

**City of Gold Bar**  
EST. 1910

107 - 5<sup>th</sup> Street, Gold Bar, WA 98251



# Personnel Manual

## **Title 1, General**

A. This manual is a general informational guide to the City's current employment policies and shall not be construed as a contract. The City reserves the right to amend, delete, supplement, or rescind any provision of this manual, as the City deems necessary and appropriate, without advance notice, by City Council Resolution. These policies shall not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely. The City also reserves the right to deviate from these policies in individual situations, particularly in an emergency, in order to achieve its primary mission of providing orderly and cost-efficient services to its citizens.

B. These personnel policies shall apply to all City employees. These personnel policies do not apply to elected officials and independent contractors. In cases where these policies conflict or differ with any City ordinance, civil service rules or regulations, the provisions of a collective bargaining agreement, and/or state or federal law, the terms of that law or agreement prevail. In all other cases, these policies shall govern.

C. Unless specific rights are granted in employment contracts, civil service rules, or elsewhere, all employees of the City are considered at-will employees and may be terminated from City employment at any time, with or without cause, and with or without notice.

## **Title 2, Equal Employment Opportunities**

The City is an equal employment opportunity employer. The City employs, retains, promotes, terminates, and otherwise treats all employees and job applicants on the basis of merit, qualifications, and competence. This policy shall be applied without regard to any individual's gender, race, color, religion, national origin, pregnancy, age, marital status, medical condition, or disability.

## **Title 3, Definitions**

*City* shall mean the City of Gold Bar.

*Immediate Family* shall mean an employee's spouse, registered domestic partner, child, parent, brother, sister, grandchild, mother-in-law, father-in-law, son-in-law, or daughter-in-law.

*Regular Full Time Employee* shall mean an employee who has completed his or her trial period and who regularly works a minimum of forty (40) hours a week on a continuing basis.

*Regular Part Time Employee* shall mean an employee who works less than forty (40) hours a week on a continuing basis, but at least twenty (20) hours a week on a continuing basis.

*Supervisor* shall mean an employee who has responsibility for directing one or more departments.

*Temporary Employees* shall mean those employees who hold jobs of limited duration arising out of special projects, abnormal workloads, or emergencies.

#### **Title 4, Anti-Discrimination and Anti-Harassment Policy**

A. It is the City's Policy to foster and maintain a work environment that is free from discrimination and intimidation. Employees are expected to show respect for each other, and the public, at all times.

B. Sexual or any other type of unlawful verbal, physical, or visual harassment of co-workers, co-employees, and members of the public is absolutely forbidden. This includes harassment based on gender, sexual orientation, race, religion, age, national origin, disability, or any other legally protected status. All employees must be sensitive to the feelings of others and must try not to act in a way that might be considered harassment by someone else.

Harassment can take many forms. Prohibited harassment includes, but is not limited to:

1. Verbal (e.g., racial, sexual, or ethnic jokes, stereotypes, and insults);
2. Physical (e.g., sexually suggestive or unwelcome touching or obscene gestures);
3. Visual (e.g., insulting cartoons, sexually suggestive or lewd pictures or photographs).

C. The City does not tolerate sexual harassment, which is a form of unlawful discrimination. Sexual harassment can include verbal behavior such as suggestive looks or leering; and physical behavior such as pats or squeezes; repeatedly brushing against someone's body; obscene or rude sexual comments, jokes, or suggestions; slang, names, or labels such as 'honey', 'sweetie', 'boy', or 'girl', that others find offensive; talking about or calling attention to another employee's body or sexual characteristics in a negative or embarrassing way; displaying nude or sexual pictures, cartoons, or calendars in or on City property; invitation for dates which do not stop when the response is negative; continuing unwelcome behavior after a co-worker has objected to that behavior; or blaming the victims of sexual harassment for causing the problem.

Conduct of this type is improper, and it may be illegal if:

1. submission to such conduct is made, explicitly or implicitly, a condition of an individual's employment or advancement;
2. submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; 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.

D. If you believe that you, or any other employee, applicant, or person who does business with the City of Gold Bar has been harassed or discriminated against in violation of this Policy, you should report the situation to your supervisor as soon as possible. If you are uncomfortable reporting the conduct to your supervisor, you may report it to the Mayor, or Mayor Pro Tempore

if the Mayor is your supervisor. In addition, you are encouraged to clearly explain to the person causing the discrimination or harassment that you are uncomfortable with his or her behavior and ask that it stop.

E. The City will take prompt and appropriate action to investigate and resolve any alleged or suspected incidents of discrimination or harassment. Appropriate corrective and/or disciplinary action, up to, and including, termination, will be taken in all confirmed cases of discrimination or harassment.

F. The City will not tolerate retaliation, in any form, against anyone making a complaint or reporting harassment or discrimination or against any person cooperating in a harassment or discrimination investigation.

G. By signing the '*Acknowledgement and Receipt*' form found at the end of this manual, all employees certify that they have read, and understood, '*Title 4, Anti-Discrimination and Anti-Harassment Policy*'.

#### **Title 5, Employee Personnel Records**

A. A personnel file for each employee is kept in the City Treasurer's office. Access is limited to the City Treasurer, City Clerk, the employee's supervisor, and the Mayor. An employee's personnel file contains the employee's name, title, and/or position held, job description, salary, changes in employee status, training documentation, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information.

B. An employee has the right to review the file. An employee may request removal or correction of irrelevant or erroneous information in the file. If the Mayor denies the employee's request to remove information, the employee may file a written rebuttal statement to be placed in the file.

C. Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, unless required by law.

#### **Title 6, References**

A. The City does not give references, other than to confirm the dates of employment, title, job description, or last salary, without the express written consent of the employee.

#### **Title 7, Working Hours**

A. The City's standard work week is Monday through Friday, from eight (8) a.m. to five (5) p.m. Staff schedules and work weeks must cover those hours of operation with the option to stagger staff schedules to cover hours of operation. Lunch breaks may consist of one hour or one-half hour breaks, with hours worked in a day adjusted accordingly. All staff will receive a lunch break. All staff will receive one paid fifteen (15) minute break for every four hours worked.

B. A normal working schedule for regular, full-time employees consists of forty (40) hours each work week.

C. Different work schedules, such as in the case of temporary or contract employees, will be established by the Mayor to meet job assignments and provide necessary City services.

D. Employee work shifts may consist of four (4) ten-hour days per week or five (5) eight-hour days per week, not to exceed the standard forty (40) hour work week. Employees must stagger shifts to guarantee hours of operation are covered. Non-salaried employees will be paid for hours earned in a month not to exceed the standard forty-hour week.

Those employees choosing specific shifts must work that shift for one year prior to requesting a change.

E. Each supervisor and/or the Mayor will advise the employee regarding his or her specific working hours.

F. Part-time and temporary employees will work hours as specified by their supervisor.

G. All City positions are designated either 'exempt' or 'non-exempt' according to Fair Labor Standards Act (FLSA) and Washington State's Minimum Wage Act regulations.

### **Title 8, Overtime and Compensatory Time**

A. Exempt employees are not eligible for over time or compensatory time. Exempt employees must meet the requirements listed by the Washington State Department of Labor and Industries. (*see L&I Administrative Policy ES.A.9,1*) In the City of Gold Bar, the Public Works Director is the only exempt position.

B. Exempt employees and/or Supervisors shall receive administrative leave. (*see Title 24 (E)(2), Administrative Leave*)

C. The established work period upon which overtime and compensatory time is calculated consists of forty (40) hours within a seven (7) day week.

D. Non-exempt, regular, full-time employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than the maximum number of hours during a work period, as defined in Title 7, Working Hours.

1. Work hours used to calculate a forty (40) hour work week include holidays, personal holiday, sick, vacation, bereavement, and jury duty benefits.

a. When the forty (40) hours worked includes benefit hours as detailed in (D)(1), the employee's supervisor and/or Mayor must approve utilizing both benefit hours and overtime hours within the same work week, prior to overtime hours being worked. This excludes emergencies.

2. Overtime or compensatory time off must be approved in advance by the Supervisor or Mayor, except in the case of emergencies, and is determined on a case-by-case basis.

E. Non-exempt, regular, part-time employees shall not be eligible for overtime or compensatory time. Any hours worked beyond the regular part-time hours shall be compensated at the employee's normal hourly rate of pay. Hours worked beyond 40 hours in a week will be compensated at the standard overtime rate.

F. Overtime. If a non-exempt employee is compensated for forty (40) hours in a week, additional work that week will only be authorized at the discretion of the Mayor.

1. Overtime hours shall be paid at a maximum rate of time and one-half (1.5). Unauthorized overtime will not be paid.

2. Any work done on a holiday is considered holiday overtime at two and one-half (2.5) times the regular rate of pay and must be approved by the Mayor, excluding emergencies. This is the maximum rate of compensation for work done on a holiday. Employees are not entitled to receive regular pay in addition to holiday overtime compensation.

a. Employees will be paid double overtime only if work is done on the actual calendar holiday.

G. Compensatory Time. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime.

1. Maximum accruals of compensatory time shall be limited to eighty (80) hours for regular employees. After maximum accrual, overtime compensation shall be paid.

2. Employees may use compensatory time after making a request in writing to their supervisor or the Mayor, unless doing so would unduly disrupt City operations.

3. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and his or her supervisor.

4. Accumulation of compensatory time to be used as a substitute for extended vacation time off is not normally permitted nor encouraged.

5. If an employee is unable to use accrued compensatory time within a one year of accrual, the employee will be paid his or her original overtime wage.

## **Title 9, Attendance**

A. Punctual and constant attendance is a condition of employment. The supervisor or Mayor is responsible for maintaining an accurate attendance record of his or her employees.

B. In order to facilitate attendance record keeping, all employees are required to utilize time sheets on approved forms.

C. Employees unable to work or unable to report to work on time should notify their supervisor or the Mayor before the work day begins or within thirty (30) minutes of the employee's usual start time.

D. If an absence continues beyond one day, the employee is responsible for reporting in each day.

E. Employees are expected to be at work even during inclement weather. A supervisor or the Mayor may allow employees to be late or leave early during severe weather conditions; however non-attendance will be counted as absence from work and will be charged to accrued vacation or compensatory time.

F. An employee who is absent without authorization or notification is subject to disciplinary action, up to and including possible termination.

### **Title 10, Call-Back**

A. 'Call back' or 'on call' is defined as an employee requested to return to work due to an emergency after he/she has left a normal work day shift.

B. All employees are subject to call-back in emergencies or as needed by the City to provide necessary services to the public. When contacted, a refusal to respond to a call-back when otherwise able to work is grounds for immediate disciplinary action, up to and including possible termination.

C. Employees called back will be paid their appropriate rate of pay for hours worked, at the overtime rate if applicable.

