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# RESOLUTION NO. 402

**A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING REVISIONS TO PERSONNEL POLICIES TO PROVIDE FOR IMPROVED READABILITY AND COMPREHENSION, TO INCORPORATE CERTAIN PRACTICIES, AND TO ADOPT A SUPPLEMENTAL PAID FAMILY LEAVE POLICY.**

WHEREAS, the City Council has provided for benefits and working conditions in the Employee Handbook with the adoption of Resolution No. 104 in 1996 which sets forth the City's personal policies; and

WHEREAS, since its original adoption, the Employee Handbook has been updated on several occasions to reflect legislative amendments and court decisions, to clarify policies, and to modify policies as necessary; and

WHEREAS, the Human Resource Department has done a comprehensive review of the Employee Handbook and identified certain housekeeping amendments to improve readability and comprehension; and

WHEREAS, the Human Resource Department has also identified several policies that should be moderately or substantially revised so as to reflect current practices, delete outdated policies, and/or provide clarity; and

WHEREAS, moderate or substantial revisions include policies related to Limited Term Employees; Telecommuting; Telephone, Email, Voice Mail and Other Communication Systems on City Equipment and Personal Equipment; Recruitment and Selection; Classification and Classification Review; Reasonable Accommodation, Vacation Carryover and Tobacco Use; and

WHEREAS, on January 30, 2017 the City Council discussed supplemental paid parental leave and an alternative for supplemental paid family leave and directed staff to incorporate the alternative of supplemental paid family leave in the Employee Handbook; and

WHEREAS, the City Council, having given full consideration to the proposed revisions to the Employee Handbook;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

**Section 1. Employee Handbook Revision.** The Employee Handbook is revised as provided in Exhibit A and shall be the personnel policies for the City of Shoreline.

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**Section 2.** **Corrections by City Clerk**. Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this resolution, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or resolution numbering and section/subsection numbering and references.

**ADOPTED BY THE CITY COUNCIL ON February 27, 2017.**

Christopher Roberts, Mayor

ATTEST:

Jessica Simulcik Smith, City Clerk

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CITY OF SHORELINE

# EMPLOYEE HANDBOOK

Last updated: 2/27/2017
Resolution 402

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# I. INTRODUCTION

The Handbook is prepared so that employees will better understand how the City operates and what is expected of employees. It is a summary of the City's personnel policies and practices, and is intended as a general guide 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 the employment relationship will be positive, things do not always work out as planned. Either party may decide to terminate the employment relationship. 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.

# II. APPLICABILITY AND AUTHORITY

**A. Applicability**

This Handbook is applicable to all employees except the City Manager who serves at the discretion of the City Council and except where specifically stated otherwise.

**B. At Will**

At will positions include specific senior management positions designated by the City Manager; temporary, extra help and limited term positions; and regular employees who have not yet completed the orientation period. No provisions of this Handbook shall change at will status.

**C. Local, State or Federal Law**

In cases where these policies are in conflict with local, state or federal law, the provisions of local, state or federal law will govern. 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.

**D. Authority**

Authority to take personnel actions is vested in the City Manager. This authority shall include but not be limited to hiring, promoting, demoting, evaluating, reclassifying and terminating employees. Authority for personnel actions is frequently delegated to Department Directors and immediate supervisors; however, coordination of all such actions through Human Resources is required.

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## III. DEFINITIONS

**A. Anniversary Date**
The date used for the purpose of calculating leave benefits and length of service. Usually the anniversary date is the date the employee began work for the City, but adjustments to the anniversary date shall be made proportionate to any unpaid time off.

**B. Break in Service**
The period of time between the date an employee separates from service and the date the employee is rehired.

C. **Callback**
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.

**D. City**
The City of Shoreline, Washington.

E. **City Manager**
The individual appointed by the City Council to serve in this capacity or his or her designee.

**F. Core Hours**
Those hours during which City offices are open to the public and during which staffing is available to provide service to our customers. Core hours for the City are 8:00 a.m. to 5:00 p.m. Monday through Friday.

**G. Demotion**
Any case where a regular employee moves on a non-temporary basis to a different position in a lower salary range with the exception of such movement resulting from a compensation study or salary survey.

**H. Department Director**
An individual appointed by the City Manager to serve as Assistant City Manager, Administrative Services Director, City Attorney, Human Resources Director, Parks Recreation and Cultural Services Director, Planning and Community Development Director or Public Works Director or designee.

**I. Domestic Partner**
The individual named in a current, valid Affidavit of Marriage/Domestic Partnership on file with the City's Human Resources Department. The Partnership may be of the same or opposite sex. The Partnership must satisfy the following criteria:

- Partners shall not be part of another Domestic Partnership or marriage,
- Partners shall be mentally competent, 18 years of age or older, not related by blood closer than permitted for marriage under RCW 26.04.020.1a and .2.
- Partners share a regular and permanent residence and living expenses.

**J. Drugs**
Includes any substance which is controlled in its distribution by federal or state law, including but not limited to, narcotics, depressants, stimulants, hallucinogens,

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cocaine and cannabis. Does not include prescription and over-the-counter medication used according to prescription or consistent with standard dosage.

K. **Employment Status Definitions**

**1. Regular Full Time**

A regular position established by the City budget that is expected to be ongoing and to work a 40 hour week.

**2. Regular Part Time**

A regular position established by the City budget that is expected to be ongoing and to work at least 20 but less than 40 hours per week.

**3. Limited Term**

A position that has a specific end date, works 20 or more hours a week and is not Extra Help. The maximum term is limited to three years.

**4. Extra Help**

A position that is employed in activities related to seasonal programs, variable intermittent workloads, or ongoing work of less than 20 hours a week, further defined below.

**a) Seasonal**

Work that is seasonal beginning approximately the same season of each calendar year, customarily less than six months in duration.

Maximum Hours:

- 1,040 hours a year with no limit on weekly hours if all work is seasonal.
- If some of the work is not seasonal then all hours worked count toward a maximum average of 29 per week in the first 3 months of employment and during 12 months of employment.

Break in Service Requirement before Rehire:

- 13 weeks, or
- Longer than the employee was employed, or
- With approval from Human Resources based on an evaluation of employment status including measurement period implications.

**b) Variable-hour**

Work that is not seasonal but is intermittent and/or hours that are unpredictable from week to week.

Maximum Hours:

- 1,040 a year and
- an average of 29 per week during the first 3 months of employment and during 12 months of employment.

Break in Service Requirement before Rehire:

- 13 weeks, or
- Longer than the employee was employed, or
- With approval from Human Resources based on an evaluation of employment status including measurement period implications.

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**c) Less than 20 Ongoing**

Work that is ongoing and consistent with few hours but regularly scheduled each week.

Maximum Hours:

- 1,040 a year and
- an average of 20 per week during the first 3 months of employment and during 12 months of employment.

Break in Service Requirement before Rehire:

- 13 weeks, or
- Longer than the employee was employed, or
- With approval from Human Resources based on an evaluation of employment status including measurement period implications.

L. **Exempt Employee**

An employee exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) as defined by that Act or applicable state law and designated as such by the City Manager. Exempt positions are so indicated on the salary table adopted by the City Council.

M. **Flex-Time**

A work schedule that permits flexible starting and quitting times or other alternative work schedules within limits set by the respective Department Director.

N. **Immediate Family**

Unless defined otherwise in these policies, the employee's grandparent, parent, parent-in-law, foster parent, spouse, domestic partner, biological child, adopted child, step child, child of domestic partner, foster child, a legal ward or child of a person standing in loco parentis if the child is younger than 18, grandchild, sister, sister-in-law, brother or brother-in-law.

In appropriate circumstances, an employee may believe that another individual should be considered a member of the immediate family for the purpose of applying these policies. The employee shall make a written request explaining to Human Resources why the employee believes that this individual should be considered a member of the immediate family. If Human Resources concurs, they shall forward a recommendation to the City Manager for approval. The City Manager shall decide to approve or deny the request. (If the definition of immediate family is different in certain approved benefit plans or policies; the provisions of those plans or policies will govern.)

O. **Insubordination**

Expressed hostility or contempt for an employee's supervisor or willful disregard of a supervisor's reasonable directive.

P. **Intern**

A position that is a form of on-the-job training that may be either voluntary or on paid status.

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Q. **Non-Exempt Employee**
An employee covered by the minimum wage and overtime provisions of the Fair Labor Standards Act.

R. **Promotion**
Any case where a regular employee moves on a non-temporary basis to a different position in a higher salary range with the exception of such movement resulting from a compensation study or salary survey.

S. **Standby**
Specific assignment of an employee during off-hours to be available to come to work if needed. Standby is not considered as time worked.

T. **Step Increase Date**
The date that is used for the purpose of annual performance review and step increase. Usually the step increase date is the date the employee began work in his or her current position, but adjustments shall be made proportionate to any unpaid time off.

U. **Time in Paid Status**
The period of hours during a pay cycle for which an employee receives compensation including hours worked, vacation, sick, holiday, management, personal or other paid leaves.

V. **Transfer**
Any case where a regular employee moves on a non-temporary basis to a different position in the same salary range.

**W. Work Location**
Work locations are the places employees work. The locations include city owned buildings, adjacent structures and parking lots, and grounds.

City Hall: 17500 Midvale Avenue North
Hamlin Park Maintenance Yard: 16006 15th Avenue N.E.
North Maintenance Facility, 19547 25th Ave NE
Richmond Highlands Recreation Center: 16544 Fremont Avenue N
Shoreline Pool: 19030 1st Avenue N.E.
Spartan Recreation Center: 202 NE 185th Street

X. **Work Week**
A fixed and regularly recurring period of seven (7) consecutive twenty-four (24) hour periods. The standard workweek for employees consists of the period from 12:01 a.m. Sunday to 12:00 midnight the following Saturday. Where a different workweek is required, the City Manager will define an appropriate workweek and communicate that to the employees.

Y. **Y-Rating**
The continuation of a regular employee's salary above the highest step of a new salary range as a result of the salary range for the position being lowered due to a market survey or other factors.

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# IV. EMPLOYMENT POLICIES

## A. Recruitment and Selection

### 1. External and Internal Recruitment

Job Posting and Application: Open positions will be posted on the City's web page with links to the application process. The opening will be posted for a minimum of five working days. To ensure internal employees are aware of an open position, Human Resources will announce openings through email.

