

**REPEALED**

**RESOLUTION NO. 104**

**A RESOLUTION OF THE CITY OF SHORELINE,  
WASHINGTON, ADOPTING PERSONNEL POLICIES FOR THE  
CITY OF SHORELINE**

WHEREAS, the City of Shoreline has been operating since incorporation under Interim Personnel Policies; and

WHEREAS, the City Council wishes to adopt revised Personnel Policies; NOW, THEREFORE,

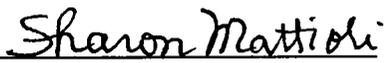
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AS FOLLOWS:**

Section 1. Authorization. The Interim City Manager is authorized to implement the Personnel Policies, which have been filed with the City Clerk and given Clerk's Receiving Number 218; and to apply these policies to employees of the City of Shoreline until modified by future action of the Council.

**ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 23, 1996.**

  
Mayor Connie King

**ATTEST:**

  
Sharon Mattioli, CMC  
City Clerk



**CITY OF SHORELINE, WASHINGTON**

**EMPLOYEE HANDBOOK**

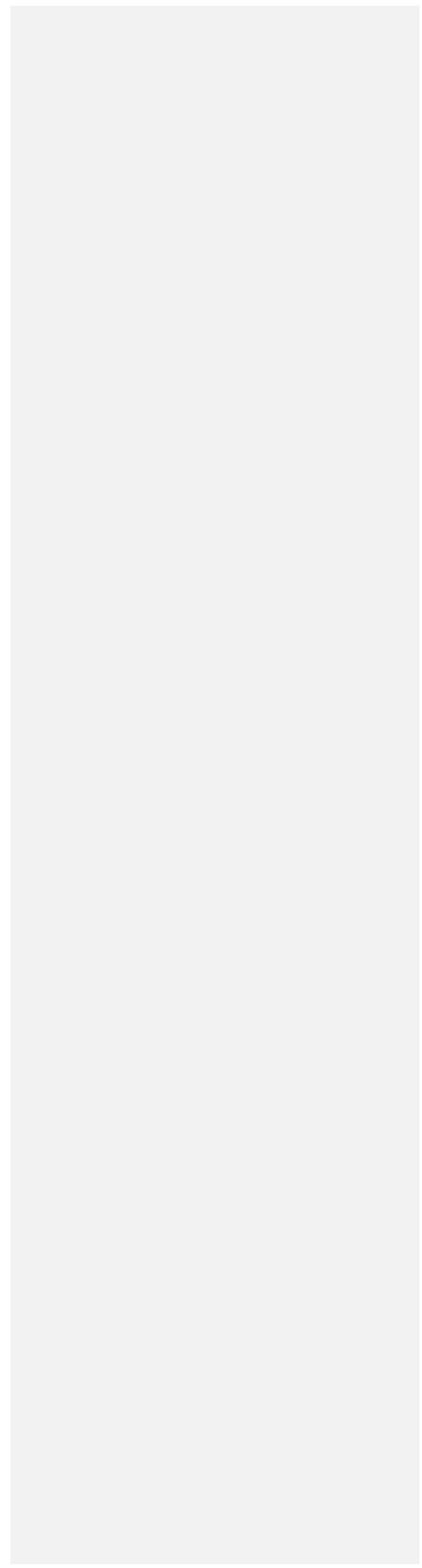


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# ***CITY OF SHORELINE, WASHINGTON***

## ***EMPLOYEE HANDBOOK***

### ***1.00 INTRODUCTION***

— This Handbook is intended to provide a framework that will guide you in your employment with the City. We sincerely hope that you will be challenged by the mission of the City, which is to provide high quality, user-friendly government services to our citizens. As you become familiar with this mission, you will understand its value to the citizens we serve. The kinds of services we provide offer the opportunity to assist others in many ways. We hope that you will be personally challenged by your participation in the delivery of these services.

— The Handbook is prepared so that you will better understand how the City operates and what is expected of you as an employee. It is a summary of the City's personnel policies and practices, and is intended as a general guide as to how the organization functions. We want to create a work environment that allows individuals to maximize their contribution to the organization and results in personal satisfaction. We believe that when consistent personnel policies are known and communicated to all, the chances are increased for greater job satisfaction.

— While the City hopes that your employment relationship with us will be positive, we recognize that things do not always work out as planned. Either of us may decide to terminate the employment relationship at any time. No supervisor, manager or representative of the City, other than the City Manager, has the authority to enter into any agreement with you for employment for any specified period or to make any promises or commitments contrary to the contents of this handbook. This handbook is not intended as a contract, express or implied, or as a guarantee of employment for any specific duration. As the need arises, the City may from time to time modify these policies. The City also reserves the right, at its sole discretion, to depart from the guidelines outlined in this handbook, in order to meet the business needs of the City. If you have any questions about any of our policies, please ask your supervisor or Human Resources.

— We wish you success in your position and hope that your employment relationship with the City will be a personally rewarding experience.

## **2.00 APPLICABILITY AND AUTHORITY**

- A.** Except as hereafter set forth, this Handbook is applicable to all employees of the City except the City Manager who serves at the discretion of the City Council. In addition, notwithstanding any other provision of these policies, the City Manager may designate, in writing, that specified senior management positions are “at will” and employees in those positions shall serve at the discretion of the City Manager. In cases where these policies are in conflict with local, state or federal law, the provisions of local, state or federal law will govern.
- B.** If any provision of these policies or their application to any person or circumstance is held invalid, the remainder of the policies will not be affected.
- C.** Authority to take personnel actions is vested in the City Manager or his/her designee. This shall include but not be limited to hiring, upgrading, downgrading, evaluating, reclassifying and separating employees. In addition, the City Manager or his/her designee shall serve as the coordinator for personnel actions of all departments. It is the policy of the City to delegate responsibility for personnel actions to immediate supervisors; however, coordination of all such actions through the City Manager or his/her designee is required. The Personnel Policies and the Compensation Plan will be reviewed on an annual basis.

### **3.00 DEFINITIONS**

The laws that govern personnel administration have become highly technical and complex. Some definitions referenced in this document are as follows:

#### **3.01 Exempt Employee**

An exempt employee acts in a bona fide executive, administrative or professional capacity as defined under the Fair Labor Standards Act (FLSA) or applicable state law and is designated as such by the City Manager. These employees are not entitled to receive overtime for hours worked in excess of 40 hours in a week. An exempt employee will not have deductions taken (either in pay or reductions to accumulated paid leave balances) for absences of less than a day. A list of exempt positions is maintained by Human Resources.

#### **3.02 Non-exempt Employee**

Non-exempt employees are required to be paid overtime or compensatory time at the rate of time and one half their regular rate of pay for all hours worked beyond 40 hours in a work week in accordance with the FLSA, and applicable state laws. Compensatory time may not accumulate beyond 40 hours. A list of non-exempt positions is maintained by Human Resources.

#### **3.03 Regular Employee (Full-time)**

Regular full-time employees are hired to work a 40 hour week in a regular position established by the City budget for a period of at least five consecutive months in a calendar year. This status does not guarantee employment for any specified length of time.

#### **3.04 Regular Employee (Part-time)**

Regular part-time employees are hired to work at least 20 hours per week in a regular position but less than 40 hours per week for a period of at least five consecutive months in a calendar year.

#### **3.05 Temporary Employee**

Temporary employees are employed for an indefinite, fluctuating or intermittent work schedule not to exceed 69 hours in a calendar month for more than four calendar months in any 12 month period.

#### **3.06 Immediate Family**

Unless defined otherwise herein this handbook, immediate family is defined as the employee's parent, spouse, child, foster child, sister or brother, and no other persons. (The definition of immediate family may be

different in certain benefit plans or policies; in those cases, the provisions of those plans or policies will govern.)

### **3.07 Work Week and Work Day**

The work day is defined as a consecutive twenty-four (24) hour period. For most employees, the standard work day consists of the period from 12:01 a.m. Sunday to 12:00 midnight Saturday. Where this is not the case, the City Manager will define an appropriate work day and communicate that to the employees.