D. Employees shall be paid for a minimum of two (2) hours on call-back time.

### **Title 11, Standby**

A. Standby is separate from an employee being on-call. (*see Title 10, Call Back*)

B. Standby is defined as an employee restricted by official order to a designated post of duty and assigned to be in a state of readiness to perform work with limitations on the employee's activities so substantial that the employee cannot use the time effectively for his or her own purposes. A finding that an employee's activities are substantially limited may not be based on the fact that an employee is subject to restrictions necessary to ensure that the employee will be able to perform his or her duties and responsibilities, such as restrictions on alcohol consumption or use of certain medications. (Federal Fair Labor Standards Act, Title 5, Section 551.431)

C. An employee is not considered on standby if, for example, the employee remains at the post of duty voluntarily, is allowed to leave a telephone number, or carries an electronic device for the

purpose of being contacted, even though the employee is required to remain within a reasonable call-back radius or the employee is allowed to make arrangements such that any work which may arise during the on-call period will be performed by another person. (Federal Fair Labor Standards Act, Title 5, Section 551.431)

D. All employees are subject to stand by in emergencies or as needed by the City to provide necessary services to the public. A refusal to respond to a request for standby is grounds for immediate disciplinary action, up to and including possible termination.

E. Employees requested to stand by will be paid their standard rate of pay, at the overtime rate if applicable, for a minimum of four (4) hours for every twenty-four (24) hour period on standby.

Standby duty pay applies in lieu of overtime pay for regularly scheduled overtime hours, Sunday pay for Sunday work within the basic workweek, holiday premium pay for holiday work, and night pay for night work. Standby duty pay recipients may receive standard overtime pay for any irregular overtime hours. Standby duty pay may not exceed 25 percent of an employee's rate of basic pay. (See Fair Labor Standards Act, Title 5 U.S.C. 5545(c)(1), definitions in 5 CFR 550.103, 5 CFR 550.141-144, and 5 CFR 550.161-164.)

F. If called to work, the call back provisions in Title 10 apply.

G. Employees requested to standby must be available for call-back at all times during the standby period.

## **Title 12, Recruiting**

A. Recruiting practices are conducted solely on the basis of ability, merit, qualifications, and competence, without regard to race, color, religion, national origin, gender, marital status, pregnancy, disability, or age.

B. Each applicant shall complete and sign an application form and a privacy release form prior to being considered for any position. Resumes may supplement, but not replace, the City's official application.

C. Any applicant supplying false or misleading information is subject to immediate termination if hired.

D. Residency within the City limits shall not be a condition of initial appointment or continued employment; provided that an employee's selection of residence shall not interfere with the daily performance of his or her duties and responsibilities. Employees in critical positions such as the Public Works Director, should live within a fifteen (15) mile radius of the City unless waived by the Mayor or City Council.

E. Applicants for positions in which the applicant is expected to operate a motor vehicle for the City must be at least eighteen (18) years old and will be required to present a valid Washington State driver's license with any necessary endorsements.



1. Driving records of applicants will be checked.
2. Applicants with poor driving records, as determined by the City, may be disqualified for employment with the City in positions requiring driving.

F. The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. The City may contract with any competent agency or individual to prepare and/or administer examinations.

G. After an offer of employment has been made and prior to commencement of employment, the City will require persons selected for employment to successfully pass a medical examination, which will include testing for alcohol and controlled substances. The purpose of the examination is to determine if the individual is physically able to perform the job and to ensure his or her physical condition will not endanger the health, safety, or wellbeing of other employees or the public. The offer of employment may be conditioned on the results of the examination.

H. A candidate will be disqualified from consideration if found to be physically unable to perform the duties of the position and the individual's condition cannot be reasonably accommodated in the workplace or the candidate refuses to submit to a medical examination or to complete medical history forms.

### **Title 13, Hiring Process**

A. When a position becomes vacant and prior to any posting or advertisement of the vacancy, the supervisor and Mayor shall review the position, its job description, and the need for such a position.

1. The position shall be posted and advertised after the Mayor has approved the request.

B. All vacant positions shall be advertised in the official newspaper of the City and shall be posted at the official posting site(s) for City business.

C. Administrative, supervisory, and technical positions shall also be advertised in the Association of Washington Cities Job Net and in one newspaper with regional circulation.

D. Supervisors shall screen the applications, interview the applicants for each vacant position under their jurisdiction, and submit their recommendations to the Mayor for selection.

E. For administrative, supervisory, and technical positions the Mayor may choose to appoint a screening committee to assist in the review of applications and to act as the interview committee.

1. The committee shall have a minimum of three individuals, but not more than five.
2. A staff member may be assigned to act as secretary to the committee.

3. As a general rule, the committee should consist of one Councilmember, a senior staff member of the City, or another public agency, and a member of the community.

F. All appointments for new hires shall be submitted by the Mayor to the Council, for confirmation.

#### **Title 14, Temporary Employees**

A. With approval of the Mayor, temporary employees may be used during emergencies or other peak workload periods, to temporarily replace regular employees absent due to disability, illness, and vacation, or other approved leaves, or to temporarily fill a vacancy until a regular employee is hired.

B. Temporary employees may be hired without competitive recruitment or examination.

C. Temporary employees are eligible for overtime pay as required by law.

D. Temporary employees are not eligible and do not receive retirement, vacation, sick leave, health insurance, holiday, or any other benefits during their employment.

#### **Title 15, Trial Period**

A. All newly hired employees or former employees who have been re-hired, or employees promoted to a new classification shall enter a trial period that is considered an integral part of the selection and evaluation process.

B. During the trial period an employee is required to demonstrate suitability for the position through actual work performance.

C. The normal trial period is six (6) months from the employee's date of hire, re-hire, or promotion; however, longer periods may be established for positions requiring technical, professional, specialized, unusual, or unique skills or qualifications.

D. An employee's trial period may be extended for up to an additional six (6) months when needed due to circumstances such as extended illness or a need to continue to evaluate marginal performance in order to properly evaluate the employee's performance.

E. The trial period will not be shortened for any reason.

F. Trial employees accrue vacation and sick leave but are not eligible to use vacation until the trial period is completed. This does not apply to promoted employees.

G. During the trial period, the employee may be terminated at any time. This does not apply to promoted employees. If the promoted employee does not perform satisfactorily during the trial period, the employee will return to the original position and wage, unless that position has been

filled. If that original position has been filled, disposition of duties and/or employment will be determined by the Mayor with consultation with the Supervisor.

H. When a supervisor determines an employee has satisfactorily completed the trial period, the supervisor shall prepare a written performance evaluation, which will be reviewed by the Mayor. If the trial period is satisfactorily completed, the employee may be certified to regular employment status.

I. During the trial period the employee shall be paid an hourly wage. At the end of the six-month trial period the employee shall become a salaried employee.

### **Title 16, Employment of Relatives (Nepotism)**

A. The City will not employ an employee's immediate family under any of the following circumstances:

1. where one of the parties would have authority or practical power to supervise, appoint, remove, or discipline the other;
2. where one party would be responsible for auditing the work of the other;
3. where both parties would report to the same immediate supervisor;
4. where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City; or
5. where one of the parties is a policy level official of the City.

B. The above provisions do not apply to temporary employees.

C. If, after the date of hire, two employees marry, become related, or begin sharing living quarters with one another, and in the City's judgment, the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to remain employed by the City, unless reasonable accommodations, as determined by the Mayor, can be made to eliminate the potential problem.

1. The decision as to which relative will remain with the City must be made by the two employees within ninety (90) calendar days of the date they marry, become related, or begin sharing living quarters with each other.
2. If no decision has been made during this time, the City reserves the right to terminate either employee.

### **Title 17, Promotions and Transfers**

A. The City encourages current employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on the supervisor's recommendation, work force requirements, performance evaluations, job descriptions, and related City requirements.

B. Regular employees are eligible for promotion, transfer, or voluntary demotion. To be considered for another position, an employee must have satisfactorily completed his or her trial period and possess the qualifications for the vacant position.

### **Title 18, Compensation and Salaries**

A. City employees are paid monthly on the last workday of each month. If a regularly scheduled payday falls on Saturday, paychecks will be distributed on the preceding Friday; if a regularly scheduled payday falls on Sunday or a holiday, paychecks will be distributed the preceding working day.

1. Those employees receiving draw checks as of January 1<sup>st</sup>, 2015 are considered 'grandfathered' in and will continue to receive draw checks until their employment is terminated or until regulations change. No employees hired after that date shall be offered the option of receiving draw checks.

B. The City will withhold from the employee's paycheck those deductions required by law and one voluntary deduction authorized by the employee, applicable union contract, or statute.

C. When an employee's employment with the City is terminated, the employee will receive the following compensation:

1. Regular wages for all hours worked, up to the time of termination.

2. Any overtime or holiday pay due.

3. A lump sum payment of accrued vacation, compensatory time, and administrative leave.

Employees are not entitled to payout of any accrued, but unused sick leave upon termination.

D. In order to guide the Mayor and Council in setting and modifications of employee salaries, the associated salaries and wages are set by the budget ordinance annually and are hereby incorporated in full by reference. The City Council may review salaries and wages when, and as, deemed necessary.

E. The Mayor is authorized to grant a step increase in the salary schedule to each employee upon completion of his or her probationary period.

F. The Mayor is authorized to grant a merit step increase in salaries based on an employee's annual evaluation, completed by the employee and the employee's supervisor, and reviewed by the Mayor. The evaluation must be completed prior to any merit increase. If an evaluation is not

completed by the employee's anniversary date, the Mayor may choose to authorize the merit increase retroactively.

G. The Mayor shall grant a step increase only when the Mayor finds, in his or her complete discretion, that the services performed are at least satisfactory. The Mayor must acquire Council approval for any salary increases that exceed one step increase per year, per employee.

H. The Mayor must acquire prior City Council approval for any increase in pay that exceeds a step increase for a promoted employee.

### **Title 19, Performance Evaluations**

A. The City conducts periodic performance evaluations for all positions in order to achieve the City's goal to train, promote, and retain the best-qualified employee for every job.

B. The Mayor is responsible for developing and maintaining the City's performance evaluation program.

C. Employees are to be evaluated by their supervisor and/or the Mayor prior to completion of their trial period and at every annual anniversary of hire date thereafter.

D. The evaluation is part of an employee's personnel record and may be a factor in determining the employee's conversion to regular status, whether the employee receives a wage increase, or is to be promoted, transferred, demoted, laid off, or terminated.

E. If an evaluation has not been completed by a supervisor within thirty (30) days of completion of an employee's trial period or within thirty (30) days of an employee's anniversary date, the employee may petition the employee's supervisor and Mayor for a merit step increase through the employee complaint procedure listed in Title 35.

### **Title 20, Retirement Benefits**

A. The City makes contributions on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee through FICA payroll deductions.

B. Employees intending to retire should notify their supervisor of their intent to retire at least six months prior to the date of retirement.

C. To provide retirement income and other deferred benefits to all regular, full-time employees, the City established a 457 Deferred Compensation Plan through ICMA Benefits Trust.

D. Employee participation in the Plan is optional.

1. If an employee elects to participate, the minimum monthly contribution shall be \$25.

2. The City may elect to make PERS benefits available to employees.
3. Additional City contributions may be established each year in the City's annual budget.
4. Maximum contributions to the Plan are governed by Internal Revenue Service regulations.