Selecting Candidates for an Interview: The hiring manager will review the applications and identify candidates that will proceed to an interview. Additionally, all regular employees who applied will be granted an interview provided they possess the experience and training qualifications listed in the job description for the position.

Selecting the Best Candidate: The City's policy is to hire the best candidate for any job vacancy. The best candidate is an applicant who meets the minimum qualifications for the position and has the strongest match between their knowledge, skills and abilities and the work responsibilities of a position. The best candidate will be determined based upon a review of application materials, the results of tests and/or background checks required by positions, an evaluation of responses to interview questions, and favorable references.

### 2. Internal Recruitment Only

The Department Director, after consultation with the Director of Human Resources, will determine if an opening will be available internally only.

Job Posting and Application: Human Resources will announce openings through email, directing interested employees to apply through the City's web page with links to the application process. The opening will be posted for a minimum of five working days, any employee may apply.

Selecting Candidates for an Interview: The hiring manager will review the applications and identify candidates that will proceed to an interview. All regular employees who applied will be granted an interview provided they possess the experience and training qualifications listed in the job description for the position.

Selecting the Best Candidate: The City's policy is to hire the best candidate for any job vacancy. The best candidate is an applicant who meets the minimum qualifications for the position and has the strongest match between their knowledge, skills and abilities and the work responsibilities of a position. The best candidate will be determined based upon a review of application materials, the results of tests and/or background checks required by positions, an evaluation of responses to interview questions, and favorable references. If there is not an internal candidate who has a strong match between their

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knowledge, skills and abilities and the work responsibilities of the position; the position may be re-posted and made available to external applicants.

**B. 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 employee has signed a statement releasing the City from liability, additional information may be given.

C. **Prohibited Political Activities – Code of Ethics, Appendix A**

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. Political activity may not adversely affect the responsibilities of employees in their official duties. Because of the sensitive nature of the services in which the City is engaged, the following activities are prohibited:

1. **Use of City Resources, Property, Authority and Influence**
   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. Employees may not use City authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office. Violation of this policy

2. **Coercion**
   Employees may not directly or indirectly coerce, attempt to coerce, or command 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.

3. **Elected Office, Commission or Board Service**
   Employees may not serve as an elected official of the City, a member of a City commission, or a member of a City board while an employee of the City.

4. **Conflict of Interest**
   If there is a conflict of interest between an employee's elected position outside of the City and their position with the City, the employee must resign from one of the positions.

Violation of any part of this policy may be grounds for disciplinary action, up to and including termination.

**D. Prohibited Personal Gain - Code of Ethics, Appendix A**

The following standards are established for all City employees for conducting business within the guidelines of the Code of Ethics and providing friendly and courteous service to the public. The Code of Ethics is located in Appendix A of this manual.

Employees are prohibited from:

1. Receiving proceeds or having any financial interest in any sale to the City of any service or property when such proceeds or financial interest was received

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with the prior knowledge that the City intended to purchase such property or obtain such service.

2. Soliciting or accepting 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:
    a. 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.
    b. An award publicly presented in recognition of public service.
    c. Attendance at a hosted meal where general information is being presented, but where no active consideration of a contract is being discussed.
    d. Advertising items of no material value which are widely distributed to others under essentially the same business relationship with the donor or any other gift that is deemed by the City Manager to be of insignificant value such that it does not present a conflict of interest.
3. Disclosing confidential information (except as provided for under public disclosure regulations), participating in the making of a contract, accepting private employment or providing private services that would be in conflict or incompatible with the performance of official duties as a City employee.

Violation of this policy may be grounds for disciplinary action, up to and including termination.

**E. <u>Employee Orientation</u>**

Upon hire or appointment, the Department Director and Human Resources shall be responsible for the orientation of each employee. Orientation may include explanation of the 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.

**1. Orientation Period for Initial Hire**

Upon hire to a regular position, each employee will be at will while serving in a six-month orientation period. Upon the recommendation of the Department Director and the Human Resources Director, the orientation period may be extended up to an additional 6 months at the discretion of the City Manager.

The orientation 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.

An employee may be discharged without cause or notice prior to the completion of the orientation period. Successful completion of the orientation period means a regular employee is no longer at will; however,

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this should not be construed as creating a contract or as guaranteeing employment for any specific duration.

This section shall not apply to specified senior management positions at will, temporary, extra help, and limited term positions.

**2. Orientation Period for Promoted or Transferred Employees**

A promoted or transferred employee shall serve a 3 month orientation period in the new position. Upon the recommendation of the Department Director and the Human Resources Director, the orientation period may be extended up to an additional 3 months at the discretion of the City Manager.

The promoted or transferred employee may be removed from the new position at any time prior to the completion of the orientation period by the Department Director giving written notice of failure to complete the orientation period. The Department Director shall consult with Human Resources before making the decision to remove an employee.

If removed, the employee may return to the position from which he or she promoted or transferred by providing written notice to the Department Director for the former position. This notice must be provided within 5 days of the notice of failure to complete the orientation period.

During the orientation period, the promoted or transferred employee may request to voluntarily return to the former position by making a written request to the Department Director for the former position. If the position has not yet been offered to a new employee, the Department Director, after consulting with Human Resources and any other affected department, may approve the return.

This section shall not apply to at will positions.

**F. <u>Equal Employment Opportunity</u>**

It is the intent of the City to provide equal employment opportunity for all employees and applicants for employment without regard to race, color, religion, gender, national origin, marital status, age, sexual orientation 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, he or she should follow the complaint reporting and resolution process outlined in Section 4, Discrimination Complaint Procedure.

**G. <u>Prohibition of Employee Harassment</u>**

The City expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, marital status, age, sexual orientation or disability (as defined under state and federal law) 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 their 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:

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1. Unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:
   a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
   b) Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
   c) Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
2. Offensive comments, jokes, innuendoes, and other sexually oriented statements or displays.

H. **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.

If an employee believes he or she has experienced any job related harassment based upon sex, race, color, religion, national origin, marital status, age, sexual orientation or disability, or believes he or she has been treated in an unlawful, discriminatory manner, the employee should promptly:

1. Report the incident to his or her supervisor. The supervisor will immediately report the information to the Department Director who will consult with Human Resources and together they will determine how to investigate the matter and ensure that appropriate action is taken. Human Resources shall also report the information to the City Manager.

   a) 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 Department Director or to Human Resources or to the City Manager. The person receiving the report shall consult with other appropriate parties, and together they will determine how to undertake an investigation and ensure appropriate action is taken.

2. The complaint will be kept confidential to the extent possible.

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

4. The City prohibits any form of retaliation against any employee for filing a good faith complaint under this policy or for assisting in a complaint investigation.

5. Any employee who makes a complaint in bad faith, who provides false information regarding a complaint or who engages in any form of retaliation will be subject to disciplinary action, up to and including termination.

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**I. Employment of Immediate Family**

1. Members of the immediate family of City elected officials will not be employed by the City in any capacity.

2. 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; or

   d) The member of the immediate family would be employed in the same department as the employee with the following two exceptions:

      (1) Extra help employees may be employed in the same department as an immediate family member if no conflict of interest exists, including those outlined above.

      (2) Spouses may be employed in the same department if no conflict of interest exists, including those outlined above.

3. If two employees marry, enter into a domestic partnership or become related, and in the judgment of the City Manager, the problems noted above exist or could exist, one of the employees will be required to terminate employment unless some step can be taken to eliminate the problem. The decision to define and implement steps to eliminate the problem 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, enter into a domestic partnership or become related. If the parties do not make a decision within 30 days, the City Manager shall make the determination.

**J. Personnel Files**

Official personnel files are maintained by Human Resources. An employee has the right to inspect his or her personnel file at reasonable times during regular business hours. An employee wishing to see his or her personnel file should contact Human Resources. An employee has the right to have a copy of any information in his or her personnel file.

Personnel files are kept confidential to the maximum extent permitted by law.

**K. Reporting Improper Governmental Action and Protecting Employees against Retaliation**

1. It is the policy of the City to encourage reporting by City employees of improper governmental action and to protect City employees who have reported improper governmental action in accordance with City policy by providing remedies for retaliation.

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2. Key Definitions:

   a) **Improper Governmental Action** is any action by a City 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 (a) 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, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, 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; or (b) hostile actions by another employee that were encouraged by a supervisor or manager.

   c) **Emergency** means a circumstance that if not immediately changed may cause damage to persons or property.

2. **Reporting Mechanism:** An employee who becomes aware of improper governmental action shall report the action to the Department Director. If the employee reasonably believes that the improper governmental action involves the Department Director, then the employee shall report the action to the City Manager. If the employee reasonably believes that the improper governmental action involves the City Manager, then the employee shall report the action to the Mayor. The person receiving the report shall notify the City Attorney. In an emergency, the employee may report the improper governmental action directly to the government agency with responsibility for investigating the improper action.

3. **Investigation:** The person receiving the report shall confer with the City Attorney and they shall agree upon an appropriate method of investigation. The person receiving the report shall ensure that prompt action is taken to properly investigate.

4. **Confidentiality:** The investigation should be conducted as confidentially as possible. Until the investigation is final, the identity of all employees involved shall be kept confidential to the extent permitted by law. At all times, the identity of the reporting employees shall be kept confidential to

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the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing.

5. When the investigation is completed, the person receiving the report shall advise all employees involved in the investigation of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

6. If an employee fails to make a good faith attempt to follow the provided reporting mechanism, the employee shall not be entitled to receive the protection against retaliation provided by this policy. Any false or frivolous claims or reporting will be subject to disciplinary action up to and including termination.

7. **Protection against Retaliatory Actions.** The City is prohibited from taking retaliatory action against an employee because he or she has in good faith reported an improper government action in accordance with this policy.

   a) An employee who believes he or she has been retaliated against shall provide written notice of the charge of retaliatory action to the City Manager (or to the City Attorney if the charge is against the City Manager) within 30 days of the alleged retaliatory action. The notice shall specify the alleged retaliatory action and the relief requested.

   b) The City Manager shall have 30 days to respond to the charge.

8. **Appeal to the State.** Upon receipt of the City Manager's response, or after the 30 day response period, the employee may request a hearing before a state administrative law judge for the purpose of establishing that a retaliatory action occurred and to obtain appropriate relief provided by law. The employee must submit the request for a hearing to the City Manager within 15 days of delivery of the City Manager's response, or within 15 days after the response period has expired.
   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).

