



# PERSONNEL POLICIES

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CITY OF CLARKSTON  
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## **Personnel Responsibilities**

### **POLICY 100 PURPOSE AND SCOPE OF THE 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. All employees are expected to review the Handbook and become familiar with its policies. This Handbook supersedes any prior policies or handbooks. As 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. While the City will try to provide advance notice of any policy changes, advance notice will not always be possible or practical.

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.** Your employment with the City of Clarkston is “at will”, which means that the employment relationship can be terminated at any time, without cause or notice, by you or by the City. Nothing in this Handbook is intended to modify the at-will relationship. No supervisor or other City representative has the authority to modify an employee’s at-will status or make representations that are inconsistent with the policies in the Handbook, unless the modification is in writing and duly approved by the City Council.

This Handbook is not intended to address every aspect of your employment in detail. In some cases, details may be found in controlling documents, such as the summary plan descriptions of benefits plans. You may also have questions about whether and how a policy applies to a specific situation. For any questions about a specific employment issue, please contact your Department Head or Human Resources for guidance.

Additionally, these personnel policies apply to all employees and volunteers of the City. They shall not apply to independent contractors or elected officials, except for the Reimbursement of Employee Expenses. In the event that any provision in this Handbook conflicts with any provision of a valid and effective collective bargaining agreement, written employee contract, applicable Civil Service rule or regulation, or State or Federal law, the terms of the law or contract shall govern. In all other cases, these policies shall govern.

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

As used in this Handbook:

- A. Use of the masculine or feminine gender should be interpreted to include persons of both genders;
- B. “Supervisor” means an individual with the authority to assign, direct and review the work of one or more subordinates;
- C. “Immediate family” means the employee’s spouse, registered domestic partner, brother, sister, mother, father, stepmother, stepfather, child, stepchild, father-in-law, mother-in-law,

or other relative living in the employee's household, unless otherwise defined in a specific policy.

## **Employment**

### **POLICY 201      EQUAL EMPLOYMENT OPPORTUNITY**

The City of Clarkston 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/gender, race, national origin, religion, marital status, military or veteran status, age, national origin, pregnancy, sexual orientation, gender identity, disability, genetic information or any other basis protected by law.

Any employee who believes that he or she has been discriminated against or who has suffered from unlawful harassment or retaliation should report it to his/her supervisor, any City manager or department head, or the Mayor. Please refer also to the Anti-Harassment policy (Policy 204). Upon receipt of a complaint, the City will investigate and take appropriate corrective action as may be warranted.

### **POLICY 202      REASONABLE ACCOMMODATION OF DISABILITIES**

The City 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 that 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.

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

### **POLICY 203      REASONABLE ACCOMMODATION OF RELIGIOUS BELIEFS**

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 the City's business or operations. If you believe you need accommodation for religious reasons, please contact your supervisor.

### **POLICY 204      ANTI-HARASSMENT POLICY**

1. The City of Clarkston is committed to ensuring that the practices and conduct of all its employees comply with the requirements of federal and state laws against unlawful harassment. It is the policy of the City that all employees have the right to work in an environment free from unlawful harassment based upon their race, color, religion, creed, sex, national origin, age, marital status, pregnancy, sexual orientation and gender identity, veteran's status, genetic information, disability, and any other class protected by federal,

state or local law. Any unlawful workplace harassment of employees will not be tolerated by the City.

2. Harassment encompasses 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, religion, national origin, age, disability, marital status, veteran or military status, citizenship status, or other 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.

Some examples of behavior that could constitute or contribute to harassment include, but are not limited to:

- a) Using epithets, slurs or negative stereotypes;
- b) Threatening, intimidating, or engaging in hostile acts that relate to protected status or characteristics such as those referred to above;
- c) Jokes or pranks that refer to or denigrate a protected status; or
- d) Placing on walls, bulletins boards, or elsewhere on the work premises or circulating in the workplace written, electronically transmitted or graphic material that denigrates or shows hostility or aversion toward a person or group because of a protected characteristic.

The City's prohibition on unlawful harassment encompasses conduct at work, as well as off-work behavior that adversely affects the work environment.

3. Sexual Harassment- Sexual harassment is one form of prohibited, unlawful harassment. 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.

Some examples of behavior that could constitute or contribute to sexual harassment include but are not limited to:

- a) Unwelcome or unwanted flirtations, propositions or advances. This includes patting, pinching, brushing up against, hugging, cornering, kissing, fondling, putting one's arm around another, or any other similar physical contact considered unacceptable by another individual;
- b) Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequences concerning an individual's employment;

- c) Verbal abuse or kidding that is sexually oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance when such comments go beyond an isolated innocuous compliment, off-color jokes or offensive language, or any other tasteless, sexually oriented comments, innuendoes, or offensive actions, including leering, whistling, or gesturing; and
- d) Participation in fostering a work environment that is generally intimidating, hostile, or offensive because of unwelcome or unwanted sexually oriented conversation, office décor, suggestions, requests, demands, physical contacts or attention.

4. **Complaint Procedure:**

Any employee, volunteer, or contractor who feels that he/she has been harassed should immediately tell the offending individual how they feel and ask them to stop. If that does not work or if the employee is uncomfortable confronting the offending individual, the employee should report the incident promptly. A complaint can be made verbally or in writing to the employee's department head. In the alternative, as the employee may wish, the complaint may be brought to the attention of another manager or the Mayor.

A harassment claim will generally be handled as follows:

- a) Every complaint is to be reported promptly either by the complainant or by the person receiving the complaint. If reported verbally, the person taking the complaint should produce a written statement for the complainant to review and sign.
- b) The complaint will be investigated as soon as reasonably practicable. Choice of investigator, level of formality, and the procedures used in the investigation may vary, depending upon the nature of the allegations and full circumstances of the situation, including the context in which the alleged incidents occurred.
- c) Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the need to undertake a full investigation.
- d) There shall be no retaliation by the City, its officers, managers, or other employees toward any employee bringing a complaint in good faith or cooperating with the investigation of a harassment complaint. Any person who feels they have been retaliated against, should immediately report their concern to their department head or the mayor. The City strictly prohibits retaliation under this policy, and any sustained allegations of retaliation will lead to discipline, up to and including termination.
- e) Where the investigation confirms the allegation of unlawful harassment or retaliation, the City will take prompt corrective action and, where appropriate, discipline the offending individual. Discipline may include verbal and written reprimands, professional counseling, reassignment, demotion, or appropriate action, up to and including termination. The affected individuals will be informed of the outcome of the investigation.

All officers and managers are assigned responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action if they witness inappropriate behavior or receive a complaint. Managers must open and maintain channels of communication to permit employees to raise concerns of sexual or other workplace harassment without fear of retaliation, stop any observed harassment, and treat harassment matters with sensitivity, confidentiality, and objectivity.

A manager's failure to carry out these responsibilities may result in disciplinary action up to and including termination.

## **POLICY 205    WORKPLACE VIOLENCE**

1. The City of Clarkston strictly prohibits threatened or actual workplace violence (zero tolerance). This includes, but is not limited to, any of the following conduct associated in or around the workplace, or otherwise related to employment:
  - a) Bullying or threat of injury or damage against a person or property;
  - b) Fighting or threatening to fight with another person;
  - c) Threat to use, or have possession, custody, storage, or control of a weapon (an instrument or device of any kind which may be used to inflict bodily harm or injury, or to establish fear simply due to its presence on the scene) on City of Clarkston premises, with the exception of law enforcement;
  - d) Abusing or injuring another person;
  - e) Abusing or damaging property;
  - f) Obscene or abusive language or gestures used in a threatening manner;
  - g) Raising voice in a threatening manner;
  - h) Joking about any of the above misconduct is prohibited because of the potential for misunderstanding.

City of Clarkston "Premises" Definition: The term "Premises" means all areas within the ownership and/or control of the City, including, but not limited to, buildings, offices, work areas, lounges, parking lots, desks, cabinets, lockers, storage areas, and any other City owned property, including vehicles, on which employees may work. The City reserves the right to search all "Premises" when management determines that such a search is a reasonable and necessary precaution for workplace safety.

### **2. Reporting Violent Conduct**

Employees are required to report any workplace violence incidents or behavior indicating a potential for violence to a supervisor or a department head as soon as possible. Incident reports are to be completed, as appropriate. If the City determines that an employee has violated the policy, the employee will be subject to immediate discipline, up to and including termination. All reports of workplace violence will be handled by the City following City policies and procedures.

### **3. Imminent Danger / Violence Incident Procedure**

Any employee who believes that a situation with an aggressive employee, resident, guest, contractor, vendor, or other party (e.g., any person who uses obscene or abusive language or gestures, makes threats or acts in a violent or threatening manner) may immediately become violent, or put the employee or others in imminent danger should promptly leave the work area and

immediately call 911 to request officer contact. 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. The employee should coordinate the timing and circumstances of possible return by the employee to the area with police and their immediate supervisor.

#### 4. Security Precautions

All City of Clarkston security policies and rules must be adhered to at all times. To prevent inappropriate outsider access, facility solicitation and access rules must be strictly followed. It is especially important that building security rules and procedure 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 termination.

### **POLICY 206 HIRING**

The City of Clarkston is an equal opportunity employer and hires individuals solely based on their qualifications and ability to do the job, with or without a reasonable accommodation.

1. The City of Clarkston will consider a member of an employee's immediate family for employment if the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if the employment would:
  - a. Create either a direct or indirect supervisor/subordinate relationship with a family member; or
  - b. Create an actual conflict of interest or the appearance of a conflict of interest (see CMC 2.26.050).

These criteria will also be considered when assigning, transferring or promoting an employee.

2. Employees who marry or become members of the same household may continue employment as long as there is not:
  - a. A direct or indirect supervisor/subordinate relationship between the employees; or
  - b. An actual conflict of interest or the appearance of a conflict of interest.

Should one of the above situations occur, the City would attempt to find a suitable position within the City to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will first be permitted to determine which of them will resign. If no agreement between the employees can be reached, the City will decide which of the employees will be terminated.

3. Former employees who left the City of Clarkston in good standing may be considered for re-employment. Former employees who resigned without advance notice or who were dismissed for disciplinary reasons may not be considered for re-employment.
4. A former employee who is re-employed will be considered a new employee from the date of re-employment unless the break in service is less than three (3) months, in which case the employee will retain accumulated seniority. Length of service for the purposes of benefits is governed by the terms of each benefit plan.
5. Employees who retire may be eligible, in certain circumstances, to be considered for rehire.

## **POLICY 207    MEDICAL EXAMINATIONS**

The City of Clarkston may require applicants to whom a conditional offer of employment has been extended, and current employees, to undergo medical tests, procedures, or examinations whenever management determines that these are necessary for the safe or efficient operation of the organization and are job-related and consistent with business necessity.

1. Successful applicants for employment may be required, as a condition of employment, to submit to a medical examination to establish their fitness to perform the jobs for which they have applied without endangering the health and safety of themselves or others. If management determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made shall be examined.
2. Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthy conditions, requests an accommodation for a particular disability, returns from a leave due to a medical condition, or has a questionable ability to perform essential job functions due to a medical condition.
3. Employees are encouraged, but not required unless it determined to be a condition of employment, to have physical examinations periodically during their employment. Employees are encouraged, but not required, to participate in any wellness program the City may offer.
4. Medical examinations required by the City of Clarkston will be paid for by the City and will be performed by a physician or licensed medical facility designated or approved by it. Medical examinations paid for by the City of Clarkston are the property of the City, and the examination records will be treated as confidential and kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.
5. Employees who need to use prescription or nonprescription legal drugs while at work must report this requirement to their supervisor if the use might impair their ability to perform their job safely and effectively. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely and properly while taking prescription or nonprescription legal drugs. (See Substance Abuse Policy 808)
6. The City reserves the right to require acceptable confirmation of the nature and extent of any illness or injury that requires an employee to be absent from scheduled work. The City also may require a second, and if appropriate, third medical opinion regarding an employee's absence because of illness or injury. The City will pay for any additional opinions it requires.
7. Employees returning from a disability leave or an absence caused by health problems may be required to provide a doctor's certification of their ability to perform their regular work

satisfactorily without endangering themselves or their fellow employees, with or without a reasonable accommodation.

8. Employees who become ill on the job or suffer any work-connected injury, no matter how minor, must report immediately to the supervisor. The supervisor will arrange referral for examination, treatment and recording of the incident as necessary. Time an employee spends waiting for and receiving this medical attention will be considered hours worked for pay purposes.

## **POLICY 208 INTRODUCTORY / PROBATIONARY PERIOD**

The City of Clarkston monitors and evaluates all new employees and all present employees transferred or promoted to a new position during an initial introductory/probationary period.

1. Normally, the introductory/probationary period shall be six months or as designated in the appropriate collective bargaining agreements and/or Civil Service Rules. Supervisors should carefully observe the performance of each employee in a new job position. Where appropriate, weaknesses in performance, behavior, or development should be brought to the employee's attention for correction.
2. Supervisors should prepare a written evaluation of the employee's job performance before the end of the introductory period on the new job. The evaluation should include a recommendation as to whether the employee should continue in the position. Copies of the evaluation should be forwarded to the department and the Humans Resources Department for inclusion in the employee's personnel file.
3. Employees generally will be allowed to continue in their new positions if they are given both a satisfactory evaluation by the end of their introductory period and their supervisor's endorsement to continue in the job. The City may extend the probationary or introductory period if it determines that additional time is needed to assess the employee's performance. Supervisors may recommend the termination of a newly hired employee at any time. Introductory employees are at-will employees. Generally, a recommendation for termination should be made in writing and include a summary of the reason for the recommendation.
4. At the discretion of management, transferred or promoted employees who are unable to perform satisfactorily in their new jobs may be returned to their original jobs, if a vacancy exists, or may be terminated.

## **POLICY 209 HOURS OF WORK**

The City of Clarkston establishes the time and duration of working hours as required by workload and workflow, customer service needs, the efficient management of employees, and any applicable law or bargaining agreement.

1. The normal workweek is Sunday through Saturday, beginning and ending at midnight on Saturday and consisting of forty (40) hours. The normal workday will consist of eight hours of work with an unpaid meal period. Different work schedules, such as in the case of police and fire employees, may be established by the City to meet job assignments and provide necessary City services. Rest or coffee breaks are considered as time worked.