### **Title 21, Disability Benefits**

A. All employees are covered by the State Industrial Insurance program (worker's compensation). This insurance covers employees in case of on the job injuries or job related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for work days lost for any disability resulting from job-related injuries or illnesses.

1. All job-related accidents shall be reported immediately to the supervisor or Mayor.

B. When an employee is absent for one or more days due to an on the job accident, he or she is required to file a claim for Worker's Compensation. If the employee files a claim, the City will continue to pay the employee's regular salary through use of the employee's unused sick leave, pending receipt of Worker's Compensation benefits.

C. When the employee receives Worker's Compensation benefits, he or she is required to repay to the City the amount covered by Worker's Compensation and previously advanced by the City. This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability so long as accrued sick, vacation, or compensatory time leave is available, while ensuring that no employee receives more than he or she would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of sick, vacation, or compensation time leave shall be restored to the employee's account.

D. The City may require an examination, at its expense and performed by a physician of its choice, to determine when the employee can return to work and if he or she will be capable of performing the duties and responsibilities of the position.

E. For qualifying cases the City may, with the approval of the State Industrial Insurance office, offer light duty employment to an employee injured on the job, if light duty is available. Light duty is subject to the Mayor's approval.

### **Title 22, Insurance Benefits**

A. Employees are eligible to participate in the City's insurance programs. The programs and criteria for eligibility will be explained at the time the employee becomes eligible to join. The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable.

B. Upon mutual agreement between the employee and the City, and in accordance with the terms and conditions of the insurance policy, the City will continue health insurance coverage at the employee's expense during an approved unpaid leave of absence. COBRA continuation rights may apply in the event coverage is not extended through the City.

C. While an employee is receiving Worker's Compensation benefits, the City may continue to pay the employee's health insurance premiums for one (1) month, after which the employee may choose to use his or her COBRA rights and self-pay insurance premiums.

D. Upon the employee's termination from City employment, the employee may elect to continue City health insurance benefits to the extent provided under COBRA, at the employee's option and expense.

1. Continuation rights are not available if an employee is terminated for gross misconduct.

E. An administrative handling fee over and above the cost of the insurance premium may be charged to the employee, or his or her dependents, that elect to exercise their COBRA continuation rights.

### **Title 23, Unemployment Compensation**

A. City employees may qualify for Washington State Unemployment Compensation after termination from City employment depending on the reason for termination and if they meet the Washington State Unemployment Compensation requirements.

### **Title 24, Leaves of Absence and Time Off**

A. *Vacations.* Each regular full-time employee is entitled to vacation leave as follows.

1. Five (5) working days after the first six(6) months of employment, with an additional accrual of five (5) days spread over the last six months of the first year of employment.

a. An additional day will be added to the total vacation allotment after the first year of employment, up to a maximum of twenty (20) days per year.

2. No more than ten (10) consecutive working days may be taken at one time as vacation leave unless approved by the Mayor.

3. With the exception of the first year of employment, employees shall take vacation leave consisting of a minimum of three consecutive working days once each year.

4. All new employees must satisfactorily complete six months of employment in order to be entitled to the use of vacation leave.

5. Regular part-time employees are entitled to fifty (50) percent of the vacation benefits allowed regular full-time employees.
6. Temporary employees are not eligible for vacation benefits.
7. Each supervisor is responsible for scheduling his or her employee's vacations without undue disruption of City operations. Leave requests for more than three consecutive working days shall be made at least thirty (30) days prior to taking a vacation leave. The Mayor has final approval of all vacation requests.
8. Unused annual vacation days earned may be carried over from year to year. The maximum number of vacation days that may be carried over from December 31<sup>st</sup> of one year to January 1<sup>st</sup> of the next year is three hundred (300) hours. In cases where City operations have made it impractical for an employee to use vacation time, the supervisor, with approval of the Mayor, may authorize additional accruals.
9. When an employee reaches the maximum allowed accumulation of vacation hours, he or she may request to be paid for a minimum of five percent (5%), or up to twenty-five percent (25%) of the accrued days.

*B. Sick Leave.*

1. All full-time regular employees accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment.
2. Employees accrue and may use sick leave during their trial periods.
3. Regular part-time employees receive fifty (50) percent of the sick leave benefit allowed to regular full-time employees.
4. Temporary employees do not earn sick leave benefits.
5. Employees do not accrue sick leave benefits during a leave without pay.
6. The maximum accrual of sick leave shall be four hundred and eighty (480) hours.
7. Sick leave covers those situations in which an employee is absent from work due to:
  - a. physical injury or illness to the employee;
  - b. the need to care for the employee's immediate family who are ill;
  - c. medical or dental appointments for the employee or dependent child, provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day;



- d. exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
- e. use of a prescription drug that impairs job performance or safety;
- f. the death of an immediate family member, if Bereavement Leave (see Title 24, section I, *Bereavement Leave*) has already been exhausted and additional leave is needed;
- g. actual periods of temporary disability associated with pregnancy or childbirth. Employees may request additional time off beyond the actual period of disability; vacation leave, compensatory time, or leave without pay may be used.

7. A doctor's certificate shall be required prior to return to work when an employee is absent for a period in excess of five (5) days. The City may also request the opinion of a second doctor at the City's expense to determine whether the employee suffers from a chronic physical or mental condition that impairs his or her ability to perform the job. Employees who are habitually absent due to illness or disability may be terminated if their disability cannot be reasonably accommodated and/or when the employee's absenteeism prevents the orderly and efficient provision of services to the citizens of the City.

8. Employees who use all their accumulated sick leave and require more time off work due to illness or injury may, with their supervisor's and the Mayor's prior approval, take leave without pay, or use vacation or compensatory time.

9. Employees may donate accrued sick leave to another employee that has depleted his or her sick leave accrual and compensatory time accrual due to a major personal or family health crisis.

10. Employees may convert sick leave hours to vacation hours, at a ratio of 2:1, once an accumulation of thirty (30) days sick leave has occurred. The thirty (30) day accumulation of sick leave must be maintained in order for any conversion to be requested.

### *C. Leave Without Pay.*

1. The Mayor may grant leaves of absence without pay for absence from work in excess of fifteen days per year that are not covered by any other type of leave or if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons, such as prolonged illness, parenting, caring for an ill relative, pursuing an education, or fulfilling a military obligation.

2. Only regular employees who have satisfactorily completed their trial period are eligible for leave without pay. The following requirements apply.

a. Leave may be granted to an employee for a period of up to thirty (30) days upon approval of the Mayor and further extensions are at the discretion of the Mayor. The thirty (30) day period may not be cumulative and spread over a calendar year period. The purpose of this period without pay is for extenuating circumstances when normal benefit leave is not a viable option.

b. Accrued administrative, compensatory time, and vacation leave must be exhausted prior to taking any leave without pay.

c. An employee's benefits are suspended during the period of unpaid leave until the employee returns to work. Vacation, sick leave, and/or any other benefits do not accrue while an employee is on leave without pay.

d. In certain circumstances, self-payment of benefits may apply (see Title 22, Insurance Benefits).

e. An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned.

f. An employee returning from a temporary disability may, at the City's option, return to the same position or similar position at a comparable rate of pay.

g. If the leave without pay is due to an illness, upon the employee's return to work, the City may require a doctor's certificate stating that the employee is capable of returning to work and performing the work, duties, and responsibilities of the employee's position.

h. Leave, or time off, without pay, may not be used without prior approval of the employee's supervisor and the Mayor. Prior approval must be obtained a minimum of two (2) normal work days prior to the intended leave. In order to take a day off without pay, all vacation, administrative, and compensatory time must be exhausted. The employee must provide a reason, and be able to show why a change in work schedule is not a viable option. Such instances are limited to a cumulative number of six (6) days in a calendar year. In the case of an emergency, the supervisor and Mayor must be notified as quickly as possible.

#### *D. Jury and Witness Leave.*

1. Employees may be granted time off with pay to serve on a jury or as a court witness. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from duty.

2. An employee granted such leave shall reimburse the City for any pay received while serving as a juror or witness.

#### *E. Administrative Leave.*

1. On a case-by-case basis, the City may place an employee on administrative leave with or without pay for an indefinite period of time, as determined by the Mayor to be in the best interests of the City during an investigation or other administrative proceeding.
2. Supervisors are granted eight (8) hours of administrative leave per month of continuous service. Administrative leave may be accrued if the administrator is unable to use it during the month. Unused administrative leave shall be paid upon termination of employment.

*F. Military Leave.*

The City provides all employees leave while performing military service in accordance with federal and state law. Military service includes active military duty and Reserve, or National Guard training. Employees are required to provide the supervisor or Mayor with copies of the military orders as soon as possible after they are received. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.

*G. Holidays.*

1. The City recognizes the following holidays.
  - a. New Year's Day, January 1<sup>st</sup>
  - b. Martin Luther King Jr. Day; the third Monday in January
  - c. President's Day; the third Monday in February
  - d. Memorial Day; the last Monday in May
  - e. Independence Day; July 4<sup>th</sup>
  - f. Labor Day; the first Monday in September
  - g. Veteran's Day; November 11<sup>th</sup>
  - h. Thanksgiving Day; the 4<sup>th</sup> Thursday in November
  - i. Day after Thanksgiving
  - j. Christmas Day; December 25<sup>th</sup>
  - k. Floating holiday; set by employee with approval from supervisor
2. Any holiday falling on Saturday will be observed on the preceding Friday. Any holiday falling on Sunday will be observed on the following Monday.

3. Non-exempt regular full-time employees will be paid for the holiday plus one and one-half times their regular rate of pay for any time worked on the holiday. Such time must be pre-authorized by the supervisor or Mayor.

4. Part time or temporary employees will be paid at their regular straight time rate for hours worked on a holiday.

5. Regular part time employees will be paid fifty (50) percent of holidays.

H. *Religious Holidays.* If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with his or her supervisor's approval, take the day off using vacation, compensatory time, or leave without pay.

I. *Bereavement Leave.* Employees are entitled to five (5) days in-state bereavement leave and seven (7) days out-of-state bereavement leave upon the death of an immediate family member.

#### **Title 25, Employee Responsibilities and Conduct, General Policy.**

A. All City employees are expected to represent the City to the public in a professional manner that is courteous, efficient, and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and supervisor.

B. Since the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct, and behavior, the City has established certain minimum standards of personal conduct. Among the City's expectations are basic tact and courtesy towards the public and fellow employees; adherence to City policies, procedures, safety rules, and safe work practices; maintaining the confidentiality of City business; compliance with directions from supervisors; preserving and protecting the City's equipment, grounds, facilities, and resources; and providing orderly and cost-efficient services to its citizens.

#### **Title 26, Outside Employment and Conflicts of Interest.**

A. Employees shall not, directly or indirectly, engage in any outside employment or financial interest that may conflict, in the City's opinion, with the best interests of the City or interfere with the employee's ability to perform his or her assigned City job. Examples include, but are not limited to, outside employment which:

1. prevents the employee from being available for work beyond normal working hours such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
2. is conducted during the employee's work hours;

3. utilizes City telephones, computers, supplies, or any other resources, facilities, or equipment;
4. is employed with a firm which has contracts with, or does business with, the City; or
5. may reasonably be perceived by members of the public as a conflict of interest or otherwise discredit public service.