9. **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.

10. **List of Agencies**: The following is a partial list of agencies responsible for enforcing federal, state and local laws and investigating other issues

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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 | King County | State of Washington |
|---|---|---|
| City Attorney or<br>City Manager<br>Shoreline City Hall<br>17500 Midvale Ave. N.<br>Shoreline, WA 98133<br>206-801-2700<br>Web: www.shorelinewa.gov | Ombudsman or<br>Prosecuting Attorney<br>516 Third Ave<br>Seattle, WA 98104<br><br>206-477-1050 or<br>206-296-9000<br>Web: www.kingcounty.gov | Auditor's Office<br>302 Sid Snyder Avenue SW<br>Olympia, WA 98504-0021<br>Web: www.sao.wa.gov<br><br>Human Rights Commission<br>711 South Capitol Way, St 402<br>Olympia, WA 98504-2490<br>Web: www.hum.wa.gov<br><br>Dept. of Ecology<br>3190 - 160th SE<br>Bellevue, WA 98008-5852<br>Web: www.ecy.wa.gov<br><br>Dept. of Labor & Industries<br>PO Box 44000<br>Olympia, WA 98504<br>Web: www.lni.gov |

## L. Outside Employment

The City expects that it shall be the primary employer for all regular employees. Therefore, employees shall not engage in employment or render services for pay for any public or private interest (including self-employment) when such activity may:

a) Occur during working hours;
b) Detract from the efficiency of the employee while performing City duties;
c) Constitute a conflict of interest or create an appearance of impropriety as determined by the City Manager;
d) Utilize confidential information or contacts made during City employment which would give an unfair insider advantage or would otherwise be an inappropriate use or disclosure of such information or contacts;
e) Take preference over extra duty required by City employment;
f) Interfere with emergency callout duty;
g) Tend to impair independence of judgment or action in performance of official duties;
h) Involve the use of any City resources such as copiers, telephones, supplies, other equipment, or time; or
i) Interfere in any other manner with the employee's provision of quality customer service.

2. In order to protect the interests of both the City and the employee, it is important that an employee and his or her Department Director have an opportunity to discuss any outside employment with the goal of avoiding any possible conflicts between the City and the other employment.

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a) Prior to engaging in any outside employment, an employee shall provide his or her Department Director with written notice of his or her intent to engage in the outside work. 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.

(1) After receiving the employee's request, the Department Director shall consult Human Resources and if the request complies with this policy, the Director may approve the outside employment.

(2) If the Department Director, in consultation with the Human Resources Director, determines that the outside employment interferes with or reduces the efficiency of City employment, then the Director shall recommend to the City Manager that the request to engage in the employment shall be denied.

b) After considering the employee's written request and the recommendation of the Department Director and Human Resources, the City Manager shall make a decision approving or denying the request.

3. Failure to comply with these provisions concerning outside employment may be grounds for disciplinary action, up to and including termination.

## V. GENERAL WORKING CONDITIONS AND PERSONNEL ADMINISTRATION

### A. Working Hours

1. The workweek for regular, full-time employees is 40 hours. The daily hours of work shall be set by the Department Director with respect to each department as necessary for the efficient operation of the City. Employees may be requested to work different schedules, including varying shifts, weekends, holidays and overtime to meet the needs of the City or of specific departments. Varying schedules or overtime may also be required in emergency situations as defined by the City Manager.
2. Employees may request to work flex time or to job share. Flex time and job share arrangements may not interfere with efficient City operation and must provide for effective service delivery. Flex time and job share must be approved by the Department Director, after consultation with Human Resources.

### B. Breaks

#### 1. 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 their shift, and scheduled as close to the midpoint of the day as possible. In addition, employees are entitled to a paid ten minute rest break for each four hours of working time. Employees who are able to take a break as needed do not

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have to take a formally scheduled break and it is the employees' responsibility to take these breaks. 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. Breaks cannot be combined or saved until the end of the day in order to arrive at work late or to leave work early.

2. **Lactation Breaks**
   For one year after her child's birth, nursing employees are allowed to take reasonable breaks to express breast milk whenever the nursing employee feels it is necessary to do so. A private space for this purpose will be established at all City work locations. If you need information on the space at your work location contact a supervisor or Human Resources.

**C. Overtime**

This section applies to non-exempt employees. Employees will receive compensation for approved time in paid status in excess of 40 hours in a work week. Employees receiving overtime will be paid at one and one-half the regular hourly rate of pay. All overtime must be authorized in advance by the supervisor.

**D. Standby**

This section applies to non-exempt employees. A department may assign an employee who may be needed to work during off-hours to be on standby. Standby assignment normally will be rotated among similarly situated employees. An employee placed on standby shall be provided with a paging device to enable the employee to conduct his or her personal business within range of the paging device. Each employee on standby will receive compensation at the currently established rate for those hours on standby, and this allowance will be suspended when callback commences. Standby is not to be counted as hours worked for purposes of computing overtime or eligibility to receive benefits. Employees on standby will be expected to report for work within an hour of a request. 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.

**E. Callback**

This section applies to non-exempt employees. 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.

**F. Compensatory Time**

This section applies to non-exempt employees. Limited amounts of compensatory time may be granted. An employee who is in paid status more than 40 hours in a work week may earn compensatory time 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. Compensatory time not used within six months will be paid.

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G. **Twelve Hour Shift**

This section applies to non-exempt employees. From time to time the City Manager may determine the need to assign City employees to work 12-hour shifts in order to effectively respond to inclement weather, natural disasters or other similar emergency events. The provisions of this policy apply in the case where the City Manager makes a declaration assigning employees to a "City Manager designated 12-hour shift".

1. Pay to transition assigned employees into the 12-hour shift. When employees are working at the time the City Manager declares a 12-hour shift, night shift employees shall be sent home with pay to rest and prepare for the night shift. This period of pay shall cover the time between the declaration of the 12-hour shift until the end of their regularly scheduled work day. Example: An employee is at work and is scheduled to work until 4:00 pm. The employee normally takes a half hour lunch at noon. At 11:00 am the City Manager declares a 12-hour shift. The employee, assigned to the night shift, is sent home at 11:00 to rest and report to work at 9:00 pm for the night shift. The employee receives 4½ hours pay—1 hour from 11:00 to noon and 3½ hours from 12:30 pm – 4:00 pm.

2. Shift Differential. In recognition of the inconvenience of having to work unusual hours with very little notice and under conditions that are generally difficult due to weather or other uncomfortable conditions, employees assigned to the declared 12-hour shift shall receive an additional $3 per hour shift differential for all hours worked beyond their normal assigned shift. When an employee is working a 12-hour shift on a day they are not normally scheduled to work, all hours worked shall be considered to be "beyond their normal assigned shift". An example of how the policy would apply: Assume the following facts:
   - Both Employee A and Employee B normally work a schedule of 7:00 am – 4:00 pm (with an hour unpaid lunch break).
   - Employee A is assigned to the 9:00 pm – 9:00 am night shift. For each full night shift worked, Employee A will receive 10 hours of shift differential pay from 9:00 pm until 7:00 am to compensate for hours that Employee A does not normally work. This same amount of differential pay will apply regardless of which day of the week the work is being performed.
   - Employee B is assigned to the 9:00 am – 9:00 pm day shift. For each full day shift worked, Employee B will receive 5 hours of shift differential pay from 4:00 pm until 9:00 pm to compensate for hours that Employee B does not normally work. This same amount of differential pay will apply regardless of which day of the week the work is being performed.

3. Pay for meal breaks. During the declared 12-hour shifts, employees shall be paid for required meal breaks.

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4. Premium Pay for work on days when the City is closed. In the event that the City Manager closes the City for any period of time during any normal work day during the period of the declared 12-hour shift, any employee assigned to the 12-hour shift who works during the calendar day the City is closed shall receive straight time "comp time" for the time that the City is closed, in addition to their pay for their shift. For the purposes of a full day City closure, the "time closed" shall be 8 hours.
    - Example: The City experiences severe snow storms and the City Manager declares a 12-hour shift beginning on Monday and the 12-hour shifts continue through the weekend. During the work week, due to the snow, the City Manager closes the City for the entire work day on Wednesday. In addition the City Manager closes the City 2 hours early on Thursday to allow employees at work to drive home safely.
    - Employee A is assigned to the night shift and works the night shift on both Wednesday and Thursday as scheduled. In addition to appropriate pay for the hours worked, Employee A will receive 10 hours of comp time. (8 hours for having worked on Wednesday and 2 hours for having worked on Thursday).
    - Employee B is assigned to the day shift and works the day shift both Wednesday and Thursday as scheduled. In addition to appropriate pay for the hours worked, Employee B will receive 10 hours of comp time. (8 hours for having worked on Wednesday and 2 hours for having worked on Thursday).
    - Employee C is assigned to the day shift and is scheduled to work both Wednesday and Thursday; however, Employee C works Wednesday but then calls in sick and does not work as scheduled Thursday. Employee C will receive 8 hours comp time. (8 hours for having worked on Wednesday but 0 hours for Thursday).

**H. Inclement Weather**

1. The City is in the business of providing vital public services and therefore does not cease 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.

2. 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 vacation 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.

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3. In the event that the City Manager advises employees not to report to work or to leave early due to inclement weather or natural disaster, such time off will be paid time off and not charged to accrued vacation leave or compensatory time. Non-exempt employees who are available and report to work or continue 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.

**I. Performance Evaluations**

1. Each regular employee's performance will be evaluated by his or her supervisor on an ongoing basis. The City also has a formal performance evaluation system.
2. Employees who disagree with their formal performance evaluations may provide comments on the evaluation form itself and may also submit a rebuttal in writing that will be attached to a copy of their performance evaluation and kept in their official personnel file. Employees may also appeal pursuant to Section 8 Complaint Resolution Procedure.

**J. Classification and Compensation Plan**

The City has a strong interest in attracting and retaining excellent employees. It is the policy of the City to maintain a comprehensive classification and compensation program. Within budget limitations, the City endeavors to pay salaries competitive with those paid within comparable jurisdictions and within the applicable labor market.

The City Manager shall be responsible for the administration of the classification and compensation plan. All changes in classifications and changes in assignment of classifications to salary ranges must be approved by the City Manager.

