the test or take such steps as are directed by DOT regulations.

All applicants/drivers have a right to request testing of the split sample. The applicant/driver will be responsible for the cost of testing the split sample.

### **Confidentiality**

Records required under this policy, including test results, will be maintained in a secure location with controlled access. Each driver, upon written request, shall be entitled to receive copies of their own records, and to have copies of their records made available to any subsequent employer. Information may also be disclosed to the relevant state or federal agencies, or in connection with judicial, administrative or related proceedings (e.g., grievances and arbitration) initiated by or on behalf of the driver, or where otherwise required by law.

### **Evaluation and Referral**

DOT regulations require that any driver who violates the alcohol and controlled substances rules of 49 CFR Part 382 be advised of available evaluation resources and be evaluated by a

Substance Abuse Professional. The driver must complete an appropriate education and/or treatment program before being eligible to return to safety-sensitive duty.

Before returning to performing safety-sensitive functions for **any** DOT employer, a driver must be tested for controlled substances with a verified negative controlled substances test result and/or alcohol with a test result less than 0.02 alcohol concentration. The driver will be subject to follow-up testing of at least six tests in the first 12 months of returning to duty, and follow-up testing may continue for five years. All return-to-duty and follow-up drug tests will be required to be collected as same gender direct observation collections.

### **FMCSA CDL Clearinghouse Reporting**

Pursuant to DOT regulations, the City is required to report the following information to the FMCSA Clearinghouse: a verified positive, adulterated, or substituted drug test result; an alcohol confirmation test with a concentration of 0.04 or higher; a refusal to submit to any required test; the City's actual knowledge of on-duty alcohol use, pre-duty alcohol use, alcohol use following an accident; controlled substance use; a substance abuse professional's report of the successful completion of the return-to-duty process; a negative return-to-duty test; an employee's completion of follow-up testing.

Securing Information from Previous Employers: If a person to be hired into a position covered by this section has, during the previous two years, worked as a driver of a commercial vehicle, that person must authorize a request of all employers of the driver to release information on positive alcohol or drug tests and any refusals to be tested. This information must be obtained before the person is employed by the City. If the information obtained from the previous employer indicates either a positive test or that a refusal to be tested occurred within the past two years, that person will not be permitted to drive a commercial vehicle unless subsequent information indicates that an evaluation by a substance abuse professional was made and return to duty testing was administered.

Consequences of Engaging in Prohibited Conduct or Positive Test: Under the City's authority, an employee will be subject to appropriate disciplinary action up to and including termination if:

- The employee tests positive for drugs or alcohol;
- Results from an alcohol test indicate blood alcohol level of .02 or greater; or
- The employee has engaged in prohibited conduct.

### Effect of Alcohol and Controlled Substances:

DOT regulations require employers to furnish information regarding the effects of alcohol and controlled substance use, as well as the signs and symptoms of such use. Included in an appendix to this policy are fact sheets regarding alcohol and various controlled substances. Any employee who suspects a co-worker has an alcohol or drug problem may refer the co-worker to contact information for the Substance Abuse Professional identified in this policy, to the City's EAP, or to management.

Personnel responsible for supervising and managing employees subject to testing under this policy must attend at least two hours of training on alcohol and drug misuse symptoms and indicator used in making determinations for reasonable suspicion testing.

The following provisions apply to those employees who are not terminated for violations:

- If an employee tests positive for drugs or has an alcohol test that indicated a blood alcohol level of .04 or greater from a random, reasonable suspicion or post-accident test,

or engages in prohibited conduct, the employee will be immediately removed from duties requiring the driving of a commercial vehicle. The employee will not be permitted to return to work unless he/she:

- Has been evaluated by a qualified Substance Abuse Professional; and
- If recommended by said professional, has properly followed any rehabilitation prescribed; and
- Has a verified negative result on a return-to-duty alcohol (<.02) and/or drug test
- Upon completion of a recommended rehabilitation program and successful return to work, an employee will be subject to follow-up random testing for up to sixty months as recommended by the substance abuse professional and the city with a minimum of six such unscheduled tests within the first twelve months of returning to duty.
- Employees having a breath alcohol concentration of at least .02 but less than .04 shall be removed from duty requiring the driving of a commercial vehicle for at least 24 hours.