2. Each employee's scheduled work hours will be determined by his or her department head. The department head, or the department head's designee, will inform employees of their daily schedule of hours of work, including meal periods and rest breaks, and of any changes that are considered necessary or desirable by the City.
3. Department heads may schedule overtime or extra shifts. Supervisors will assign overtime to nonexempt employees (those who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) as needed. Employees are not permitted to work overtime without the prior approval of their supervisor or department head. For the purposes of overtime compensation, only hours worked in excess of forty (40) during a workweek will be counted.
4. Employee attendance at lectures, meetings and training programs will be considered hours of work, and therefore will be compensated time, if management requires and authorizes attendance.
5. Nonexempt employees normally will be granted a minimum of two hours of "call-back" pay. Call-back pay will be granted when employees are asked to report to work outside of their normal working hours. Working immediately prior to and after the scheduled shift ends does not constitute "call back".
6. Nonexempt Timesheets – All nonexempt employees are required to complete an individual time record showing the daily hours worked. Time records cover half of one month (1-15<sup>th</sup> and 16<sup>th</sup>-end of month) and must be completed by dates determined by the Finance Department, normally the end of the last shift in the pay period. The following points should be considered in filling out time records:
  - a. Employees should record their total hours worked for each workday;
  - b. Employees are not permitted to sign in or begin work before their normal starting time or to sign out to stop work after their normal quitting time without the prior approval of their supervisor;
  - c. Employees are required to take scheduled lunch or meal breaks;
  - d. Employee time records should be checked and signed by the supervisor involved. Special attention should be given to unworked time for which an employee is entitled to be paid (paid absences, paid holidays or paid vacation time) and authorized overtime.
  - e. Timesheet estimation is permitted following established guidelines; however, falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination.
7. Compensatory Time Off – Nonexempt employees can earn overtime for hours worked beyond 40 hours in the workweek. Nonexempt employees will be paid overtime compensation, either in cash or compensatory time off, at the rate of one and one-half times their regular hourly rate for work in excess of forty hours during their normal workweek. If an employee elects to accrue compensatory time off in lieu of overtime pay, one and one-half hours of compensatory time off is earned for one hour of work beyond the normal workweek.
  - a. Maximum accruals of compensatory time shall be limited to forty hours or per bargaining agreement. After maximum accrual, overtime will be paid to nonexempt employees.

- b. Employees may use compensatory time after making a request to their department head, unless doing so would unduly disrupt City operations. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and the department head.
  - c. Upon termination, employees receive compensation for their accrued compensatory time balance.
8. Exempt Timesheets and Management Leave Time Off
- Personnel employed in executive, administrative, or professional capacities generally are exempt from the provisions of the Fair Labor Standards Act.
- a. Exempt employees are not required to complete hourly time records, but must account for daily attendance and attendance exceptions.
  - b. Exempt employees do not receive overtime compensation. In lieu of overtime, exempt employees will accrue Management Leave at the rate of eight (8) hours per month.
  - c. A maximum of 80 hours may be carried over into the following year.
  - d. Upon termination, accrued Management Leave shall be paid in the same manner as unused vacation to a maximum of eighty (80) hours.

## **POLICY 210    OUTSIDE EMPLOYMENT**

The City of Clarkston allows its employees to engage in outside work or hold other jobs, subject to certain restrictions as outlined below.

1. Employees are required to disclose outside work or other jobs to their department heads and obtain pre-approval to perform outside work or hold another job.
2. The City requires that employees' activities and conduct away from the job must not compete, conflict with, or compromise its interests, or adversely affect job performance and the ability to fulfill all responsibilities to the City of Clarkston. This requirement, for example, prohibits employees from performing any services for customers on non-working time that are normally performed by City of Clarkston personnel. This prohibition also extends to the unauthorized use of any City of Clarkston resources, including its communication systems, and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.
3. Employees are cautioned to consider carefully the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued. If necessary, normal disciplinary procedures will be followed to deal with the specific problems.
4. In evaluating whether to grant approval for outside work, department heads will consider whether the proposed employment:
  - a. May reduce the employee's efficiency in working for the City of Clarkston;
  - b. Involves working for an organization that does a significant amount of business with the City of Clarkston, such as major contractors, suppliers or customers; or
  - c. May adversely affect the City of Clarkston's image.

5. If employee's outside employment job duties are similar or related to their City service, or if they cause the employee to deal with people or entities whom the employee deals with for the City of Clarkston duties, the employee must be prepared to explain why no potential conflict exists between the outside employment and the official duties of the City of Clarkston.
6. Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action, up to and including termination.

## **POLICY 211 CLASSIFICATION**

Wage rates or salary and benefits can be affected, in part, by the employee's classification. The following are the most common employee classifications used by the City. An employee may fall into more than one of these categories:

1. Probationary Employee: A regular employee who has been in his or her position for less than six months (or as defined in the applicable collective bargaining agreement).
2. Regular, Full-Time Employee: An employee who is regularly scheduled to work at least 40 hours per week and who has successfully completed his or her probationary period. A full-time employee may be either exempt or nonexempt.
3. Regular, Part-Time Employee: An employee who is regularly scheduled to work less than 40 hours per week and who has successfully completed his or her probationary period. Note that a modified definition of part-time employee is used under Health and Welfare Benefit Disclosure, Policy 501, to align the City's health insurance coverage with the Affordable Care Act.
4. Casual or On-Call Employee: An employee who is hired to work on an intermittent or as needed basis.
5. Temporary Employee: An employee who is hired with the expectation that he or she will be needed for a limited period of time, generally not more than six months.
6. Nonexempt Employee: An employee whose duties render his or her job eligible for overtime pay for all hours actually worked in excess of forty hours in a week in accordance with applicable federal and state wage and hour laws.
7. Exempt Employee: An employee who is paid a fixed salary on a weekly, monthly, or annual basis and whose duties meet the criteria for exclusion under the applicable federal and state wage and hour laws, including but not limited to, executive, administrative, or professional employees. An exempt employee is not eligible to receive overtime pay.

## **POLICY 212 LAYOFF AND RECALL**

1. In the event that a layoff is expected, the City of Clarkston will attempt to communicate information about an impending layoff as soon as reasonably possible. However, management reserves the right to alter the layoff procedure and withhold information about the layoff as permitted by law in order to protect the City's interests.

2. Layoffs generally will be handled according to the provisions of this policy, subject to any applicable collective bargaining agreement or Civil Service Rules.  
Evaluation of layoff criteria shall be within the sole discretion of the City. The City may consider a number of relevant factors in making layoff decisions including, but not limited to the following:
  - a. Promotion potential and transferability of skills to other positions within the unit;
  - b. Demonstrated current and past performance;
  - c. The needs of the City of Clarkston; and
  - d. Length of service with the City of Clarkston.
3. An employee's length of service is measured from the original date of employment with the City, as long as there has not been a break in service greater than 90 days. During a layoff, employees with breaks in service greater than 90 days, but less than one year per break, are credited only for their time actually worked, i.e., the break time does not get counted unless required by law. Employees with a break in service greater than one year receive credit for service only from their most recent date of hire with the City of Clarkston.
4. Employees selected for layoff will be given as much notice as is required by law or as much as is reasonable under the circumstances.
5. Employees who are laid off will be maintained on a recall list for twelve months or until management determines the layoff is permanent, whichever occurs first. Removal from the recall list terminates all job rights the employee may have. While on the recall list, employees should report to the Payroll Department if they become unavailable for recall. Employees who do not keep a current home address on record with the Payroll Department will lose their recall rights.
6. Employees will be recalled according to needs of the City of Clarkston, their classification, and their ability to perform the job as determined by the City. Notice of recall will be sent by certified mail, return receipt requested, to the current home address on record with the Payroll Department. Unless an employee responds to the recall notice within seven (7) days following receipt of the notice, or its attempted delivery, the employee's name will be removed from the recall list and the employee will no longer have any job rights with the City of Clarkston.
7. Credit for seniority will continue to accumulate during any layoff of 30 days or less. Employees laid off for more than 30 days and subsequently recalled within one year from the date of layoff will be credited with the years of service accumulated at the time of layoff.
8. If the layoff is expected to exceed 30 days, vacation pay equal to the number of unused vacation days accrued will be paid at the time of layoff. Employees who are laid off will not accrue vacation or sick leave during the layoff.

## **POLICY 213    TERMINATION OF EMPLOYMENT**

The City of Clarkston may terminate employment with or without notice and with or without cause, unless otherwise specified in the collective bargaining agreement or Civil Service Rules. Discharge can be for any reason not prohibited by law. In the absence of a specific written agreement, employees are free to resign at any time and for any reason, although the City requests advance notice to assist with transition.

1. Employees are requested to give advance written notice of their intent to resign including the anticipated date of termination. Failure to give advance written notice may result in ineligibility for re-employment. The following guidelines are suggested:
  - a. Department heads and managerial employees should give at least four weeks' notice; and
  - b. All other employees should give at least two weeks' notice.
2. Employees who are absent from work for three consecutive days without being excused or giving proper notice will be considered as having voluntarily quit.
3. The Payroll Department is responsible for notifying terminating employees who are covered by the City's group health plan of their right to continue coverage under that plan.
4. Supervisors should send notices of resignation or termination to the Payroll Department.
5. Requests for employment references should be made in writing to the appropriate department head and should include an authorization by the employee for the release of the requested information. Generally, the City will not release reference information without the employee's authorization, or will limit the information to verification of the employee's position, job location and dates of employment. Employees may request that their supervisor provide a letter of recommendation. A copy of any such letter provided should be placed in the employee's personnel file.

## **POLICY 214 RETIREMENT**

The City of Clarkston determines employees who are eligible for normal retirement per the guidelines in the Washington State Department of Retirement Systems Handbook that is applicable to the employee's job classification. Regular uniformed employees in the police and fire departments are covered by the Law Enforcement Officer's and Firefighter's Retirement System (LEOFF). Regular full-time and eligible part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). The State of Washington determines eligibility, benefit levels, and contribution rates.

1. Employees who choose to take normal retirement are requested to give the City as much advance notice as possible, or at least 90 days. Employees who have given notice of either normal or early retirement may be called upon to assist in the training of their replacements.
2. Retiring employees are eligible to receive pay for accrued but unused vacation.
3. The Washington State Department of Retirement Systems (DRS) administers the retirement benefits. DRS contact information is as follows:

**DRS Mailing Address**

Department of Retirement Systems  
 P O Box 48380  
 Olympia, WA 98504-8380

**DRS Physical Address**

6835 Capitol Blvd  
 Tumwater, WA 98501

**Phone**

(360) 664-7000 or toll free 1-800-547-6657

**Website**

<http://www.drs.wa.gov>

When contacting DRS the following identifying information is necessary: Your name, retirement system plan and your Social Security number.

4. Retiring employees may be eligible to reapply for employment, and those who are interested in future temporary or part-time employment with the City should make that interest known at their exit interview. Hiring an applicant who is receiving retirement benefits must comply with State of Washington regulations.

## **POLICY 215 RETALIATION**

The City of Clarkston does not tolerate unlawful retaliation against employees, volunteers or contractors who engage in protected activities. Retaliation occurs when an employee, volunteer, or contractor suffers employment-related adverse consequences as a result of his/her protected activity.

1. Protected activities include, but are not limited to, the following activities:
  - a. Reporting unlawful discrimination, harassment, or retaliation;
  - b. Cooperating in an internal investigation regarding discrimination, harassment or retaliation;
  - c. Testifying in a legal proceeding regarding discrimination, harassment or retaliation;
  - d. Requesting reasonable accommodation for a disability or sincerely held religious belief or practice;
  - e. Reporting workplace safety issues;
  - f. Reporting financial irregularities or the mismanagement of public funds;
  - g. Reporting criminal misconduct;
  - h. Filing a worker's compensation claim, or;
  - i. Serving on a jury.
2. Employees, volunteers, and contractors do not receive protection for actions taken in bad faith. Bad faith occurs when the employee, volunteer or contractor provides false information with knowledge that the information provided is false.
3. Adverse employment-related consequences may include, but are not limited to, the following:
  - a. Termination of employment;
  - b. Demotion in position, responsibilities, or pay;
  - c. Suspension;
  - d. Other disciplinary action;
  - e. Reassignment to a less desirable position with less desirable duties;
  - f. Shunning or isolating; or
  - g. Harassment.
4. Retaliation Complaint Procedure:
  - a. Any employee, volunteer or contractor who feels that he/she has been the victim of unlawful retaliation in violation of this policy should report this concern to their department head. If the employee believes the department head is involved in the violation, or otherwise does not feel comfortable reporting to this person, the employee should report their concern to the Mayor.
  - b. The City will conduct an investigation into the merits of any allegation reported. This may include an investigation by a qualified investigator who is either an employee or a professional employed outside of the City.
  - c. If the allegation is found to have merit, the City will take prompt action to correct the unlawful conduct and remedy any violations that have occurred. Such corrective action may include disciplinary action against those employees found to have violated policy.

- d. Employees, volunteers, and contractors may seek redress at any time through the Washington State Human Rights Commission, the Equal Opportunity Commission, or through a court of law. Employees, volunteers, and contractors should attempt first to exhaust their remedies as outlined in the policy.
- e. All supervisory employees are assigned responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, taking immediate and appropriate corrective action if they witness inappropriate behavior, and notifying their department head if they receive a retaliation complaint. A supervisor's failure to carry out these responsibilities may result in discipline.

## **Pay Practices**

### **POLICY 301 SALARY ADMINISTRATION**

The City of Clarkston pays compensation that is nondiscriminatory and competitive. However, all compensation policy decisions must take into consideration the City of Clarkston's overall financial condition and competitive position.

1. New employees will generally be hired at the starting rate assigned to their job classification. Supervisors may recommend higher or lower starting rates depending on an applicant's experience or skill level or other competitive considerations. These recommendations will be reviewed and approved before implementation by the appropriate department head and the Mayor.
2. The Mayor or his designee is responsible for coordinating the continuing review of compensation and for making sure that each job is evaluated and assigned a salary range. This review should determine whether compensation accurately and fairly reflects each position's responsibilities and performance. No changes in the pay plan shall be made without council approval.

### **POLICY 302 PERFORMANCE APPRAISALS**

The City of Clarkston will evaluate the job performance of each employee periodically.

1. Supervisors should complete performance appraisals upon the following occasions:
  - a. By the end of the first six (6) months of employment (See Introductory/Probationary Period, Policy 208);
  - b. Then on an annual basis.

Between scheduled appraisals, supervisors should discuss with employees on an informal basis any performance issues that require attention and should keep records of any significant incidents. Supervisors may be authorized to retain information to aid in the development on an employee's performance appraisal.

2. In evaluating employees, supervisors should consider factors such as the experience and training of the employee, the job description, and the employee's attainment of previously set objectives and goals. Other factors that normally should be considered include knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, and acceptance of responsibility.

3. Supervisors should prepare a written appraisal of each employee's job performance. The appraisal should include the supervisor's comments and recommendations, an action plan for both the employee and supervisor, and performance goals for the next evaluation period.
4. Department heads should review each supervisor's written evaluation to help assure that the evaluation function has been properly completed in as uniform, fair and objective manner as possible.
5. The supervisor and employee should meet and discuss the evaluation and make written comments about any aspect of it. The employee and supervisor should then sign and date the evaluation and forward it to the Payroll Department for inclusion in the employee's personnel file. Employees may have a copy of their completed performance appraisal for their records.
6. Information derived from the performance appraisal may be considered when making decisions affecting training, pay, promotion, transfer or continued employment.

### **POLICY 303 PAY PROCEDURES**

The City of Clarkston pays employees by check or direct deposit in a manner so that the amount, method and timing of wage payments comply with any applicable laws or regulations.