The work week is defined as a fixed and regularly recurring period of one hundred sixty-eight (168) hours; i.e., seven (7) consecutive twenty-four (24) hour periods. The standard work week for most employees consists of the period from midnight Sunday to 11:59 p.m. the following Saturday. Where a different work week is required, the City Manager will define an appropriate work week and communicate that to the employees.

### **3.08 Flex-Time**

Flex time is a work schedule that permits flexible starting and quitting times within limits set by the respective Department Director. Core hours for the City are 8 AM to 5 PM, Monday through Friday, with the exception of holidays, during which each department is expected to be prepared to serve the public. As the need arises, telecommuting may be permitted, consistent with the standards adopted and published by the City Manager.

### **3.09 Length of Service**

Length of service is the length of the employee's continuous regular full-time or regular part-time employment with the City since the employee's most recent date of hire. The City Manager may adjust the date of hire under certain circumstances.

### **3.10 Controlled Substances**

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

### **3.11 Drugs**

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

### **3.12 City**

The City refers to the City of Shoreline, Washington.

**3.13 ADA**

The ADA is the Americans with Disabilities Act, a federal law passed in 1990, which prohibits discrimination against individuals with disabilities in the areas of employment, public service (including transportation), public accommodations and services operated by private entities, and telecommunications.

**3.14 Interns**

An intern is a form of on-the-job training that may be either voluntary or on paid status. Sources for interns include trade schools, high schools, colleges and universities.

**3.15 Independent Contractors**

Independent contractors are individuals or firms which are defined by the 20-item IRS test and general accounting standards.

**3.16 Core Hours**

Core hours are those hours during which non-public safety offices are open to the public and during which staffing shall be available to reasonably provide a maximum standard of customer service.

**3.17 Anniversary Date**

The anniversary date for each employee is that date when the employee first worked for the City of Shoreline. Adjustments may be made to the anniversary date to allow for unpaid time off, especially in calculating benefits.

**3.18 Management**

\_\_\_\_\_ Those individuals responsible for developing, directing, and evaluating \_\_\_\_\_ programs and individuals on behalf of and in support of the City of \_\_\_\_\_ Shoreline. A list of such individuals is maintained in the Human \_\_\_\_\_ Resources office.

**3.19 Bona Fide**

\_\_\_\_\_ Made in good faith without fraud or deceit.

**4.00 EMPLOYMENT POLICIES**

#### **4.01 Merit Employment**

It is very important that well qualified employees be hired to fill positions within the City organization. The overall consideration in the selection, placement and retention of employees (both new and existing) is on the basis of merit. The City defines merit employment as the best match between the knowledge, abilities, and skills of the individual and the work responsibilities of a position. The City will make reasonable efforts to see that selection processes are job related, and to measure a candidate's knowledge, abilities, and skills as related to the work responsibilities of the position.

The selection processes for the City include a comprehensive job analysis, a reasonable amount of time to post and advertise the opening, a thorough screening and evaluation of application materials, an interview panel which includes a subject-matter specialist, and a detailed check of applicable references. Comprehensive procedures for hiring and selection are maintained in the Human Resources office.

In order to provide every consideration for active City employees in regard to promotion and transfer, an interview will be granted provided they are a good match of knowledge, skills and abilities for any open positions, and that their promotion or transfer is in the best interests of the City. The employee must make known his/her interest and comply with the application process within the announced timeframe.

#### **4.02 Job Posting**

The City encourages promotion from within the organization. All openings will be posted internally via e-mail so that employees may become aware of openings and apply for positions for which they are interested and qualified. Regular employees shall have preference over Temporary employees. To be eligible to compete for a posted position, an employee must be capable of performing the essential functions of the job, with or without a reasonable accommodation for a disability; be an employee in good standing in terms of overall work record, and have completed their orientation period (ref. 4.07). An independent contractor presently filling a position is also eligible to apply for an internal posting.

The Department Director, after consultation with the Director of Human Resources, will determine if a position will be posted internally only, or a joint posting internally and externally. If posted internally only, it will be open for 5 working days; if no qualified internal candidates apply, it will then go into the regular external recruitment process.

#### **4.03 Reference Checking**

All requests for information regarding past or present employees shall be directed to the Human Resources Department. Human Resources will then release information stating job title, length of service and eligibility for rehire. If the applicant has signed a statement releasing the City from liability, additional information may be given.

It is the policy of the City to check references on all potential City employees. Written permission of job applicants is required prior to obtaining references. This permission is included on the City's job application form.

#### **4.04 Political Activities**

While all employees have the right to participate in political or partisan activities of their choosing, employees are stewards of the public's trust in matters of City government. Because of the sensitive nature of the services in which the City is engaged, the following activities are prohibited:

- A. City resources and property may not be utilized, and the activity may not adversely affect the responsibilities of the employees in their official duties. Employees may not campaign on City time or in City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities.
- B. Use of official City authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office is prohibited.
- C. Directly or indirectly coercing, attempting to coerce, or commanding, a state or local officer or employee to pay, lend, or contribute anything of value to any party, committee, organization, agency, or person for political purposes is prohibited.
- D. If there is a conflict of interest between an employee's elected position outside of the City and his/her position with the City, the employee must resign from one of the positions.
- E. An employee cannot serve as an elected official of the City, a member of a City commission, or a member of a City board, and be an employee of the City at the same time. .

Violation of any part of this section may be sufficient cause for immediate termination of employment.

#### 4.05 Conflict of Interest and Code of Ethics

The following standards are established for all City employees. In addition, all provisions of the City of Shoreline Code of Ethics will apply. (See Reference A, "Exhibit A to Resolution #30", attached hereto.)

- A. It is prohibited to receive or have any financial interest in any sale to the City of any service or property when such financial interest was received with the prior knowledge that the City intended to purchase such property or obtain such service.
- B. It is prohibited to solicit, accept anything of economic value as a gift, gratuity, or favor from any person, firm or corporation involved in a contract or transaction which is or may be the subject of official action of the City; provided, that the such prohibitions shall not apply to:

  - Attendance at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of City business or where attendance is appropriate as a staff representative;
  - An award publicly presented in recognition of public service.
  - Attendance at a hosted meal where general information is being presented, but where no active consideration of a contract is being discussed.
- C. It is prohibited to disclose confidential information (except as provided for under public disclosure regulations), participate in the making of a contract, accept private employment or provide private services that would be in conflict or incompatible with the performance of official duties as a City employee.
- D. Campaigning for any City of Shoreline election while on City property and/or on City time is prohibited while employed by the City in any capacity.

Violation of any part of this section may be sufficient cause for termination of employment.

#### **4.06 Employee Orientation**

Upon hire or appointment, the department head or designee and Human Resources shall be responsible for the orientation of each employee. Orientation may include explanation of organization and services of the City, work and safety rules, personnel manual and procedures, departmental rules and procedures, completion of payroll forms and introduction to City personnel.

#### **4.07 Orientation Period**

Upon hire or appointment each employee will go through a six-month period of orientation, or as otherwise determined by the City Manager. The orientation period may be extended up to an additional 6 months at the discretion of the City Manager. This period is part of the selection process and affords the employee and the City an opportunity to evaluate whether the match between the job and the employee is appropriate. During this time there may be more intensive training and orientation to the job, evaluation, and feedback on performance. Successful completion of the orientation period should not be construed as creating a contract or an guaranteeing employment for any specific duration. The employment relationship is “at will”, and the employee may resign or be discharged without cause or notice prior to the completion of the orientation period.

#### **4.08 Equal Employment Opportunity**

It is the intent of the City to provide equal employment opportunity (ref: RCW 49.60) for all employees and applicants for employment without regard to race, color, religion, gender, national origin, marital status, age, or disability (as defined under state and federal law). This policy applies to all terms and conditions of employment, including, but not limited to: hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training. If an employee believes that his or her rights under this provision have been violated, please follow the complaint reporting and resolution process outlined in Section 8.14 in this handbook.