This section is in conjunction with Section 3.15, Substance Abuse.

**APPENDIX TO DRUG AND ALCOHOL TESTING FOR  
COMMERCIAL DRIVER'S LICENSE HOLDERS**

**Drug and alcohol awareness training materials: Information on effects and signs of  
alcohol and controlled substance use**

### Detection periods

Detection periods vary; rates of metabolism and excretion are different for each drug and use and vary by individual. Detection periods should be viewed as estimates. Cases can always be found to contradict these approximations.

#### Drug and detection period

<b>Amphetamines</b>	Amphetamine	1 to 2 days
	Methamphetamine	1 to 2 days
<b>Cocaine</b>	Benzoyllecgonine	2 to 3 days
<b>Cannabinoids (Marijuana)</b>	Casual use	Up to 7 days
	Chronic use	Up to 30 days
<b>Alcohol</b>		12 to 24 hours
<b>Opiates</b>	Codeine	Usually up to 2 days
	Hydromorphone (Dilaudid)	Usually up to 2 days
	Morphine (for Heroin)	Usually up to 2 days
<b>Phencyclidine (PCP)</b>	Casual use	Up to 8 days
	Chronic use	Up to 30 days

## Alcohol Fact Sheet

Alcohol is a drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

### Description

**Generic/chemical names (Representative):** Beer (about 4.5 percent alcohol), wine (about 14 to 20 percent alcohol), distilled spirits or liquor (about 50 percent alcohol).

**Alternative sources:** After-shave lotion, cough medicine, antiseptic mouthwash, vanilla extract, disinfectant, room deodorizer fluid, cologne, breath sprays, shaving creams, rubbing alcohol.

**Common street names:** Booze, juice, brew, grain, shine, hooch.

**Distinguishing characteristics:** Pure ethanol (sold in some States as "grain alcohol") is a colorless liquid with a distinctive odor and taste. It has a cooling effect when rubbed on the skin. Most commonly, however, alcohol is consumed as the component of another beverage, and grain alcohol itself is normally diluted with juices or other soft drinks by the consumer. Depending upon the concentration of alcohol in the beverage, the aroma of alcohol may serve as an indicator of the presence of alcohol in a beverage. Since the sale and distribution of all products containing more than a trace amount of ethanol are regulated by Federal and State governments, the best guide to whether a specific beverage contains alcohol will be label information if the original container is available.

**Paraphernalia:** Liquor, wine, after-shave, or cough medicine bottles; drinking glasses; cans of alcohol-containing beverages; can and bottle openers. Paper bags are sometimes used to conceal the container while the drink is being consumed.

**Method of intake:** Alcohol is consumed by mouth. It is infrequently consumed as pure (grain) alcohol. It is, however, frequently consumed in the form in which it is sold (e.g., cans of beer, "straight" liquor, glasses of wine). Alcohol is often consumed in combination with other beverages ("mixers"), either to make it more palatable or to disguise from others that alcohol is being consumed.

**Duration of single dose effect:** Alcohol is fully absorbed into the bloodstream within 30 minutes to 2 hours, depending upon the beverage consumed and associated food intake. The body can metabolize about one quarter of an ounce (0.25 oz. or roughly half the amount in a can of beer) of alcohol per hour.

The effects of alcohol on behavior (including driving behavior) vary with the individual and with the concentration of alcohol in the individual's blood. The level of alcohol achieved in the blood depends in large part (although not exclusively) upon the amount of alcohol consumed and the time period over which it was consumed. One rule of thumb says that in a 150-pound person, each drink adds 0.02% to blood alcohol concentration and each hour that passes removes 0.01percent from it.

Generally speaking, alcohol is absorbed into the blood relatively quickly and metabolized more slowly. Therefore, the potential exists for alcohol concentrations to build steadily throughout a drinking session.

The following table shows some general effects of varying levels of BAC:

<b>BAC</b>	<b>Behavioral effects</b>
0.02-0.09%	Loss of muscular coordination, impaired senses, changes in mood and personality.
0.10-0.19%	Marked mental impairment, further loss of coordination, prolonged reaction time.
0.20-0.29%	Nausea, vomiting, double vision.
0.30-0.39%	Hypothermia, blackouts, anesthesia.
0.40-0.70%	Coma, respiratory failure, death.