B. An employee who chooses to have an additional job, contractual commitment, or self-employment, may do so provided he or she informs the Mayor.

### **Title 27, Political Activities**

A. City employees may participate in political or partisan activities of their choosing provided that City resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions.

B. Employees may not campaign on City time or in a City uniform or while representing the City in any way.

C. Employees may not allow others to use City facilities or funds for political activities.

D. Any City employee who meets with or may be observed by the public or otherwise represents the City to the public, while performing his or her regular duties may not wear or display any button, badge, or sticker relevant to any candidate or ballot issue during working hours.

E. Employees shall not solicit, on City property or City time, for a contribution for a partisan political cause.

F. Except as noted in this policy, City employees are otherwise free to fully exercise their constitutional First Amendment rights.

### **Title 28, No Smoking Policy**

A. 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.

B. Designated smoking areas will be established in each City facility.

C. Smoking is prohibited in all areas frequented by the general public and all meeting rooms used by City staff or the public and all work areas where non-smokers and/or sensitive equipment may be subject to the effects of smoke.

### **Title 29, Use of City Vehicles and Equipment**

- A. Use of City phones for local personal phone calls should be kept to a minimum; long distance personal use is prohibited.
- B. Other City equipment, including vehicles, shall be used by employees for City business only.
- C. An employee's misuse of City services, telephones, vehicles, equipment, or supplies can result in disciplinary action including termination.

### **Title 30, Bulletin Boards**

Information of special interest to all employees is posted regularly on the City bulletin boards. Employees may not post any information on these bulletin boards without the authorization of the employee's supervisor and/or the Mayor.

### **Title 31, Contact with News Media**

The Mayor shall be responsible for all official contacts with the news media during working hours, including answering of questions from the media. The Mayor may designate specific employees to give out procedural, factual, or historical information on particular subjects on a case-by-case basis.

### **Title 32, Driver's License Requirements**

- A. As part of the requirements for certain specific City positions, an employee may be required to hold a valid Washington State driver's license, and/or a Commercial driver's license.
- B. If an employee's license is revoked, suspended, or lost, or is in any other way not current, valid, and in the employee's possession, the employee shall promptly notify his or her supervisor and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his or her supervisor.
- C. Depending on the duration of the license suspension, revocation, or other inability to drive, an employee may be subject to disciplinary action, up to and including termination.

### **Title 33, Safety**

- A. Every employee is responsible for maintaining a safe work environment and following OSHA's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to his or her supervisor, or the Mayor. The City will make every effort to remedy problems as quickly as possible.
- B. Per Washington State law, anyone operating or riding in City vehicles must wear seat belts at all times.
- C. In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify their supervisors or the Mayor.

## **Title 34, Substance Abuse and Drug-Free Workplace**

A. Resolution #96-02 adopted a Drug Free Workplace Policy, which is hereby incorporated into this policy by reference.

B. Resolution #96-03 adopted a Drug and Alcohol Testing Procedures Manual and Commercial Vehicle Operator Drug and Alcohol Testing Policy, which is hereby incorporated into this policy by reference.

## **Title 35, Complaint Procedures**

A. The City recognizes that sometimes situations arise in which an employee feels that he or she has not been treated fairly or in accordance with City rules and procedures. For this reason, the City provides its employees with procedures for resolving complaints.

1. Step 1: an employee should first try to resolve any problem or complaint with his or her supervisor. The supervisor will respond to the employee in writing within five (5) days after meeting with the employee, if possible.

2. Step 2: if the employee is not satisfied with the response from the supervisor the employee may submit the problem, or complaint, in writing, to the Mayor. The written complaint must contain, at a minimum, the following.

a. A description of the problem.

b. a specific policy or procedure that the employee believes has been violated or misapplied.

c. The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances.

d. The remedy sought by the employee to resolve the complaint. The written complaint should be filed within five (5) working days of the written response from his or her supervisor.

3. The Mayor may meet with the involved parties, either individually or together, and will respond in writing to the aggrieved employee within ten (10) days of the meeting. The Mayor's response and decision shall be final and binding.

4. Certain employees may have more than one source of dispute resolution rights, i.e., the City's civil service rules, a collective bargaining agreement, if any, 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 contracts or civil service rules, where applicable. In all other cases, the procedures described in this section shall be used.

5. 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 an employee.

### **Title 36, Discipline**

A. All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the citizens of the City.

B. Acts, errors, or omissions that discredit the public service or impair the ability of staff to provide orderly services to the citizens of the City may result in discipline, including termination.

C. The Mayor has full discretion and authority to impose disciplinary action in accordance with City policy and the circumstances of the particular case. With the prior approval of the Mayor, superintendents shall also have the authority to impose disciplinary action.

D. The following are examples of the types of behavior that may result in discipline:

1. drinking alcohol or the abuse of non-prescription or prescription drugs or other controlled substances on the job, or arriving on the job under the influence of, or while in possession of, alcohol, drugs, or other controlled substances (this section does not apply to non-prescription or prescription medications that do not affect the employee's ability to carry out his or her job functions);
2. violation of a lawful duty;
3. insubordination;
4. absence from work without first notifying and securing permission from the supervisor or Mayor;
5. habitual absence or tardiness for any reason or abuse of sick leave privileges;
6. unsatisfactory job performance;
7. conviction of a felony committed on or off the job;
8. conviction of any misdemeanor committed on the job;
9. acceptance of fees, gratuities, or other valuable items in the performance of the employee's official duties for the City;
10. inability, refusal, or failure to perform the duties of the assigned job;



11. violation of duties or rules imposed by this manual or by any other City rule, regulation, or administrative order;
12. inability, refusal, or failure to demonstrate cooperation, tact, and/or courtesy towards the public and fellow employees.
13. dishonesty;
14. theft of City property;
15. falsification of employment or personnel records;
16. misrepresentation or misuse of powers and authority as a City employee.

E. This list is not all-inclusive, but only serves as a general guide. The Mayor may discipline or terminate employees for other reasons not stated above.

F. In the event that discipline is necessary, the following types of disciplinary actions may be used, depending on the particular situation.

1. Oral warning/instruction. Oral warning or instruction is a verbal request for correction of an unacceptable on-the-job practice. This is the most informal step of the progressive discipline procedure. The oral step involves a supervisor discussing with the employee his/her 'on-the-job' shortcoming(s) and what correction action(s) needs to be taken. It is essential that the employee recognize and understand both the problem and the needed corrective action.

A memo documenting this discussion shall be placed in the employee's file. The employee will be requested to acknowledge the fact that the discussion took place by initialing the memo. It is not necessary that the memo contain specifics, only that a discussion took place, and the subject.

2. Written warning. A written warning is a written request for correction of an unacceptable on-the-job practice. A written warning should be utilized when warranted by the seriousness of the offense or when an oral warning has been ineffective. Written warnings shall include a description of the problem and the corrective action the employee must take, as well as the date by which the action must be taken, and the consequences of not correcting the situation will be. A copy of the written warning shall be retained in the employee's personnel folder.

3. Investigative suspension. Investigative suspension is an unpaid period of time used for determining the facts of a situation which could result in a severe disciplinary action. Such period shall not exceed two weeks' duration. Generally, the suspension is accompanied by a letter which refers to any earlier oral or written warning(s) that have gone unheeded. Upon completion of the investigation, one of three courses of action may be taken:

- a. suspension for a definite period of time;
- b. other disciplinary action, including dismissal;
- c. restitution to the employee for time lost if the investigation determines that no disciplinary action is appropriate.

4. Dismissal. Dismissal is invoked when the severity of the offense dictates or when the employee fails to respond positively to the demands that an untenable situation be corrected. These demands will be in the form of documented verbal and written warnings. Dismissal may also be immediately invoked without utilizing any of the above-mentioned disciplinary procedures if the Mayor determines that the employee has committed an extremely serious offense, i.e., theft, violence, or gross insubordination.

### **Title 37, Termination**

A. An employee may be terminated from City employment for any of the reasons listed below.

- 1. During, or at the end of, the employee's trial period.
- 2. As a result of disciplinary action.
- 3. Due to loss of skills, certifications, or other conditions that would make the employee unfit for service.
- 4. When the City Council has made a determination that a lack of work or funding exists with respect to the employee's position. The City Council has sole discretion to make determinations of lack of work or lack of funding.
- 5. If the employee has a physical or mental impairment that prevents him or her from performing the required duties of the employee's position and the employee cannot be reasonably accommodated. Termination must be supported by medical evidence that establishes that the individual is unable to perform bona-fide job requirements. The City may require an examination at its expense performed by a physician of its choice. Failure to submit to such a request may result in termination.

B. At-will employees may be terminated at any time, with or without cause and with or without notice.

C. In the case of termination of an employee other than at-will employees, or trial employees, the City will conduct a pre-termination hearing. The pre-termination hearing serves as a check against mistaken decisions and to determine whether there is a reasonable presumption that the charges against the employee are valid and support termination.

D. The Mayor may lay off employees for lack of work, budgetary restrictions, or other changes that have taken place.

1. Temporary employees or employees who have not completed their trial period will be laid off before regular employees are affected.

2. In determining who is to be laid off, consideration will be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal.

3. Employees who are laid off may be eligible to be re-employed, if a vacancy occurs in a position for which they are qualified.

E. An employee should provide two (2) weeks notice of resignation. The Mayor may waive this time limit.

F. Upon the death of an employee, all compensation due shall be paid to the surviving spouse or the estate of the employee.

G. Upon termination of employment, the employee shall meet with his or her supervisor, the Mayor, or the City clerk, to complete a checklist indicating the return of keys, credit cards, and/or other City equipment issued to the employee during the course of employment. This shall be done prior to the issuance of a final paycheck.

### **Title 38, Cell Phone and Telephone Use Policy**

A. The purpose of this policy is to establish a written procedure for official use of telephones and/or cellular telephones.

B. Telephones or cellular telephones may be provided to various departments to enhance normal and emergency operations. Employees assigned or having readily available telephones or cellular telephones shall use them exclusively for the conduct of municipal business.

C. Only City officials, employees, and/or volunteers conducting City business shall be authorized to utilize City-owned telephones or cellular telephones.

D. All City-owned telephones or cellular telephones are a public resource and therefore shall not be misused for personal telephone calls.

E. The City recognizes that work-related situations, such as the necessity to work unanticipated overtime or family emergencies, may require the use of a City-owned telephone or cellular telephone by an employee for personal business. Employees should keep such personal calls brief.

F. Personal long distance telephone calls made on cellular and/or office telephones, except those necessitated by unanticipated overtime as noted above, shall be billed directly to the employee's home phone.

G. Personal cell phones shall not be used for City business except in instances of emergencies.

H. Text messaging on City cell phones is allowed with the following restrictions.

1. Due to the difficulty in retaining and archiving records created by text messaging, for purposes of compliance with the Public Records Act, employees shall not use cell phones to send any text messaging relating to City business unless the employee has been previously authorized to do so in writing by the employee's supervisor or the Mayor.