1. Employees normally will be paid on the fifth (5<sup>th</sup>) and the twentieth (20<sup>th</sup>) of the month. If the regular payday occurs on a Saturday, Sunday or a holiday, employees will generally be paid on the last working day before the regular payday.
2. Employees may elect to receive payment by direct deposit by providing written authorization and filling out the necessary forms with the Payroll Department. Direct deposit will remain in effect until revoked in writing by the employee.
3. Employees on each payday will receive, in addition to their pay, a statement showing gross pay, deductions, health and welfare benefits (if applicable) and net pay. State, federal, Social Security taxes, and retirement contributions shall be deducted automatically. No other deductions will be made unless required or allowed by law, contract or employee obligation. Employees may elect to have additional deductions taken from their pay only if they authorize the deduction in writing.
4. Employees who discover a mistake in their paycheck, lose their paycheck or have it stolen should notify the Payroll Department immediately. In the case of a mistake made by the City the error will be remedied promptly. In the case of loss or theft the Finance Department will attempt to stop payment on the check and reissue a new one to the employee. However, the employee is solely responsible for the monetary loss and the City of Clarkston will not be responsible for the loss or theft of a check if it cannot stop payment on the check.
5. Nonexempt employees will be paid overtime compensation, either in cash or compensatory time off, at the rate of one and one-half times their regular hourly rate for work in excess of forty hours during their normal work week.
6. Employees who wish to authorize another person to pick up their paycheck must provide written authorization.

## **POLICY 304 LONGEVITY PAY**

The City shall pay each regular full-time employee an additional \$3.00 per month for each year of service as a longevity pay plan. The amount shall be pro-rated for regular part-time employees who are scheduled to work at least 20 hours per week.

## **Reimbursement of Employee Expenses**

### **POLICY 401 TRAVEL**

The City encourages training opportunities for employees and supervisors in order that services rendered to the City will be more effective. Business travel must be approved in advance and should be engaged in and reimbursed according to policy.

1. Employees holding jobs that require extensive travel are expected to travel as a condition of employment. For all other jobs, travel is considered only an incidental function of the position, but may be required.
2. Department heads or the Mayor must approve any employee travel in advance.
3. The City of Clarkston may issue guidelines specifying or restricting travel booking requirements. Under normal circumstances, employees should use the most appropriate form of transportation available, book the least expensive fares and stay in and eat at moderately priced establishments.
4. Employee expenses for approved business travel will be reimbursed when properly documented by the employee and approved by the supervisor. Examples of expenses normally paid or reimbursed include transportation, meals, lodging and limited incidental expenses. Employees will not be reimbursed for the travel (including lodging and meal) expenses of their spouses, domestic partner or other non-employees who may accompany the employee.
5. With respect to local business expenses: Meals should be limited to those incurred by elective and appointed officer and employees of the City while they are conferring, consulting or meeting with non-city officials, technicians or executives, the city council or any committee thereof, or approved professional organizations, or where work schedules or commitments of the participants make the business appropriate for purposes generally associated with routine official duties of such city personnel.
6. Employees traveling on City of Clarkston business are representatives of the City and are expected to maintain a high level of professionalism and to follow all of the City of Clarkston's policies and rules.
7. Per diem for meal expenses while on city business locally or while traveling away from home is as follows:
  - a. Breakfast \$15.00
  - b. Lunch \$20.00
  - c. Dinner \$25.00

Receipts are not required for meal allowance. Meals served with approved meetings and seminars as part of the registration expense may exceed the amounts identified above.

Per diem for meals provided as part of a conference or training that are included in the cost of registration and meals provided as part of the cost of lodging (usually breakfast) will not be allowed.

8. Reimbursement for travel expenses – The following reasonable employee travel expenses are reimbursable:
  - a. City Vehicle Out of Area – Cost of the vehicle operation such as gas, oils, tires and necessary repairs.
  - b. Personal Vehicle – When a city vehicle is not available, employees using a personally owned vehicle will be reimbursed for mileage at the current Internal Revenue Service Rate. Be aware that the vehicles owner’s insurance is primary in this case and the City’s insurance does not cover the vehicle.
  - c. Alternative Travel – Alternative methods of travel must be approved in advance. Actual cost of alternative travel shall be reimbursed upon the presentation of a verified vendor’s receipt.
  - d. Incidentals – Incidental expenses such as parking, bus, toll or taxi will be reimbursed upon presentation of a vendor’s receipt.
  - e. Accommodations – Reasonable hotel/motel accommodations for employees will be reimbursed or paid at the single-room rate of the specific hotel or motel. A vendor’s receipt for this category is required for all claims.

#### **POLICY 402 VEHICLE USAGE**

The City of Clarkston provides vehicles for business use, to allow employees to drive on City business, and reimburses employees for business use of personal vehicles according to the guidelines below. The City retains the right to amend or terminate travel policy at any time.(The term “vehicle” as used in these guidelines includes, but is not limited to, cars, trucks, backhoes, front-end loaders and any motorized watercraft.)

1. Employees may not drive any vehicle for City of Clarkston business without prior approval of their supervisor. Employees to whom fuel cards are issued are required to follow the City’s fuel card policy and procedures. Periodically, before approving a driver, each supervisor should check the employee’s driving record, with the employee’s consent; and verify the existence of a valid driver’s license and personal auto liability coverage. Employees approved to drive on City business are required to inform their supervisor of any changes that may affect either their legal or physical ability to drive or their continued insurability.
2. Employees holding jobs requiring regular driving for business as a condition of employment must be able to meet the driver approval standards of this policy at all time. Employees holding jobs where driving is a condition of employment must inform their supervisors of any changes that may affect the ability to meet the standards of this policy. For example, employees who lose their license must report this to their supervisor. For all other jobs, driving is considered only an incidental function of the position.
3. Vehicles are assigned to departments that have demonstrated a continued need for them.
4. Employees who need transportation in the course of their normal work may be assigned a City vehicle for their use. All other employees needing transportation for City business may use

vehicles assigned to their department. When no City vehicles are available, employees may use their own vehicles for business purposes with prior approval of their supervisor.

5. Employees who drive a vehicle on City of Clarkston business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely, follow all traffic laws, avoid distractions while driving, and maintain the security of the vehicle and its contents. Texting and talking on cell phones while driving is illegal. Employees are prohibited from texting or talking on cell phones while driving unless otherwise exempt by law. Employees are personally responsible for any driving infractions or fines as a result of their driving a City vehicle and must report them to their supervisor.
6. Smoking is not allowed in City vehicles. Employees who drive a City vehicle should ensure the vehicle is kept clean and free of litter.
7. Non-business passengers are prohibited from riding in City of Clarkston vehicles, i.e., family and friends, except for properly authorized ride-along programs.
8. Employees who use their personal vehicle for approved business purposes will receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance for such usage. When an employee chooses to use their personal vehicle for business travel when a City vehicle is available, the reimbursement will be for actual expenses and must be supported by vendor's receipts. Employees who operate personal vehicles for City business should obtain auto liability coverage for bodily injury and property damage with a special endorsement for Business Use, when necessary as determined by their personal insurance agent. The City's insurance policy will not cover a personal vehicle for damage.
9. Employees are prohibited from operating a City of Clarkston vehicle, or a personal vehicle for City business, when any physical or mental impairment causes the employee to be unable to drive safely. Additionally, employees shall not operate any City of Clarkston vehicle at any time, or operate any personal vehicle while on City business, while using or consuming alcohol, illegal or prohibited drugs, or prescription medications that may affect their ability to drive. These prohibitions include circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of impairment, illness, medication or intoxication.

### **POLICY 403 PARTICIPATION IN TRADE AND PROFESSIONAL ASSOCIATIONS**

The City of Clarkston encourages employees to participate in certain trade and professional associations where there is a clear benefit to the City of Clarkston.

1. Employees are encouraged to participate in trade and professional associations that promote City of Clarkston goals, individual skills development and professional recognition. However, employee participation in those organizations must not conflict with the City's interests and must fit within budgetary constraints.
2. The City may identify certain trade and professional associations in which representation is desirable and then designate the employees that it will sponsor for membership. Employees who are designated for membership act as City of Clarkston representatives in the association and are expected to promote its interests and to participate accordingly.
3. Employee participation in trade and professional association activities will not be considered as hours worked for pay purposes for employees classified as nonexempt under the Fair Labor Standards Act, unless participation is at the City's request or under its direction and control.

4. Department heads are responsible for coordinating representation in trade and professional associations and must receive prior approval from the Mayor. The following factors normally will be considered in selecting associations for representation and in designating employees to be sponsored for membership:
  - a. The nature and purpose of the association;
  - b. The potential benefit to the City of Clarkston, including enhancement of the City's reputation and the development of the employee's leadership and organizational skills;
  - c. The cost to the City;
  - d. The extent to which the City is already represented in the association; and
  - e. The employee's job responsibilities, length of service and overall qualifications for membership.
5. Department heads are responsible for planning, budgeting and approving the expenses of their employee's participation in association activities within their budgetary authority. The City will pay or reimburse the approved and reasonable expenses of employees sponsored for membership in trade and professional associations. Employees not sponsored for association membership may be eligible for reimbursement for the expenses of special association events, if the Mayor approves participation in the activity in advance.
6. Employees must have their supervisor's advance approval before soliciting or accepting any official position in a trade or professional association that will occur during regularly scheduled working hours.
7. Employees are encouraged to contribute articles, present papers, and give talks to trade and professional associations. However, employees must obtain prior approval for any communication that might represent the City of Clarkston's position or involve any information that is sensitive.

## **Employee Benefits**

### **POLICY 501 HEALTH AND WELFARE BENEFIT DISCLOSURE**

**POLICY:** The City of Clarkston provides its employees with various health and welfare benefits. Information and summaries intended to explain these benefit plans will be furnished to all plan participants and beneficiaries on a timely and continuing basis. The City reserves the right to modify, amend or terminate its health and welfare benefits as they apply to all current, former and retired employees. Additionally, the Administrator of each benefit plan has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms.

**1.0 Health Coverage.** The City of Clarkston Health Coverage policy is administered in accordance with the Employer Shared Responsibility provisions of the Patient Protection and Affordable Care Act, as amended (PPACA). Under the terms and conditions of this policy and City's health benefits plan, the City provides health coverage to full-time employees and their dependents up to age 26. The benefits, terms and conditions of the City's health benefits plan, including costs owed by eligible employees, are explained in a separate plan document (the "Plan") and/or in applicable collective bargaining agreements. If there are conflicts between this policy, the Plan and any collective bargaining agreements, the collective bargaining agreement shall control. If the agreement does not satisfy the minimum protections of the PPACA the parties shall negotiate a modification that at least meets the minimum.

## 2.0 Definitions and Classifications.

**Full-time.** At time of hire or change in job classification, employee is reasonably expected to work, on average, 30 or more hours per week. Full-time employees are eligible for health coverage and will be enrolled in health coverage as specified in the Plan. In no event shall the date of enrollment be later than the first day of the fourth calendar month following the date of hire or the date of change in job classification.

**Part-time.** At time of hire or change in job classification, employee is reasonably expected to work, on average, less than 30 hours per week. Part-time employees are subject to monthly and annual hours limitations and are generally not eligible for health coverage, unless they satisfy the criteria below or are otherwise entitled to coverage under the terms of the Plan or applicable collective bargaining agreement.

If, based on City prior approval, a part-time employee averages 30 or more hours per week during a measurement period (discussed below), the employee will be deemed a full-time employee, eligible for health coverage during a subsequent stability period (discussed below).

**Variable-hour.** At time of hire or change in job classification, the City cannot reasonably determine whether employee will or will not average 30 or more hours per week. Variable-hour employees are subject to monthly and annual hours limitations and are generally not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement. If, based on the City's prior approval, a variable-hour employee averages 30 or more hours per week during a measurement period (discussed below), the employee will be deemed a full-time employee, eligible for health coverage during a subsequent stability period (discussed below).

**Seasonal.** At time of hire or change in job classification, employee is hired or re-hired into a position for which the customary annual employment is approximately six months or less, beginning in approximately the same season of each calendar year. Seasonal employees are subject to a mandatory break in service of approximately six continuous months and are not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement.

**Dependents.** Children of full-time employees up to age 26 (including the entire calendar month in which a child turns age 26). Includes biological and adopted children and stepchildren. Also includes spouses. Excludes domestic partners and foster children. Dependents of full-time employees are eligible for health coverage.

**Volunteers.** Individuals who provide services to the City on a voluntary basis and whose compensation is limited to: (1) reimbursement for reasonable expenses incurred in the performance of services as a volunteer; (2) reasonable fringe benefits, excluding health coverage; and/or (3) nominal fees or honorarium provided in connection with services as a volunteer. Volunteers are not employees and are not eligible for health coverage.

**3.0 Work Hour Limitations:** For certain employee classifications, the City restricts the maximum annual and/or monthly hours of work.

**Full-time** employees are not subjected to an annual or monthly hours limitation and may work 30 or more hours per week, without limit, unless otherwise limited by City's overtime policy, job description, the terms of any applicable collective bargaining agreement, or the terms of any other City policy or agreement. Full-time employees are not subject to initial or standard measurement, administrative, or stability periods (discussed below).

**Part-time** employees are subject to an annual hours limitation and may not exceed 1500 hours annually without the City's prior approval. In addition to an annual hours limitation, part-time employees may not exceed 125 hours in any single calendar month without the City's prior approval. Part-time employees are subject to initial and standard measurement, administrative, and stability periods (discussed below).

**Variable-hour** employees are subject to an annual hours limitation and may not exceed 1500 hours annually without the City's prior approval. In addition to an annual hours limitation, variable-hour employees may not exceed 125 hours in any single calendar month without the City's prior approval. Variable-hour employees are subject to both initial and standard measurement, administrative, and stability periods (discussed below).

**Seasonal** employees are not subject to an annual or monthly hours limitation and may work 30 or more hours per week, without limit, unless otherwise limited by City's overtime policy, job description, the terms of any applicable collective bargaining agreement, or the terms of any other Employer policy or agreement. Seasonal employees are limited to an annual employment duration of approximately six months and must have an annual break in service of approximately six continuous months before being eligible for re-hire. Seasonal employees may work longer than six months with the City's prior approval. Seasonal employees are subject to initial and standard measurement, administrative and stability periods (discussed below).

#### **4.0 Measurement and Administrative Periods – Initial Periods.**

Employer uses a 12-month initial measurement period to measure the hours of new part-time, variable-hour, and seasonal employees.

The City uses an initial administrative period of not longer than two months, divided in two phases. The first phase begins on the date of hire of a new part-time, variable-hour, or seasonal employee and continues until the last day of that calendar month. The second phase begins at the end of the 12-month initial measurement period and lasts for one full calendar month. The purpose of the first phase of the initial administrative period is to reduce administrative complexity by consolidating all new part-time, variable-hour, and seasonal employees hired during a month into the same initial measurement and stability periods. The purpose of the second phase of the initial administrative period is to allow the City to calculate the hours worked by employees during the initial measurement period and to enroll eligible employees in health coverage.

The City uses a 12-month initial stability period for purposes of providing or excluding health coverage to new part-time, variable-hour, and seasonal employees. If an employee works an average of 30 hours or more per week during an initial measurement period, the employee will be deemed a full-time employee and will be eligible for health coverage during the initial stability period, regardless of the hours worked during the initial stability period, so long as the employee remains employed by the City. If an employee works an average of less than 30 hours per week during the initial measurement period, the employee will not be deemed a full-time employee and will not be eligible for health coverage during the initial stability period, regardless of the hours worked during the initial stability period.