#### **4.09 Prohibition of Employee Harassment**

The City prohibits any form of harassment of employees, which includes behavior by co-workers, supervisors, vendors, citizens, or any other individual or group with whom an employee may come in contact in the course of his/her job duties. Improper interference with the ability of employees to perform their jobs will not be tolerated.

With respect to sexual harassment, the City expressly prohibits the following:

- A. Unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:
  - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
  - 2. Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
  - 3. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
- B. Offensive comments, jokes, innuendoes, and other sexually oriented statements or displays.
- C. Each member of management is responsible for creating and maintaining an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of all co-workers. A list of members of management is maintained in the Human Resources office.

#### **4.10 Discrimination Complaint Procedure**

Each member of management is responsible for creating and maintaining an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of all co-workers.

- A. If an employee believes he or she has experienced any job related harassment based upon sex, race, national origin, marital status, disability or any other factor, or believes he or she has been treated in an unlawful, discriminatory manner, the employee must promptly report the incident to the supervisor, who will investigate the matter and take appropriate action, which will include reporting it to Human Resources and the City Manager.
- B. If an employee believes it would be inappropriate to discuss the matter with his or her supervisor, the employee may bypass the supervisor and report the complaint directly to the next highest manager or to Human

Resources and/or the City Manager, any one of whom will immediately undertake an investigation. The complaint will be kept confidential to the extent possible.

C. If the City determines that an employee is guilty of harassing another employee, appropriate disciplinary action will be taken against the offending employee, up to and including termination of employment.

The City prohibits any form of retaliation against any employee for filing a sincere and genuine complaint under this policy or for assisting in a complaint investigation. Any employee who provides false information regarding a complaint will be subject to disciplinary action, up to and including termination.

#### **4.11 Employment of Immediate Family**

Members of the immediate family of elected officials will not be employed by the City in any capacity. Members of the immediate family of employees will not be hired if:

A. One individual would have the authority or power to influence decisions, supervise, hire, remove or discipline the other;

B. One individual would be responsible for financially auditing the work of the other;

C. One individual would handle confidential material that creates improper or inappropriate exposure to that material by the other.

If two employees marry, become related or begin sharing living quarters with one another, and in the judgment of the City Manager, the potential problems noted above exist or could exist, one of the employees will be required to terminate employment unless reasonable accommodation can be made to eliminate the problem. The decision to define and implement a “reasonable accommodation” is at the sole discretion of the City Manager. A decision as to which employee will remain must be made by the two employees within 30 days of the date they marry, become related or begin sharing living quarters. If a decision cannot be made by the two parties, the City Manager shall make the determination.

#### **4.12 Personnel Files**

A confidential personnel file is maintained for each employee. This file contains documentation regarding an employee’s tenure with the City

including but not limited to such items as job application forms, performance appraisals, benefit enrollments, beneficiary designation forms, I-9 forms, emergency numbers and contacts, disciplinary warning notices, termination actions, and letters of commendation. In general, information kept in the personnel file is information which the employee has seen or has been provided a copy. Official personnel files are maintained by Human Resources. The City Manager may establish a uniform policy for the removal of negative job performance materials from the official personnel file.

You have the right to inspect your official file at reasonable times during regular business hours. If you wish to see your personnel file, please make your request to Human Resources. You have the right to have a copy of any information in your personnel file.

Personnel files are kept confidential to the maximum extent permitted by law. State law (RCW 42.17.310) exempts information contained in an employee's personnel file to the extent that disclosure would violate the employee's right to privacy. What constitutes a violation of a person's right to privacy is defined as the disclosure of information about the person that would be "highly offensive to a reasonable person", and "is not of legitimate concern to the public" (RCW 42.17.255). The following employee information is considered public information: job classification; pay; tenure; prior employment history, including names of employers, titles or job classifications, duties and responsibilities; education, including the name of institutions attended, dates attended, and degrees obtained; and occupational licensing.

Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, without a simple written request for specific information. This request may be made by fax. The employee will be informed by the City Clerk's office that access was granted under the laws regulating public disclosure. Exceptions, such as providing information to state unemployment agencies, both federal and state investigators and the like, may be made by Human Resources with the approval of the City Manager.

#### **4.13 Reporting Improper Governmental Action**

In accordance with the Local Government Whistleblower Protection Act, RCW 41.41, it is the policy of the City to encourage reporting by its employees of improper governmental action taken by the City of Shoreline elected officials or employees, and to protect City employees by providing remedies for retaliation. The law also safeguards legitimate employer interests by encouraging complaints to be made first to the local government and by providing for speedy dispute resolution. An employee may consult with the Human Resources Director for further interpretation of this policy.

##### **KEY DEFINITIONS:**

A. **IMPROPER GOVERNMENTAL ACTION** is any action by a local government officer or employee that is:

1. 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
2. in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and a specific danger to the public health or safety, or is a gross waste of public funds. "Improper governmental action" does not include personnel actions. In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

B. **RETALIATORY ACTION** means any adverse change in a City employee's employment status, or in the terms and conditions of employment including: denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, letters of reprimand, demotion, transfer, reassignment, reductions in pay, denial of promotion, suspension, dismissal, or any other disciplinary action, not independently justified by factors unrelated to the reporting of improper government action.

##### **REPORTING MECHANISM:**

Employees who feel that improper governmental action is being undertaken in the performance of official duties must first report all findings regarding the action to the department head. If the improper governmental action involves the department head, then the employee

must report all findings to the City Manager. In all instances the person to whom these findings are reported will notify the City Attorney of all the facts/findings. The City will also report all findings to the local County Prosecuting Attorney. Employees must report governmental improprieties to the City before going to outside entities. Employees can bypass this requirement in the case of an emergency e.g., illegal hazardous waste dumping. In that case the employee would report this directly to the appropriate Federal, State, or local agency.

Employees who fail to make a good faith attempt to report to the local government first when required will not be protected by state law. Any false or frivolous claims or reporting will be subject to disciplinary action up to and including termination.

The identity of a reporting employee shall be kept confidential to the extent possible under law, unless the employee authorizes the disclosure of his/her identity in writing.

#### PROHIBITIONS:

It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. The employee must prove a causal link between his reporting and the employer's adverse action. The employee, not a third party, must provide the information regarding the improper government action.

#### PROCEDURE FOR SEEKING RELIEF:

- A. Employees must provide written notice of the charge of retaliatory action to the City Manager within 30 days of the alleged retaliatory action. The notice shall specify the alleged retaliatory action the relief requested.
- B. The City Manager shall direct the notice to the appropriate City staff, for a response. The City Manager/staff shall have 30 days to respond to the charge.
- C. Upon receipt of the response, or after the 30 day response period, the employee may request a hearing to establish that a retaliatory action occurred and to obtain appropriate relief as defined in this section. The employee must submit the request for a hearing to the City Manager within 15 days of delivery of the response, or within 15 days after the response period has expired.

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

E. At the hearing, the employee must prove his/her claim by a preponderance of the evidence.

F. The final decision of the ALJ is subject to judicial review under the "arbitrary and capricious" standard, meaning that a court may overturn the ALJ's decision if the court determines there was no rational, factual, or legal basis for arriving at such a decision.

RELIEF GRANTED UNDER THE ACT:

A. Reinstatement, with or without pay.

B. Injunctive relief necessary to return the employee to the position he or she held before the retaliatory action and to prevent the recurrence of retaliation.

C. Costs and reasonable attorneys' fees.

D. Penalty assessed against each individual retaliator or up to \$3,000 plus recommendation to City Manager that retaliator be suspended or dismissed.