2. Text messages related to City business are City records. These records therefore will be managed according to the applicable retention schedule and may be subject to disclosure under the Public Records Act. Accordingly, the following requirements must be met in order for an authorized employee to send or receive text messages.

a. Employees may use text messaging only for routine or transitory messages that do not need to be retained by the City. Examples include informal notices of meetings, directions, scheduling information, messages related to maintenance work, and other routine messages that would not be kept in a file if they were in paper format.

b. Text messages may not be used to send policy, contract, formal correspondence, personnel-related data, or sensitive or confidential information.

c. Employees must delete transitory, business-related text messages as soon as possible after the purpose of the text message is completed, and must not retain transitory text messages on their cell phones. Employees must delete old messages at a minimum of once per week. Supervisors will periodically monitor employee text records.

d. If a text message needs to be retained pursuant to a public records request, the clerk/treasurer will notify employees what actions need to be taken.

e. Employees who fail to follow the text messaging guidelines will be subject to disciplinary action as outline in the City's personnel policy.

f. Should the City use a 3<sup>rd</sup> party vendor for text message archival, the PRR officer shall monitor the archives.

### **Title 39, Credit/Debit Card Use Policy**

A. The purpose of this title is to establish a policy and procedure related to the distribution, authorization, control, and use of City credit and/or debit cards.

B. The purpose of this title shall also be to establish credit limits and payments of bills related to City credit/debit cards.

C. The City of Gold Bar finds that the use of credit/debit cards is a customary and economical business practice to improve cash management, reduce costs, and increase efficiency.

D. Setting up of Accounts: The City Treasurer will be responsible for setting up the City's credit/debit card account(s) with an appropriate banking facility.

E. Credit/debit cards will be limited to credit limits up to \$5000. The Mayor may authorize a higher credit limit if deemed appropriate.

F. Distribution of credit/debit cards: the number of cards issued per account will be determined by the City Treasurer or Mayor, keeping in mind the regularity of anticipated use and frequency of travel by City staff or officials.

G. Authorization and Control: each supervisor will be responsible for the distribution and tracking of each credit/debit card issued to his or her department.

H. Payment of Bills: billing statements will be sent to the City Treasurer who will establish a system of receipt collection and will prepare a voucher, with appropriate receipts attached, for the total amount of the current statement. Payment of any disallowed charges will be processed as stated in subsection 'J' below.

I. Personal charges: personal charges to City credit/debit cards are not allowed.

J. Disallowed charges: credit/debit cards may only be used for City business. Any employee using a City-issued credit/debit card for non-City business shall be billed for all charges on the credit card, and the City Treasurer or his or her designee is directed and authorized to make payroll deductions to recover any unauthorized charges if the employee does not pay the charges prior to the time they are due. The amount due by the employee will include any accrued credit/debit card interest and any penalties resulting from the charge.

K. The Mayor, or supervisor, as appropriate, may bar any employee with a demonstrated history of charge card defaults, from using any City credit/debit cards.

L. Cash advances: cash advances on all City credit/debit cards are prohibited.

#### **Title 40, Training and Travel Policies and Procedures**

A. City officials and employees may incur travel and/or training expenses while conducting official City business or enhancing professional skills through attending schools, training programs, conferences, or professional meetings. The purpose of this policy is as follows.

1. To promote and facilitate training and career education which meets the evolving needs of the City.
2. To establish fair and consistent application and use of travel funds and vehicle usage and to provide guidelines for authorization and reimbursement of travel and training expenses.

B. It is the policy of the City to:

1. encourage and coordinate training opportunities for employees, supervisors, and other City officials in order that services rendered to the City will be more efficient and effective;
2. facilitate continuing education and training for those employees mandated to keep certifications valid;
3. maximize comprehension, retention, and transference of training provided by the City.

C. The following are intended to provide procedures for all employees and officials for travel and reimbursement while on official business.

1. Budget process

- a. At budget preparation time, each supervisor shall submit a training and travel plan for the coming year. Whenever possible, specific training and/or travel opportunities will be listed in the plan. Supervisors will manage the travel and training approved for their department's budget.
- b. From time to time, training opportunities are offered by agencies that would benefit the City but were not anticipated during the budget process. If sufficient funds are available in other departmental line items, they may be used for this purpose with the approval of the Mayor.
- c. No out of state travel will be allowed unless approved by the Mayor.

2. Requests Procedure

- a. The employee shall submit a request to his or her supervisor for review and approval. The form shall require the person's signature affirming compliance with City policy and authorization for payroll deductions or repayment for inappropriate charges.
- b. Travel and training requests shall be submitted by the supervisor to the Mayor for final approval.

c. The approved request shall be submitted to the City Treasurer for further processing. The person submitting the request shall be responsible for making his or her overnight accommodations and other travel arrangements if needed. Pre-payment for accommodations and transportation shall be coordinated with the City Treasurer.

d. Requests shall be submitted in a timely manner in order to facilitate the approval process, the payment of registration fees, and the arrangement of accommodations if necessary. Completed registration forms and other pertinent information shall be attached to the request.

e. Except in the case of an emergency or circumstances beyond the person's control, anyone who fails to attend or contact their supervisor or the Mayor to cancel prearranged accommodations and registrations for a meeting, conference, workshop, or seminar, shall be responsible for reimbursement to the City.

#### D. Transportation

1. Travel will be done by the most cost-effective method and mileage will be computed using the shortest direct route to a location.

2. A City vehicle will be the preferred mode of transportation. A City gas credit card is available for use while operating City vehicles.

3. When two or more employees are attending the same seminar, conference, or meeting, carpooling shall be utilized whenever possible.

4. Use of a personal vehicle for City business shall be allowed if a City vehicle is not available for use or if circumstances are presented to the Mayor for approval on a case-by-case basis.

5. Use of a personal vehicle for travel on City business will be reimbursed at the current rate allowed by the IRS. Employees using a private vehicle for City business will be required to provide proof of insurance before use is allowed. Reimbursement shall not exceed the costs that would have been incurred by using the most efficient and least costly means of transportation.

6. No local travel mileage will be reimbursed unless previously approved by the Mayor. Mileage reimbursement rates are set by the Internal Revenue Service at the beginning of each year.

7. All air travel will be by the most economic rates. Airline tickets will be purchased by the City through the City Treasurer with payment made directly to the vendor.

8. If air travel is the most economic method of transportation, employees electing to travel by personal vehicle will be reimbursed at an amount equal to what airfare, plus

costs involved in transportation to and from the airport, would have been. The 'in lieu' amount is considered full compensation for all costs while en-route to and from the destination, including transportation, meals, and lodging.

9. Travel time in excess of one day each way is considered vacation time and will be charged to the employee's vacation account. In order to have on record a clear understanding with regard to FLSA, employees will be required to acknowledge in writing that selecting this option was a voluntary personal choice.

10. Rental vehicles will be allowable, but only under exceptional circumstances related to business necessity, not personal convenience. Use of rental vehicles will require prior approval of the Mayor.

#### E. Meal expense

1. Each employee shall be allowed a per Diem amount set by the U.S. General Services Administration (GSA).

a. Prior to travel, each employee shall submit the address of the training or destination to the Clerk/Treasurer, who will give the employee the per Diem rate as assigned by the GSA.

b. The Clerk/Treasurer shall print out documentation of the per Diem rate and maintain records as appropriate.

2. Meal expenses shall be reimbursed for employees engaged in official City business or while on approved travel/training.

3. Local meals will be reimbursed only when the person is attending a meeting as a representative of the City for a specific purpose and when the attendance will directly benefit the City. No reimbursement will be allowed for meetings that are of a social nature. City employees and officials are not allowed to pay for meals other than their own.

4. Meal reimbursement requests are to be itemized and submitted to the City Treasurer, with receipts attached. Receipts shall indicate the date, amount, and establishment name. Whenever possible, the receipt should also show the itemization of the food order. Any tip to a server must be included in the allowed per Diem amount.

5. The following restrictions shall apply to meal reimbursement:

a. no reimbursement shall be made for meals included as part of the conference or workshop registration;

b. no reimbursement shall be made for alcoholic beverages;



c. no reimbursement shall be made for meals during regular working hours when the employee is making a routine trip for supplies or other City business;

d. no reimbursement shall be made for routine meals with individuals, consultants, or employees, or on the way to local meetings.

#### F. Lodging

1. Expenses will be allowed for lodging that is necessary and appropriate to the purpose of the trip. A reasonable class of accommodation shall be selected when choice is available. The governmental discount shall be requested at all times. Use of the conference hotel is encouraged whenever possible.

2. Lodging expenses are generally not allowed within a fifty-mile radius of the City limits for conferences, seminars, meetings, or workshops with a duration of one day or less. With the approval of the Mayor, lodging will be allowed if it is more cost effective to do so or if it is in the best safety interest of the City or employee.

3. If a conference with duration of more than one day is within a fifty-mile radius of the City limits, employees choosing to travel to a conference site the day before the conference begins will not be considered to be on paid time and lodging expenses for that night will not be paid.

4. In the event the employee or official takes family members to a conference, the City will pay only the single room rate. Employees must reimburse the City for any amounts charged to the City for family members.

#### G. Other miscellaneous expenses

1. Garage and parking fees, taxis, postage, fax, and telephone charges for City business shall be allowed. Other business related expenses may be allowed if approved by the supervisor and Mayor. All miscellaneous expenses shall be documented, with receipts attached whenever possible.

2. Non-reimbursable expenses shall include, but shall not be limited to, personal entertainment and phone calls, laundry services, traffic and parking tickets, theft, loss or damage to personal effects, and trip insurance policies.

### **Title 41, Employee Certifications**

Certain employee positions require specific certifications. Other employee positions may include optional certifications that, while not a requirement of employment, are recognized as improving employee operations.

#### A. Optional Certifications

1. Employees are encouraged to obtain certifications related to their specific job duties.
2. The City may choose to pay for optional certifications.
3. Prior to gaining optional certifications, employees must obtain approval from their Supervisor, the City Treasurer, and/or Mayor, for City funding of the optional certification fees. Because these certifications are not required as a term of employment, the City reserves the right to not pay the associated fees.
4. If an employee does not obtain prior approval for funding optional certifications, the City is not required to pay for the optional certification.
5. If an employee leaves employment with the City within six (6) months of obtaining an optional certification that the City has paid for, the employee must reimburse the City in full.

#### B. Required Certifications

1. The City will inform employees of the required certifications and the process to obtain those certifications, as part of the hiring process.
2. The City will pay for required certifications.
3. After obtaining the required certification, the employee will work for the City for one year after obtaining the required certification.
4. If an employee leaves employment with the City for any reason, prior to the fulfillment of the required term, that employee will be required to reimburse the City in full for the cost of the certification.

### **Title 42, Whistleblower Policy**

A. It is the City's policy to encourage its employees to report improper governmental action taken by City officials or employees and to protect City employees who have reported improper governmental actions in keeping with the City's policies and procedures.