<b>Initial Administrative Period (Phase 1)</b>	Begins on date of hire, continues until end of month.
<b>Initial Measurement Period</b>	Begins on first day of first full calendar month following date of hire and continues for 12 months.
<b>Initial Administrative Period (Phase 2)</b>	Begins on first day of first full calendar month following Initial Measurement Period and lasts for the entire month.
<b>Initial Stability Period</b>	Begins on first day of first full calendar month following Phase 2 of the Initial Administrative Period and continues for 12 months.

To determine the average hours worked by each employee during the 12-month initial measurement period, the City will divide the employee's total hours worked during the period by 52.

Example:

- Employee A is hired as a new variable-hour employee on April 2, 2015. Employee B is hired as a new part-time employee on April 15, 2015.
- Under the first phase of the initial administrative period, Employee A is placed into an initial administrative period from April 2, 2015 through April 30, 2015. Employee B is placed into an initial administrative period from April 15, 2015 through April 30, 2015. (*The purpose of the first phase of the initial administrative period is to reduce administrative complexity by consolidating all new part-time, variable-hour, and seasonal employees hired in the same calendar month into the same initial measurement and stability periods.*)
- Employee A and Employee B both have initial measurement periods beginning May 1, 2015 and ending April 30, 2016 (12 months).
- Employee A and Employee B are both subject to the second phase of the initial administrative period beginning May 1, 2016 and ending May 31, 2016 (one month). During this period, the City calculates Employee A's and Employee B's hours worked during the initial measurement period.
- Employee A and Employee B are both subject to an initial stability period beginning June 1, 2016 and ending May 31, 2017 (12 months). If either employee averaged 30 or more hours per week during the initial measurement period, he/she will be offered and enrolled in health coverage during the initial stability period. If either employee averaged fewer than 30 hours per week during the initial measurement period, he/she will be excluded from health coverage during the initial stability period.

## 5.0 Measurement and Administrative Periods – Standard Periods.

The City uses a 12-month standard measurement period to measure the hours of all ongoing part-time, variable-hour, and seasonal employees hired on or before the start of a standard measurement period.

The City uses a standard administrative period of 31 days. The purpose of the standard administrative period is to calculate the hours worked by employees during the preceding standard measurement period and to enroll eligible employees in health coverage during the resulting standard stability period.

The City uses a 12-month standard stability period for purposes of providing or excluding health coverage to ongoing part-time, variable-hour, and seasonal employees. If an employee works an average of 30 hours or more per week during a standard measurement period, the employee will be deemed a full-time employee and will be eligible for health coverage during the resulting standard stability period, regardless of the hours worked during the standard stability period, so long as the employee remains employed by the City. If an employee works an average of less than 30 hours per week during the standard measurement period, the employee will not be deemed a full-time employee and will not be eligible for health coverage during the resulting standard stability period, regardless of the hours worked during the stability period.

<b>Standard Measurement Period</b>	December 1 of each year through November 30 of the following year.
<b>Standard Administrative Period</b>	December 1 through December 31 of each year.
<b>Standard Stability Period</b>	January 1 through December 31 of each year.

To determine the average hours worked by each employee during the 12-month standard measurement period, the City will divide the employee's total hours worked during the period by 52.

Example:

- Employee C is an ongoing variable-hour employee who was hired on or before December 1, 2017 (the start of the Employer's standard measurement period).
- Starting in 2017, Employee C's standard measurement period begins December 1, 2017 and ends November 30, 2018 (12 months).
- Employee C's standard administrative period begins December 1, 2018 and ends December 31, 2018. During this period, Employer calculates Employee C's hours worked during the preceding standard measurement period. If Employee C averaged 30 or more hours per week during the preceding standard measurement period, Employee C will be eligible for health coverage during the resulting standard stability period. If Employee C averaged below 30 hours per week during the preceding standard measurement period, Employee C will be excluded from health coverage during the resulting standard stability period.
- Employee C's standard stability period begins January 1, 2019 and ends December 31, 2019 (12 months).
- Employee C's next standard measurement period begins December 1, 2018 and ends November 30, 2019 (12 months).

#### **6.0 Measurement and Administrative Periods – Overlapping Initial and Standard Periods.**

The City's standard measurement periods apply to all ongoing part-time, variable-hour, and seasonal employees hired by the City on or before the start date of a standard measurement period. New part-

time, variable-hour, and seasonal employees will be measured by both the City's initial measurement period and the first standard measurement period beginning on or after each employee's date of hire.

Example:

- Employee D is a new variable-hour employee, hired on September 29, 2015
- Employee D is subject to the first phase of the initial administrative period, beginning September 29, 2015 and ending one day later, September 30, 2015.
- Employee D is subject to an initial measurement period beginning October 1, 2015 and ending September 30, 2016.
- Employee D is subject to the second phase of the initial administrative period, beginning October 1, 2016 and ending October 31, 2016.
- Employee D is subject to an initial stability period beginning November 1, 2016 and ending October 31, 2017.
- Because Employee D was hired on or before Employer's 2015 standard measurement period, Employee D is concurrently subject to the standard measurement period beginning December 1, 2015 and ending November 30, 2016.
- Employee D is subject to a standard administrative period beginning December 1, 2016 and ending December 31, 2016.
- Employee D is subject to a standard stability period beginning January 1, 2017 and ending December 31, 2017.

Based on the overlapping nature of initial and standard measurement and stability periods, situations will arise where part-time, variable-hour and seasonal employees will be subject to simultaneous initial and standard measurement, administrative, and stability periods.

If the City determines an employee is eligible for health coverage during an initial measurement period or standard measurement period, the employee must be enrolled in health coverage for the entire associated stability period. This is the case even if the employee is determined to be eligible for health coverage during the initial measurement period but determined not to be eligible for coverage during the overlapping or immediately following standard measurement period. In such a case, the City may exclude the employee from health coverage only after the end of the initial stability period. Thereafter, the employee's eligibility for health coverage would be determined in the same manner as that of other ongoing part-time, variable-hour, or seasonal employees.

In contrast, if the City determines an employee is not eligible for coverage during the initial measurement period, but is eligible for coverage based on the overlapping or immediately following standard measurement period, employee will be eligible for health coverage for the entire standard stability period (even if the standard stability period begins before the end of the initial stability period). Thereafter, the employee's eligibility for health coverage would be determined in the same manner as other part-time, variable-hour, or seasonal employees.

#### **7.0 Rules Concerning Eligibility and Enrollment.**

To be enrolled in health coverage under the Plan, eligible employees must comply with all applicable application requirements and deadlines. Failure to do so may result in delayed or no enrollment until the next annual enrollment period or upon a qualified change in status.

If an eligible employee's payment for the cost of health coverage is untimely, the terms of the Plan provides when coverage terminates and whether there is a grace period for payment. The City is not required to provide health coverage the period for which the cost of health coverage is not timely paid and may terminate coverage.

Eligible employees have the right to waive enrollment in the City's health coverage. Employer will provide a written waiver that must be timely completed, signed, and submitted by an eligible employee desiring to waive enrollment. Unless the Plan specifies otherwise, a new waiver must be completed annually. The City will provide otherwise eligible employees who previously waived enrollment in health coverage the opportunity to enroll at least once annually.

#### **Hours for Paid and Unpaid Leave during Measurement Periods.**

Hours of service for employees during measurement periods include both actual hours of service worked in addition to paid hours for vacation leave, sick leave, holiday leave, or other paid leave.

Periods of unpaid leave, including unpaid FMLA or military leave, are excluded from the hours calculation during any measurement period. *Example:* Employee E is a variable-hour employee subject to a 12-month (52 week) standard measurement period. During the standard measurement period, Employee E takes four weeks of unpaid FMLA leave. The four weeks of unpaid FMLA leave are excluded from the hours calculation. The average is calculated by the total hours worked by Employee E during the standard measurement period (12 months), divided by 48 weeks (instead of 52 weeks).

Administrative periods overlap with measurement and stability periods. Employees offered health coverage during a stability period must remain enrolled in coverage during a subsequent administrative period. Employees excluded from health coverage during a stability period remain excluded from coverage during a subsequent administrative period.

#### **8.0 Breaks in Service.**

Employees, regardless of classification, who separate their employment with the City, voluntarily or involuntarily, must have a break in service of at least 13 consecutive weeks before being eligible for re-hire. Employees re-hired after a break in service of at least 13 continuous weeks will be treated as a "new" employee, without any consideration given to previous hours worked or previous measurement or stability periods that may have applied prior to separation.

Employees who are re-hired into full-time positions must be enrolled in health coverage no later than the first day of the fourth calendar month following their date of re-hire. Employees who are re-hired into part-time, variable-hour or seasonal positions are subject to the City's initial measurement, initial administrative, and initial stability periods.

The City reserves the right to suspend this rule on a case-by-case basis.

## **502 VACATIONS**

The City of Clarkston grants annual vacations with pay to regular full-time and regular part-time employees in accordance with the guidelines established below or as provided in a collective bargaining agreement.

1. Vacations are accrued or earned based on the employee's length of service and on the time actually worked. Vacation does not accrue when an employee is on an unpaid leave of absence.
2. Employees must work 1,600 hours before he or she shall be entitled to use any or all of the accrued vacation leave.
3. Full-time employees will accrue paid vacation according to the following schedule:

Service Period	Vacation Accrual	Maximum Accrual
Month 1 through 12	3.33 hours per month (40 hours)	40 hours
Months 13 through 48	6.67 hours per month (80 hours)	120 hours
Months 49 through 108	10 hours per month (120 hours)	180 hours
Months 109 through 168	13.33 hours per month (160 hours)	240 hours
Months 169 and thereafter	16.67 hours per month (200 hours)	300 hours

4. Vacation leave may be accumulated to an amount not in excess of one and one-half times the amount earnable in a one-year period for which the employee is in at the time of accumulation. Employees whose vacation balance exceeds the maximum accrual will no longer accrue vacation benefits until the vacation balance falls below the maximum accrual. Employees are expected to monitor their accrual balance. Accumulation in excess of one and one-half time the earnable amount may be granted upon the employee securing advance written permission from the City or when the employee forgoes or postpones his or her vacation at the request of the City.
5. Regular part-time employees whose full time equivalency is 50% or more are entitled to vacation on a pro-rata basis. Regular part-time employees shall earn vacation leave proportionate to the number of hours that they work in a pay period divided by the number of hours a full-time employee works in the same pay period. Part-time employees working less than 20 hours per week and temporary employees do not receive paid vacation.
6. Vacation pay for full-time and part-time employees will consist of the employee's regular rate of pay for the vacation period.
7. Generally, employees should submit vacation requests to their supervisor at least four weeks in advance of the requested vacation date. Management reserves the right to approve when vacations are taken. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when feasible, to resolve vacation scheduling conflicts based on length of service. However, employees who want to change their plans after the vacation schedule has been approved lose their seniority consideration.
8. Employees may not cash out accrued vacation pay except upon termination.

### **POLICY 503 HOLIDAYS**

The City of Clarkston designates and observes certain days each year as holidays. Eligible employees will be given a day off with pay for each holiday observed.

1. The City of Clarkston observes the following holidays:

New Year's Day	January 1st
President's Day	3 <sup>rd</sup> Monday in February

Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1 <sup>st</sup> Monday in September
Veteran's Day	November 11th
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Day	December 25th
3 Personal Holidays	See below

Employees may select three (3) personal holidays each year. On January 1<sup>st</sup> each year, 24 hours of personal holiday time is added to an employee's record. Personal holidays are prorated for employees who work less than 12 months of the year or a part-time schedule. Personal holidays are prorated according to the employee's full time equivalency (FTE) in the payroll accounting system. Personal holiday hours are not carried over from one year to the next. Any unused personal holidays at the end of the year are forfeited.

2. Full-time employees receive their regular rate of pay for each observed holiday. Part-time employees who are scheduled to work at least 20 hours per week are entitled to holiday pay. The amount of holiday pay is determined on the same basis as for full-time employees, but is based on the employee's FTE budget allocation. For example, an employee allocated at 50% FTE will receive 4 hours of holiday pay on each City approved holiday. Temporary employees and employees on unpaid leaves of absence or on layoff are not eligible to receive holiday pay.
3. If any designated holiday falls on a Saturday, the holiday shall be observed on the preceding Friday. If a holiday falls on Sunday, it shall be observed on the following Monday. Shift workers observe holidays on the actual day it occurs.
4. If a holiday occurs during an employee's vacation the employee will record the day as holiday pay on their timesheet.
5. An employee who is required by his or her department head to work on a recognized holiday shall be paid regular pay for the holiday plus one and one-half times his regular rate for the hours worked on the holiday.

#### **POLICY 504 LIFE INSURANCE**

The City shall provide each regular full-time employee under the age of 65 years with \$30,000 of life insurance protection, and in addition shall provide each dependent of the employee with \$5,000 of life insurance protection.

#### **POLICY 505 SHARED LEAVE**

1. The purpose of the shared leave program is to permit employees to aid a fellow employee who is suffering from or has an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his/her employment. The purpose of this policy is to establish rules and regulations governing the voluntary donation of vacation leave from one or more employees to another employee for sick leave purposes.
2. Leave Transfer Conditions. An employee may not transfer any vacation leave if the transfer would cause the employee's leave balance to fall below 80 hours. An employee may not receive

a total of more than 180 calendar days of leave for the entire duration of city employment. An employee must use all other leave balances (sick, vacation, compensatory, etc.) before using shared leave. Transfer of vacation leave is to be effective only upon approval from the mayor or his/her designee. Leave must be donated in increments of not less than four hours. Shared leave shall be used to fund only the base salary of the receiving employee. Employees who donate vacation leave waive all rights to the donated time.

3. Definitions:
  - a. "Employee" means any employee of the City who is entitled to accrue sick leave or vacation leave.
  - b. "Donated leave" means the amount of vacation leave donated by an employee under the shared leave program.
  - c. "Shared leave" means the amount of vacation leave credited to an employee under the shared leave program. This may be more or less than the hours donated depending on the relative salary rates of the respective employees.
4. Computation of Leave Transferred. The value of leave transferred is to be based upon the current base salary rate of the person receiving leave. The receiving employee will continue to be paid his or her regular base rate while on shared leave. Therefore, one hour of donated leave may cover more or less than one hour of the recipient's salary.  
To simplify the calculation of leave transfers, the value of donated leave shall be calculated on base salary rates. The base salary rates are to be each employee's current hourly rate based upon the applicable compensation plan (or monthly rate divided by 173 hours or 228 for 24-hour employees) at the time each transfer is made.

## **City of Clarkston Premises and Work Areas**

### **POLICY 601 EMPLOYEE SAFETY AND THE SAFETY COMMITTEE**

The City of Clarkston complies with applicable federal, state and local health and safety regulations and provides a work environment as free as practicable as possible from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by the City of Clarkston or by federal, state or local law.