**1. Job Classification**

The Job Description and Salary Range assigned to the responsibilities of a position is the 'job classification.' A job description includes a job title and statements that define the position, including essential and marginal job functions and qualifications for knowledge, ability, experience and training. The experience and training qualifications in the job description are considered to be minimum qualifications. Salary range assignments are recommended by the Human Resources Director to the City Manager, with input from the Department Director. Periodically, the City may revise job classifications as needed or as part of a compensation study.

**2. Classification Review**

Positions sometimes evolve as a result of changed duties and responsibilities assigned by a supervisor. A classification review studies these changes to determine if a different job description and salary range assignment is appropriate. Importantly, not all changes warrant a different salary range assignment, the majority of the assigned duties must be a different type or complexity that is compensated at a different level to warrant a different salary range assignment.

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Requesting a Classification Review

A Department Director, with the approval of the City Manager, may request a classification review when planning to change the assigned duties of a position within the next calendar month.

An employee who does not believe that their classification accurately reflects the current duties of the position may request in writing a classification review if it has been more than one year since the last classification review and the majority of duties have changed.

Performing the Classification Review

The Human Resources Department performs the classification review and will ask the requestor for updated job information which may include the use of a job analysis questionnaire.

After review by the Department Director and the Human Resources Director, any changes shall be recommended 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 resulting from an employee request for a classification review will be retroactive to the date of submittal of the request for review. In the event that a classification review results in a denial of a change in classification but also results in a determination the employee was working out of class, the employee will be awarded out of class pay. The out of class pay will be effective on the date the employee submitted the written request for classification review and end on the date the out of class duties are no longer performed and will be based on Section 5, Out of Class Pay.

**3. Steps and Increases**

The compensation plan consists of six salary steps which are referred to as a salary range. Step 1 is the minimum; Step 6 is the top. The steps are set at 4% increments.

Regular employees not at the top step are eligible for advancement to the next step annually. The step increase will be effective on the step increase date. Once the top step is reached, the employee remains in the top step as long as the employee remains in that position.

**4. Starting Rates of Pay**

New employees generally will begin their employment at Step 1 of the salary range for the position. At the request of a Department Director, the Human Resources Director may recommend to the City Manager that a new employee start at a higher step. The City Manager must give approval prior to offering a salary above step 1. Offers will be extended by either the Human Resources Department or the Department Director.

Circumstances that support hiring above Step 1 include:

a) Additional and directly applicable education or experience above the minimum requirements;

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b) Market conditions, including the applicant's current salary, that support a higher starting salary;
c) The proposed higher salary will not create inequities with existing internal salaries.

**5. Promotion**

A regular employee receiving a promotion shall be placed in the first step in the new salary range that provides for at least a 5% increase or the top step of the new salary range if there is not a step that allows at least a 5% increase. The employee's promotion date becomes the employee's step increase date.

If the Department Director believes that circumstances warrant an exception to the 5% placement rule, and if the Human Resources Director concurs, they may recommend to the City Manager a higher placement. Circumstances that support a placement greater than a 5% increase are:

a) Additional and directly applicable education or experience above the minimum requirements;
b) Market conditions that support a higher starting salary;
c) The proposed higher salary will not create inequities with existing internal salaries.

**6. Transfer**

A regular employee receiving a transfer shall remain in the same step and retain the same step increase date.

**7. Demotion**

Disciplinary Demotion. If the demotion is a result of a disciplinary action, the employee shall be placed in the highest step in the new salary range that provides for a decrease. The demotion date will become the employee's new step increase date.

Any Other Demotion. If the demotion is a result of any reason other than discipline and the employee's current salary is within the new salary range, the employee shall remain at the same rate of pay until the employee's next step increase date. On the step increase date, the employee shall move to the next step in the new salary range that provides for an increase. The employee shall retain the same step increase date.

If the employee's current salary is higher than the top step of the new salary range, the employee shall be placed in the top step of the new salary range.

**8. Y-Rating**

When a regular employee's position has been y-rated, the employee will remain at the same rate of pay until the salary range increases enough to include that rate. At that time, the employee shall be placed in the first step that does not provide for a decrease. No COLA or step increase will be awarded during this period.

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**9. Pay Schedule**

The City is on a bi-weekly pay schedule that provides the equivalent of 26 paydays during a standard year (52 weeks divided by two).

**10. Out of Class Pay**

When a Department Director or the City Manager assigns a regular employee substantially higher paid responsibilities outside the scope of his or her job classification and the assignment exceeds ten working days, the employee shall be paid an additional 5% for the entire period of the out of class work. The assignment and the out of class pay must be in writing and approved by Human Resources prior to the Department Director making the assignment.

1. If the Department Director believes that circumstances warrant an exception to the 5% placement rule, and if the Human Resources Director concurs, they may recommend to the City Manager a higher placement. Circumstances that support a placement greater that a 5% increase are:
   a) Additional and directly applicable education or experience above the minimum requirements;
   b) Market conditions that support a higher starting salary;
   c) The proposed higher salary will not create inequities with existing internal salaries;
   d) The proposed higher salary is not higher than would be awarded if the employee were promoted into the position.

**K. Garnishment**

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

**L. 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.

**M. Educational Reimbursement Program**

The City has established an educational reimbursement program to help eligible regular employees develop their skills and upgrade their performance. All full time regular employees who have completed a minimum of one year of service are eligible to participate in the program.

1. Under the program, and within budget guidelines, educational reimbursement is provided for courses offered by approved institutions of learning, such as accredited colleges, universities and secretarial and trade schools. Courses must be, in the City's opinion, directly or reasonably related to the employee's present job or consistent with the employee's performance development plan. Courses must not interfere with job responsibilities and must be taken on the employee's own time.
2. Reimbursement covers actual costs of tuition and registration fees only and is limited to a maximum of six credits per semester or nine credits per

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quarter for approved courses. The employee must pass the course in order to receive reimbursement.

3. Employees eligible for reimbursement from any other source (e.g., a government sponsored program or a scholarship) may seek assistance from this program but will be reimbursed only for the difference between the amount received from the other funding source and the actual course cost up to the maximum reimbursement allowable under this policy.
4. To be eligible for reimbursement, the employee must submit a tuition reimbursement form to his or her supervisor prior to the scheduled commencement of the course(s), receive written approval from the Department Director and Human Resources in advance, be actively employed by the City at the time of course completion and pass the course. The employee should also have raised the issue of pursuing this education as part of the performance development planning discussions of the Performance Management System.
5. On completion of the course, the employee must submit to the Human Resources Department an official transcript from the school, indicating grade received and a receipt or other official proof of payment.

**N. <u>Reasonable Accommodation</u>**

The City of Shoreline does not discriminate against qualified individuals with a disability with regard to any aspect of employment and is committed to complying with the Americans with Disabilities Act.

The City recognizes some individuals with disabilities may require reasonable accommodations. If an employee is disabled or becomes disabled (meaning he or she has a mental or physical impairment substantially limiting one or more of the major life activities) and requires a reasonable accommodation, the employee must contact the Human Resources Department to begin the interactive process. Accommodation requests may be made orally or in writing to the Human Resources Department. Requests may be made by the employee, the employee's supervisor or someone on behalf of the employee.

A reasonable accommodation is assistance or changes to a position or working conditions that will enable an employee with a disability to perform the essential functions of their job. The City will provide reasonable accommodation to employees with medically certified disabilities, unless doing so would pose an undue hardship.

Human Resources will meet with the employee to review the accommodation process, answer questions and provide the necessary forms which include a Medical Certification form to be completed by the employee's physician.

If the Medical Certification does not confirm that the employee has a disability, Human Resources will seek clarification from the medical provider and the employee before rejecting the request. If the Medical Certification confirms that the employee has a disability, the employee, supervisor and human resources will meet and begin an interactive process. The interactive process will include

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discussing the disability, limitations, and possible reasonable accommodations that may enable the employee to perform the functions or his or her position, make the workplace readily accessible to and usable by the employee, or otherwise allow the employee to enjoy equal benefits and privileges of employment. Following the interactive process, a decision will be made and the employee will be notified if the accommodation is approved or denied.

## VI. BENEFITS

All benefits apply to regular and limited term employees and selected benefits apply to extra help employees and paid interns. These benefits contribute to total compensation. Complete descriptions of these benefits are available from Human Resources.

### A. Group Insurance

Applies to: Regular and limited term employees.
Employees and their dependents are generally eligible for medical, dental, vision, long term disability, life insurance, and the employee assistance program as defined by the City and as authorized by the carrier. The City makes contributions to the cost of these benefits as authorized by the City Council by resolution. Regular and limited term part-time employees and their dependents, if eligible, receive City contributions for such insurance prorated based on the ratio of their normally scheduled work week to a forty hour week.

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.

### B. Social Security Replacement Plan

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

### C. 457 Plan

Applies to: Regular and limited term employees.
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.

### D. Retirement

Applies to: All employees determined to be eligible by state law.
The City contributes to the Washington State Public Employees Retirement System (PERS) as prescribed by law. State law determines employee eligibility. For more information, contact Human Resources or the Washington State Department of Retirement Systems.

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## E. Vacation

Applies to: Regular and limited term employees.
Employees accrue paid time off for vacation. Regular and limited term part-time employees receive prorated vacation accrual based on the ratio of their normally scheduled work week to a forty hour week.

### 1. Accrual Table

Vacation shall be accrued monthly as follows:

| Years of Employment Completed | Days of Vacation per Year | Hours Accrued per Month |
|---|---|---|
| 0 – 12 Months | 12 | 8.0 |
| 1 | 13 | 8.6 |
| 2 | 14 | 9.3 |
| 3 | 15 | 10.0 |
| 4 | 16 | 10.6 |
| 5 | 17 | 11.3 |
| 8 | 18 | 12.0 |
| 10 | 19 | 12.6 |
| 12 | 20 | 13.3 |
| 15 | 23 | 15.3 |

### 2. Carryover Maximum

The maximum number of vacation hours that may be carried over from December 31 of one year to January 1 of the next year is equal to two years' accumulation.

### 3. Carryover Exceptions

Employees with a vacation balance in excess of the carryover maximum should reduce the balance to the maximum. If an employee perceives they cannot use vacation because City operations have prevented it, the employee should discuss the matter with their supervisor well ahead of requesting a carryover exception. If the employee and supervisor are unable to plan for the employee to take the time off, they may request a carryover exception. The Department Director with the approval of the City Manager may allow a carryover exception of unused accrual in excess of the carryover maximum. An employee will not be granted an exception two years in a row.