E. State law does not provide for general economic damages or damages for emotional distress.

LIST OF AGENCIES:

The following is a partial list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the following:

CITY OF SHORELINE

City Attorney or  
City Manager

Shoreline City Hall

17544 Midvale Ave. N.

Shoreline, WA 98133

(206) 546-1700

KING COUNTY

---

King County Ombudsman

213 King County Court House

Seattle, WA 98104

(206) 296-3452

King County Prosecuting Attorney

King County Court House

Seattle, WA

—Criminal Division (206) 296-9000

—Fraud Division (206) 296-9010

—Civil Division (206) 296-9015

STATE OF WASHINGTON

State Auditor's Office  
PO Box 40021  
Olympia, WA 98504-0021  
(360) 753-5280

State Dept. of Ecology  
3190 - 160th SE  
Bellevue, WA 98008-5852  
(206) 649-7000

State Human Rights Commission  
402 Evergreen Plaza Bldg. FJ-41  
711 South Capitol Way  
Olympia, WA 98504-2490

State Dept. of Labor and Industries  
300 West Harrison, Room 201  
Seattle, WA  
(206) 281-5400

UNITED STATES GOVERNMENT

Equal Employment Opportunity Commission

Department of Labor

2815 Second Avenue, Suite 500  
Seattle, WA  
(206) 553-8306

1111 Third Ave., Suite 715  
Seattle, WA  
(206) 553-5930

A complete listing of agencies to which complaints of improper governmental action may be made is available from the City Clerk's Office in City Hall.

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#### 4.14 Outside Employment

The City of Shoreline discourages regular full-time employees from holding second jobs, or having an active interest in outside enterprises. Therefore, employees shall not engage in, accept private employment from, or render services for private interest when such activity may:

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A. Occur during working hours

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B. Detract from the efficiency of the employee while performing City duties

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C. Constitute a conflict of interest or create an appearance of impropriety as determined by the City Manager

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—

D. Stem from privileged information or contacts made during City employment which would give an unfair insider advantage

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E. Take preference over extra duty required by City employment

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F. Interfere with emergency callout duty

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| G. Tend to impair independence of judgment or action in performance of official duties

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| —

| H. Involve the use of any City resources such as copiers, telephones, supplies, other equipment, or time

| If an employee is unsure as to these criteria or the effect of his or her outside employment, he/she should consult with his or her department director or the Human Resources Director for clarification. If it is determined that the outside employment interferes with or reduces the efficiency of City employment, there may be grounds for disciplinary action, up to and including termination. This decision will be made by the City Manager.

## **5.00 GENERAL WORKING CONDITIONS AND PERSONNEL ADMINISTRATION**

### **5.01 Working Hours**

The work week for regular, full-time employees is 40 hours. The daily hours of work shall be set by the City Manager with respect to each department as necessary for the efficient operation of the City. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, holidays excepted. Employees may be requested to work other schedules, including varying shifts, weekends, holidays and overtime to meet the needs of the City or of specific departments. This may also be required in emergency situations as defined by the City Manager.

See section 3.07 for definitions of the work day and work week.

### **5.02 Lunch and Rest Breaks**

All employees working an 8 hour day shall be entitled to at least a one half hour unpaid meal period within five hours of the beginning of his/her shift, and scheduled as close to the mid point of the day as possible. In addition, employees are entitled to a paid ten minute rest break for each four hours of working time.

Breaks shall be arranged so as not to interfere with normal business operations. All breaks should be taken away from the employee's immediate work area.

### **5.03 Overtime, Standby and Callback (non-exempt employees)**

**Overtime:** All employees classified as non-exempt will receive compensation for approved overtime work in excess of 40 hours in a work week. Employees will receive overtime pay at one and one-half the regular hourly rate of pay, except that employees may request compensatory time off in lieu of overtime pay. All overtime must be authorized in advance by the supervisor. Holidays, sick leave, and vacation time are not counted as hours worked when computing overtime.

**Standby:** Based on service needs, each department may establish a roster of qualified personnel who would be available for callback as defined below, during an emergency situation.. If an employee may be needed to work during off-hours, the employee will be placed on standby assignment. Employees placed on standby shall be provided with a paging device. This will enable the employee to conduct his or her personal business within range of the paging device. Employees will be expected to report for work within an hour of a request. Each employee on standby will receive \$1.50 per hour compensation for those hours on standby, and this allowance will be suspended upon callback. Standby is not to be counted as hours worked for purposes of computing overtime or eligibility

to receive fringe benefits. If an employee on standby status fails to respond to a call to return to work, he or she may be subject to disciplinary action.

**Callback:** Callback is all time worked in excess of a scheduled shift, which is not an extension of that shift, and is unanticipated, unforeseen, and not a regular function of the employee's work schedule. Employees called back to work shall be paid a minimum of two hours at a rate of time and one-half. Hours worked on callback beyond the 2 hour minimum shall be paid at the overtime rate of pay, unless such time is part of the employee's regularly scheduled work shift.

#### **5.04 Compensatory Time (Non-Exempt Employees)**

Limited amounts of compensatory time may be granted at one and one-half times the straight time, instead of paid overtime, when requested by the employee and approved by the employee's supervisor. Compensatory time may not accumulate beyond 40 hours, and must be used within six months of award.

#### **5.05 Inclement Weather**

It is important to understand that the City is in the business of providing vital public services. This means that the City does not cease its operations during times of inclement weather or natural disasters. The City may be the only organization providing essential services to citizens. Therefore, all employees are asked to make every reasonable effort to report to work during such times even if it is inconvenient.

A non-exempt employee who is unable to get to work or who leaves work early because of weather or natural disaster conditions may either charge the time missed against accrued annual leave, compensatory time, or take leave without pay for the time missed. Tardiness due to an employee's inability to report for scheduled work because of severe weather conditions may be allowed up to one hour at the beginning of the work day or at the discretion of the City Manager. Inclement weather or natural disaster tardiness in excess of that allowed by the City Manager shall be charged as provided above.

In the event that the City Manager advises employees not to report to work due to inclement weather or natural disaster, such time off will be paid time off and not charged to accrued annual leave or compensatory time. Non-exempt employees who are available and report to work in this situation, if requested by the City Manager, shall either be paid time and one-half for the actual hours worked or be given compensatory time off, at another time mutually agreed upon by the employee and the supervisor.

#### **5.06 Performance Reviews**

Each employee's performance will be evaluated by their supervisor on an ongoing basis. There will also be periodic written evaluations. Such written evaluations will normally occur on the anniversary date. In addition, if an employee is promoted or transferred to another position, performance will generally be evaluated in writing after six months in the new position. Performance reviews conducted for newly hired or promoted employees should be regarded as a part of the selection and orientation process.

All performance reviews will be based on overall performance in relation to job responsibilities and will take into account conduct, demeanor, and record of attendance and tardiness.

Special written performance evaluations will be conducted to advise employees of the existence of performance problems. This is done to give the employee the opportunity to take corrective action when appropriate. Employees who disagree with their performance evaluations may submit a rebuttal in writing that will be attached to a copy of their performance evaluation and kept in their official personnel file.

#### **5.07 Salary Policy**

It is the intent of the City to attract and retain quality employees. Within budget limitations, the City endeavors to pay salaries competitive with those paid by other employers in our industry and in the applicable labor market. Salaries are reviewed on an annual basis, and, budgetary restraints permitting, salaries may be granted a COLA at the discretion of the City Council.

Salary increases may also be received by regular employees if performance meets or exceeds standards after the completion of an annual performance evaluation. The procedures for the granting of increases and the amount shall be established by the City and defined in a compensation plan, and each employee shall receive a copy of the current plan.

#### **5.08 Position Classification System**

The City maintains a job classification system. Each position is periodically reviewed and assigned a salary grade by the Human Resources Director and the City Manager, with input from the appropriate Department Head. Each grade is then assigned a corresponding salary range. Periodically, the City may revise its job descriptions and evaluate individual jobs. Job specifications are reviewed to ensure that they are directly job related and that the essential functions of the job are identified. Additionally, each new position will be assigned a salary grade by the Director of Human Resources with input from the applicable department director, and with final approval of the City Manager

Classification Review Committee: A Classification Review Committee is established to make recommendations on whether or not individual positions have been allocated to their proper classification. Any position may be reviewed by the Committee upon request of the incumbent employee and/or the department head.

Employees who do not believe that their classification accurately reflects the current duties of their position may submit a revised job description to their department head with a request for review of his/her classification. After review by the department head and the Human Resources Director, the changes will then be reviewed by the Committee. The Committee shall make recommendations to the City Manager for reclassification as appropriate.