1. The City of Clarkston has appointed a Safety Committee to oversee the City's safety policies and procedures.
2. All employees are responsible for ensuring that they understand and comply with all City of Clarkston safety rules, regulations and procedures. All employees are responsible for:
  - a. Being familiar with all safety and health procedures relevant to the operations under their supervision;
  - b. Inspecting their work area periodically;
  - c. Identifying conditions that are recognized as being unsafe; and
  - d. Promptly reporting accidents and injuries, regardless of how serious or minor, to the immediate manager, department head and the Payroll Department immediately and insuring that any injured employee is referred to appropriate medical care.

Supervisors should complete a Safety Orientation Checklist upon hiring a new employee and before the new employee begins work. This is to ensure that the employee understands and complies with the safety rules, regulations, and procedures within their department. The completed and signed form should be included in the employee's personnel file.

3. Employees should report to their supervisor or the Safety Committee all observed safety and health violations, potentially unsafe conditions, and any accidents resulting in injuries to employees or the public. Employees are encouraged to submit suggestions to the Safety Committee concerning safety and health matters.
4. Violations of City safety rules, regulations or procedures may result in disciplinary action, up to and including termination.
5. CPR, First Aid and Blood Borne Pathogen Training  
 Employees are offered CPR and First Aid training. Depending on the employee's job assignment the training may be mandatory.  
 Employees whose job descriptions warrant them to take Blood Borne Pathogen training should, if possible, be scheduled to attend training as soon as possible after employment. Supervisors are responsible to ensure that their employee's Blood Borne Pathogen certification remains current.  
 Employees who may be exposed to Hepatitis B have the option to receive Hepatitis B vaccinations paid for by the City. Employees will be advised during orientation of the risks associated with their job classification and given the opportunity to accept or decline the vaccinations.

## **POLICY 602 PERSONAL PROPERTY**

The City of Clarkston asks employees to refrain from bringing unnecessary or inappropriate personal property to work.

1. The City recognizes that employees may bring certain personal items to work, such as family photographs, houseplants, or other small decorative items for their work spaces. However, personal property that is not related to the employee's job performance may disrupt work or pose a safety risk to other employees.
2. Employees are expected to exercise reasonable care to safeguard unauthorized personal items brought to work. The City is not responsible for the loss, damage or theft of personal belongings, and employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work.
3. Employees in some departments may be assigned a locker or storage area.
4. To maintain security and protect against theft, the City reserves the right to inspect when presented with reasonable suspicion, all personal property brought onto City premises, including vehicles, packages, briefcases, backpacks, purses, bags and wallets. In addition, the City may inspect the contents of lockers, storage areas, file cabinets, desks, and work stations at any time and remove all City of Clarkston property and other items that violate City rules and policies.

## **POLICY 603    PARKING**

The City of Clarkston provides parking facilities, when practical, for the benefit and convenience of its employees, customers and visitors.

1. The City of Clarkston will provide parking for as many employees as practical. Special spaces may be designated for certain employees, customers and visitors.
2. The City owned parking lots are considered part of the City of Clarkston premises; therefore, all City policies and rules apply to employees and their vehicles while on the lots.
3. Employees who use the City of Clarkston lots do so at their own risk. The City assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle while on the parking lots. The City encourages employees to keep their vehicle locked while unattended.

## **POLICY 604    SECURITY**

The City of Clarkston makes reasonable efforts to provide for the security of its property, its employees and visitors to its premises.

1. Employees (unless required to carry a firearm or weapon as a condition of employment), are prohibited from possessing firearms or other weapons on City of Clarkston property and at events sponsored by the City. Employees (unless required to carry a firearm or weapon as a condition of employment) are further prohibited from carrying weapons in employer-provided vehicles or in personal vehicles while on City business. *(Note: while Washington State allows individuals the right to carry a concealed weapon, employers are able to prohibit weapons in the workplace, including in personal vehicles parked on the premises, at worksites, in employer-provided vehicles, or at employer sponsored events. (Cherry v. Metro Seattle, 116Wn. 2d 794, 808 P.2d 746 (1991). This cited reference indicates that since 1991 municipalities have had the right to prohibit employees from carrying weapons or possessing weapons in the workplace.))*
2. All personal property brought onto City of Clarkston premises, such as vehicles, packages, briefcases, backpacks, purses, bags and wallets, are subject to inspection with reasonable suspicion. In addition, the City may inspect the contents of lockers, storage areas, file cabinets, desks, and work stations at any time and may remove all City of Clarkston property and other items that are in violation of City rules and policies.
3. Employees working in sensitive or high security jobs must meet any applicable special security clearance requirement specified for those jobs (for example, police and fire employees). These requirements may include more extensive background checks, fingerprinting, bonding, or other special security measures. Failure or inability to meet or comply with any special security requirements is grounds for termination of employment or rejection of an applicant.
4. Employees may remain at their workplace outside of their normal working hours only when authorized to do so by their supervisor.
5. Employees are expected to exercise reasonable care for their own protection and for that of their personal property while on the City of Clarkston premises and while away from the premises on city business. The City assumes no responsibility for loss, damage or theft of personal property.

6. Employees are expected to know and comply with the City's security procedures and should report any violations or potential problems to the Police Department. Violations of City of Clarkston's security rules or procedures may result in disciplinary action, up to and including termination.

## **POLICY 605 NO SMOKING POLICY**

For health and safety considerations, the City prohibits smoking by employees in all City facilities, including City-owned buildings, vehicles and offices or other facilities rented or leased by the City, including individual employee offices. Smoking is permitted only in designated areas outside of the City's buildings and away from building doors and entries. Per RCW 70.160.075, smoking is prohibited within twenty-five feet from entrances, exits, windows that open and ventilation intakes that serve an enclosed area where smoking is prohibited.

## **Absences from Work**

### **POLICY 701 ATTENDANCE AND PUNCTUALITY**

The City of Clarkston requires employees to report for work punctually and to work all scheduled hours and overtime required by business necessity. Excessive tardiness and poor attendance disrupt workflow and customer service and will not be tolerated.

1. Supervisors should notify employees of the starting, ending and break times for their shift. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time. Supervisors should record all absences and, for nonexempt employees (those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act), any tardiness or early departure exceeding ten minutes.
2. Employees should notify their supervisor as far in advance as possible whenever they are unable to report for work, know they will be late, or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to the next level of management.
3. Employees will be compensated during authorized absences in accordance with the policies contained in Absences, Policy 702. Nonexempt employees will not receive compensation for time missed because of unauthorized tardiness or early departure if the time missed exceeds 10 minutes after starting time or before quitting time. Failure to notify the City properly of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action.
4. Employees who report for work in a condition considered not fit for work, whether due to illness, alcohol or drug use, or any other reason, will not be allowed to work.
5. Employees generally are expected to report for work during inclement weather conditions unless the Mayor or the Mayor's designee declares an emergency closing. During times of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work, so long as doing so does not endanger their personal safety. An employee who is unable

to get to work or leaves work early because of unusual weather conditions may charge the time missed to vacation, personal holiday, compensatory time or leave without pay.

6. Nonexempt employees will not be required nor permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost because of tardiness, unauthorized absence, authorized absence or any other reason if the result will be that the employee works more than forty hours during the workweek.
7. Employees must report to their supervisor after being late or absent, give an explanation of the circumstances surrounding their tardiness or absence, and when applicable, certify that they are fit to return to work. The supervisor should record the information in the employee's file. When appropriate, the supervisor should counsel the employee on the importance of good attendance and warn that excessive tardiness or absences may lead to discipline, up to and including termination.
8. Employees who are frequently away from the premises for business reasons should inform their supervisors of their whereabouts during working hours.
9. Unauthorized or excessive absences or tardiness may result in disciplinary action, up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Generally, absences in excess of those allowed in ABSENCES, POLICY 702, and tardiness or early departure (beyond ten minutes of starting or quitting time) more than three times in a three-month period are grounds for discipline.
10. Employees who are absent from work for three consecutive days without giving proper notice to the City of Clarkston will be considered as having abandoned the job. At that time, the City will formally note the termination and advise the employee of the action by certified mail to the employee's last known address.

## **POLICY 702 ABSENCES**

### **1. SICK / EMERGENCY LEAVE**

All regular employees of the City shall be entitled to one day per month sick leave, not cumulative in excess of 120 working days, subject to the following conditions:

- a. The department head may at his/her discretion, require verification of illness or injury by means of a physician's certification of the employee's illness or injury along with a physician's release before the employee again resumes his/her regular duties. If the illness or injury absence is for a period of three working days or longer, a physician's release shall be required.
- b. Part-time employees who are regularly schedule to work 20 hours per week or more shall earn sick leave on a pro-rata basis.
- c. Temporary and casual employees shall not be entitled to sick leave.
- d. Sick leave may be used for any of the following purposes:
  - i. Personal illness or incapacity of the employee;
  - ii. Forced quarantine of the employee by a public health official;
  - iii. To care for the employee's dependent children under age 18 who are ill;
  - iv. To attend the birth of the employee's child;
  - v. Use of a prescription drug that impairs job performance or safety;
  - vi. Medical or dental appointments of the employee or dependent children under the age of 18, when such appointments cannot reasonably be scheduled during off-duty time;

- vii. For any other purpose described in the WA Family Care policy (Policy 708).
- e. Employees shall be allowed up to three days' leave with pay for emergency in the immediate family upon approval of the department head. Immediate family shall include only father, mother, spouse, registered domestic partner, brother, sister, grandparents, or children of the employee or the employee's spouse or registered domestic partner. No emergency time off will be deducted from or charged to sick leave unless the employee is off the job in excess of three working days. Additional paid emergency time off in excess of three days may be granted by the Mayor.
- f. Emergency leave shall be given in cases of death, major surgery, traumatic situations (i.e., automobile accidents, etc.), childbirths, and any other case considered an emergency in the immediate family by discretion of the department head.
- g. Any employee found to have abused the sick leave or emergency leave privilege by falsification or misrepresentation may thereupon be subject to discipline up to and including termination.
- h. Bona fide doctor and dentist appointments requiring not more than three hours' absence from work shall not be counted against sick leave.
- i. Sick leave may be coordinated with certain other leaves (see Family and Medical Leave policy)
- j. Regular, full-time employees, not covered by a collective bargaining agreement, shall be compensated in cash for the unused accumulation of sick leave when they are permanently separated from employment by death, retirement or reduction in force according to the following formula: 50 percent after 10 years' service, 100 percent after 20 years' service.

### **POLICY 703 FAMILY MEDICAL LEAVE ACT - FMLA**

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

1. **Eligibility.** To be eligible for leave under this family and medical leave policy, an employee must have been employed by the City of Clarkston (City) for at least 12 months and must have worked at least 1,250 hours in the preceding 12 months and must work in a location where at least 50 employees are employed by the City within 75 miles.
2. **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:
  - a. To 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;
  - b. To care for the employee's spouse, registered domestic partner, child or parent who has a serious health condition;
  - c. 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
  - d. 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 of Clarkston defines “leave year” as the rolling twelve-month period measured forward from the date an employee uses any FMLA leave. FMLA leave for birth or placement for adoption or foster care must be concluded within 12 months of the birth or placement. Spouses who are both employed by the City are 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.

3. **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 service member who is the employee’s spouse, parent, child or next of kin. A covered service member is a current member of the Armed Forces, including 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 service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list. A covered service member may also be a veteran who was a member of the Armed Forces any time during the five years preceding his/her 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 policy may not exceed 26 weeks in the applicable leave year.
  
4. **Serious Health Condition.** For purposes of this FMLA policy, a serious health condition is an illness, injury, impairment or physical or mental condition that involves:
  - a. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility;
  - b. A period of incapacity of more than three consecutive, full calendar days from work, school, or other regular daily activities that also involves:
    - Two visits to a health care provider, OR
    - A single visit to a health care provider plus continuing treatment by (or under the supervision of) a health care provider;
  - c. A period of incapacity due to pregnancy or for prenatal care;
  - d. 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).

5. **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 birth or the 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 unduly disrupt the City's 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.
6. **Notice and Medical Certification.** The City requires that an employee provide the City with advance leave notice, with medical certification of the need for a leave related to a serious health condition, and with medical certification of the employee's fitness to return to work duty after the medical leave. Taking leave, or reinstatement after leave, may be denied if the following requirements are not met:
  - a. An employee must give the City at least 30 days' advance notice of his/her request for FMLA leave if the reason for the leave is foreseeable. If 30 days' advance notice is not possible, then the employee must give the City notice as soon as possible (which is generally the same day or the 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.
  - b. When leave is requested in connection with planned medical treatment, the employee must make a reasonable effort to schedule treatment in order to prevent disruptions to the City of Clarkston's operation.
  - c. The City requires that employees provide a medical certification to support a request for leave because of a serious health condition (the employee's, or a family member's). The City may require a second or third opinion at the City's option and expense. The City may also request periodic recertification.

- d. The City requires employees to provide a medical certification of fitness for duty to return to work after a medical leave.
- e. If an employee takes FMLA leave for more than ten consecutive days, the City requires that the employee report in, to his/her department head, at least every two weeks regarding the employee's status and intent to return to work, unless a different requirement is set by the department head.
- f. Upon return from family and medical leave, an employee shall be entitled to return to his/her former position or a position with equivalent pay, benefits and conditions of employment, unless unusual circumstances have arisen (i.e., 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.
- g. 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.
- h. 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 the Payroll Department to obtain further information and forms relating to FMLA leave.

#### 7. Continuation of Pay and Benefits

FMLA leave is unpaid leave. However, employees are required to use any accrued paid leave available to them as part of their 12 weeks of FMLA leave.

During all leave under this policy, 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. The employee's portion of the health insurance premium is due on or before the 1<sup>st</sup> of each month. Failure of the employee to pay his/her portion of the premium may result in cancellation of health insurance. If the 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.

#### **POLICY 704 PREGNANCY DISABILITY / MATERNITY LEAVE AND TO CARE FOR A NEWBORN**

Note: the pregnancy disability leave does not apply when the qualifying event is the placement of a newborn by adoption or foster care.

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 and health benefits are not automatically continued (unless the employee is also eligible for FMLA leave); however, accrued leave may be used and the employee may continue the insurance coverage at her expense.

#### **POLICY 705 WASHINGTON FAMILY LEAVE ACT**

The WFLA provides certain additional leave benefits to eligible employees. The WFLA largely mirror the FMLA, with the same eligibility standards and entitlements to 12 weeks of leave for family and medical reasons. In most situations, WFLA provides the same leave entitlement as (and runs concurrently with) FMLA leave and employees should follow the procedures described for both FMLA and WFLA leave. WFLA differs from FMLA leave only in the following respects:

- a. WFLA leave does not run concurrently with any leave taken for Pregnancy Disability leave; this affords an employee up to 12 weeks of additional time off to care for her newborn once she has recovered from the Pregnancy Disability.
- b. The WFLA does not provide leave for military exigencies or for military caregivers. Where such military-related leave is taken under the FMLA, it will not count against the 12-week leave entitlement available the WFLA.
- c. Continuation of employer-paid health insurance is not required during WFLA leave. Thus, during leave that is covered only by WFLA and FMLA, health insurance will not be automatically continued unless the employee elects continuation coverage at his/her expense.