**Detection time:** The detection time for alcohol depends upon the maximum level of BAC achieved and varies by individual. Since under FMCSA regulations alcohol concentrations as low as 0.02 percent (under DOT testing procedures, breath alcohol concentration is used as a proxy for BAC) require employer action, and current technology can reliably detect this level, a driver who had achieved a moderate level of intoxication (i.e., 0.08 percent BAC) would be detectable approximately 8 hours after achieving that level. (Note: this is detectability after achieving this level and not after commencing or stopping drinking.)

**Dependency level:** The chronic use of alcohol can produce dependence in some individuals manifested by craving, withdrawal, and tolerance. Despite the fact that many individuals consume alcoholic beverages (more than 90 percent of Americans at some point during their lives), relatively few of them (only about 10 percent of drinkers) develop psychological and physical dependency on it.

### **Signs and symptoms of use**

**Evidence of presence of alcohol:** Bottles, cans, and other containers which alcohol-containing beverages may have been purchased and/or consumed in; bottle caps from alcohol containers; bottle or can openers; employees drinking from paper bags; odor of alcohol on containers or on employee's breath.

**Physical symptoms:** Reduction of reflexes, slurred speech, loss of coordination, unsteady gait.

**Behavioral symptoms:** Increased talkativeness, reduced emotional control, distorted judgment, impaired driving ability, gross effects on thinking and memory.

### **Effects of alcohol on the individual**

#### **Physical health effects**

- The liver is the primary site of alcohol metabolism and can be severely affected by heavy alcohol use. The three primary dangers are fatty liver, alcoholic hepatitis, and cirrhosis.
- Heavy alcohol use can also severely affect the gastrointestinal tract, contributing to inflammation of the esophagus, exacerbating peptic ulcers, and causing acute and chronic pancreatitis. It interferes with the absorption of nutrients from food and contributes to malnutrition.
- Heavy alcohol use affects the heart and vascular system, contributing to heart attacks, hypertension, and strokes.
- Either because of direct action or indirectly through the malnutrition, liver disease, and other effects it causes, alcohol depresses immune system functioning and increases the likelihood of infection.
- There is considerable evidence that alcohol abuse is associated with the incidence of cancer, particularly cancers of the liver, esophagus, nasopharynx, and larynx.
- Heavy alcohol consumption causes brain damage, manifested through dementia, blackouts, seizures, hallucinations, and peripheral neuropathy.

### **Other health effects**

- In addition to having direct health effects through physiological changes in the drinker's body, alcohol contributes significantly to health problems indirectly. While most of the medical consequences of alcohol use listed above result from chronic use, these other effects can often result from a single episode of acute use:
- One half of all traffic accident fatalities are alcohol-related. The risk of a traffic fatality per mile driven is at least eight times higher for a drunk driver than for a sober one.
- Falls are the most common cause of nonfatal injuries in the U.S. and the second-most common cause of fatal accidents. Estimates of the involvement of alcohol in these falls range from 20 to 80 percent. A BAC between 0.05 and 0.10 percent increases the likelihood of a fall by three times. Between 0.10 and 0.15 percent, it increases by a factor of 10, and above 0.16 percent it increases by a factor of 60.
- Research indicates over 60 percent of those dying in non-vehicular fires (fourth leading cause of accidental death in the United States) have BACs over 0.10 percent.
- Approximately 38 percent of those drowning (third leading cause of accidental death in the United States) have been exposed to alcohol at the time of their deaths.
- Between 20 and 36 percent of suicide victims have a history of alcohol abuse or were drinking shortly before their suicides.
- Alcohol also plays a significant role in crime and family violence, including spousal and child abuse.

### **Effects on employee performance**

The statistics reported above make it clear that alcohol can have a devastating effect on employee performance. By affecting vision, reflexes, coordination, emotions, aggressiveness, and judgment, alcohol deprives the professional driver of most of the tools he or she relies upon to perform safely.

Hangovers also present a risk to driving behavior, as would other illnesses. The sick feeling associated with hangovers, including headaches, nausea, and other symptoms, can distract an employee's attention and lead to accidents even though alcohol may no longer be detectable in the body.