### 4. Forfeiture

Unused vacation leave in excess of the carryover maximum shall be forfeited at the end of the calendar year unless a carryover exception has been granted.

### 5. Requesting Vacation

In requesting vacation, employees should consider the City's needs to conduct the public business and to have time to plan for vacation coverage. Managers should respect employees' needs to take vacation. An employee's reasonable request for vacation should be approved unless the granting of the vacation would negatively compromise the business needs of the City. In case of a conflict in scheduling

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vacation leave, normally the earliest request shall be given the preferred vacation choice.

An exempt employee shall not have deductions taken for vacation absences of less than a full day.

Vacation for a new employee shall accrue 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.

An employee may cash out accrued vacation one time each calendar year. To be eligible for the cash out, an employee must have used at least 80 hours of vacation since the first of the year and the maximum cash out shall be 40 hours. The amount of the cash out shall be based upon the employee's hourly rate/salary at the time of the written request. If approved by the department director, the 80 hour minimum threshold may include vacation approved for the current calendar year, but not yet taken. In this case, the employee may receive the cash out just prior to leaving on the approved vacation. Cash out requirements for part time regular employees shall be prorated based upon the employee's authorized FTE.

**6. Separation from Service**

In the event of separation from service for any reason other than at retirement the employee shall be paid for any accrued vacation earned and not taken. In the case of separation for any reason when the employee is eligible for retirement as defined by the rules and regulations of the Washington State Public Employees Retirement System the maximum cash out shall be 240 hours.

**F. <u>Management Leave</u>**

Applies to: Exempt Regular and limited Term Employees.

On January 1st of each year, each employee shall receive 3 days of management leave. A new exempt employee hired before July 1 shall receive all 3 days. A new exempt employee hired between July 1 and October 1 shall receive 1 day; a new exempt employee hired after October 1 shall not receive any days of management leave until the next calendar year. The leave is to be used each year; any management leave not used during the calendar year shall not be carried into the next year.

**G. <u>Holidays</u>**

**1. Observed Holidays**

Applies to: Regular and limited term employees.

Employees receive paid time off for holidays. Regular and limited term part-time employees receive prorated holiday benefits based on the ratio of their normally scheduled work week to a forty hour week.

| | |
|---|---|
| New Year's Day | January 1 |
| Martin Luther King's Birthday | 3rd Monday in January |
| President's Day | 3rd Monday in February |
| Memorial Day | Last Monday in May |

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| | |
|---|---|
| Independence Day | July 4 |
| Labor Day | 1st Monday in September |
| Veteran's Day | November 11 |
| Thanksgiving | 4th Thursday in November |
| Native American Heritage Day | Day after Thanksgiving |
| Christmas | December 25 |

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. If a designated holiday falls on any other regularly scheduled day off, it shall be observed on the work day immediately preceding or following the holiday as determined by the City Manager.

Employees must be in a paid status on the workday prior to and following a holiday to be eligible for holiday pay.

Nonexempt regular employees working on a holiday (either the actual holiday or the City recognized holiday) shall be paid at time and a half for all hours worked. In the case that an employee works both the actual holiday and the corresponding City recognized holiday, the employee shall only receive the holiday pay for one of the days. The pay shall be for the hours worked on actual holiday, unless the employee makes a written request for pay for the City recognized holiday instead of the actual day. Example: Independence Day falls on Sunday, July 4th; the City recognized holiday is Monday, July 5th. Employee A works Sunday and receives time and a half for all hours worked. Employee B works Monday and receives time and a half for all hours worked. Employee C works both Sunday and Monday and will be paid time and a half only for the hours worked on Sunday, unless he or she makes a written request to be paid time and a half for the hours worked Monday, instead of Sunday.

**2. Personal Days**

Applies to: Regular and limited term employees

Employees receive paid time off for two (2) personal days a year. Regular and limited term part-time employees receive prorated personal day benefits based on the ratio of their normally scheduled work week to a forty hour week.

A personal day needs to be scheduled by mutual agreement of the employee and the supervisor and may be used for any reason. Non-exempt staff may use these days as normal workdays or in increments of one or more hours (up to the total hours of two normal work days.) Exempt staff must use a full day 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.

**3. Holidays for Reason of Faith or Conscience**

Applies to: All Employees

If an employee's religious beliefs include observance of a holiday or leave is needed to attend a religious activity of faith or conscience that is not a City holiday, the employee may take up to two days off per calendar year unless the leave

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would create an undue hardship for the City as defined in WAC 82-56-020 or a risk to public safety. The leave requires the approval of the Department Director. Regular employees may use a personal day, vacation, compensatory time, or leave without pay, extra help employees may use leave without pay.

H. **Sick Leave**

Applies to: Regular and limited term employees

Employees accrue paid time off for sick leave at the rate of eight hours for each month worked. Regular and limited term part-time employees receive prorated sick leave accrual based on the ratio of their normally scheduled work week to a forty hour week. The City Manager is authorized to negotiate starting balances of sick leave with individual staff members.

**1. Purpose**

The purpose of sick leave is to provide an 'insurance policy' of a bank of paid leave to be used in the event that an employee or immediate family member experiences an illness or disability that requires an employee to be absent from work. Employees who are ill or disabled are expected to use sick leave to recover and to not report to work when they could expose co-workers to illness. Employees shall use leave to account for any sick leave related absence whether full or partial day unless they have otherwise made up the time in the same work week.

**2. Use of Sick Leave**

**a) Employee**

Sick leave may be used 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, or when the use of a prescription drug impairs job performance or safety.

**b) Immediate Family Members**

Sick leave may be used to care for a member of the immediate family who is ill, injured or disabled. Sick leave may also be used for qualifying Family Leave provided for in the Family Leave section.

**c) Doctor's Note**

After three days of sick leave an employee may be asked to provide a doctor's note or other evidence of inability to work at the discretion of the supervisor or Department Director.

**d) Notification**

Each employee, or someone on their behalf, should inform their supervisor if unable to come to work. This notification should be done each day prior to the scheduled starting time unless on long-term leave, so arrangements can be made to cover the absence.

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**3. Conversion of Vacation to Sick Leave**
If an employee on approved vacation is hospitalized or experiences a similar extraordinary sick leave event, the employee may make a written request to the City Manager to convert the sick leave connected time from vacation leave to sick leave. The City Manager shall consider the facts involved and shall approve or deny the request.

**4. Maximum Balance**
The maximum banked balance of sick leave is 1040 hours. Regular and limited term part time employees maximum banked balance will be prorated based on the ratio of their normally scheduled work week to a forty hour week.

**5. Separation from Service**
Upon separation, if an employee is eligible for retirement as defined by the rules and regulations of the Washington State Public Employees Retirement System, an employee shall be paid for 10% of their accrued but unused sick leave.

**6. On-the-job Injury**
An employee who has an on-the-job injury and receives time loss payments from the Washington Department of Labor and Industries (L & I) may not use sick leave for the same hours for which the employee receives the time loss payment. An employee may use sick leave to supplement the time loss payment for the purpose of continuing to receive his or her normal salary. If sick leave is exhausted, the City will use other available leave to supplement the time loss, unless the employee otherwise notifies Payroll in writing. If an employee is awarded time loss payments for a period that the employee has already used sick leave or other available leave, the employee shall submit the L & I check to Finance and 'buy back' the equivalent amount of leave used. While on time loss, the employee's salary may not exceed the employee's normal salary when not on time loss.

I. **Donated Leave**
Applies to: Regular and limited term employees.
A Department Director, after consulting with Human Resources, may recommend that the City Manager allow a regular employee to receive donated sick leave from another regular employee. The City Manager may approve the donated leave if he or she finds that the employee meets all of the following criteria.

**1. Criteria**
a) The employee needs leave that qualifies for sick leave, which is of an extraordinary or severe nature and that has caused, or is likely to cause, the employee to either go on leave without pay or to terminate employment; and
b) The employee has depleted all of his or her available leave time; and
c) The employee has abided by all applicable policies regarding sick leave use; and
d) The employee has been found ineligible for benefits under Worker's Compensation as governed by state law.

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**2. Donation**
An employee may donate up to 25 hours annually of their sick leave balance. An employee is not eligible to donate sick leave hours unless a balance of 80 hours will be maintained. An employee may also choose to donate accrued vacation leave. The donating employee in either case shall submit a written request to Human Resources.

**3. Value of Leave**
Donated hours will be used on an hour for hour basis with no consideration given to the dollar value of the leave donated.

**4. Treatment of Leave Remaining**
If more leave is donated than is used, the hours of leave that remain shall be returned to the employee(s) donating the leave on a pro rata basis.

**5. No Cash Out**
Donated sick leave hours are not eligible for the cash out provisions in the Separation from Service section.

J. **Family Leave under FMLA**
Applies to: All employees meeting FMLA eligibility criteria.
The City complies with the Federal Family and Medical Leave Act and all applicable state laws related to family and medical leave. This policy provides detailed information concerning the terms of FMLA. State laws may have additional requirements and provide additional protections; please check with Human Resources for details.

**1. Length of Family Leave and Eligibility**
Eligible employees may take up to 12 weeks of unpaid, family leave every 12 months for certain family and medical reasons, or up to 26 weeks of unpaid, family leave every 12 months for military family care leave. To be eligible, an employee must have worked for the City for at least 12 months and for at least 1,250 hours over the previous 12 months.

**2. Reasons for Taking Leave**
Family leave is provided for any of the following reasons:

- To care for an employee's child after birth or placement for adoption or foster care. 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.
- To care for an employee's spouse, child or parent who has a serious health condition.
- To care for a spouse, son, daughter, parent or next of kin who has a serious health condition as a result of military service 'military family care'.
- For qualifying exigencies (as defined by the FMLA) when a spouse, parent, son or daughter serving in the military is on, called to, or notified of impending call to covered active duty.
- If a serious health condition makes an employee unable to perform the functions of his or her job.