#### **POLICY 706 JURY OR WITNESS DUTY**

Employees who are required by law to render jury service will be granted time off during a period of jury duty. Nonexempt employees will be paid their regular base rate for authorized absences to serve as a juror or subpoenaed witness, up to a limit of two work weeks per calendar year. Employees should notify their supervisors 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 to the supervisor. 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; in such cases, the City will provide documentation to the relevant court supporting the waiver request. Employees should contact their supervisor for instruction if there is a break greater than four hours during jury duty where the employee is not required to report to the court; depending on circumstances, an employee may be required to return to work during such a period.

An employee subpoenaed to testify in court will be granted time off for the period served as a witness. In general, leave for witness duty is unpaid unless the employee has been called as a witness by the City of Clarkston.

#### **POLICY 707 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 the rights to reinstatement, seniority, vacation, layoffs and compensation as are provided

by the federal Uniformed Services Employment and Reemployment Act (USERRA) and the Washington State Military Family Leave Act (MFLA).

1. Washington State Law provides 21 days of paid military leave per year. A public employee is entitled to a paid military leave of absence for a period not to exceed 21 working days each year beginning October 1<sup>st</sup> and ending the following September 30<sup>th</sup>. According to guidance from the Attorney General's office, a day is calculated according to the number of days the employee would have worked, but for the military leave. Military leave beyond the 21 days of paid time off will be unpaid. The employee may elect to use accrued vacation, compensatory time, or other available paid time off during the period of military leave.

Employees should notify their supervisor as soon as they receive notice of the need to report for military duty, and provide the supervisor with a copy of the military orders.

Employees who leave their job to perform military service are entitled to continue their employer-based health insurance for up to 24 months while on military leave. The employee is responsible for payment of the full cost of the premiums. If the employee opts to not continue health insurance coverage during military leave, the employee is still entitled to be reinstated in the employer's health insurance plan when reemployed without waiting periods or exclusions, except for military service related illnesses or injuries.

2. Leave for Spouses of Military Personnel (Non-FMLA). The Washington MFLA provides eligible employees that are the spouse of a member of the armed forces, National Guard, or reserves serving in military conflicts (conflict declared by the President or Congress) up to 15 days of unpaid leave per deployment when the military spouse has been notified of an impending call or order to active duty and before deployment or when the military spouse is on leave from 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 of Clarkston with notice of their intent to take the leave with five business days of receiving official notice that the employee's spouse will be on leave or of an impending call to active duty. The employee may substitute accrued vacation, compensatory time or other available paid time off for any part of this family military leave.

#### **POLICY 708 FAMILY CARE / USE OF ACCRUED LEAVE FOR SICK FAMILY MEMBER**

Consistent with the Washington Family Care Act, employees may use their choice of any accrued leave that they have available for their own use in order to care for their child, spouse, registered domestic partner, parent, parent-in-law, or grandparent as described below.

An employee may use available paid time off to care for their child where the child has a health condition requiring treatment or supervision, or where the child needs preventive care (such as medical, dental, optical or immunization services).

An employee may use available paid time off when a spouse, registered domestic partner, parent, parent-in-law, or grandparent has a "serious or emergency health condition" which are conditions:

- Requiring an overnight stay in a hospital or other medical-care facility;
- Resulting in any period of incapacity or treatment or recovery following inpatient care;

- Involving continuing treatment under the care of a health services provider that includes any period of incapacity to work or attend to regular daily activities; or
- Involving an emergency (i.e. demanding immediate action)/

Where the need for family care leave is unexpected, the City of Clarkston understands that advance approval of the use of leave (as is required for certain kinds of accrued leave) may not be possible. Employees are required, however, to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The City reserves the right to require verification or documentation confirming that a family member has or has had a “serious emergency” health condition when available leave is used to care for that family member.

#### **POLICY 709 BEREAVEMENT LEAVE**

In the event of the death of an employee’s immediate family member, time off with pay for the employee’s regular scheduled workday will be granted to regular full-time employees. Immediate family for the purpose of the bereavement policy includes the employee’s spouse, registered domestic partner, or the employee’s or spouse’s brother, sister, father, mother, grandparent, and children.

Three consecutive days with pay will be approved to attend the funeral or memorial service. Regular part-time employees who are scheduled to work 20 or more hours per week are eligible to receive bereavement leave. The amount of leave will be pro-rated for regular part-time employees.

#### **POLICY 710 LEAVE FOR REASONS OF FAITH OR CONSCIENCE**

##### **Unpaid Holidays for Reasons of Faith or Conscience.**

Consistent with State law, employees are entitled to two 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.

1. The leave is unpaid, however, the employee may elect to use accrued vacation, compensatory time or other available leave time.
2. Employees may select the days they desire to take the two unpaid holidays after consultation with their supervisor. If an employee prefers to take the two unpaid holidays on specific days, then he/she will be allowed to take the unpaid holidays on the days selected unless the absence would impose an undue hardship, or his/her presence at work is necessary to maintain public safety. “Undue hardship” means significant difficulty or expense, 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.
3. If possible, an employee should submit a written request for an unpaid holiday to his/her supervisor a minimum of two weeks prior to the requested day off. Approval of the unpaid holiday 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 unpaid holidays.

4. 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.

#### **POLICY 711 DOMESTIC VIOLENCE/SEXUAL ASSAULT LEAVE**

The City is committed to working with employees who are victims of domestic violence, sexual assault or stalking, to prevent abuse and harassment from occurring in the workplace.

1. This leave is available to employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member (child, spouse, 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. The leave may be taken in blocks, intermittently, or on a reduced leave schedule. The amount of leave that an employee may take is limited to a “reasonable” amount. Domestic violence, sexual assault leave is unpaid, although an employee may elect to use the employee’s accrued paid leave (e.g., vacation, sick leave if it qualifies, or compensatory time) in connection with such leave.
2. Domestic Violence/Sexual Assault Leave may be taken for the following purposes:
  - a. 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;
  - b. 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;
  - c. To obtain (or assist a family member in obtaining) services from a domestic violence shelter, rape crisis center, or other social services;
  - d. To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or
  - e. 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.
3. **Notice.** 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.

Verification will be required by the City. An employee may provide one or more of the following: a police report indicating the employee or employee’s family member was a victim; a court order providing protection to the victim; documentation from a healthcare provider, advocate, clergy, or attorney; an employee’s written statement that the employee or employee’s family member is a victim and needs assistance. Family relationships may be determined by birth certificate, court document, other similar record, or an employee’s written statement. The City will maintain the employee’s

information as confidential and will not require the employee to disclose information beyond the verification material listed above.

4. **Insurance Coverage.** During leave under this policy, 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 his/her portion of the premium may result in cancellation of health insurance. If an employee fails to return to work at the end of the leave, the employee may in some cases 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.

5. **Return to Work.** Upon return from domestic violence leave, an employee shall 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 (the employee's 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. Failure to return as agreed from an approved leave may be treated as a voluntary resignation of employment.

#### **POLICY 712 COORDINATION OF WAGES WITH WORKER'S COMPENSATION**

Worker's Compensation provides partial wage replacement for injured employees. Employees receiving Worker's Compensation as a result of a Labor and Industries Claim may choose to use their accrued sick leave or vacation leave to supplement the Worker's Compensation wage replacement. If an employee elects to use accrued leave while receiving Worker's Compensation benefits, the City will pay the employee his/her regular wages using accrued sick or vacation leave. If an employee elects this option, when the employee receives time loss payments from the Department of Labor and Industries, the employee must turn such payments over to the Payroll Department. The Payroll Department will use the worker's compensation payment to replenish the employee's sick leave or vacation leave balance that was drawn down at the employee's current hourly wage rate. Compensatory time is not eligible for buyback.

#### **POLICY 713 "OTHER" UNPAID LEAVE**

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

#### **POLICY 714 ADMINISTRATIVE LEAVE**

On a case by case basis, the Mayor may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used when it is in the City of Clarkston's best interest, such as during the pendency of an investigation.

**POLICY 715 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 vacation, sick leave, holidays, retirement, and health insurance benefits. In certain cases, self-payment of insurance premiums may apply.

**POLICY 716 OUTSIDE EMPLOYMENT**

Employees who are on an approved leave of absence may not perform work for any other employer during that leave except when the leave is for military service or explicitly approved by the Mayor.

**POLICY 717 REST AND MEAL BREAKS**

The City provides for rest and meal breaks during the course of the workday.

1. Nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) should receive, unless job conditions do not permit, a rest break of ten minutes at approximately the middle of every four hours of work not interrupted by a meal period.
2. Time spent on rest breaks will be compensated as work time. Employees are expected to be punctual in starting and ending their breaks.
3. Full-time employees and employees scheduled to work more than five consecutive hours are allowed a meal break near the middle of the workday. Meal breaks are typically sixty minutes, but may vary according to department and schedule.
4. Supervisors are responsible for scheduling the time for employees' rest and meal breaks and should consider the workload and nature of the job performed. Whenever necessary, the frequency and time of rest periods may be changed.
5. Employees scheduled to work more than ten hours in any workday will be allowed a second meal break no later than six hours after returning from their first meal break.
6. Nonexempt employees will not be compensated for their meal breaks unless they are required to work during their breaks.
7. Employees on rest or meal breaks should not interfere with other employees who are continuing to work.

**POLICY 718 BREASTFEEDING BREAKS**

For one year after the birth of a child, employees who are nursing are entitled to breaks of reasonable duration each time the employee has a need to express milk. If the employee expresses milk during a standard 10-minute rest break she will be paid for the time. If the employee is taking an additional break for the purpose of expressing milk, the time will be unpaid. The City will provide a location, free from intrusion from coworkers or members of the public, which may be used for this purpose. Employees will not be retaliated against for exercising their rights under this policy.

**Personal Conduct****POLICY 801 STANDARDS OF CONDUCT**

The City of Clarkston strives to provide outstanding service to our community, and management 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 that expectation.

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 and use good judgment in performing their job duties. Conduct that interferes with City operations, is detrimental to the City, and/or is offensive to coworkers or the public will not be tolerated. It is not possible to list all of the forms of behavior that are considered unacceptable in the workplace. The following are examples of behavior that is against City policy and that will result in disciplinary action, up to and including termination of employment.

- Failure to treat co-workers, constituents, 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, constituent, or any other person;
- Violation of City policy regarding workplace violence;
- Engaging in any form of sexual or other unlawful harassment of, or discrimination or retaliation towards, another employee, a client, a constituent or other third party;
- Falsifying or altering any City record or report, such as an employment application, medical reports, 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 where prohibited by City policy, local ordinance or State law;
- Using profanity or abusive or offensive language;
- Sleeping on the job;
- Disclosing confidential information regarding the City or City employees or constituents;
- 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;
- Making, publishing or repeating false, vicious or malicious statements concerning a co-worker or client;
- Reporting to work under the influence of alcohol, illegal drugs, controlled substances or narcotics, or using, selling, dispensing, or possessing illegal drugs or narcotics on City premises;
- Dishonesty;
- Fighting; or
- Engaging in off-duty misconduct that interferes with an employer'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 City policies or any conduct considered inappropriate or unsatisfactory may subject an employee to disciplinary action. Disciplinary action may include, but is not limited to, verbal warning, written warning, suspension, demotion or termination. The City, in its sole discretion, will determine the appropriate disciplinary response to misconduct or unsatisfactory performance. While the City supports the concept of progressive discipline, use of progressive discipline should not be construed to modify an employee's at-will status.

Depending on the nature of the behavior at issue, the City may place an employee on 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.

### **POLICY 802 PERSONAL APPEARANCE OF EMPLOYEES**

The City of Clarkston requires each employee's dress, grooming and personal hygiene to be appropriate to the work situation. Employees are expected at all times to present a professional image.

1. Employees are expected at all times to present a professional image to customers and the public. Professional personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the City. Radical departures from personal grooming and hygiene standards are not permitted.
2. Office workers and any employees who have regular contact with the public must comply with the following personal appearance standards and are expected to dress in a manner that is considered professional attire in similar business establishments. Employees should not wear suggestive attire or athletic clothing or similar items of casual attire that do not present a professional appearance.
3. Employees who do not regularly meet the public should follow basic requirements of safety and comfort, but should still be as neat and professional as working conditions permit.
4. Certain employees may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms, depending on the nature of their job.
5. On Fridays, the City allows employees (who are not required to wear a uniform) to dress in a more casual fashion than is normally required; however, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.
6. Accessories should be in good taste, with limited visible body piercing and no visible tattoos that may be offensive to others. Some customers are allergic to the chemicals in perfumes and make-up, so wear these substances with restraint. Hats and head covers that are required for medical or religious purposes or to honor cultural tradition are allowed.
7. An employee who does not meet the standards of this policy may be required to take corrective action, which may include leaving the premises. Non-exempt employees will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy may also result in disciplinary action.

### **POLICY 803 PERSONAL FINANCES OF EMPLOYEES**

The City of Clarkston expects employees to meet their financial obligations in a manner so as to not adversely impact or reflect upon the City.

1. The City may conduct credit checks of applicants for employment in accordance with its hiring policy and consistent with the law. In general, credit checks will only be conducted for individuals applying for a position that would require access to money.
2. The Payroll Department is the only person authorized to receive a writ of garnishment or attachment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. The Payroll Department will notify the affected employee and then will deduct the required amount from the employee's earnings, up to the limit permitted by law.
3. No employee will be disciplined because their earnings have been garnished for indebtedness.

## **POLICY 804 ELECTRONIC COMMUNICATIONS / TECHNOLOGY RESOURCES POLICY**

The proper stewardship of City electronic resources is a responsibility that all City officials and employees share. Accordingly, except as provided below, City employees may not use City electronic resources for personal benefit or gain or for the benefit or gain of other individuals or outside organizations. Responsibility and accountability for the appropriate use of City resources ultimately rests with the individual City official or City employee, or with the City official or City employee who authorizes such use. City officials and employees should ensure that any personal use of City electronic resources permitted by this policy is the most efficient in terms of overall time and resources.

### **1. Definitions**

- a. "City Officials" include all elected officials and all Department Heads.
- b. "City Electronic Resources" include electronic and communications equipment, software, and systems, including, but not limited to: computers, computer networks, software, copiers, scanners, printers, other computer peripherals, telephones, fax machines, cellular phones, radios, applications such as the Internet, email, office systems, and other equipment or other property or resources under the official's or employee's official control or direction or in his or her custody or to which he or she has access.

### **2. Directives**

- a. The City wants its officials and employees to be aware that its security systems are capable of recording (for each and every user) each World Wide Web site visit, each chat, or newsgroup. The City may keep a log of employees accessing the Internet which will be periodically audited. No user should have the expectation of privacy as to his/her Internet usage.
- b. The City's Internet facilities and computing resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province or other local jurisdiction in any material way. Use of any City resource for illegal activity is grounds for immediate suspension. Likewise, the City will cooperate with any legitimate law enforcement activity.
- c. Any software or files downloaded via the Internet into the City's network become the property of City. Any such files or software may be used only in ways that are consistent with their licenses and/or copyrights.
- d. Only those users who are duly authorized to speak to the media or in public gatherings on behalf of City may speak/write in the name of the City of Clarkston to any newsgroup or chat

- room. Employees may participate in newsgroups or chats outside of work hours, but they do so as individuals speaking only for themselves.
- e. The City has installed a variety of proxies and other security systems to assure the safety and security of its network. Any user who attempts to disable, defeat, or circumvent any security facility may be subject to disciplinary action.
  - f. Public access databases (e.g., World Wide Web servers, File Transfer Protocol servers) must not be created or implemented without prior approval by the Mayor's office.