### **Overdose effects**

Unconsciousness, coma, death.

### **Withdrawal syndrome**

Repeated use of alcohol results in tolerance, with increasing consumption necessary to attain its characteristic effects. Alcohol at a given blood level produces less impairment in heavy drinkers than it does in lighter drinkers. Alcohol is toxic by itself and, coupled with the malnutrition common in alcoholics, can lead to kidney disease, deterioration of mental faculties, and psychotic episodes (the "DTs") if the alcohol is withdrawn. The DTs are characterized by hallucinations and extreme fear, and their presence are a clear indication of alcohol dependence. Withdrawal and the associated DTs can be fatal.

### **References**

Blum, Kenneth, "Handbook of Abusable Drugs," NY, Gardner Press, 1984.

Department of Health and Human Services, "Alcohol and Health: 7th Special Report to the U.S. Congress," Washington, DC, 1990.

## Amphetamine Fact Sheet

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the United States or clandestinely manufactured in crude laboratories.

### Description

**Generic/chemical names:** Include amphetamine and methamphetamine. Trade names include: Desoxyn, Dexapex, Fastin, Vasotilin, Dexedrine, Delcobese, Fetamine, Obetrol.

**Common street names:** Uppers, speed, bennies, crystal, black beauties, Christmas trees, white crosses, mollies, bam, crank, meth, ice, LA ice.

**Distinguishing characteristics:** In their pure form, amphetamines are yellowish crystals. They are manufactured in a variety of forms, including pill, capsule, tablet, powder, and liquid. Amphetamine ("speed") is sold in counterfeit capsules or as white, flat, double-scored "mini bennies." Methamphetamine is often sold as a creamy white, granular powder or in lumps wrapped in aluminum foil or sealable plastic bags.

**Paraphernalia:** Needles, syringes, and rubber tubing for tourniquets, used for the injection method.

**Method of intake:** The most common forms of amphetamines are pills, tablets, or capsules, which are ingested. The less frequent forms, liquid and powder, are injected or snorted.

**Duration of single dose effect:** 2 to 4 hours.

**Detection time:** 1 to 2 days after use.

**Dependency level:** Psychological dependence on amphetamines is known to be high. Physical dependence is possible.

### Signs and symptoms of use

**Evidence of presence of amphetamines:** Most frequently pills, capsules, or tablets; envelopes, bags, vials for storing the drug; less frequently syringes, needles, tourniquets.

**Physical symptoms:** Dilated pupils, sweating, increased blood pressure, palpitations, rapid heartbeat, dizziness, decreased appetite, dry mouth, headaches, blurred vision, insomnia, high fever (depending on the level of the dose).

**Behavioral symptoms:** Confusion, panic, talkativeness, hallucinations, restlessness, anxiety, moodiness, false sense of confidence and power; "amphetamine psychosis" which might result from extended use (see health effects).

### Effects of amphetamine use on the individual

#### Physical health effects

- Regular use produces strong psychological dependence and increasing tolerance to drug.
- High doses may cause toxic psychosis resembling schizophrenia.

- Intoxication may induce a heart attack or stroke due to spiking of blood pressure.
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts.
- Long-term heavy use can lead to malnutrition, skin disorders, ulcers, and various diseases that come from vitamin deficiencies.
- Lack of sleep, weight loss, and depression also result from regular use.
- Users who inject drugs intravenously can get serious and life-threatening infections (e.g., lung or heart disease, kidney damage) from non-sterile equipment or contaminated self-prepared solutions.

### **Effects on mental performance**

- Anxiety, restlessness
- Moodiness
- False sense of power

### **Large doses over long periods can result in**

- Hallucinations
- Delusions
- Paranoia
- Brain damage.

### **Effects on employee performance**

Amphetamines cause a false sense of alertness and potential hallucinations, which can result in risky driving behavior and increased accidents. Employees who fail to get sufficient rest may use the drug to increase alertness. However, although low doses of amphetamines will cause a short-term improvement in mental and physical functioning, greater use impairs functioning. The hangover effect of amphetamines is characterized by physical fatigue and depression, which make operation of equipment or vehicles dangerous.