The City Manager retains the final authority to approve or disapprove changes in classifications, within budgetary guidelines, and/or assignment of duties to employees. Any changes in classification which would increase an employee's pay rate will be retroactive to the date of submittal of the request for review.

The Committee shall consist of two department heads, two non-management employees and the Director of Human Resources. The members of the Committee shall be appointed by the City Manager to serve a one year term. A member of the committee may not review his/her own position.

#### **5.09 Salary Administration**

A. Starting Rates of Pay: New employees generally will begin their employment at the minimum of the range for the classification. At the request of a department head, a new employee may be started between the minimum and the midpoint, if the department head determines that the best qualified applicant has experience and qualifications to place him or her above the minimum of the range. In exceptional circumstances, the City Manager may approve compensation above the midpoint, in order to hire the person who is the best match for the City.

B. Compensation upon Termination: If you terminate employment with the City, you will receive regular wages for all work up to the time of termination. This will include any pay not already paid, any overtime or holiday pay due, and payment of any accrued but unused vacation and compensatory time.

#### **5.10 Garnishment**

The City will honor and process any legally served writ of garnishment against any employee without prejudice towards the employee.

### **5.11 Employee Training and Development**

It is the intent of the City to provide training opportunities to employees for building of skills directly related to the job. These opportunities may include in-house workshops, or workshops and seminars sponsored by other agencies or institutions. Employees are also encouraged to take relevant training courses on their own. Limited reimbursement may be provided for pre-approved job related courses and workshops. (See current applicable financial policies.)

**6.00 EMPLOYEE BENEFITS AND TIME OFF**

**6.01 Annual Vacation**

Regular full-time and part-time employees shall be given annual vacation. Regular part-time employees shall accrue vacation based on the ratio of hours actually worked to a forty hour week. Temporary employees are not eligible for these benefits. Vacation shall be accrued monthly as follows:

<u>Time</u>	<u>Days</u>	<u>Hours/month</u>
Zero to 12 months	12 days of vacation	8.0 hours
After 1 year employment	13 days of vacation	8.6 hours
After 2 years employment	14 days of vacation	9.3 hours
After 3 years employment	15 days of vacation	10.0 hours
After 4 years employment	16 days of vacation	10.6 hours
After 5 years employment	17 days of vacation	11.3 hours
After 8 years employment	18 days of vacation	12.0 hours
After 10 years employment	19 days of vacation	12.6 hours
After 12 years employment	20 days of vacation	13.3 hours
After 15 years employment	23 days of vacation	15.3 hours

**A.** The maximum number of vacation hours which may be carried over from December 31 of one year to January 1 of the next year is equal to two years' accumulation or 240 hours at retirement. In cases where City operations have prevented an employee from using vacation time, the department head with the approval of the City Manager may allow unused accrual in excess of the amount specified above to be carried over. Vacation leave not used shall be forfeited unless in conformance with the above.

**B.** Requests for annual leave must be submitted in writing to your supervisor at least 3 working days in advance. In case of conflict in scheduling annual leave, the employee with the longest tenure, and then the earliest request shall be given the preferred vacation choice. Each department is responsible for scheduling its employees' vacations according to their own procedures.

**C.** In the event of separation from service for any reason, the employee shall be paid for any accrued vacation earned and not taken.

**D.** Vacation for a new employee shall accrue at the above rates but shall not be used until after six months unless special authorization has been

granted by the City Manager. The City Manager is authorized to negotiate higher accrual levels and/or starting balances of vacation with individual staff members.

## 6.02 Holidays

The following holidays are granted with full pay:

New Years Day	January 1st
Martin Luther King's Birthday	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Veteran's Day	November 11th
Thanksgiving	4th Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas	December 25th
Personal Day	Two (2) days

A. A personal day needs to be scheduled by mutual agreement of the employee and the supervisor and may be used for any reason, or as an extension of vacation or sick leave. Non-exempt staff may use these days in increments of one or more hours. Exempt staff must utilize a full eight hours at a time.

Personal Days will be awarded effective January 1 of each year. An employee hired July 1 or later will receive only one personal day in that calendar year. Any personal days not used by the end of the calendar year will be forfeited.

B. If a designated holiday falls on a Saturday, the preceding Friday shall be observed and if the holiday falls on a Sunday, the following Monday shall be observed.

C. Employees must be in a pay status on the work day prior to and the work day following a holiday to be eligible for holiday pay.

D. Regular part-time employees shall observe the established holidays and be compensated for same on a pro rata basis.

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

### 6.03 Sick Leave

Sick leave is earned and to be used under the following conditions:

- A. Full-time regular employees shall accrue sick leave at the rate of eight hours for each month worked. Regular part-time employees shall accrue sick leave based on a pro-rata amount to reflect their normally scheduled work week as compared to a full-time work week of 40 hours.
- B. Sick leave may be taken when an employee is ill, injured, disabled (including a disability due to pregnancy or childbirth) or has been exposed to a contagious disease where there is a risk to the health of others, or for medical or dental examinations or treatment when such appointments cannot be scheduled outside of working hours. Sick leave may also be used to care for a family member under these conditions.
- C. You may also use sick leave for family leave as provided in section 6.04.
- D. You may use sick leave when the use of a prescription drug impairs job performance or safety.
- E. After three days you may be asked to provide a doctor's certificate or other evidence of inability to work at the discretion of your supervisor or department head.
- F. Each employee, or someone on his/her behalf, should inform his/her supervisor if unable to come to work. This should be done each day prior to the scheduled starting time unless on long-term leave, so that arrangements can be made to cover the absence.
- G. An employee may donate up to 25 hours annually of his/her sick leave balance to a fellow employee who has demonstrated special need for additional sick leave. This will be done upon written request of the donating employee to Human Resources. Donated hours will be converted to a dollar value based upon the donor's straight time hourly rate. This dollar value will be divided by the receiving employee's hourly rate to determine the actual number of hours available to the recipient. The hours donated will be charged to the donor's sick leave bank and budget. Sick leave hours so transferred shall not be utilized for the purposes authorized in 6.03 I. An employee is not eligible to donate sick leave hours unless a balance of 80 hours will be

maintained.

H. Sick leave is capped at 1040 hours, or a pro-rata share for part-time employees.

I. Upon retirement, an employee shall be paid for 10% of their accrued but unused sick leave.

#### **6.04 Family Leave**

The City complies with the Federal Family and Medical Leave Act of 1993 (the FMLA - 29 U.S.C.A., 2611) and all applicable state laws (RCW 49.78) related to family and medical leave.

Family Leave Eligibility: The FMLA provides up to 12 weeks of unpaid, job-protected leave every 12 months to eligible employees for certain family and medical reasons. To be eligible, an employee must have worked for the City for at least one year, and for 1,250 hours over the previous 12 months.

Reasons for Taking Leave: Unpaid FMLA leave is granted for any of the following reasons:

1. To care for your child after birth or placement for adoption or foster care.
2. To care for your spouse, son, daughter or parent who has a serious health condition.
3. For a serious health condition that makes you unable to perform the essential functions of your job.

Leave to care for a child after birth or placement for adoption or foster care must be concluded within 12 months of the birth or placement.

Under some circumstances, FMLA leave may be taken intermittently -- which means taking leave in blocks of time, or by reducing a normal weekly or daily work schedule. FMLA leave may be taken intermittently if medically necessary because of a serious health condition (your own, or that of a spouse, son, daughter or parent). If FMLA leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to department head approval.

Substitution of Paid Leave: Certain kinds of paid leave must be substituted for unpaid FMLA leave. Accrued vacation must be substituted for any type of FMLA leave. Accrued sick leave must be substituted in the circumstances where City policies or state law allow employees to use that paid leave.

When vacation and sick leave is available and allowed, that paid leave must be exhausted before unpaid leave is allowed as part of your FMLA leave.

If paid leave is used for a purpose for which FMLA leave would be available, paid leave will count against the FMLA 12-month allowance. You are required to notify the City if paid leave is used for a reason covered by the FMLA.

**Advance Notice and Medical Certifications:** You must provide advance leave notice, with medical certification, of the need for a leave related to a health condition, and with medical certification of fitness to return to duty after a medical leave. Taking leave, or reinstatement after leave, may be denied if these requirements are not met.