### 3. General Provisions

#### a. Prohibition Against Use of City Electronic Resources for Personal Use

Except as provided below, no City Official or City employee may use City electronic resources for personal benefit or gain of the official, employee, or any other person. Except as provided in this policy, a City Official or employee may not make private use of City electronic resources.

#### b. Limited Exceptions to Prohibition Against Personal Use

The prohibition set forth in Section 4.A does not apply to the use of City resources to benefit another person if such use is consistent with the official or employee's official duties. Notwithstanding the prohibition against use of City electronic resources for personal benefit set forth in this policy, a City Official or employee may make occasional but limited use of City electronic resources if the following conditions are met:

- i. There is little or no cost to the City;
- ii. Any use is brief;
- iii. Any use occurs infrequently;
- iv. Any use of City electronic resources does not interfere with the performance of the official or employee's duties, and does not obligate other employees to use City resources;
- v. Any use does not disrupt or distract from the conduct of City business, including volume or frequency; and
- vi. The use does not compromise the security or integrity of City information or software.

#### c. Examples of "Occasional But Limited Use"

- i. Use of the email (or phone) during breaks to confirm that children have arrived home safely from school, confirming appointments with health care providers;
- ii. Use of the Internet during breaks, as long as such use does not interfere with official duties, pose a security risk, or consume excessive resources.
- iii. A City Official may authorize personal use of City electronic resources if he/she determines that such use promotes organizational effectiveness or enhances the job-related skills of the City Official or employee using such resources.
- iv. The Mayor may designate bulletin boards, either electronic or physical, which are authorized for personal use.
- v. The Mayor may authorize City-owned software to be installed on a personally owned computer upon request by a City Official; provided, the installation does not violate the software license. The City assumes no liability for such installation or use.

#### d. Absolute Prohibition

Notwithstanding the limited exceptions provided herein, the City absolutely prohibits the following personal uses of City resources:

- i. Any downloading of content from an Internet site.
- ii. Any downloading of software from the Internet.
- iii. Any use for the purpose of conducting an outside business of the City Official, employee, or a relative or acquaintance of the Official or employee.
- iv. Any campaign or political use, unless such use has been determined not to be a violation of RCW 42.17.130 and .190 by the City Attorney, the Washington State Attorney General, or the Washington Public Disclosure Commission, or as otherwise authorized by law.
- v. Commercial uses such as advertising or selling, whether for personal or business purposes, other than authorized charitable or community-based promotions as designated in this policy.
- vi. Any use for private benefit or gain, including use of City contracts with vendors for the purchase of goods or services.
- vii. Any illegal activity, including any use of the Internet, software, or any other property or resource that violates copyright laws.
- viii. City Officials and City employees may not play games on a City-owned computer, even if the game was preloaded on the computer as part of the manufacturer's operating system. Downloaded and interactive games have the potential to undermine the security of City information and systems.
- ix. Nothing in this policy is intended to limit the ability of a City Official to adopt policies for their offices or departments that are more restrictive than the prohibitions provided herein.

**e. No Expectation of Privacy**

The City reserves the right to monitor the activities of all City Officials' and employees' City computers, email, Internet, fax, cell phones, and other electronic and communications systems. Users shall have no expectation of privacy when using City resources. Such records may be subject to disclosure under the Public Records Act as codified or hereinafter amended or may be disclosed for audit or other legitimate City operational or management purposes. Any records created while conducting City business using personally owned communications devices may also be subject to disclosure.

**f. Violations – Penalty**

In order to safeguard City resources, violators of this policy may be denied access to City computing and network resources and may be subject to other disciplinary action within and outside the City. Violations of this policy will be handled in accordance with the City's established disciplinary procedures. The City may temporarily suspend, block or restrict access to computing resources and accounts, independent of such procedures, when it reasonably appears necessary to do so in order to protect the integrity, confidentiality, or availability of City computing and network resources, or to protect the City from liability. The City reserves the right to pursue appropriate legal actions to recover any financial losses suffered as a result of violations of this policy.

**4. SPECIAL PROVISIONS REGARDING COMPUTER ACCOUNTS**

**a. Security**

Management must authorize all access to central computer systems. Computer accounts are assigned to individual City Officials and City employees for their exclusive use. Users are responsible for all activities conducted with accounts assigned to them. Each user is responsible for establishing and maintaining a password that meets City requirements. Passwords must:

- Be changed every 90 days,
- Have a minimum length of 8 characters,
- Have a maximum length of 14 characters
- Be complex. Passwords should use three of the following four types of characters:
  - Lowercase
  - Uppercase
  - Numbers
  - Special characters such as !@#\$%^&\*(){}[]

Passwords should not be easy to guess and should not contain your:

- Name,
- Username,
- Nickname
- Family member names,
- Pet's name
- Social Security Number,
- Birthday,
- License plate number,
- Address,
- Phone number.

Passwords should not be shared with anyone (except IT) or documented in a manner that is easily accessed by others, (i.e. on a post-it note next to your computer).

User account and passwords are used to control access to City data resources based on an individual employee's need to access specific data. Users are responsible for data accessed, transmitted, copied, deleted, etc. to or from their computer account. To prevent unauthorized use, all users should log off of, or lock access to, all City computers and systems before leaving said computers or systems unattended. Data will not be copied or transmitted without the same access restrictions as those placed on the original data. This provision is not intended to restrict distribution of data resulting from public disclosure requests or the authorized release of information by the City. The independent contractor and other authorized individuals may, by nature of assigned duties and in support of authorized activities, be exempt from any or all of these provisions regarding computer accounts. Exceptions shall be authorized by the Mayor.

## **5. SPECIAL PROVISIONS REGARDING ELECTRONIC MAIL**

Electronic mail is an integral part of the City's communications. It is the policy of the City to encourage the responsible use of electronic mail whether internally or externally generated or viewed. This policy is meant to make all users aware of the risks associated with using electronic mail and to inform them of City's policy regarding such use. This policy applies to the electronic version of the messages and any paper or printed copies of the messages.

a. The primary purpose of the City's electronic mail system is to facilitate the timely and efficient conduct of City business. The system is also provided to encourage and facilitate the free exchange of business-related communications and ideas between employees.

**b. Right of Inspection**

i. The electronic mail system is intended for business purposes. Electronic mail communications constitute public records and the City has the right to access or monitor messages for work-related purposes, security, or to respond to public record requests. All messages should be composed with the expectation that they are public

ii. Users shall have no expectation of privacy in email messages, whether they are business related or an allowed personal use as provided herein. Use of electronic mail shall be considered consent to City Officials, managers, and other employees to inspect, use, or disclose any electronic mail or other electronic communications and/or data without further notice.

**c. Prohibition of Inappropriate Message Content**

Electronic mail should be businesslike, courteous, and civil. All the City's policies, including policies prohibiting discrimination and sexual harassment, shall apply to use of email. Email shall not be used for the expression of unlawful or discriminatory ill will or bias against individuals or groups, offensive material such as obscenity, vulgarity, or profanity, or other non-businesslike material. Sexually explicit material, cursing, and name-calling are expressly prohibited.

**d. Forwarding of Electronic Mail**

A user forwarding a message, which originates from someone else, may not make changes to that message without clearly disclosing the exact nature of the changes and the identity of the person who made the changes. Messages received from the City Attorney, or private attorneys acting on behalf of the City, its officers or employees, may be privileged communications and therefore, confidential, and these messages shall not be forwarded to non-City persons without the prior approval of the author.

**e. Misdelivered Messages**

If an electronic mail message comes to a user by mistake, the user should stop reading as soon as they realize the message was not meant for them and notify the sender or system administrator immediately.

**f. User's Responsibility for Security**

Users are responsible for the security of their electronic mail account password and any electronic mail that is sent via a user account. To protect a user account against unauthorized use, the following precautions should be taken: Log off from, or lock access to, the City computer before leaving it unattended. If user id logon is left open, and someone else uses it, it will appear as if user sent the message and user will be held accountable. Do not give out passwords. Users are responsible for messages sent via user account. Correspondingly, do not use or tamper with someone else's account without his/her knowledge and consent. Unauthorized use of an electronic mail account is in violation of this policy.

**g. Use of Non-City Email Accounts**

Non-City email accounts (like AOL, MSN, Yahoo!, Gmail, Hotmail, etc.) may not be used to conduct City business unless approved in advance by the Mayor. Likewise, a non-City email account may not be linked to a City email account. All City Officials and employees should be issued city e-mail accounts.

**h. Transmission of Confidential Information**

Use caution when transmitting confidential material via electronic mail. Electronic mail messages may be intercepted, viewed, and used for non-approved purposes, especially when corresponding via the Internet, a medium over which the City has no control.

**6. SPECIAL PROVISIONS REGARDING INTERNET WEB SITE ACCESS**

The City encourages effective and efficient use of all City equipment for completion of City business. This includes use of the Internet for City employees to provide information to City residents, businesses, and other governmental agencies to search for information, and for information exchange.

**a. Certain Use of Internet Prohibited**

The following are specific examples of prohibited activities/access. This policy applies to use of any Internet or Intranet access system including but not limited to the City's network, the City's wireless access system (while on duty and/or using City-owned equipment), specific accounts set up at remote sites, or other City Page owned or funded access. The City reserves the right to discipline and to remove Internet access for any employee for violation of this policy. Use of City equipment to access pornographic web sites is prohibited at all times, except by law enforcement personnel in the conduct of their official duties and with the express permission of the Chief of Police. Use of the City Internet access to buy or sell merchandise or services online for personal use is expressly prohibited. This prohibition includes but is not exclusive to bidding on auction items, responding to bidders or buyers messages, receiving bidding notifications or alerts, and/or accessing PayPal or other buyer or seller accounts. Use of the City's Internet access to access social media web sites (MySpace, Facebook, Twitter, etc.) is expressly prohibited, except by personnel in the conduct of their official duties and with the express permission of the Mayor. Use of "instant messaging" software is prohibited unless permission is granted by the Mayor, pursuant to a written request based on a business necessity. Use of City Internet access to create or forward chain letters is prohibited.

**b. Monitoring and Reporting of Internet Use**

It is the responsibility of City Officials to monitor and audit Internet web use within their department. Because there is the potential for employee abuse of the system, the City may monitor and record user access to Internet sites and provide the Mayor or City Council with information that can be used to track access to all Internet sites as required or requested to enforce City or department policy.

**c. Downloading Files**

The possibility of downloading a file with a computer virus is great and care must be taken not to contaminate any computers in the City. Files copied from an Internet site, or any other outside source, must be scanned by virus checking software prior to being used on a City computer. The independent contractor shall make options available for virus checking of copied files.

**7. UPDATING INFORMATION ON THE CITY'S WEBSITE**

The City requires each City Department to be responsible for developing and maintaining respective website information and designates the City Clerk with overall authority for ensuring that the information on the City's website is accurate and up to date. Except as provided in these guidelines, no other employee of the City has authority to add or delete information on the City's website without the Mayor's and/or City Clerk's permission.

## **8. SPECIAL PROVISIONS REGARDING CITY-OWNED CELL PHONES AND SMARTPHONES**

The purpose of the Cell Phone Use Policy is to provide guidance regarding the purchase and use of Cell Phones and establish the protocol for reimbursement by employees for personal use of City cell phones. It is the policy of the City to entrust employees with communications equipment for productivity and safety reasons; and it remains employees' responsibility to use such equipment prudently such that the safety of themselves, their co-workers and the general public is always their top priority. Employees who abuse this policy for whatever reason may be subject to disciplinary action, up to and including termination.

### **a. Protocol for City-Owned Cell Phones**

A cell phone is considered a requirement under one or more of the following conditions:

- i. Job responsibilities require an employee to be away from regular land line access for long periods of time and communication by the employee is necessary to fulfill job objectives.
- ii. Cell phone use enhances the employee's personal safety on the job.
- iii. The employee's role carries responsibilities such that the ability to conduct two-way communication is necessary at all times.

### **b. No Right to Privacy**

Employees have no right to privacy with respect to the use of City-Owned Cell Phones. This includes any and all voicemails, social media messaging, emails, text messages, call history and/or any other information stored on a cell phone, regardless of whether stored in the device or in remote sites and/or with remote services. The City has the right to inspect any and all City-Owned Cell Phones used by employees for such information at any time and without notice.

### **c. Authorized Use of City-Owned Cell Phones**

Cell phones provided by the City are the property of the City and are to be used to conduct City business as outlined below:

- i. Cell phones should not be used for personal use, except for necessary work related situations such as unanticipated overtime or family emergencies. Calls of this nature should be infrequent in number and brief in duration.
- ii. Employees must report non-work related, local and long-distance personal cell phone charges to the City and reimburse the City at the per-minute rate the City pays for minutes billable to the phone in excess of the "free-time" minutes if additional charges are incurred.
- iii. Cell phone use in violation of any local, state, or federal law is prohibited. Cell phone use in violation of City or department work policies or for the purpose of personal financial gain is prohibited. Cell phones may not be used for blogging, jokes, gambling, games, or social networking (e.g., Facebook, MySpace, Twitter).

Cell phone use for any discriminatory, derogatory, sexual, illegal, unethical or otherwise inappropriate remarks or purposes is strictly prohibited.

- iv. Cell phone use and text messaging with a City-owned or privately-owned cell phone is prohibited while the employee is operating a City-owned motor vehicle, except as provided in RCW 46.61.667. Speaking on the cell phone while driving should be done so only with a hands-free device. If no hands-free device is available, the driver shall pull to the side of the road in a safe location prior to answering or initiating cell calls. The use of hands-free technology is encouraged.

**d. Employee Responsibilities Regarding City-Owned Cell Phones**

- i. Protect the City-owned cell phone from theft, loss or damage.
- ii. Immediately report loss or theft of a City-owned cell phone to your supervisor or Department Director.
- iii. As cell phone calls are not secure, use discretion while making calls of a sensitive or confidential nature.
- iv. Immediately return the telephone to your supervisor or Department Director if it is determined that the phone is no longer necessary for your job or upon leaving employment with the City.
- v. City-owned smart phones shall be used in accordance to the City's Cell Phone Policy and Computer Use Policy

**e. Use of Personal Cell Phones to Conduct City Business**

The City recognizes that some staff members carry personal cell phones for their personal use. Use of those cell phones during business hours should be kept at a minimum to discourage adverse impact on employee or co-worker performance and safety. Employees using privately-owned cellular phones may be reimbursed by City for direct air time for calls to conduct authorized City business when evidenced by a billing detail. Reimbursement is made through the City's expense claim process with the billing detail attached. City business calls should be identified, including the name of the person/agency called and the reason for the call. Any violation of this Cell Phone Use Policy may result in disciplinary action, up to and including termination.