### **Overdose effects**

- Agitation
- Convulsions
- Increase in body temperature
- Hallucinations
- Death

### **Withdrawal syndrome**

- Apathy
- Depression
- Long-term periods of sleep
- Disorientation
- Irritability

### **Workplace issues**

- Because amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness due to unusual overtime demands or failure to get rest.
- Low-dose amphetamine use will cause a short-term improvement in mental and

physical functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which may make operation of equipment or vehicles dangerous.

**Reference**

Federal Motor Carrier Safety Administration, Office of Motor Carriers, "Guidelines for Implementing the FMCSA Anti-Drug Program," Publication No. FMCSA-MC-91-014, March 1992.

## Cocaine Fact Sheet

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are tense, the heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

### Description

**Generic/chemical names:** Cocaine hydrochloride or cocaine base.

**Common street names:** Coke, crack, snow, blow, flake, "C", toot, rock, base, nose candy, snort, white horse.

**Distinguishing characteristics:** Cocaine is an alkaloid (organic base) derived from the coca plant. In its more common form, cocaine hydrochloride or "snorting coke" is a white to creamy granular or lumpy powder chopped fine before use. Cocaine base, rock, or crack is a crystalline rock about the size of a small pebble.

**Paraphernalia:** Cocaine hydrochloride single-edged razor blade, a small mirror or piece of smooth metal; a half straw or metal tube, and a small screw-cap vial or folded paper packet containing the cocaine (used for snorting), needles, tourniquets (used for injecting). Cocaine base a "crack pipe" (small glass smoking device for vaporizing the crack crystals); a lighter, alcohol lamp, or small butane torch for heating the substance.

**Method of intake:** Cocaine hydrochloride is snorted into the nose, rubbed on the gums, or injected into the veins. Cocaine base is heated in a glass pipe and the vapor is inhaled.

**Duration of single dose effect:** 1 to 2 hours.

**Detection time:** Up to 2 to 3 days after last use.

**Dependency level:** Research indicates possible physical dependence. Although there is insufficient evidence for humans, animal studies indicate "reverse tolerance," in which certain behavioral effects become stronger with repeated use of cocaine. Psychological dependence on cocaine is known to be high.

### Signs and symptoms of use

**Evidence of presence of cocaine:** Small folded envelopes, plastic bags, or vials used to store cocaine; razor blades; cut-off drinking straws or rolled bills for snorting; small spoons; heating apparatus.

**Physical symptoms:** Dilated pupils, runny or irritated nose, profuse sweating, dry mouth, tremors, needle tracks, loss of appetite, hyper-excitability, restlessness, high blood pressure, heart palpitations, insomnia, talkativeness, formication (sensation of bugs crawling on skin).

**Behavioral symptoms:** Increased physical activity, depression, isolation and secretive behavior, unusual defensiveness, frequent absences wide mood swings, difficulty in concentration, paranoia, hallucinations, confusion, false sense of power and control.

### Effects of cocaine use on the individual

#### Physical health effects

- Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of nervous system illnesses such as Parkinson's disease could also occur.
- Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks.
- Strong psychological dependency can occur with one "hit" of crack. Usually, mental dependency occurs within days of using crack or within several months of snorting coke. Cocaine causes the strongest mental dependency of any known drug.
- Treatment success rates are lower than those of other chemical dependencies.
- Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention. The number of cocaine overdose deaths in the United States has tripled in the last four years.

### **Effects on mental performance**

- Paranoia and hallucinations
- Hyper excitability and overreaction to stimulus
- Difficulty in concentration
- Wide mood swings
- Withdrawal leads to depression and disorientation

### **Effects on employee performance**

Cocaine use results in an artificial sense of power and control, which leads to a sense of invincibility. Lapses in attention and the ignoring of warning signals brought on by cocaine use greatly increase the potential for accidents. Paranoia, hallucinations, and extreme mood swings make for erratic and unpredictable reactions while driving.

The high cost of cocaine frequently leads to workplace theft and/or dealing. Forgetfulness, absenteeism, tardiness, and missed assignments can translate into lost business.