#### B. Definitions

1. 'Good faith' means a deliberate and genuine action taken with confidence in its truth or correctness, along with a lack of interest in taking any conscious advantage of another.
2. 'Improper governmental action' means any action by a City of Gold Bar official or employee that:
  - a. is undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment; and

b. one or more of the following appears to be present:

- i. a violation of any federal, state, or local law or rule;
- ii. an abuse of authority;
- iii. a substantial and specific danger to the public health or safety; or
- iv. a waste of public funds.

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

d. Examples of improper governmental action include, but are not limited to, misappropriating City equipment and supplies for personal use, having City employees do work on a public official's private property while on City time, and accepting gratuities or kickbacks.

3. 'Retaliatory action' means any adverse change in the terms and conditions of a City employee's employment.

4. 'Emergency' means a circumstance that, if not immediately changed, may cause damage to person's or property.

### C. Reporting Procedures.

1. Report to supervisor first. City employees, who become aware of improper governmental actions, including those involving individuals outside their own departments, must raise the issue first with their supervisor, except as qualified in C(2) below. 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.

2. If improper action involves the supervisor. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee shall raise the issue directly with the Mayor.

3. In case of emergency. In the case of an emergency, where the employee believes in good faith that damage to persons or property 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.

4. If the City fails to adequately investigate. If the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred, or that insufficient action has been taken by the City to address the improper governmental action; or that the improper governmental action is likely to recur, the employee shall give written notice to the Mayor. Not sooner than forty-eight (48) hours after notifying the Mayor, and if the employee still reasonably believes that the proper corrective action has not been taken, the employee may report information about the improper governmental action directly to the Mayor Pro Tempore or the appropriate government agency with responsibility for investigating the improper actions.

5. If improper action involves the City Council or Mayor.

a. Where the employee reasonably believes the improper governmental action involves a City Councilmember the employee may raise the issue directly with the Mayor or such other person as may be designated by the Mayor to receive reports of improper governmental actions.

b. Where the employee reasonably believes the improper governmental action involves the Mayor, the employee may raise the issue directly with the Mayor Pro Tempore or the Snohomish County Prosecuting Attorney.

6. Good faith attempt to follow these procedures required. City employees who do not make a good faith attempt to follow these procedures in reporting improper governmental action shall not receive the protections provided by the City in these procedures.

#### D. Investigation Procedures.

1. The supervisor or the Mayor, as the case may be, shall take action within fifteen (15) calendar days to properly investigate the report of improper governmental action. The employee raising the issue shall be notified by the Mayor when the investigation is begun and approximately when it will be concluded. City officers and employees involved in the investigation shall keep the identity of the reporting employees confidential to the extent possible under law, unless the employee authorizes, in writing, the disclosure of his or her identity.

2. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation except that personnel actions taken as a result of the investigation may be kept confidential. The employee may be notified at his or her home address if he or she so requests.

#### E. Protection Against Retaliatory Actions.

1. Retaliation Prohibited. City officials and employees are prohibited from taking retaliatory action against a City employee because he or she has, in good faith, reported an improper governmental action in accordance with these policies and procedures.

2. If Retaliation Occurs. An employee who believes that they have been retaliated against for reporting an improper governmental action should advise his or her supervisor, the Mayor, or the official indicated in the following matrix:

If perceived retaliation is by:	then	advise the following person in writing within thirty (30) days to:
Supervisor		Mayor
Other individual not named above, including Councilmembers		Mayor
Mayor		Mayor Pro Tempore

3. City employees shall provide the written charge of retaliation to the Mayor no later than thirty (30) days after the occurrence of the alleged retaliatory action. The Mayor shall take appropriate action to investigate and address complaints of retaliation and respond, within thirty (30) days, to the charge of retaliatory action. Only in cases where the Mayor is perceived to have taken a retaliatory action, should the employee send such charge of retaliation to the Mayor Pro Tempore and the Mayor Pro Tempore must respond within thirty (30) days to the charge of retaliatory action.

4. If the complaint is not satisfactorily addressed. If the person advised of the retaliatory action does not satisfactorily resolve the employee’s complaint, the employee may obtain protection under this policy and pursuant to state law by providing a written note to the City Mayor Pro Tempore that specified the alleged retaliatory action and the relief requested.

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

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

6. The City will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

F. Management Responsibilities. Supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

G. Communication and implementation. The City Clerk is responsible for implementing the City's 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:

1. permanently posted where all employees will have reasonable access to them;
2. made available to any employee upon request; and
3. provided to all newly-hired employees.

H. Violations. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

### **Title 43, Internet Use Policy**

A. The City provides internet access, including e-mail, to its employees to facilitate business. As used in the policy, 'internet' includes email. Internet is provided for legitimate business use in the course of assigned duties only. Inappropriate use may result in loss of access privileges and/or disciplinary action.

B. The Mayor or his/her designee may monitor use of the Internet system or review the contents of stored internet records. Inappropriate use includes, but is not limited to:

1. communications and uses not related to City business;
2. unauthorized attempts to access another's internet or email account;
3. transmission of sensitive or proprietary information to unauthorized persons or organizations;
4. transmission of obscene, harassing, or inappropriate messages;
5. unauthorized reproduction or distribution of copyrighted materials.

The Mayor may allow use of the internet during 'down' times or breaks.

C. Authorized employees shall have immediate access to the internet. Employees shall avoid situations which may contaminate or compromise the City's computer systems. All work stations with internet access will be provided with an internal virus scanning mechanism.

D. By using the internet access provided, every employee agrees that he or she is aware of the policy and that the internet records may be read or monitored by authorized individuals.

E. Employees, by signing the Acknowledgement Receipt of Policies, acknowledge that this internet policy has been read and that failure to follow the provisions of the policies and procedures could lead to the loss of an employee's computer system privilege and/or disciplinary action.

#### **Title 44, Drug and Alcohol Testing Procedures**

A. Requirement to participate in drug and alcohol testing program. The City of Gold Bar is required by Federal regulation to administer a testing program for drug and alcohol use for employees who are required to have and maintain a Commercial Driver's License to perform their job duties.

B. The City has also adopted a Drug Free Workplace Policy which authorizes drug and alcohol testing of employees in circumstances other than under the Federal Omnibus Transportation Employee Testing Act. Those circumstances are set forth in the Drug Free Workplace Policy and include pre-employment testing, reasonable suspicion testing, and return to work testing.

C. Whenever drug and/or alcohol testing is required of a City employee pursuant to the City's policies, this Personnel Manual shall apply and govern the procedures for such testing.

D. Covered Employees: Federal Omnibus Transportation Employee Act. The following groups of employees are required by law to participate in the drug and alcohol testing program.

1. Regular and temporary employees who are required to operate a commercial vehicle as part of their routine job duties.
2. Any employee who possesses a Commercial Driver's License who may at any time operate a commercial vehicle on an on-call, emergency, or unscheduled basis (including supervisory employees who may be called upon at any time to operate a commercial motor vehicle).
3. Current employees who transfer or promote to a position requiring operation of a commercial vehicle and possession of a Commercial Driver's License.
4. A pre-employment drug test is required of all persons given a conditional job offer for a position that meets the description outlined above.

E. Designated Contact. The City Office Manager and City Clerk have been designated by the City of Gold Bar to answer questions about the program and program materials and may provide employees with resource materials or referral assistance.

F. Testing, Evaluation, and Referral Services. The City of Gold Bar has joined the Association of Washington Cities (AWC) Drug and Alcohol Testing Consortium for much of the administration of this program. The AWC Consortium has contracted with specific hospitals to conduct the random testing services, provide the testing laboratory facilities, arrange the testing collection

sites, and provide the Medical Review Officer (MRO) functions. The services of a Substance Abuse Professional (SAP) are also available for employees with positive test results.

For specific doctors, locations, and laboratories, contact the City Office Manager or AWC.

#### G. Testing Procedures.

1. Pre-Employment Testing. Following a conditional offer of employment, prospective employees will be tested for the presence of drugs.
2. Current employees who are transferring from a position that does not require a Commercial Driver's License to a position that does require one, will be tested for the presence of drugs prior to performing duties that require driving or operating a commercial vehicle.
3. A positive drug test result for an employment candidate will result in rescission of any conditional offer of employment made by the City of Gold Bar. The individual will only be eligible to reapply for a position covered by these procedures after the expiration of six months. Employees seeking to transfer are subject to discipline as described in the City's Drug Free Workplace Policy and/or the Commercial Vehicle Operator Drug and Alcohol Testing Policy.

#### H. Random Testing.

1. The names and social security numbers for employees covered by these procedures at the City of Gold Bar have been included in the AWC Drug and Alcohol Testing Consortium pool. This pool contains all eligible individuals from all of the Consortium members. The pool database is managed by Virginia Mason and is updated monthly as changes in personnel occur.
2. The annual random testing rate required under federal regulations is 50% of the pool for drug testing and 25% of the pool for alcohol testing. This means that if the pool contains one thousand (1,000) members, there will be at least five hundred (500) random drug tests and at least two hundred fifty (250) random alcohol tests conducted throughout the year.
3. Selections for random testing will be regulated, monitored, and administered by the Association of Washington Cities through an interlocal with the City. AWC will notify the City and employee of the procedure to follow for the random test. AWC will also administer actions in cases of positive test results. These actions will include, at a minimum, immediate notification of the City.
4. If an employee scheduled for an alcohol test receives a confirmed test result with a blood alcohol level of 0.02 or above and is unaccompanied at the collection site, a supervisor will be called to the site to transport the employee.



5. Refusing to submit to a test will be considered the same as a positive test result and will subject the employee to the same consequences as receiving a positive test result.

#### I. Reasonable Suspicion Testing.

1. According to the federal regulations, reasonable suspicion testing is to be based on 'specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee'. Only supervisors who have been trained in detecting the symptoms of alcohol misuse or drug use and who have directly observed behaviors, appearance, or physical symptoms can subject an employee to reasonable suspicion testing. Supervisors should complete a *Reasonable Suspicion Observation* Form and if possible have the form signed by a witness.

2. If a supervisor has reasonable suspicion to believe that an employee who is on duty, about to go on duty, or just completed duty, is under any influence of drugs or alcohol, the supervisor will remove the employee from duty immediately. The employee will be advised of the reasons for reasonable suspicion and will be transported to the collection site by the supervisor for testing.

3. Reasonable suspicion alcohol testing may only occur just before, during, or after an employee drives a commercial vehicle. If a reasonable suspicion alcohol test is not conducted within two hours of determination that it is necessary, the supervisor will prepare and maintain documentation of the reasons why testing did not occur.

#### J. Post-Accident Testing.

1. All employees covered by these procedures will be subject to post-accident testing if they are involved in an accident with a commercial vehicle on a public road which results in:

a. a fatality or

b. The driver receives a citation under state or local law for a moving violation and

i. there is bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene, or

ii. one or more motor vehicles incurs disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

2. After an accident, employees are responsible for contacting the immediate supervisor or other management personnel. If the above conditions are met, the employee must make themselves available for post-accident testing as soon as possible. Post-accident

testing for alcohol should occur within two hours if possible, but may not exceed eight hours. Testing for drugs should occur within thirty-two (32) hours.