Such notice must be provided 30 days in advance of the request for leave if the reason for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment. If 30 days notice is not practical, notice must be given as soon as possible, usually within one or two business days of when the need for leave becomes apparent. If 30 days advance notice is not provided, and if the need for the leave and the approximate date of the leave were clearly foreseeable by the employee, the City may deny the request for leave until at least 30 days after the date notice is given.

The City requires the provision of a medical certification to support a request for leave because of a serious health condition (your own, or your dependent child's, spouse's or parent's) whenever the leave is expected to extend beyond five consecutive working days or will involve intermittent or part-time leave. The City may require second or third opinions, at its option, at City expense.

The City requires all employees to provide a medical certification of fitness for duty to return to work after a medical leave that extends beyond 10 consecutive working days.

**Periodic Reporting:** If an employee takes leave for more than two weeks, the City requires at least every two weeks on your status and intent to return to work.

**Health Insurance:** Employees covered by the City's group health plan (medical, dental or vision), will continue to receive paid health insurance during FMLA leave on the same basis as during regular employment. Employees that do not return to work after the leave will be required to pay back the portion of the insurance premiums paid by the City unless failure to return to work was beyond the employee's control.

**Other Insurance:** For employees covered by other insurance plans through the City, those coverages may continue during paid leave on the same basis as during regular employment. Employees must pay any additional

amounts on a monthly basis prior to the month of coverage. Check with Human Resources for current information and costs for coverages.

Couples Employed by The City: If an employee and their spouse both work for the City and request leave for the birth, adoption or foster care placement of a child, to care for a new child, or to care for a sick parent, the total annual FMLA leave available to the couple for those purposes is 12 weeks.

Determining Leave Availability: FMLA leave is available for up to 12 weeks during a 12-month period. For purposes of calculating leave availability, the 12-month period is a rolling 12-months measured from the date any FMLA leave is used.

Leave Related to Pregnancy. Leave taken for the disability phase of pregnancy or childbirth when physically unable to work, is counted against the 12-week FMLA leave allowance.

Employees are entitled to unpaid leave for the full period of a physical disability resulting from pregnancy and childbirth, even if they are disabled for more than 12 weeks, and even if they don't qualify for leave under the federal law.

#### **6.05 Medical Leave of Absence**

An unpaid leave of absence of up to six months may be granted in the case of an employee's sickness or disability when supported by a physician's certificate of necessity and reasonable expectation of a timely return to duty. Prior to application for a medical leave of absence, an employee's accrued sick leave, annual leave, compensatory time and personal days must be exhausted.

#### **6.06 Continuation of Benefits**

Employees on paid sick leave, vacation, military training leave, or jury duty leave shall continue to receive all benefits including the accrual of vacation, sick leave, holiday pay, pension, and all insurance benefits. Those in other than paid leave status shall not be entitled to and shall not accrue any of the benefits of the City, except as may apply through FMLA.

#### **6.07 Bereavement Leave**

Full-time regular employees may be granted up to three days of paid leave to make arrangements for or to attend the funeral of, or memorial service for, a member of their immediate family or any person related by blood or affinity whose close association was such as to have been the equivalent of a family relationship. If more than three days leave is necessary, earned vacation, sick leave or compensatory time may also be used.

Part-time regular employees shall be entitled to a pro-rata share of bereavement leave, based upon their regular scheduled work hours.

**6.08 Court and Jury Duty Leave**

Employees called to jury duty are strongly encouraged to fulfill their legal and civic responsibility. A regular employee will be granted leave at his/her regular rate of pay. Days during the period of summons when reporting to the court is not required are not covered by this leave.

During the regular work shift, an employee must report to work when not required to be in court. An employee is permitted to retain the allowance received from the court for such service at the discretion of the City.

An employee must inform his/her supervisor as soon as a summons is received, and on a daily basis as to court schedule.

Employees who have been subpoenaed for a job related matter shall be compensated as for any other working time.

**6.09 Military Leave (Military Training)**

Any regular employee may take up to fifteen work days per year for active duty training if he/she is a member of the Washington National Guard, the Army, Navy, Air Force, Coast Guard or Marine Corps Reserves of the United States. This leave is in addition to your regular vacation leave.

Employees will continue to receive their normal pay during such active duty training, provided a written copy of their orders are submitted to the supervisor prior to leave and a written copy of the release is submitted upon return. If the active duty exceeds fifteen working days, the employee will be required to take the excess time first as compensatory time, vacation, and then leave without pay.

**6.10 Leave for Active Duty Military Service**

Regular employees who are called to, or volunteer for active duty military service will be placed on an indefinite unpaid leave of absence for the entire time the employee is in an active duty status with any branch of the United States Armed Forces or state militia. You may, at your option, use any or all of accrued vacation leave prior to moving to the unpaid status. Any unused vacation or sick leave accruals remaining at the time the unpaid leave begins will be held until return to active employment with the City. Vacation and sick leave will not accrue during the time of the unpaid leave, nor will you be entitled to health or other benefits.

Reinstatement following active duty will be in compliance with state and federal laws at the time of a return to work.

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**6.11 Leave of Absence Without Pay**

The City Manager may grant regular full-time and part-time employees a leave of absence without pay for absence from work in excess of 30 days, and 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 personal reasons, such as prolonged illness, parenting, caring for an ill relative; other reasons which would be in the best interest of the City and are not solely for the employee's personal gain or profit, or fulfilling a lengthy military obligation.

An employee on a leave of absence without pay does not accrue vacation or sick leave and all other benefits paid or unpaid cease, unless continued under COBRA regulations.

An employee on leave must notify the City at least fourteen days prior to the end of the leave of his/her desire to be considered for reinstatement. Efforts will be made to return the employee to the same or similar position of one is available. If one is not available, the employee on leave will be put on the notification list for all available positions at the City for a period of one year.

## **7.00 HEALTH AND WELFARE BENEFITS**

A number of benefits are provided to employees that contribute to total compensation. Complete descriptions of these benefits are available from Human Resources. The benefits that you may receive are as follows:

### **7.01 Social Security Replacement Plan**

All employees must participate in a Social Security Replacement Plan (401 a) and Medicare.

### **7.02 Group Insurance**

Regular employees and their dependents are generally eligible for medical, dental, vision, long term disability, life insurance and retirement plans as defined by the City and as authorized by the carrier. The City makes contributions to the cost of these benefits. Part-time regular employees and their dependents, if eligible, receive City contributions for such insurance on a pro-rata basis. Temporary employees are not eligible for these benefits.

The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable, and will make reasonable attempts to give prior notice to employees of any changes.

### **7.03 Pensions:**

The City contributes to the Washington State Public Employees Retirement System (PERS) or the Law Enforcement Officers Fire Fighters Retirement System (LEOFF) as prescribed by law. Temporary employees are not eligible for this benefit.

### **7.04 Employee Assistance Program (EAP)**

The City has established an EAP for its employees. The program is a counseling referral service designed to assist employees in dealing with personal issues that may interfere with your ability to function as an employee. If you need assistance, information on the program is available from the Human Resources Department. Use of this service is confidential.

### **7.05 457 Plan**

The City provides a 457 Deferred Compensation program for eligible employees. Employees must defer funds into this plan which have been allocated for benefits by the City but are not used by the employee. In addition, an employee may make personal contributions to this plan through payroll deduction, up to the limits set by law.

## **8.00 STANDARDS OF EMPLOYEE CONDUCT**

### **8.01 General Policy**

It is the tradition of the City to expect excellence from our employees and to work together as a team to accomplish organizational goals and provide excellent services. When employees fail to meet standards, it may be necessary to take corrective action.

### **8.02 Personal Appearance and Demeanor**

City employees are expected to dress in attire appropriate to their job tasks, and to conduct themselves in a professional manner at all times.

### **8.03 Absenteeism and Tardiness**

Employees are expected to report for work promptly and maintain good attendance. The supervisor must be advised of absence or late arrival prior to the beginning of the shift. A doctor's statement may be required upon return to work. Unexcused or excessive absenteeism or tardiness may be grounds for disciplinary action, up to and including dismissal.