### **Overdose effects**

- Agitation
- Convulsions
- Increase in body temperature
- Death
- Hallucinations

### **Withdrawal syndrome**

- Apathy
- Depression
- Long periods of sleep
- Disorientation
- Irritability

### **Reference**

Federal Motor Carrier Safety Administration, Office of Motor Carriers, "Guidelines for Implementing the FMCSA Anti-Drug Program," Publication No. FMCSA-MC-91-014, March 1992.

## **Cannabinoids (Marijuana) Fact Sheet**

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood and perception-altering effects it produces.

### **Description**

**Generic/chemical name:** Dronabinol, marinol, nabilone.

**Common Street Names:** Pot, dope, grass, hemp, weed, hooch, herb, hash, joint, Acapulco gold, reefer, sinsemilla, Thai sticks.

**Distinguishing characteristics:** Like tobacco, marijuana consists of dried, chopped leaves that are green to light tan in color. The seeds are oval with one slightly pointed end. Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense. Less prevalent, hashish is a compressed, sometimes tar like substance ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil.

**Paraphernalia:** Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly found. Smoking "bongs" (large-bore pipes for inhaling large volumes of smoke) can easily be made from soft drink cans and toilet paper rolls.

**Method of intake:** Marijuana is usually inhaled in cigarette or pipe smoke. Occasionally, it is added to baking ingredients (e.g., brownies) and ingested. Tetrahydrocannabinol (THC), the active chemical detected in urinalysis, is released by exposure to heat.

**Duration of single dose effect:** The most obvious effects are felt for 4 to 6 hours. Preliminary studies suggest that performance impairment lasts longer. The active chemical, THC, is stored in body fat and slowly metabolized over time.

**Detection time:** Traces of marijuana will remain in the urine of an occasional user for up to 1 week, and, in the case of a chronic user, for 3 to 4 weeks.

**Dependency level:** Evidence indicates moderate psychological dependence.

### **Signs and symptoms of use**

**Evidence of presence of marijuana:** Plastic bags (commonly used to sell marijuana); smoking papers; roach clip holders; small pipes of bone, brass, or glass; smoking bongs; distinctive odor.

**Physical symptoms:** Reddened eyes (often masked by eye drops); stained fingertips from holding "joints," particularly for nonsmokers; chronic fatigue; irritating cough; chronic sore throat; accelerated heartbeat; slowed speech; impaired motor coordination; altered perception; increased appetite.

**Behavioral symptoms:** Impaired memory, time-space distortions, feeling of euphoria, panic reactions, paranoia, "I don't care" attitude, false sense of power.

### **Effects of marijuana use on the individual**

#### **General health effects**

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart

conditions are at risk.

- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana smoking lowers the body's immune system response, making users more susceptible to infection. The U.S. Government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive human immunodeficiency virus (HIV) carriers.

### **Pregnancy problems and birth defects**

- The active chemical, THC, and 60 other related chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in males causes a decrease in the male sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decrease in sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics, including breast development, occurs in heavy users.
- Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone.
- Pregnant women who are chronic marijuana smokers have a higher-than-normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life.
- In test animals, THC causes birth defects, including malformations of the brain, spinal cord, forelimbs, and liver, and water on the brain and spine.
- Offspring of test animals that were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the use of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects of the infant's feet and hands.
- One of the most common effects of prenatal cannabinoid exposure is underweight newborn babies.
- Fetal exposure may decrease visual functioning and cause other ophthalmic problems.

### **Mental function**

Regular use can cause the following effects:

- Delayed decision-making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements
- Erratic cognitive function
- Distortions in time estimation
- Long-term negative effects on mental function known as "acute brain syndrome," which is characterized by disorders in memory, cognitive function, sleep patterns, and physical condition.

### **Effects on employee performance**

- The mental impairments resulting from the use of marijuana produce reactions that can lead to unsafe and erratic driving behavior. Distortions in visual perceptions, impaired signal detection, and altered reality can make driving a vehicle very dangerous.