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### 3. Definitions

For the purposes of Family Leave, the following definitions apply:

- **Child**: A biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis (in place of the parent) if the child is younger than 18; or A biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis if the child is 18 or older and incapable of self-care because of a mental or physical disability.
- **Military Family Care**: Caring for a spouse, parent, son, daughter or next of kin with a serious injury or illness as a result of military service.
- **Parent**: A biological parent of an employee or an individual who stood in loco parentis to that employee when the employee was a child.
- **Serious Health Condition**: An injury, illness, impairment or physical or mental condition that involves:
    a. hospital care: any period of incapacity or subsequent treatment connected with or consequent to inpatient care (an overnight stay) in a hospital, hospice or residential medical care facility; or
    b. absences plus treatment: any period of incapacity of more than three consecutive calendar days including any subsequent treatment or period of incapacity relating to the same condition that also involves 1) treatment 2 or more times by a health care provider within 30 days, by a nurse or physician's assistant under direct supervision of a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider; or 2) treatment by a health care provider on at least 1 occasion which results in a regimen of continuing treatment under the supervision of a health care provider;
    c. pregnancy: any period of incapacity due to pregnancy or for prenatal care; or
    d. chronic conditions requiring treatments: a chronic condition which 1) requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under the direct supervision of a health care provider; 2) continues over an extended period of time; and 3) may cause episodic rather than a continuing period of incapacity;
    e. permanent/long term conditions requiring supervision: a period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider;
    f. multiple treatment (non-chronic conditions): any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of or on referral by, a health care provider, whether for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more

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than three consecutive calendar days in the absence of medical intervention or treatment.

g. incapacity: inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore or recovery there from.

- **Qualifying Exigency**: An urgent need that arises out of the fact that a covered military member is on, called to, or notified of impending call to covered active duty status. The most common qualifying exigencies include attending military functions, making financial and legal arrangements, and arranging for child care. The Department of Labor maintains a complete list of qualifying exigencies.

**4. Intermittent Leave**

Under some circumstances, family leave may be taken in separate blocks of time or by reducing a normal weekly or daily work schedule. Family leave may be taken intermittently if medically necessary because of a serious health condition (the employee's, or that of a spouse, child or parent). If family leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to Department Director approval.

**5. Paid Leave before Unpaid Leave**

When an employee has paid leave or comp time available that paid leave must be exhausted before unpaid leave is allowed as family leave.

**6. Advance Notice**

An employee shall provide advance notice of the need for family leave along with the requested dates for the leave. Taking leave, or reinstatement after leave, may be denied if these requirements are not met.

Notice must be provided at least 30 days in advance of the leave if the reason for the leave is birth, placement for adoption or foster care. If 30 days notice is not possible due to the employee taking physical custody of the child at an unanticipated time, notice must be given as soon as possible and at least within 5 working days of the placement. The employee shall adhere to the dates of leave requested unless the birth is premature, the mother is incapacitated by the birth and is unable to care for the child, the employee takes physical custody at an unanticipated time or the employee and Department Director agree to alter the dates. If there is a premature birth, incapacity or unanticipated placement, the employee must give notice of revised dates as soon as possible and at least within 5 working days.

Notice must be provided at least 14 days in advance of the leave if the reason for the leave is a serious health condition and the leave is foreseeable. The employee should make reasonable efforts to schedule the leave to not unduly disrupt the City's operations. If the leave is not foreseeable, the employee or the employee's representative shall provide notice within 1 or 2 working days, except in extraordinary circumstances.

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**7. Medical Certification**
The City requires the provision of a medical certification to support a request for leave because of a qualifying event whenever the leave is expected to extend beyond three consecutive working days or will involve intermittent or part-time leave. The City may require second or third opinions, at its option and expense.

The City may require all employees on family leave due to the employee's serious health condition or due to the birth of a child to provide a medical certification of fitness for duty prior to return to work after a medical leave, dependent on the circumstance as it relates to the employees duties.

**8. Periodic Reporting**
If an employee takes leave for more than two weeks, the City may require the employee to periodically report on his or her status and intent to return to work.

**9. Health Insurance**
During an FMLA of absence, while an employee is in an unpaid status and unable to pay their portion of contributions for health insurance, the City will pay the City's portion and the employee's portion of the cost as governed by FMLA regulations. Therefore, employees covered by the City's group health plan (medical, dental or vision) will continue to receive health insurance during family leave on the same basis as during regular employment. An employee will be required to pay back the employee portion of cost paid by the City through a repayment plan regardless of whether the employee returns to work or does not. Employees that do not return to work after the leave will be required to pay back both the employee and the City portion of the insurance premiums unless failure to return to work was beyond the employee's control as governed by FMLA regulations.

**10. Other Insurance**
For employees covered by other insurance plans through the City, those coverages will continue during paid leave on the same basis as during regular employment. For any period of unpaid leave, the employee wishing the insurance to continue must pay for the coverage on a monthly basis prior to the month of coverage. Check with Human Resources for current information and costs for coverages.

**11. Couples Employed by the City**
If employees married to each other request leave for the birth, adoption or foster care placement of a child, the total family leave available to the couple is 12 weeks. The City may grant leave to only one parent at time. If the leave requested is due to a serious health condition (the employee's or that of the child, spouse or parent), each employee is independently entitled to 12 weeks.

**12. Determining Leave Availability**
Family 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 first date any family leave is used. The employee is required to notify the City if any leave qualifies as family leave. All leave qualifying for family leave shall be designated and tracked as family leave upon the request of the employee.

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**13. Special Rule for 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 family leave allowance. In some cases, state law may entitle the disabled employee to leave beyond the standard 12-week period. Human Resources can provide information concerning the state law and its applicability.

**14. Return Rights after Family Leave**
When an employee returns to work after family leave:

- the City shall place the employee in the same position the employee held when the leave began or in another City position with equivalent benefits and pay;
- the return is subject to bona fide changes in compensation or work duties;
- the employee does not have return rights if:
    a. the City eliminates the employee's position by a bona fide restructuring or reduction-in-force; or
    b. the employee takes another job; or
    c. the employee fails to provide the required timely notice of family leave or fails to return on the established ending date of the leave.

**K. <u>Supplemental Paid Family Leave</u>**
Applies to: Regular employees
Supplemental Paid Family Leave provides employees an increased ability to attend to family matters by supplementing an employee's accrued paid leaves. The employee will receive the equivalent of his or her full pay for up to a total of twelve weeks, when combined with the employee's accrued leave (except for two weeks of their accrued leave), to pay for a qualified family leave. Refer to Section VI Benefits, Family Leave under FMLA or Victims of Domestic Violence leave to learn what constitutes a qualifying event.

**1. Eligibility**
Supplemental Paid Family Leave is available to all regular employees who have:

- Worked for the City continuously for at least 12 months and for at least 1,250 hours over the previous 12 months; and
- Have a qualifying event under FMLA or under the Victims of Domestic Violence policy; and
- Lack enough accrued leave to maintain a balance of two weeks and to pay for a leave of absence of up to 12 weeks.

**2. Benefit Amount**
An employee's Supplemental Paid Family leave benefit is calculated when an employee's accrued leave balances are down to two weeks or less. Accrued leave balances for purposes of this policy include sick leave, vacation, personal holiday, compensatory time and management leave. Employees may choose which type of leave they use first but are encouraged to use any personal holidays, management leave or compensatory time first because those leaves expire at the end of the year.

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The employee will receive the equivalent of their full salary for up to a total of twelve weeks, when combined with the employee's accrued leave (except for two weeks of their accrued leave). Regular part time employees will receive this benefit on a pro-rata basis relative to their normal work week. The following is an example:

> *An employee has an FMLA qualifying event that documents the need for a twelve week family leave of absence. At the time of the qualifying event, the employee has five weeks of accrued leave and will accrue an additional 1.2 weeks (6 days) of vacation and sick leave during the leave of absence. With the five weeks of accrued leave on the books at the time of the qualifying event and with the additional 1.2 weeks of accrual, the employee will have a total of 6.2 weeks of accrued leave. In this example, the following would happen:*
>
> > *4.2 weeks of the employee's accrued leave would be applied towards the twelve weeks of Paid Family Leave.*
> >
> > *Then, when the employee's balance of accrued leave is down to two weeks, the City would provide the employee with 5.8 weeks of Supplemental Paid Family Leave, so that the employee's twelve week family leave may be a fully paid leave.*

If the qualifying event is the birth, adoption or foster care placement of a child and both parents work for the City and meet the eligibility requirements, the total Supplemental Paid Family leave available to the couple is 12 weeks. The City may grant leave to only one parent at time.

The employee must use all but two weeks of their accrued leave before using Supplemental Paid Family leave.

Supplemental Paid Family Leave may not be cashed out under any circumstance.

**3. Benefit Period, Frequency, and Concurrency**

Supplemental Paid Family Leave must begin and be completed within twelve months of the qualifying event.

An employee may use Supplemental Paid Family Leave on an intermittent or part-time basis, as long as it is consistent with the department's operational needs, and is approved in writing by the employee's director prior to the leave.

Supplemental Paid Family Leave will run concurrently with the City's family and medical leave, and federal and state family and medical leave laws, to the fullest extent permitted by law. Supplemental Paid Family Leave is limited to a maximum of 12 weeks a year, calculated on a rolling 12 month period from the start of the supplemental paid family leave.

**4. Job Protection and Health Benefits**

Supplemental Paid Family Leave is protected leave. Barring required budget cuts or layoffs, an employee's job cannot be eliminated while the employee is on Supplemental Paid Family leave. Further, no retaliatory action may be taken against an employee for participating or planning to participate in the program.

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The employee will continue to receive health benefits according to the underwriting rules of the relevant health plans and shall continue to accrue vacation and sick leave according to City policy during the period of Supplemental Paid Family Leave.

**5. Procedure for Requesting Supplemental Paid Family Leave**

a) Provide notice – Unless a leave is unexpected, at least thirty days' notice must be given to the Human Resources department and the Immediate Supervisor. In the case when the need for leave is not foreseeable, employees must provide notice as soon as possible.
b) Discuss your anticipated leave duration and schedule with the Human Resources department and your Immediate Supervisor. If you plan to take intermittent or part-time leave, this must be approved in writing prior to the leave.
c) Complete the Supplemental Paid Family Leave Request Form.
d) Submit the Supplemental Paid Family Leave Request Form along with the completed paperwork to request an FMLA leave; or along with your request for a leave under the Victims of Domestic Violence policy.

**6. Time Recording**

Record your time using the time card codes provided by Payroll.

**L. <u>Spousal Military Deployment Leave under Washington State Law</u>**

Applies to: All employees

An employee who works an average of twenty or more hours a week and who is a spouse of a military service member may take up to fifteen days of unpaid leave while the military service members is on leave from deployment, or before and up to deployment, during times of military conflict declared by the President or Congress. An employee must provide Human Resources with notice of their intent to take leave within five business days of receiving official notice of leave from deployment or of an impending call to duty. Leave will run concurrently with FMLA leaves for deployment of a family member.