### **8.04 Solicitations and Distribution of Literature**

No one is authorized to distribute or post materials, sell merchandise, solicit financial contributions, or otherwise solicit employees during working hours. Employees may utilize the employee newsletter or the employee lounge bulletin board, if approved by the Public Information Officer, for personal messages of this nature. The City Manager may grant exceptions to this policy in special circumstances.

Non employees are prohibited from distributing material or soliciting employees on City premises at any time.

### **8.05 Drug-Free Workplace**

It is the policy of the City to maintain a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988, other state and federal regulations, and in keeping with the City's own standards. The use of controlled substances is inconsistent with the behavior expected of employees, subjects all employees and visitors to our facilities to unacceptable safety risks, and undermines the organization's ability to operate effectively and efficiently. This also includes the misuse of alcohol while on duty. The unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance in the workplace or while engaged in City business off the premises is strictly prohibited. Such conduct is also prohibited during non working time to the extent that in the opinion of the City, it impairs an employee's ability

to perform on the job or threatens the reputation or integrity of the City.  
Therefore:

1. When employees are on the job, they are expected to be physically free from any impairment or substance which could contribute to an injury, property damage, or interfere with productivity. They are to be free of illegal drugs or potentially impairing levels of legal substances. In short, all City employees are expected to be “fit for work”.
2. Employees are encouraged to notify their supervisors when they are taking over-the-counter or doctor prescribed drugs that could prevent the employee from performing his or her job safely and effectively.
3. The City will establish a drug-free awareness program for its employees.
4. The City will publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace.
5. An employee convicted of a controlled substance-related violation must inform the City within five days of such conviction.
6. The City is required to inform any federal granting agency within ten days after receiving notice of any employee convicted of a violation as described above that occurs in the workplace.
7. Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination. The City may require employees who violate this policy to successfully complete a drug abuse rehabilitation program as a condition of continued employment.
8. Employees may be required to submit to alcohol, drug or controlled substance testing when: an employee's work performance causes reasonable suspicion that the employee is impaired due to current intoxication, drug or controlled substance use; testing is required prior to appointment to a position; as a result of a job related accident; or in cases where employment has been conditioned, in a return to work agreement, upon remaining alcohol, drug or controlled substance free following treatment. Refusal to submit to testing when requested, may result in immediate disciplinary action up to and including termination.

9. Employees who hold a commercial driver's license (CDL) and who operate commercial vehicles while employed by the City are required by the federal government to be tested on a random basis and under certain conditions. Employees who fall into this category shall be informed by their Department Head of the rules and circumstances of the testing program established by the City to comply with the law.

10. Employees who voluntarily enter treatment programs for drug or alcohol addiction shall not be subject to discrimination or retaliation. Such occurrences will be regarded as medical conditions with regard to City provided benefits and rights. However, the City may condition continued employment on the employee's successful completion of treatment or counseling programs and future avoidance of alcohol, drugs or other controlled substances. The City has an employee assistance referral center to assist employees in dealing with personal problems. Details are available from the Human Resources Department.

#### **8.06 Safety**

The City is committed to providing a safe and healthful working environment. This policy is aimed at minimizing the exposure of our employees, clients and visitors to health and safety risks. To accomplish this objective, each employee is expected to work diligently to maintain safe and healthful working conditions and to adhere to proper operating practices. Responsibilities include:

- A. Exercising maximum care and good judgment at all times to prevent accidents and injuries;
- B. Reporting to supervisors and seeking first aid for all injuries occurring on the job, regardless of how minor;
- C. Reporting unsafe conditions, equipment, or practices to your supervisor on the prescribed forms provided by the City;
- D. Using safety equipment provided by the City at all times including seat belts in City vehicles;
- E. Observing all safety rules and regulations at all times;
- F. Notifying your supervisor, before the beginning of the workday, of any medication being taken, that may cause drowsiness or other side effects that could lead to injury to yourself or your co-workers.

No employee, unless employed in a public safety position, is authorized to carry a weapon, concealed or not, on City premises, in City vehicles, or while representing the City.

#### **8.07 Smoking Policy**

In order to maintain a safe and comfortable working environment and to ensure compliance with applicable laws, smoking in City offices and work places is prohibited. This includes City owned vehicles.

#### **8.08 Searches of Property**

It may be necessary to conduct searches of employee personal property in City facilities or vehicles. Searches may be conducted without advance notice. Employees may not use a personal lock on City property or lockers, unless authorized and only if a copy of the key or combination is retained by the City. Any employee failing to consent to such a search may be subject to disciplinary action up to and including termination. Searches must be conducted by and authorized by the City Manager or his or her designee.

#### **8.09 E-Mail Communications**

Electronic mail is to be used only for City business purposes, unless specifically authorized by the City Manager. Employees who are granted access to the City's E-Mail system will be issued an identifying password. The city will retain all passwords and may periodically monitor messages. Employees are not to attempt to gain access to another employee's file or E-Mail messages without that employee's permission. All computer codes must be available to the City. Employees may not use pass codes unknown to the City.

The City's electronic mail and other information systems may not be used in a way that could be disruptive or offensive to others. Any violation of this policy may result in disciplinary action up to and including termination.

#### **8.10 Use of City Equipment and Facilities**

The use of telephones, facsimile machines, computers and copy machines as well as all other City equipment and facilities are for business purposes only. Any material violation of this policy may result in disciplinary action up to and including termination.

The cost of any personal use of equipment must be authorized by the department head, recorded and reimbursed to the City.

### 8.11 Guidelines for Appropriate Conduct

All employees are expected to adhere to acceptable business principles in matters of personal conduct and exhibit a high degree of personal integrity at all times. This involves sincere respect for the rights and feelings of others in both work and personal lives. Examples of behavior and conduct that are considered inappropriate are listed below. This list contains examples only, and is not exhaustive. The City may discipline or terminate employees for other reasons not stated below.

- A. Violating nondiscrimination and/or sexual harassment policies;
- B. Arriving on the job under the influence of intoxicating beverages or drugs; or using intoxicating beverages or non-prescription drugs on the premises; or misuse of prescription drugs on the job that cause a potential hazard to other employees or to the public; or any other violation of the City's drug free workplace rules;
- C. Insubordination; which includes but is not limited to intentional violation of workplace standards and policies, refusal to obey reasonable direction from a supervisor, and advocating disrespect or disobedience in the workplace.
- D. Excessive absence, tardiness, or the abuse of sick leave;
- E. Violation of these policies or other City operating procedures or regulations;
- F. Unauthorized absence from work;
- G. Violation of safety rules or personal conduct at work which is dangerous to others;
- H. Interfering with or disrupting the work of other employees on the job;
- I. Negligent or willful damage to the City's property, waste of supplies and equipment such as personal use of fax machines, copiers, City vehicles, and long distance telephone calls, and/or theft of co-workers' or City assets or property;
- J. Falsifying employment or other City records or general dishonesty;
- K. Fighting or using obscene, abusive or threatening language or gestures;

L. Failing to maintain the confidentiality of City or individual private information;

M. Discourteous treatment of employees of other entities or agencies, of co-workers, or of the general public.

N. Unwillingness to maintain an acceptable level of work performance;

The above items are intended as examples of the high standards we expect of our employees. Should your performance, work habits, overall attitude, conduct, or demeanor become unsatisfactory based on violations either of the above or of any other policies, rules, or regulations, you may be subject to disciplinary action, up to and including dismissal.

#### **8.12 Corrective Action Procedure**

This procedure is progressive in nature and is designed to give employees the opportunity to correct behavior before it becomes a serious problem. Supervisors and managers also have the responsibility to provide behaviorally-specific feedback, either orally or in writing as appropriate, to employees who make improvements in their performance or correct the behavior that was a problem.