3. Employees subject to post-accident testing are prohibited from consuming alcohol for eight hours following the accident, or until the employee has completed the alcohol test, whichever comes first. An employee who does not comply with the post-accident testing will be considered to have refused testing and will be subject to disciplinary action. An employee in a post-accident situation should cooperate with law enforcement personnel investigating the scene.

4. Supervisors are responsible for determining if the accident qualifies the driver for post-accident testing and should escort the employee to the collection site if possible. If an employee is unable to provide consent to testing due to their medical condition, the supervisor will document the reasons why the employee was not tested. If testing is not completed within the required time following an accident, the supervisor will document in writing why the tests were not administered.

#### K. Return to Duty and Follow-Up Testing.

1. All employees who have engaged in prohibited conduct as defined in the City's Personnel Manual, including those who have tested positive for drugs or alcohol, are subject to return to duty testing and may be subject to follow-up testing.

a. Return to Duty Testing. After engaging in prohibited conduct regarding alcohol or drug use, an employee is required to undergo a return to duty alcohol and/or drug test prior to returning to a duty which requires driving a commercial vehicle. A return to duty alcohol test must result in a breath alcohol concentration of 0.02 or less. A return to duty drug test must result in a verified negative result.

b. Follow-Up Testing. An employee who returns to work after evaluation by a Substance Abuse Professional (SAP) determining that the employee is in need of assistance in resolving problems associated with alcohol misuse or drug abuse is subject to unannounced follow-up alcohol and/or drug testing as directed by the SAP and the City, but no less frequently than six times in the first year following the return to work. The follow-up testing period may not exceed sixty (60) months for each incident.

L. After Hours Testing. If the need for testing occurs outside of the normal hours of operation of the designated collection site, a supervisor or manager will be responsible for following the procedures established by AWC and the City for such occurrences.

#### M. Testing Costs and Compensation

1. Testing costs. The City will pay for the following alcohol and/or initial drug tests: random testing; reasonable suspicion testing; post-accident testing; pre-employment testing; follow-up testing; or return to duty testing.

2. Employees are responsible for the costs associated with split sample re-tests made at the employee's request. If a split sample returns a negative result, the City will reimburse the employee for the cost of the test.

3. Substance abuse professional and rehabilitation costs will be the responsibility of the employee.

#### N. Pay Status.

1. For time spent testing, employees will be compensated for time spent to report to the testing facility and being tested for random testing; reasonable suspicion testing; post-accident testing; return to duty testing; and/or follow-up testing.

2. Employees are responsible for taking the following tests on their own time: split-sample re-tests made at the employee's request.

3. Waiting for Results. Employees who have been asked to submit to a reasonable suspicion drug test will be placed on unpaid leave pending the outcome of the test results. Such employees are eligible to use accrued vacation or sick leave during this time. If the test result is negative, the time will be paid and any sick or vacation leave used will be credited.

4. Alcohol Concentration of 0.02 but less than 0.04. If an employee receives an alcohol test result of at least 0.02 but less than 0.04, the employee must be removed from duty which requires driving a commercial motor vehicle for at least twenty four (24) hours following the administration of the test. The employee may use accrued vacation or sick leave during this absence.

5. Positive Drug Test or Alcohol Test Result of 0.04 or Higher. An employee who receives a positive drug test or who tests 0.04 or greater on an alcohol test is not allowed to return to work until all of the applicable requirements are met as outlined in the Drug Free Workplace Policy and Commercial Vehicle Operator Drug and Alcohol Testing Policy (see Consequences of Engaging in Prohibited Conduct and Positive Drug or Alcohol Test). Such employees may use accrued vacation or sick leave during this absence.

#### O. Testing Methods.

Testing methods will be set, administered, and regulated by the Association of Washington Cities through an interlocal with the City.

#### P. Training and Education.

1. The City of Gold Bar will provide all affected employees with a copy of this Personnel Manual and other information as may be required by federal regulations. Each employee must sign a receipt upon having been provided the above referenced information.

2. The Mayor and supervisors designated to determine whether reasonable suspicion exists to require a driver to undergo alcohol or drug testing will receive at least sixty (60) minutes of training on alcohol and sixty (60) additional minutes of training on drug abuse. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

#### **Title 45, Commercial Vehicle Operator Drug and Alcohol Testing Policy**

A. Purpose. The purpose of this policy is to establish compliance with the Federal Highway Administration regulations requiring drug and alcohol testing for Commercial Driver's License holders. Regulations issued by the United States Department of Transportation mandate urine drug and evidential breath alcohol testing for employees in safety-sensitive positions, including those who are required to hold a Commercial Driver's License (CDL). This policy sets forth the City of Gold Bar's drug and alcohol testing program and the testing and reporting requirements as required by Federal law.

B. Application. This policy applies to all employees of the City of Gold Bar who are required to have and maintain a CDL in order to perform the duties of the job and operate commercial vehicles in excess of 26,000 pounds. Contractors performing functions for the City of Gold Bar involving the use of a vehicle requiring a CDL will be subject to specific alcohol and drug testing as required by federal regulations.

C. Policy. The City of Gold Bar has a significant interest in the health and safety of its employees and its citizens. In furtherance of that interest, it is the policy of the City of Gold Bar to take those steps necessary to ensure that its employees perform their duties and responsibilities free of the influence of drugs and alcohol. Employees are encouraged to seek confidential counseling on problems associated with alcohol and drug abuse. There will be mandatory drug and alcohol testing for employees and job applicants under the circumstances outlined in this policy.

D. Definitions.

1. *Accident* means an occurrence involving a commercial vehicle on a public road which results in a) a fatality; b) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or c) one or more motor vehicles incurring disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

2. *Driver* means and includes all employees whose positions may involve driving a commercial vehicle and that require the possession of a CDL.

3. *Commercial vehicle* means a commercial vehicle that either a) has a gross vehicle weight of over 26,000 pounds (including combined weight of towed unit weighs over 10,000 pounds; b) is designed to transport sixteen (16) or more persons including the driver; or c) is used to transport hazardous materials.

4. *Drugs*, for the purposes of this policy, in accordance with the applicable federal regulations, refers to substances obtained illegally or without a prescription, substances used in abuse of a prescription that alters behavior, or substances that are used in an illegal manner.

5. *Medical Review Officer (MRO)* means a licensed physician responsible for receiving and interpreting laboratory results from drug tests.

6. *Safety Sensitive Position* means positions associated with the driving of commercial vehicles.

7. *Substance Abuse Professional (SAP)* means a licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselor's Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug related disorders. The SAP is responsible for evaluating employees with positive test results.

E. Prohibited Conduct. The following conduct regarding alcohol and drug use or abuse is prohibited:

1. Alcohol concentration. An employee may not report for, or remain on, any duty requiring the performance of duties covered under this policy while having an alcohol concentration of 0.04 or greater.

2. Alcohol Possession and On Duty Use of Alcohol. An employee may not possess or use alcohol while on duty or while operating a commercial vehicle.

3. Pre-Duty Use of Alcohol. An employee may not operate a commercial vehicle within four hours after using alcohol. An on-call employee who consumes alcohol within four hours of being called in must acknowledge the use of alcohol and may not report for duty.

4. Alcohol Use Following an Accident. An employee required to take a post-accident alcohol test may not use alcohol for eight hours following the accident, or until a post-accident alcohol test is given, whichever comes first.

5. Use of Drugs. An employee may not report for duty or remain on duty which requires driving a commercial vehicle when the employee has used a drug or drugs, except when it is prescribed by a physician and used pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's

ability to safely operate a commercial vehicle. Employees who are taking a prescription or over-the-counter medication that may impair their ability to perform their duties safely and effectively should provide written notice from their physician or pharmacist with respect to the effects of such substances.

6. Refusal to Submit to a Required Test. An employee may not refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or drug test as directed by this policy.

7. Positive Drug Test. An employee may not report for duty or remain on duty requiring the performance of duties covered under this policy if the employee tests positive for drugs or alcohol.

8. Tampering with a Required Test. An employee may not tamper with, adulterate, alter, substitute, or otherwise obstruct any testing process required under this policy.

9. Possession, Transfer, or Sale. No employee may possess, transfer, or sell drugs or alcohol while in any position covered by this policy.

## F. Testing

1. Pre-employment Drug Testing. All individuals who are covered by this policy must pass a drug test as a post-offer condition of employment.

2. Reasonable Suspicion Testing. Employees subject to this policy shall submit to a drug and/or alcohol test when the City of Gold Bar reasonably suspects that this policy (except the prohibitions against possession, transfer, or sale of alcohol) may have been or is presently being violated. A referral for testing will be based on contemporaneous, articulable observations. Such referrals will be made by supervisory personnel who have received training concerning the signs and symptoms of drug and alcohol use.

Alcohol testing for reasonable suspicion may only be conducted just before, during, or after an employee operates a commercial vehicle. If removed from duty based on reasonable suspicion of alcohol use and an alcohol test is not administered within eight hours, the employee will not be allowed to perform or continue to perform covered functions until:

a. an alcohol test is administered and the driver's breath alcohol concentration measures less than 0.02; or

b. Twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated this policy concerning the use of alcohol.

3. Post-Accident Testing. Following an accident (as defined in above Definitions) involving a commercial vehicle, the driver is required to submit to alcohol and drug tests

when the driver receives a citation under state or local law for a moving traffic violation, or where a fatality occurs as a result of the accident. Testing should occur as soon as possible, but may not exceed eight hours after the accident for alcohol testing and thirty-two (32) hours after the accident for drug testing.

4. Random Testing. Employees covered by this policy will be subject to random, unannounced alcohol and drug testing.

5. Return to Duty Testing. Employees who have violated this policy, including those who have tested positive on a drug or alcohol test, and who under the discipline policy are allowed to return to work, must test negative prior to being released for duty. A return to duty test following alcohol misuse may not exceed an alcohol concentration of 0.02.

6. Follow-Up Testing. An employee who is referred for assistance related to alcohol misuse and/or use of drugs is subject to unannounced follow-up testing for a period not to exceed sixty (60) months as directed by a Substance Abuse Professional and the City of Gold Bar. The number and frequency of follow-up testing will be determined by the Substance Abuse Professional and the City of Gold Bar, but will not be less than six tests in the first twelve (12) months following the employee's return to duty.

7. Re-Tests. Employees who test positive for drugs may request a second test of the remaining portion of the split sample within seventy-two (72) hours of notification of a positive test result by the Medical Review Officer.

G. Refusal to Take an Alcohol or Drug Test. No employee shall refuse to submit to an alcohol or drug test as directed under this policy. A refusal to submit shall include, but is not limited to:

1. A failure to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing in accordance with the procedures manual;
2. failure to provide adequate urine for drug testing without a valid medical explanation after the employee has received notice of the requirement for urine testing in accordance with the procedures manual; and/or
3. engaging in conduct that obstructs the testing process.