**M. <u>Medical Leave of Absence (non FMLA)</u>**

Applies to: Regular and limited term employees.

In addition to or in lieu of family leave, an unpaid leave of absence of up to six months may be granted in the case of an employee's disability when approved by the City Manager and when the leave will not adversely impact City operations. The request must be supported by a physician's certificate of necessity and reasonable expectation of a timely return to duty. Prior to application for a non-FMLA medical leave of absence, an employee's accrued sick leave, vacation leave, compensatory time, management leave and personal days must be exhausted.

**N. <u>Leave of Absence Without Pay</u>**

Applies to: Regular and limited term employees

Leave without pay is a temporary nonpaid status and absence from duty that occurs when an employee doesn't have enough, or does not qualify to use, paid time off for the absence. All paid leave banks must be exhausted prior to

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authorizing unpaid leave except when the reason for the leave does not qualify for paid sick leave or the leave is otherwise covered by Leave for Active Duty Military Service.

Leave without pay for an illness not covered by FMLA requires the Department Director approval. If such an absence exceeds three consecutive work days, the absence requires notification to the Human Resources Director and approval by the City Manager.

The City Manager may approve leave without pay for other personal reasons not covered by family leave, such as parenting or caring for an ill relative; other reasons in the best interest of the City and not solely for the employee's personal gain or profit. To request a leave of absence without pay for personal reasons, the employee shall submit a written request to the Department Director that states the reason for and the proposed length of the leave. If the Department Director approves of the leave, the Director will forward the request to the City Manager for consideration and provide a copy to the Human Resources Director. If the leave is approved, the employee and City Manager will enter into an agreement detailing the terms and conditions of the leave and a copy will be filed with Human Resources and payroll.

**O. <u>Continuation of Benefits</u>**

Applies to: Regular and limited term employees.
Employees on any paid leave shall continue to receive all benefits including the accrual of vacation, sick leave, holiday pay, pension, and all insurance benefits. Employees in unpaid status shall not be entitled to and shall not accrue any of the benefits of the City, except as provided under family leave, FMLA.

**P. <u>Bereavement Leave</u>**

Applies to: Regular and limited term employees
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. If more than three days leave is necessary, earned vacation, sick leave, personal days, management leave or compensatory time may also be used.

If while on approved vacation an employee has a death in his or her immediate family requiring the employee to engage in activities typically covered by bereavement leave, the employee may make a written request to the City Manager to convert the bereavement leave connected time from vacation leave to bereavement leave. The City Manager shall consider the facts involved and shall approve or deny the request.

Regular and limited term part time employees will receive bereavement leave prorated based on the ratio of their normally scheduled work week to a forty hour week.

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Q. **Court and Jury Duty Leave**

Applies to: Regular and limited term employees

Employees called to jury duty are strongly encouraged to fulfill their legal and civic responsibility. A regular or limited term employee will be granted leave at their 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. If the court pays the employee for the jury service, that payment must be turned in to the City. An employee is permitted to retain any mileage reimbursement received from the court.

An employee must inform their 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.

**R. Military Leave**

**1. Military Training**

Applies to: Regular and limited term employees

An employee may take up to twenty one 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 regular vacation leave. For purposes of this section, "year" shall mean from October 1 to September 30.

An employee will continue to receive his or her normal pay during such active duty training, provided a written copy of the orders is 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.

**2. Active Duty Military Service**

Applies to: Regular employees

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. The employee may, at his or her option, use any or all accrued vacation leave or comp time prior to moving to the unpaid status. Any unused 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. The employee may choose to continue dependent medical coverage under the City's health plans to the extent allowed under the underwriting rules of those plans. While the employee is in an unpaid status and unable to pay their portion of contributions for dependent health insurance, the City will pay the City's portion and the employee's portion of the cost. An employee will be required to pay back the employee portion of cost paid by the City through a repayment plan upon their return from active duty leave of

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absence. An employee choosing to do so needs to contact Human Resources to arrange the coverage and the payment plan prior to leaving for active duty.

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

S. **Victims of Domestic Violence Leave**
Applies to: All employees
Employees who are victims of domestic violence, sexual assault, or stalking may take reasonable unpaid leave from work to take care of legal or law enforcement needs or to get medical treatment, social services assistance, or mental health counseling. Employees who are qualifying family members of a domestic violence victim are also eligible for leave under this policy.

While leave is unpaid, regular employees may elect to use paid sick, vacation or other accrued paid time off while on leave.

Employees must give as much advance notice of the need for leave under this policy as is possible. Leave requests must be supported with one or more of the following:

- A police report indicating the employee or employee's family member was a victim.
- A court order providing protection to the victim.
- Documentation from a healthcare provider, advocate, clergy, or attorney.
- An employee's written statement that the employee or employee's family member is a victim and needs assistance.

For purposes of this section only, family member means child, spouse, parent, parent-in-law, grandparent or person the employee is dating. The City may request verification of family relationship.

## VII. STANDARDS OF EMPLOYEE CONDUCT

The City expects all employees to strive for excellence, to exhibit the City Values in their work, to accomplish organizational and individual performance goals and to provide superior customer service.

**A. Personal Appearance and Demeanor**
Employees are expected to dress in attire appropriate to their job tasks and to behave in a professional, businesslike manner at all times.

Employees failing to adhere to City standards with respect to appearance and demeanor are subject to disciplinary action, up to and including termination.

**B. 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. Absenteeism or tardiness that is unexcused may be grounds for disciplinary action, up to and including termination.

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C. **Solicitations and Distribution of Literature**

In the interest of maintaining a proper business environment and preventing interference with work and inconvenience to others, employees may not distribute literature or post materials, sell merchandise, solicit financial contributions or otherwise solicit for any cause during working hours. Employees who are not on working time (for example on lunchtime or break) may not solicit employees who are on working time. An employee (including any employee with management responsibility) shall not directly solicit any employee he or she supervises or otherwise exercises some element of control over. All employees shall recognize that any employee has the right to say "no" to any solicitation.

E-mail shall not be used to solicit employees for any purpose.

Employees may utilize such things as an employee newsletter or the employee lunch room bulletin board if approved by the City Manager's Office for personal messages of this nature. Violation of this policy may be grounds for disciplinary action, up to and including termination.

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

D. **Drug-Free Workplace**

1. It is the policy of the City to maintain a drug-free workplace. Actions in violation of this policy are inconsistent with the behavior expected of employees, subject all employees and visitors to our facilities to unacceptable safety risks and undermine the City's ability to operate effectively and efficiently.
2. The unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance, alcohol or other intoxicant in the workplace or while engaged in City business on or off the premises or in a City vehicle is strictly prohibited. Such conduct is also prohibited 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:
    a) When employees are on the job, they are expected to be physically free from any impairment or substance that could contribute to an injury, property damage, or interfere with productivity. An employee shall not consume any alcohol during lunch or any other break occurring prior to the end of that employee's work day. Workday in this context includes any evening meeting or other similar activity on behalf of the City. Employees 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".
    b) Use or possession of prescription or non-prescription medication is not prohibited when taken in accord with prescription or standard dosage recommendations. However, employees shall notify their supervisors when they are taking over-the-counter or prescription drugs that could prevent the employee from performing his or her job safely and effectively. The employee and supervisor shall work together to determine the employee's fitness for duty or to establish

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a light duty assignment if available and appropriate. If no agreement is reached, the fitness for duty determination shall be made by the Department Director, after consulting Human Resources.

c) An employee convicted of a controlled substance-related violation must inform the City within five days of such conviction.

d) 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.

e) 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 when reasonable cause exists or if required by the Department of Transportation; 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. Testing information shall be confidential unless used in an employer action with regard to the employee.

f) 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.

3. In addition to previous sections. candidates applying for positions which require a valid Commercial Driver's License (CDL) will be subject to passing a pre-employment drug screening. All City employees in positions requiring a CDL must comply with the City's Drug and Alcohol Policy and Procedures Manual.

**E. <u>Safety</u>**

The City is committed to providing a safe and healthful working environment. The City makes every effort to comply with applicable federal and state occupational health and safety laws and to develop the best feasible operations, procedures, technologies and programs conducive to such an environment. Safety policy is contained in the Accident Prevention and Safety Manual.

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**F. Weapons**

No employee is authorized to carry a weapon, concealed or not, on City premises, in City vehicles, or while representing the City. An employee carrying a weapon in violation of this policy is subject to disciplinary action, up to and including termination.

**G. Workplace Violence**

It is the policy of the City to have zero tolerance of any acts or threats of violence by any employee in or about City facilities or elsewhere at any time. The City will not condone any acts or threats of violence against employees, customers or visitors in or about City premises at any time or while they are engaged in business with or on behalf of the City off City premises.

To ensure City objectives are attained, the City is committed to the following:

1. To provide a safe and healthful work environment, in accordance with the City safety policy.
2. To take prompt remedial action up to and including immediate termination against any employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive or threatening language or gestures.
3. To take appropriate action when dealing with customers or other visitors to City facilities who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law.
4. To prohibit employees from bringing unauthorized firearms or other weapons onto City premises.

In furtherance of this policy, employees have a duty to warn their supervisor, managers or Human Resources of any suspicious workplace activity or situations or incidents that they observe or that they are aware of that involve themselves or other employees, customers or visitors and that appear problematic. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks and the like. Employee reports made pursuant to this policy will be held in confidence to the maximum possible extent. The City will not condone any form of retaliation against any employee for making a report under this policy.

Violation of this policy may be grounds for disciplinary action, up to and including termination.

**H. Tobacco and Vaping Free Workplace**

In order to maintain a safe and comfortable working environment and to ensure compliance with applicable laws, use of all tobacco products, including smoking and smokeless tobacco, and vapor products is prohibited at all City work locations and property, and in City owned vehicles. Smoking and vaping is prohibited within 25 feet of all building entrances, windows that open and ventilation intakes. Violation of this policy may be grounds for disciplinary action, up to and including termination.

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I. **General Conduct**

Employees are expected to conduct themselves in an appropriate, professional manner. Examples of behavior that are inappropriate include, but are not limited to:

1. Insubordination (as defined in Section 3);
2. Theft or other criminal activity;
3. General dishonesty including falsifying employment or other City records;
4. Failing to maintain confidentiality of City information;
5. Unwillingness or inability to maintain an acceptable level of work performance.