*Please note that any or all of the steps outlined below may be utilized, depending upon individual circumstances and the nature of the offense. Exceptions to this procedure may occur if authorized by the City Manager. Immediate termination may occur in some circumstances, depending on the severity of the situation.*

The degree of corrective action depends on the severity of the situation. It is the responsibility of the supervisor to objectively evaluate the circumstances and facts involved and to consult with the Human Resources Director before beginning such action.

The City may use administrative leave with pay while conducting an investigation into an alleged wrong doing. This leave may be used when it is necessary to remove the employee from the work place pending the outcome of the investigation. However, when appropriate, the following procedure will be used:

**Step One: Verbal Counseling or Warning:** This step is used for relatively minor offenses and problems. The supervisor may call the employee aside to discuss the offense and let the employee know the nature of the problem. The supervisor should make a notation in his/her own log to provide reference for future counseling if needed.

**Step Two: Formal Counseling Session:** This step is used for a repeated offense where the counseling in Step 1 has failed to correct the problem or behavior, or for more serious problems that initially require more immediate action. Under this step, there will be a formal counseling session and a letter given to the employee and put in the employee's personnel file documenting the problem.

**Step Three: Decision Making Paid Leave:** This step is used for repeated offenses where the counseling in Step 1 and 2 has failed to correct the problem or behavior, or for more serious problems that initially require stronger corrective action than the above steps. After discussing the problem with the supervisor, the employee will be given the rest of the day off with pay to make a personal decision as to whether to change behavior and continue employment with the City.

**Step Four: Follow-up Meeting Regarding Decision:** The employee will return to work the following day and a meeting between the employee and the supervisor will take place to review the employee's decision. The purpose of the meeting is to reach an agreement on the proposed action of the employee. If the employee decides to terminate employment a separation date will be established. The supervisor may also decide that separation is the most appropriate course of action at this point.

**Step Five: Termination:** This step is to be used for instances where an employee has failed to correct his/her behavior after going through the above established procedure, or if there is a serious violation of City standards of conduct where immediate termination is warranted.

### **8.13 Pre-Termination Hearing**

In the case of termination of an employee, other than an employee who has not completed his/her orientation period, the City will conduct a pre-termination hearing. The pre-termination hearing serves as a check against a mistaken decision and as an opportunity for an employee to furnish additional facts before a termination decision is finalized.

In the event that a decision is made to terminate an employee, the employee shall be provided with a notice of the recommendation for termination. The notice shall include an explanation of the charges on which the recommendation is based, and the time and date for the pre-termination hearing. If the employee fails or refuses to appear, the termination may proceed.

The hearing will be presided over by the City Manager or a designated representative. The hearings are intended to be informal. The employee may show cause why he/she should not be terminated. The employee may bring one person to the hearing as a representative.

Within forty eight hours after the hearing, the City Manager will issue a decision on whether there are reasonable grounds to believe the charges against the employee are true and support termination. A longer review period may be required in more complex situations, and the employee will be so informed.

#### **8.14 Complaint Resolution Procedure**

It is natural to have misunderstandings and conflict in organizations. The purpose of this procedure is to provide a method for the resolution of such matters in a positive and constructive manner and to give employees a means of airing complaints regarding their employment. Employees and supervisors are encouraged to resolve the causes of conflict or disputes between themselves informally whenever possible.

If such efforts fail, an employee may file a complaint in a more formal manner following the procedure outlined below. No retaliation, disciplinary action or discrimination shall occur because of the filing of a bona fide complaint under this procedure. The procedure should not, however, be construed as preventing, limiting, or delaying the City from taking disciplinary action against any employee up to and including termination where disciplinary action is deemed appropriate.

An employee who has been involuntarily separated from employment with the City has the right to participate in this process pursuant to the terms outlined below. Any complaint by a terminated employee must begin with step 2.

Complaint Defined: A complaint is an action by an employee or former employee alleging that he or she has not been treated justly concerning the administration of the personnel policies, or other rules or regulations. Complaints must be initiated within 30 days of the alleged act.

Step 1 - Discussion of the problem with the immediate supervisor is encouraged as a first step. An employee should request time to meet, explain the problem or complaint, and allow the supervisor to respond. The supervisor may wish to gather additional information, then meet again with the employee to seek a mutually agreeable solution. At this step, either the employee or supervisor may seek counsel or advice from the Human Resources Director. The supervisor should keep notes of this discussion for future reference.

Step 2 - If the problem is not resolved after discussion with your supervisor, you are encouraged to request a meeting with your department head. The department head or a designee will conduct an investigation and review the matter with appropriate persons. You should normally receive a response within 10 working days of your meeting. Sometimes investigations take longer due to factors beyond the control of the investigator. If this should be the case, you will be informed of the status of the investigation and provided with a revised estimated time of completion.

During this process, either the employee or the department head may consult with the City Manager or the Human Resources Director. The department head should keep notes of this investigation for future reference.

Step 3 - Disputes not settled at Step 2 may be referred to a dispute resolution committee. This committee will be composed of three employees, none of whom is involved in the complaint.

The committee shall be composed of the following: a) one employee appointed by the complainant, b) a second employee appointed by the City Manager, and c) a third employee selected by the other two appointees. The committee shall review the situation, hear testimony from the complainant, conduct interviews of persons involved in or knowledgeable of the complaint, and conduct further investigations as needed.

A decision will be issued within 15 working days and shall be a recommendation to the City Manager. The City Manager shall review the recommendation and make a final decision which shall be final and binding on the parties. Notes should be kept by the City Manager of this investigation and the final decision.

## **9.00 SEPARATION FROM EMPLOYMENT**

### **9.01 Resignation in Good Standing**

To resign in good standing, an employee should give written notice to his/her supervisor at least 14 days in advance, stating the reason for the resignation and the final working day.

### **9.02 Resignation Not in Good Standing**

Unauthorized absence from work for a period of three consecutive days will be considered as a voluntary resignation, unless the employee can provide a reasonable explanation to the department head. Failure to give advance notice of resignation can impact your ability to be re-hired.

### **9.03 Discharge**

Any employee who is unable or unwilling to meet performance standards for the position, and whose performance does not improve with additional training, counseling, or corrective action, may be discharged from employment. Also, at the discretion of the City Manager or his designee, an employee may be discharged for disciplinary reasons.

### **9.04 Separation Procedures**

The Human Resources Department will verify an employee's separation date and notify payroll. A final paycheck will be issued to the employee on the next regular payday after completion of the following: exit interview, return of City keys, car, ID card, credit cards, tools and equipment, uniforms, printed materials, and any other property or resources which had been made available to the employee. In addition, Human Resources will resolve the status of retirement plans, insurance conversions, and deferred compensation programs, and will conduct an exit interview.

Regular employees shall receive full pay for unused vacation and compensatory time.

### **9.05 Layoff (Reduction in Force)**

The City may layoff employees where there are changes in duties, reorganization of work or positions, a position or service is abolished, there is a lack of work, shortage of funding or for other legitimate business reasons.

A. Whenever a layoff is anticipated, employees whose jobs may be affected will be notified of the situation and options available as soon as possible to allow time to make necessary arrangements.

B. Temporary employees performing similar work will be laid off first.

C. Regular employees will be retained on the basis of their ability to perform the remaining work, and on the basis of the City's ability to meet program needs. Length of service will be taken into consideration when the ability to perform and qualifications of the employees are equal.

D. Options such as part-time work schedules, job sharing and voluntary time and/or pay reductions may also be explored, at the discretion of the City Manager.

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#### **CLOSING STATEMENT**

We wish you successful employment with the City. If you have any questions about this handbook, please direct your questions to your supervisor or to Human Resources.



**CITY OF SHORELINE EMPLOYEE HANDBOOK**

**ACKNOWLEDGMENT**

I understand that the information contained in the Employee Handbook represents guidelines only and that the City reserves the right to modify, amend or terminate these policies at any time.

I understand that these policies are not a contract of employment, express or implied, or a guarantee of employment for any specific duration between me and the City and I should not view it as such.

I acknowledge receipt of these policies and have read and understand their contents.

Employee's Signature \_\_\_\_\_ Date \_\_\_\_\_

**REFERENCE A (RESOLUTION 30 -- ETHICS)**