**9. Public Records Act**

Employees should be aware that work-related texts and voice messages on cell phones are public records subject to the Public Records Act. Employees have a duty to maintain such records in accordance with the Washington Local Government Record Retention Schedules. Users must manage their e-mail in accordance with records retention policies and procedures as defined with the City Clerk's Office.

**POLICY 805 CONFLICTS OF INTEREST**

The City of Clarkston prohibits its employees from engaging in any activity, practice, or conduct which conflicts with, or appears to conflict with, the interests of the City of Clarkston. The prohibitions included in this policy are not intended to be exhaustive and include only some of the more clear-cut examples.

- 1. Employees are expected to represent the City of Clarkston in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their supervisor.

2. Employees may not, directly or indirectly, whether on or off the job, engage in any conduct that is disruptive or damaging to the City of Clarkston.
3. Employees and their immediate family may not accept gifts, except those of nominal (i.e., less than \$20.00) value, or any special discounts or loans from any person or firm doing, or seeking to do, business with the City of Clarkston. The meaning of gifts for purposes of this policy includes the acceptance of entertainment and free travel and lodging.
4. Employees may not give, offer, or promise, directly or indirectly, anything of value to any representative or any entity in connection with any transaction or business that the City of Clarkston may have.
5. Employees may not accept any employment relationship with any organization that does business with the City of Clarkston. This prohibition on employment includes serving as an advisor or consultant to any organization of that type, unless the activity is conducted as an assigned representative of the City of Clarkston.
6. Any conflict or potential conflict of interest must be disclosed to the City. Failure to do so may result in discipline, up to and including termination.

### **POLICY 806 MEDIA INQUIRIES**

All media inquiries and other inquiries of a general nature should be referred to the Department Head. In addition, the Mayor must approve all press releases, publications, speeches, or other official declarations. The Mayor may authorize specific employees to respond to media inquiries on the City's behalf without prior approval. Questions about employee references or other information concerning current or former employees should be referred to the Payroll Department or the Department Head.

### **POLICY 807 DISCIPLINARY PROCEDURE**

The City of Clarkston expects that all employees comply with the City's policies, procedures and standards of behavior and performance and that noncompliance with these standards must be corrected.

1. Under many circumstances, the City of Clarkston utilizes a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right and discretion to administer discipline in any manner it sees fit, and to terminate all at-will employees with or without cause.
2. Depending on the circumstances, the City may utilize the following procedures:
  - a. Verbal Warning - In many situation a verbal warning or counseling is sufficient. The purpose of a verbal warning is to clarify policies and expectations. If an employee is not meeting City of Clarkston standards of behavior or performance, the employee's supervisor may take the following action:
    - i. Meet with the employee to discuss the matter;
    - ii. Inform the employee of the nature of the problem and the action necessary to correct it;
    - iii. Employee will be given an opportunity to explain the situation and their actions;
    - iv. Inform the employee that further disciplinary action up to and including termination, will follow if unacceptable behavior continues;
    - v. Prepare a memorandum for the supervisor's own records indicating that the meeting has taken place.
  - b. Written Warning - If the conduct addressed by a verbal warning is repeated or additional problems occur, the supervisor should follow up with a written warning. Or, if a single incident is more serious than is appropriate for a verbal warning, the supervisor

should issue a written warning. The supervisor should hold another meeting with the employee and take the following action:

- i. Issue a written reprimand to the employee which should describe the unacceptable conduct, outline expectations and state that further disciplinary action will occur if the behavior is repeated;
  - ii. Prepare and forward to the Payroll Department a written report describing the first and second incidents and summarizing the action taken during the meeting with the employee. This information will be placed in the employee's personnel file.
- c. Final Written Warning and/or Suspension - If the conduct addressed by the written warning is repeated or additional problems occur, discipline may progress to a final written warning, which may include an unpaid suspension. However, a single incident may be so severe as to merit an immediate final warning and suspension without pay.
- i. Issue a final written warning or unpaid suspension;
  - ii. The supervisor should prepare and forward to Payroll for the employee's personnel file another written report describing the occurrences, indicating the timing between the occurrences and summarizing the action taken or recommended and its justification.
- d. Termination – Employment may be terminated based on progressive discipline or based on the severity of a single incident.

Examples of single incidents that are sufficiently serious to warrant immediate termination include, but are not limited to, dishonesty, violation of the law, or significant risks to City of Clarkston operations or the safety or well-being of oneself or others.

2. The progressive disciplinary procedures described in (2), above, may also be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.

3. The degree of disciplinary action administered depends on the severity of the infraction and will be carried out in accordance with this policy, or in accordance with applicable Civil Service Rules and Regulations or collective bargaining agreements. It is the responsibility of management to evaluate the circumstances and facts thoroughly and objectively. In cases involving serious misconduct, or any time the supervisor determines it is necessary, the procedures contained above, may be disregarded.

4. Pre-disciplinary Hearing – In the case of suspension, demotion or termination of an employee, (other than introductory employees) the City will conduct a pre-disciplinary hearing. The pre-disciplinary hearing serves as a check against mistaken decisions and as an opportunity for an employee to furnish additional facts before a suspension, demotion or termination decision is finalized. The employee shall be provided with a written notice of intended discipline. The notice shall include an explanation of the charges on which the recommendation is based, and the time and date for a pre-disciplinary hearing. If the employee fails or refuses to appear, the City will make a discipline decision based upon the information available to it.

The hearings are intended to be informal. The employee may show cause why he/she should not be suspended, demoted or terminated. Generally, the Mayor will issue a decision regarding the appropriate level of discipline, if any, within three working days following the pre-disciplinary hearing. A longer review period may be required in more complex situations.

5. Non-represented employees who believe that this policy has not been followed, and wish to challenge the decision, must use the dispute resolution procedure.

## **POLICY 808 SUBSTANCE ABUSE POLICY – DRUG AND ALCOHOL USE**

Use of alcohol or any drug that is illegal under federal or state law (including marijuana) is a serious threat to personal health, 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 his/her body) of alcohol 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. Illegal drugs includes any drug prohibited by state or federal law, including marijuana. 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.

Any employee who is taking a medication that may be legally prescribed under both federal and state law should determine from his or her physician or pharmacist whether the prescription drug could impair his or her ability to perform the job safely and effectively. If the employee's performance of essential job functions may be functionally limited at work by use of a legal drug, he or she must promptly advise his or her manager so that reasonable accommodations can be considered.

Any employee experiencing difficulties with drugs or alcohol is encouraged to contact the City's Employee Assistance Program before the drug or alcohol issue affects his/her work performance.

To ensure compliance with this policy, the City may require drug and alcohol testing of employee based upon reasonable suspicion where the City's representatives reasonably suspect that an employee may be under any influence of drugs or alcohol, or any other situation that suggests that an employee is otherwise violating this policy. The City also reserves the right to search employee desks, lockers, work areas and personal property brought into the workplace where there is a reasonable basis to suspect a violation of this policy.

Pre-employment drug and alcohol testing is required for safety-sensitive positions, including police and fire and for employees who must hold a CDL to perform their jobs.

The City will impose disciplinary action, up to and including termination of employment, in the event of any of the following:

- a. Violation of this policy;
- b. A positive test result;
- c. Refusal or failure to submit to testing when requested to do so;
- d. Refusal to cooperate in the testing process; or
- e. Adulteration of any sample or tampering with any part of the testing process.

Alcohol and drug test results are maintained as employee medical records in an employee's separate medical personnel file. The City limits access to employee medical personnel files in accordance with applicable law, which generally means that test results are shared only with those who have a need to know the information.

## **Miscellaneous**

### **POLICY 901 PERSONNEL RECORDS**

The City of Clarkston maintains personnel records for applicants, employees, and past employees in order to document employment-related decision, evaluate and assess policies, and comply with government records keeping and reporting requirements.

1. The City of Clarkston attempts to maintain only the personnel information that is necessary for the conduct of its business or is required by federal, state or local law.
2. The Finance Department is responsible for overseeing record keeping for all personnel information and will specify what information should be collected and how it should be stored and secured.
3. Employees have a responsibility to keep their personnel records up to date and should notify the Payroll office in writing of any changes in at least the following:
  - a. Name;
  - b. Address;
  - c. Telephone number;
  - d. Marital status (for benefits and tax withholding purposes only);
  - e. Number of dependents;
  - f. Addresses and telephone numbers of dependents and spouse or registered domestic partner (for insurance purposes only);
  - g. Beneficiary designations for any of the City's insurance plans and for the State Department of Retirement Systems;
  - h. Persons to be notified in case of emergency.

In addition, employees who have a change in the number of dependents or marital status should complete a new Form W-4 for income tax withholding purposes.

4. Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Inspections by employees must be requested in writing to the Finance Department and will be scheduled at a mutually convenient time. All inspections must be conducted in the presence of a member of the Finance Department. A reasonable charge, not to exceed the actual cost to the City, will be made for any copies of records made by the employee.
5. Employees who believe that any file material is incomplete, inaccurate, or irrelevant may submit a written request for file revision to the Finance Department. If the request is not granted, the employee may place a written statement of disagreement in the file.
6. Only supervisory and management employees who have an employment-related need to know for information about another employee may inspect the files of that employee. The inspection must be approved and witnessed by the Finance Department.

7. Employees should refer all requests from outside the City of Clarkston for personnel information concerning applicants, employees, and past employees to the Payroll Office. The Office normally will release personnel information only in writing and only after obtaining written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who need specific employee information. In addition, exceptions may be made to release limited general information, such as the following: employment dates, position held and location of job site.
8. The City retains employment related documents according to the Washington State Retention Schedule and state and federal law.

## **POLICY 902 DISPUTE RESOLUTION**

The City of Clarkston believes that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a dispute resolution procedure. The City will attempt to resolve promptly all disputes that are appropriate for handling under this policy.

1. Employees are encouraged to consult on a less formal basis with their supervisors or other members of management regarding work-related complaints or disputes.
2. An appropriate dispute is defined as an employee's expressed dissatisfaction concerning any interpretation or application of a work-related policy by management, supervisors or other employees. Examples of matters that may be considered appropriate disputes under this policy include:
  - a. A belief that City of Clarkston policies, practices, rules, regulations or procedures have been applied inconsistently to an employee;
  - b. Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary or seniority.

The dispute resolution procedure is the exclusive remedy for employees with appropriate complaints. Employees should notify the City in a timely fashion of any dispute considered appropriate for handling under this policy. As used in this policy, the terms "timely fashion", "reasonable time", and "promptly" generally will mean ten (10) working days. Certain employees may have more than one source of dispute resolution rights, i.e. a collective bargaining agreement or the City's Civil Service Rules, and this complaint process. Employees represented by a bargaining unit or who are covered under civil service rules should follow grievance procedures set out in their respective labor agreements or civil service rules where applicable. In all other cases, the procedures described in this section are to be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to the employee.

3. The dispute resolution procedure has a maximum of three steps, but disputes may be resolved at any step in the process. Disputes will be processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal under the policy. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision made in the final step and the right of appeal no longer exists.
4. Employees who feel they have an appropriate dispute should proceed as follows:

- a. Step One – Promptly bring the complaint to the attention of the immediate supervisor. If the dispute involves the supervisor, then the employee may proceed directly to step two. The supervisor, if authorized, should investigate the complaint or refer it to the next level of management for handling, attempt to resolve it, and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the dispute and proposed resolution.
  - b. Step Two – Appeal the decision to the department head, if dissatisfied with the supervisor’s decision, or initiate the procedure with the department head if Step One has been bypassed. This appeal or initial dispute notification must be made in a timely fashion in writing. The supervisor’s version of the dispute and decision will then be submitted in writing. The department head will confer with the employee, the supervisor, and any other members of management considered appropriate; investigate the issues; and communicate a decision in writing to all the parties involved.
  - c. Step Three – Appeal an unsatisfactory department decision to the Mayor. The timeliness requirement and procedures to be followed are similar to those in Step Two. The Mayor will take the necessary steps to review and investigate the dispute and will then issue a written, final, and binding decision.
5. Final decisions on disputes will not be precedent setting or binding on future disputes unless they are officially stated at City of Clarkston policy. When appropriate, the decision may be retroactive to the date of the employee’s original dispute notification.
  6. Information concerning an employee dispute should be confidential to the extent possible. Supervisors, department heads, and other members of management who investigate a complaint may discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.
  7. Time spent by employees in dispute discussions with management during their normal working hours will be considered hours worked for pay purposes.
  8. Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises complaints in bad faith, or solely for the purposes of delay or harassment or repeatedly raises meritless disputes. Implementation of the dispute resolution procedure by an employee does not limit the right of the City of Clarkston to proceed with any disciplinary action that is not in retaliation for the use of the dispute resolution procedure. In addition, employees and supervisors are prohibited from retaliating against an employee who properly uses the dispute resolution procedure.
  9. The City of Clarkston may, at its discretion, refuse to proceed with any dispute it determines is improper under this policy.

### **POLICY 903 WHISTLEBLOWER POLICY – REPORTING IMPROPER GOVERNMENTAL ACTION**

The City of Clarkston, in compliance with the Local Government Employee Whistleblower Protection Act, RWC 42.41, encourages employees to disclose any improper governmental action taken by City officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the City, with a process provided for speedy dispute resolution.

#### 1. Definitions.

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

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

## 2. Procedure for Reporting Improper Governmental 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 the Mayor or the City Attorney. 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 policy. The Department Supervisor, Mayor or City Attorney 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 authorized 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:

Asotin County Prosecuting Attorney  
 Attorney General, State of Washington  
 U.S. Attorney (Eastern District of Washington)

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 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 policy against retaliation, pursuant to RCW 42.41.030.

### **3. 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 his/her 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, Mayor or City Attorney. 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 Head, Mayor or City Attorney 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 judge.

**4. Management Responsibilities**

The Mayor 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 policy 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 policy and these procedures may result in appropriate disciplinary action, up to and including termination.

**EMPLOYEE ACKNOWLEDGEMENT:**

I, \_\_\_\_\_, acknowledge that I have received, read, and understand the Employee Handbook dated \_\_\_\_\_.

I also acknowledge that its purpose and content have been explained to me and I have been offered an opportunity to ask questions regarding it. I understand the Employee Handbook summarized various employment policies and procedures applicable to my employment with the City of Clarkston.

I further understand that the Employee Handbook is not an employment agreement or contract for employment and does not promise specific treatment in specific situations. I have been told and I understand that my employment with the City is "at-will" which means it may be terminated at any time, with or without cause, with or without notice, by either me or the City. I also understand that I may be demoted, my job responsibilities may change, or my benefits may be altered after I accept employment with the City with or without cause and with or without notice. I further understand that no City representative has the authority to modify my at-will status unless such modification is in writing and approved by the Mayor.

I understand that this Handbook supersedes any prior handbooks or policy manuals regarding employment with the City issued by the City.

I understand that the City may add to, modify, delete or make exceptions to any of the policies and procedures contained in the Employee Handbook from time to time, and I am responsible for being familiar with any new, modified or updated policies.

I agree to perform my job and otherwise act in a manner consistent with the Employee Handbook and any subsequent additions, modification, or deletions, which may be implemented by the City during my employment.

\_\_\_\_\_  
(Employee Signature)

\_\_\_\_\_  
(Print Name)

Date: \_\_\_\_\_