**Overdose effects**

- Aggressive urges
- Immobility
- Anxiety
- Mental dependency
- Confusion
- Panic
- Fearfulness
- Paranoid reaction
- Hallucinations
- Unpleasant distortions in body image
- Heavy sedation

**Withdrawal syndrome**

- Sleep disturbance
- Irritability
- Hyperactivity
- Gastrointestinal distress
- Decreased appetite
- Salivation, sweating, and tremors

**Workplace issues**

- The active chemical, THC, is stored in body fat and slowly releases over time. Marijuana smoking has a long-term effect on performance.
- A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 1978.
- Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of *both* the depressant and marijuana.

**Reference**

Federal Motor Carrier Safety Administration, Office of Motor Carriers, "Guidelines for Implementing the FMCSA Anti-Drug Program," Publication No. FMCSA-MC-91-014, March 1992.

## Opiates (Narcotics) Fact Sheet

Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and, when taken in large doses, cause a strong euphoric feeling.

### Description

**Generic/chemical names:** Natural and natural derivatives include opium, morphine, codeine, and heroin (semi-synthetic). Synthetics include meperidine (Demerol), oxymorphone (Numorphan), and oxycodone (Percodan).

**Common street names:** Big M, micro, dots, horse, "H", junk, smack, scag, Miss Emma, dope, China white.

**Distinguishing characteristics:** Because of the variety of compounds and forms, opiates are more difficult to clearly describe in terms of form, color, odor, and other physical characteristics. Opium and its derivatives can range from dark brown chunks to white crystals or powders. Depending on the method of intake, they may be in powder, pill, or liquid form.

**Paraphernalia:** Needles, syringe caps, eyedroppers, bent spoons, bottle caps, and rubber tubing (used in the preparation for and injection of the drug).

**Method of intake:** Opiates may be taken in pill form, smoked, or injected, depending upon the type of narcotic used.

**Duration of single dose effect:** 3 to 6 hours.

**Detection time:** Usually up to 2 days.

**Dependency level:** Both physical and psychological dependence on opiates are known to be high. Dependence on codeine is moderate.

### Signs and symptoms of use

**Evidence of presence of drug:** In addition to paraphernalia enumerated above, the following items may be present: foil, glassine envelopes, or paper "bindles" (packets for holding drugs); balloons or prophylactics used to hold heroin; bloody tissues used to wipe the injection site; a pile of burned matches used to heat the drug prior to injection.

**Physical symptoms:** Constricted pupils, sweating, nausea and vomiting, diarrhea, needle marks or "tracks," wearing long sleeves to cover "tracks", loss of appetite, slurred speech, slowed reflexes, depressed breathing and heartbeat, and drowsiness and fatigue.

**Behavioral symptoms:** Mood swings, impaired coordination, depression and apathy, stupor; euphoria.

### Effects of narcotics use on the individual

- IV needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles.
- Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity.
- Narcotics' effects are multiplied when used in combination with other depressant drugs

and alcohol, causing increased risk for an overdose.

### **Effects on mental performance**

- Depression and apathy
- Wide mood swings
- Slowed movement and reflexes
- In addition, the high physical and psychological dependence level of opiates compounds the impaired functioning.

### **Effects on employee performance**

The apathy caused by opiates can translate into an "I don't really care" attitude toward performance. The physical effects as well as the depression, fatigue, and slowed reflexes impede the reaction time of the employee, raising the potential for accidents. Although opiates have a legitimate medical use in alleviating pain, workplace use may cause impairment of physical and mental functions.

### **Social issues**

- There are more than 500,000 heroin addicts in the United States, most of whom are IV needle users.
- An even greater number of medicinal narcotic-dependent persons obtain their narcotics through prescriptions.
- Because of tolerance, there is an ever-increasing need for more narcotic to produce the same effect.
- Strong mental and physical dependency occurs.
- The combination of tolerance and dependency creates an increasing financial burden for the user. Costs for heroin can reach hundreds of dollars a day.

### **Workplace issues**

- Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the legitimate user and abuser at higher risk for an accident.
- Narcotics have a legitimate medical use in alleviating pain. Workplace use may cause impairment of physical and mental functions.

### **Reference**

Federal Motor Carrier Safety Administration, Office of Motor Carriers, "Guidelines for Implementing the FMCSA Anti-Drug Program," Publication No. FMCSA-MC-91-014, March 1992.