Refusal to submit to a test shall be considered the same as a positive test result.

H. Securing Information from Previous Employers. If a person is to be hired into a position subject to this policy and during the previous two years has worked as a driver of a commercial vehicle, that person must authorize a request of all employers of the driver within the past two years to release information on the following:

1. positive alcohol or drug tests;

2. any refusal to be tested.

This information must be obtained before the person is employed by the City of Gold Bar. However, if the information has not arrived by the anticipated start date, and if the person has passed the pre-employment drug test, the person may be hired and the requested information must be obtained from the previous employers within fourteen (14) calendar days of the date of hire. If the information has not been received within the fourteen (14) calendar days, the person will not be permitted to drive commercial vehicles until the information has arrived. If the information obtained from previous employers indicates either a positive test or that a refusal to be tested occurred within the past two years, that person will not be permitted to drive commercial vehicles unless subsequent information indicates that an evaluation by a Substance Abuse Professional was made and return to duty testing was administered.

I. All records related to drug and alcohol testing will be maintained in a secure location with controlled access. These records will be kept separate from records pertaining to all other employees.

#### **Title 46, Paid Family Medical Leave Act**

A. Washington State requires all employees to take part in the Paid Family Medical Leave Act (PFMLA). The purpose of this Act is to support employees whether they are recovering from a serious illness or injury, caring for a new child, or helping an aging parent. The program is mandatory.

The City is required to withhold a percentage of gross salaries paid to employees and elected officials. The percentage withheld is set by the Employment Security Department. The City has the option to pay the withholding for employees, or require employees to pay the fee as a withholding from their paychecks.

Employees have the option of opting out of City withholding process. However, if an employee opts out, they must then join a State program.

B. PFMLA allows employees to take up to twelve (12) weeks, as needed, if they experience any of the following.

1. Welcome a child into their family through birth, adoption, or foster placement.
2. Experience a serious illness or injury.
3. Need to care for a seriously ill or injured relative.
4. Need time to prepare for a family member's pre- and post-deployment activities, as well as time for childcare issues related to a family member's military deployment.

Employees may take up to sixteen (16) weeks if they experience serious health conditions during pregnancy that result in incapacity.

C. Beginning January 1<sup>st</sup>, 2020, employees who have worked 820 hours in the qualifying period will be able to apply to take paid medical leave or paid family leave. The 820 hours are



cumulative, regardless of the number of employers or jobs someone has during a year. All paid work over the course of the year counts toward the 820 hours, including part-time, seasonal, and temporary work.

D. To apply for benefits, employees must go through the Employment Security Department. While on leave, employees will be entitled to partial wage replacement, which the Employment Security Department manages. Employees may not use sick time benefits as well as PFMLA benefits during the leave period.

E. Employees maintain their health insurance while on leave. However, if an employee pays a portion of their insurance benefits, they must continue to do so while on leave.

#### **Title 47, Memorandum of Understanding**

Each employee, at the time of hiring, shall sign a Memorandum of Understanding For Gold Bar Staff. The text of the Memorandum is included in this title, and the form itself is attached as part of this Personnel Manual.

##### *Text*

In order to clarify roles, responsibilities, and employee procedures and benefit processes, the following shall be signed by each employee and, once signed, added to their personnel file.

1. All employees of the city will respect each other and the city in regards to how they utilize their job roles, communications, emails, phones, etc. Email is assigned to individuals and unless there is a verified reason no one shall be authorized or permitted to access another employee's email. Such reasons include, but are not limited to: direct request from the owner of the email account; at the direction of the Mayor; job – related searches specific to a public records request; regular monitoring by the Office Manager as per job duties; and/or monitoring by the IT department.
2. Employees will respect the management and supervisory roles as outlined by the Mayor. The Public Works Director, and the Clerk/Treasurer report directly to the Mayor. The Office Manager works directly with the Mayor but is supervised by the Public Works Director. Maintenance staff and the water manager are also supervised by the Public Works Director. The Public Records officer is supervised by the Clerk/Treasurer.
3. Any and all disputes concerning attitude, supervision, disrespect, complaints, or insubordination shall be documented in writing and given to the Mayor for review.
4. This Memorandum of Understanding, along with the employee Personnel Manual, and employee job descriptions will be signed annually. Failure to sign these agreements will be viewed as insubordination and will lead to employee discipline up to, and including, termination.

#### **Title 48, Employee Time, Miscellaneous**

A. Any change to an employee's regular work schedule must be accompanied by a leave request slip and supervisor approval, unless the change meets the parameters of Title 49(B).

B. An employee's regular schedule may be adjusted within reasonable parameters during any given work day as long as the employee's supervisor is notified and approves the change. These adjustments are to be utilized for situations such as when an employee must work through their lunch break, and their supervisor then allows them leave early, or for incidental amounts of time of less than an hour where an employee might be late to work due to traffic, and is then allowed to make up the time.

1. Any schedule changes must be made up in blocks of time no less than two (2) hours. Exception to this may be made only with prior approval by the supervisor and Mayor.

2. If an employee must change or cancel the approved makeup time schedule, that change must be approved by the supervisor prior to the change taking place to ensure proper coverage.

C. It is understood that emergencies can happen at any time. In the event of an emergency, the employee must notify the supervisor as soon as reasonably possible.

D. If an employee is required to represent the City at an event, or is attending a training or function that does not require the full working day, the employee will record all hours including travel time. Unworked hours will be made up. Benefit time may be utilized in the same manner as detailed in (B)(1) of this Title. Any hours worked over and above the normal work schedule will fall under the City's overtime, compensatory, and administrative regulations.

#### **Title 49, Electronic Mail (Email) Policy**

A. Each employee is responsible for organizing emails received, sent, forwarded, etc. related to City business and individual job responsibilities.

1. Each employee may set up their preferred organizational system as long as that system creates one that easily searchable. The employee utilizing this option shall be required to demonstrate the system and its ease of finding records, to the clerk/treasurer, their supervisor, and the Mayor if needed. The clerk/treasurer and supervisor must approve the employee's organizational method.

2. Each employee may utilize the clerk/treasurer or their supervisor to set up an organizational system. Only the method will be set up. It will be the employee's responsibility to organize and maintain all emails.

B. Each employee is responsible for complying with record retention laws governing email. The clerk/treasurer may train employees on record retention relevant to their specific job duties, or the employee may choose to attend a more all-encompassing record retention training offered by an outside agency.

1. Emails with no retention value will be deleted after the information has been received and examined. Employees will be instructed on the use of destruction logs and when such logs are required.

2. Email that constitutes a public record must be retained in its original form for the required record retention time period.

C. The Public Records Officer (PRO) and/or designee, shall have access to each employee's email system in order to respond to public records requests.

1. The PRO shall maintain confidentiality.

2. The PRO may, at times, request access to the employee's 'inbox' if the PRO is unable to access emails through the remote access process.

D. No employee shall utilize personal devices for email relating to the conducting of City business except in the event of emergencies. All email relating to city business is subject to public records request laws, including any email sent from an employee's personal computer during an emergency. Such emergency records must be retained according to the appropriate retention regulation.

**Memorandum of Understanding**

In order to clarify roles, responsibilities, and employee procedures and benefit processes, the following shall be signed by each employee and, once signed, added to their personnel file.

1. All employees of the city will respect each other and the city in regards to how they utilize their job roles, communications, emails, phones, etc. Email is assigned to individuals and unless there is a verified reason no one shall be authorized or permitted to access another employee's email. Such reasons include, but are not limited to: direct request from the owner of the email account; at the direction of the Mayor; job – related searches specific to a public records request; regular monitoring by the Office Manager as per job duties; and/or monitoring by the IT department.
2. Employees will respect the management and supervisory roles as outlined by the Mayor. The Public Works Director, and the Clerk/Treasurer report directly to the Mayor. The Office Manager works directly with the Mayor but is supervised by the Public Works Director. Maintenance staff and the water manager are also supervised by the Public Works Director. The Public Records officer is supervised by the Clerk/Treasurer.
3. Any and all disputes concerning attitude, supervision, disrespect, complaints, or insubordination shall be documented in writing and given to the Mayor for review.
4. This Memorandum of Understanding, along with the employee Personnel Manual, and employee job descriptions will be signed annually. Failure to sign these agreements will be viewed as insubordination and will lead to employee discipline up to, and including, termination.

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor Signature

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

\_\_\_\_\_  
Date

### **Statement of Receipt of Personnel Policies**

All employees shall read the Personnel Manual, then sign, date, and return the attached form 'Acknowledgment Receipt of Policies' to the City Clerk. The form will be placed in the employee's personnel file.

It is the employee's responsibility to read the entire Personnel Manual, as the policies will acquaint the employee with benefits, employee practices and rules, and some organizational philosophy.

It is important to understand that these policies do not create an employment contract or a guarantee of employment of any specific duration between the City and its employees. Although the City hopes that the employment relationship will be long term, it is recognized that at times things do not always work out as hoped, and either the City or the employee may decide to terminate the employment relationship.

Unless specific rights are granted to the employee in an employment contract, civil service rules, or elsewhere, all employees of the City are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice.

As the City grows and changes personnel policies may change. The City, therefore, reserves the right to revise, supplement, clarify, or rescind any policy when deemed appropriate by the Mayor and City Council. Employees will be notified of any such changes.

Please understand that no supervisor or representative of the City other than the Mayor has the authority to make any written or verbal statements or representations that are inconsistent with these policies.

If an employee has any questions about these policies or any other policies of the City, he or she may ask the supervisor or Mayor.

**Acknowledgement Receipt of Policies**

I have read and understand the Statement of Receipt of Personnel Policies. I hereby acknowledge that it is my responsibility to read the policies and ask questions if I do not understand portions of said policies.

I acknowledge that I have been given a copy of the Personnel Manual.

I acknowledge and agree that the policies supersede and voids any other agreements, oral statements, prior policies, practices, promises, or writings, in any form, regarding my employment, unless I have an express written employment agreement in place, signed by an authorized officer of the City of Gold Bar, and me.

Furthermore, I understand and agree that, unless I am covered by a written employment agreement signed by myself and an authorized officer of the City of Gold Bar that expressly states otherwise, my employment is at will, for an indefinite period of time, and may be terminated by the City of Gold Bar at any time, and for any reason that does not violate local, state, or federal law, with or without notice.

I also understand that the policies do not constitute a contract of employment and that the City of Gold Bar may change, revoke, interpret, or add to any of the policies or guidelines described in the Personnel Manual at any time and in its sole discretion with or without prior notice.

I agree to comply with the guidelines and policies as set forth and any other guidelines or policies established by the City of Gold Bar during my employment.

I hereby consent to deduction from my final paycheck of any amounts advanced to me that remain unearned when my employment with the City ends, including unearned leave. I also consent to the City withholding my final paycheck until all keys, credit/debit cards, and city equipment checked out to me has been returned. If I have entered into the City-sponsored cell phone program, I also consent to the City withholding my final paycheck until the City is no longer responsible for any cell phone billings.

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

\_\_\_\_\_  
City Clerk

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

\_\_\_\_\_  
Date