## Phencyclidine (PCP) Fact Sheet

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma like condition with muscle rigidity and a blank stare with the eyelids half-closed. Sudden noises or physical shocks may cause a "freak-out," in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

### Description

**Generic/chemical names:** Phencyclidine.

**Common street names:** Angel dust, dust, peace pills, hog, killer weed, mint, monkey dust, supergrass, Tran Q, weed.

**Distinguishing characteristics:** PCP is commonly sold as a creamy, granular powder. It is either brown or white and often packaged in one-inch-square aluminum foil or folded paper packets. Occasionally, it is sold in capsule, tablet, or liquid form. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine.

**Paraphernalia:** Foil or paper packets; stamps (off which PCP is licked); needles, syringes, and tourniquets (for injection); leafy herbs (for smoking).

**Method of intake:** In pill, capsule, or tablet form, PCP may be ingested. It is commonly injected as "angel dust." It may be smoked or snorted when applied to leafy materials or combined with marijuana or tobacco.

**Duration of single dose effect:** Days.

**Detection time:** Up to 8 days.

**Dependency level:** Psychological dependence on PCP is known to be high. Physical dependence is unknown.

### Signs and symptoms of use

**Evidence of presence of PCP:** Packets, stamps, injection paraphernalia, herbs.

**Physical symptoms:** Dilated or floating pupils, blurred vision, nystagmus (jerky eye movement), drooling, muscle rigidity, profuse sweating, decreased sensitivity to pain, dizziness, drowsiness, impaired physical coordination (e.g., drunken-like walk, staggering), severe disorientation, rapid heartbeat.

**Behavioral symptoms:** Anxiety, panic/fear/terror, aggressive/violent behavior, distorted perception, severe confusion and agitation, disorganization, mood swings, poor perception of time and distance, poor judgment, auditory hallucinations.

### Health effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.

- PCP is potentiated by other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction.
- Misdiagnosing the hallucinations as LSD-induced, and then treating with Thorazine, can cause a fatal reaction.
- Use can cause irreversible memory loss, personality changes, and thought disorders.
- There are four phases to PCP abuse. The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perception are common. The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions, paranoia, and agitation. The third phase is a drug-induced schizophrenia that may last a month or longer. The fourth phase is PCP-induced depression. Suicidal tendencies and mental dysfunction can last for months.

### **Effects on mental performance**

- Irreversible memory loss
- Personality changes
- Thought disorders
- Hallucinations

### **Effects on employee performance**

The distortions in perception and potential visual and auditory delusions make employee performance unpredictable and dangerous. PCP use can cause drowsiness, convulsions, paranoia, agitation, or coma, all obviously dangerous to driving.

### **Overdose effects**

- Longer, more intense "trip" episodes
- Psychosis
- Coma
- Possible death.

### **Withdrawal syndrome**

- None reported

### **Workplace issues**

- PCP abuse is less common today than in the recent past. It is not generally used in a workplace setting because of the severe disorientation that occurs.

**CERTIFICATE OF RECEIPT**

I hereby certify that on the date shown below, I received and read a copy of the City of Lake Stevens Drug and Alcohol Testing for Commercial Driver’s License Holders for Use With FMCSA/DOT-Regulated Employees, consisting of fifteen (15) pages including these Certificates of Receipt, and a copy of drug and alcohol awareness training materials. I understand and agree to comply with this policy, including any required alcohol or controlled substance testing.

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

*(Original to be kept in employee personnel file.)*

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Date

*(Employee to receive duplicate copy.)*

**EMPLOYEE ACKNOWLEDGEMENT**

(Non-represented employee)

I understand that it is my responsibility to read the Employee Handbook and any subsequent revisions for the proper procedures and rules of the City of Lake Stevens. I understand that I am expected to follow the policies and procedures and that failure to do so could result in disciplinary action or termination. I also understand that I may discuss the contents of the Employee Handbook with the Mayor or City Administrator at any reasonable time. I further understand the Employee Handbook does not constitute an employment contract or employee agreement of any kind, nor is it to be interpreted as a covenant of employment. I realize the Employee Handbook contains guidelines only and that they may be changed by the City of Lake Stevens from time to time when the City deems that circumstances so require.

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Employee Signature

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**EMPLOYEE ACKNOWLEDGEMENT**

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