Violation of this policy may be grounds for disciplinary action, up to and including termination.

**J. Searches of Property**

Employees should be aware that all offices, desks, files, lockers and vehicles are the property of City and are issued for the use of employees only during their employment with the City. It may be necessary to conduct searches of employee personal property in City facilities or vehicles. In addition, the City reserves the right to search any employee's office, desk, files, locker or any other area or article on City premises. Searches may be conducted at any time without advance notice. Searches must be conducted by and authorized by the City Manager. Where reasonable, the search will conducted by more than one person.

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.

Violation of this policy may be grounds for disciplinary action, up to and including termination.

**K. Corrective Action Procedure**

**1. Progressive Discipline**

In taking disciplinary action, managers and supervisors may use a variety of measures. Where appropriate, managers and supervisors will follow a program of progressive discipline designed to give the employee 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 to enable them to make improvements in their performance or correct the behavior that was a problem.

Please note that any or all of the steps outlined below or other appropriate measures may be utilized, depending upon individual circumstances and the nature of the offense. Serious discipline, including immediate termination may occur even on the first offense, 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.

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The City may use administrative leave with pay while conducting an investigation into an alleged wrongdoing. This leave may be used when it is necessary to remove the employee from the work place pending the outcome of the investigation.

The following are examples of a pattern of progressive discipline

**a) Step One: Verbal Warning**

This step is used for relatively minor offenses and problems. The supervisor verbally discusses the concerns with the employee and lets the employee know the nature of the problem. Written documentation of the verbal warning shall be placed in the employee's personnel file.

**b) Step Two: Written Warning**

This step is used for a repeated offense where the discipline in Step 1 has failed to correct the problem or behavior, or for more serious problems that initially require stronger action. Under this step, a written warning is given to the employee and put in the employee's personnel file documenting the problem.

**c) Step Three: Suspension**

This step is used for repeated offenses where Steps 1 and 2 have failed to correct the problem or behavior, or for more serious problems that initially require stronger corrective action than the above steps. An employee is sent home without pay for a specified period of time. For an exempt employee, unpaid suspensions shall be in increments of workweeks. An exempt employee may also be given a period of time off with pay to make a personal decision as to whether to change behavior and continue employment with the City. Prior to a decision to suspend an employee, a pre-disciplinary hearing must be held.

**d) Step Four: Termination**

This step is to be used for instances where an employee has failed to correct their behavior after previous discipline or if there is a serious violation of City standards of conduct where immediate termination is warranted.

Other examples of disciplinary methods that may be used include withholding a scheduled pay increase, pay reduction and demotion. Prior to a decision to terminate an employee, a pre-disciplinary hearing must be held.

**2. Pre-Disciplinary Hearing.**

This section does not apply to at will employees or to employees who have not completed their initial orientation period.

When considering discipline that would deprive an employee of pay, such as a step three suspension or step four termination, the City will conduct a pre-disciplinary hearing. The hearing serves as a check against a mistaken decision and as an opportunity for an employee to furnish reasons why he or she should not be disciplined before the decision is finalized.

**a) Notice to the Employee**

The employee shall be provided with a notice of the pre-disciplinary hearing.

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The notice shall include an explanation of the charges on which the potential discipline is based, and the time and date for the hearing.

**b) At the Hearing**
The hearing will be presided over by the Department Director or a designated representative. The hearings are intended to be informal. The employee will be given an opportunity to explain why the serious discipline should not be taken. The employee may bring one person to the hearing as a representative. If the employee fails or refuses to appear, the Department Director shall determine the discipline without the employee's input.

**c) After the Hearing**
After the hearing, the Department Director will consider the information provided and will consult with the Human Resources Director. As soon as possible, the director will issue the decision. A longer review period may be required in more complex situations, and the employee will be so informed.

## L. Complaint Resolution Procedure

### 1. Resolving Conflict Informally

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.

### 2. Resolving Conflict Formally

When informal resolution fails, 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 3.

**a) Complaint Definition**
A complaint is a written allegation by an employee or former employee who has been involuntarily terminated that he or she has not been treated according to the personnel policies, or other rules or regulations.

**b) 30 Days to Initiate a Complaint**
Complaints must be initiated within 30 days of the alleged act and a copy of the complaint provided to Human Resources.

**c) Step 1 Present Complaint to Supervisor**
An employee should present the complaint to the supervisor and request time to meet and discuss the complaint. In consultation with Human Resources,

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the supervisor shall consider the complaint and all relevant information and respond to the employee in a timely manner.

**d) Step 2 if Needed**
If the problem is not resolved at Step 1, the employee shall next request a meeting with the Department Director. In consultation with Human Resources, the Department Director will conduct an investigation and review the matter with appropriate persons. The Department Director shall respond to the employee within 10 working days, unless the response will take longer, in which case the director will keep the employee informed when the response will be available.

**e) Step 3 Final Step if Needed**
If the problem is not resolved at Step 2 and the employee wishes to pursue the complaint, he or she shall request a meeting with the City Manager. The City Manager shall meet with the employee. The City Manager shall also conduct an investigation or otherwise consider information relevant to the complaint.

The City Manager shall issue a decision within 15 working days unless more time is needed, in which case the City Manager shall keep the employee informed of when the response will be available. The City Manager's decision shall be final and binding on the parties.

## VIII. SEPARATION FROM EMPLOYMENT

A. **Resignation**
The City expects a resigning employee to give written notice to their supervisor at least 14 days in advance of the final working day.

B. **Unauthorized 3 Day Absence**
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 Director.

C. **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, bus pass, 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.

D. **Layoff (Reduction in Force)**
The City may lay off 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.

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1. **Notice**
   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.

2. **Order of Layoff**
   Layoffs are determined by classification on an organization-wide-basis.

   Extra help employees performing similar work will be laid off first.

   Regular employees will be retained on the basis of their ability to perform work needed to meet program needs.

   Where there is no demonstrable difference in ability to perform, employees with longer service shall be retained.

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

4. **Layoff Support**
   Regular full time and regular part time employees are eligible for Layoff Support. Once the employee has been notified of the future layoff, the employee shall be eligible for:
   a) Job search assistance, tailored to the particular circumstances and authorized by the City Manager.
   b) Limited time off for interviewing, subject to the approval of the Department Director.

5. **Severance**
   Regular full time and regular part time employees are eligible for severance. After the layoff takes effect, the employee shall receive a severance package consisting of four (4) weeks' pay and 10% of the employee's sick leave balance. If the employee leaves employment at the City prior to the layoff date, the employee is not eligible for the severance package.

6. **Rehire List**
   Any regular employee who is laid off shall be placed on a City rehire list for a period of one year from the date of layoff. An employee shall not be placed on the rehire list if the employee leaves employment at the City prior to the layoff date. The City will honor an employee's written request to not be placed on or to be removed from the list.

   An employee on the Rehire List shall be deemed eligible for an open regular position when:
   - The employee meets the minimum qualifications listed on the classification specification based on the information contained in the employee's personnel file; and

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- The position is in a salary range equal to or lower than the salary range of the position the employee was in on the date of layoff.

When hiring for any vacancy, the Department Director shall first consult Human with Resources to determine if any employee on the rehire list is eligible for the vacancy. If there is an eligible employee on the rehire list, the employee shall be offered the position. In the case of more than one eligible employee on the rehire list, the position shall first be offered to the employee with the longest term of service with the City.

The employee has seven calendar days from the time the offer is sent to accept the offer; failure to do so will be considered a refusal.

An employee accepting a demotion to a position in a lower salary range shall remain on the list for the remainder of the year (based on the original layoff date).

An employee shall be removed from the list upon rehire by the City, a third refusal of a City job offer or the expiration of one year, whichever comes first.

If a department has a need to hire extra help while the City has any employees on the Rehire List, the Department Director shall first contact Human Resources before taking any other steps to hire the extra help. The extra help opportunity shall first be offered to any employees on the rehire list meeting the minimum requirements (in order of service with the City – longest first). Only if all eligible employees on the Rehire List refuse the extra help opportunity may the department proceed to outside hire. Neither acceptance nor refusal of an extra help opportunity shall affect an employee's status on the Rehire List.

## *IX.* CLOSING STATEMENT

Welcome to the City of Shoreline. If you have any questions about this handbook, please ask your supervisor or visit Human Resources.

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# X. APPENDIX A - CODE OF ETHICS

The purpose of the City of Shoreline Code of Ethics is to strengthen the quality of government through ethical principles which shall govern the conduct of the City's elected and appointed officials, and employees, who shall:

1. Be dedicated to the concepts of effective and democratic local government.

   Guidelines:

   Democratic Leadership: Officials and staff shall honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws, rules and regulations.

2. Affirm the dignity and worth of the services rendered by government and maintain a deep sense of social responsibility as a trusted public servant.

3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships.

   Guidelines:

   Public Confidence: Officials and staff shall conduct themselves so as to maintain public confidence in city government and in the performance of the public trust.

   Impression of Influence. Officials and staff shall conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

4. Recognize that the chief function of local government at all times is to serve the best interests of all the people.

   Guidelines

   Public Interest: Officials and staff shall treat their office as a public trust, only using the power and resources of public office to advance public interests, and not to attain personal benefit or pursue any other private interest incompatible with the public good.

5. Keep the community informed on municipal affairs; encourage communication between the citizens and all municipal officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

   Guidelines

   Accountability: Officials and staff shall assure that government is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold city officials accountable.

   Respectability: Officials and staff shall safeguard public confidence in the integrity of city government by being honest, fair, caring and respectful and by avoiding conduct creating the appearance of impropriety or which is otherwise unbefitting a public official.

6. Seek no favor; believe that personal benefit or profit secured by confidential information or by misuse of public time is dishonest.

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Guidelines

Business Interests: Officials and staff shall have no beneficial interest in any contract which may be made by, through or under his or her supervision, or for the benefit of his or her office, or accept directly or indirectly, any compensation, gratuity or reward in connection with such contract unless allowed under State law.

Private Employment: Officials and staff shall not engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests or conduct a private business when such employment, service or business creates a conflict with or impairs the proper discharge of their official duties.

Confidential Information: Officials and staff shall not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

Gifts: Officials and employees shall not directly or indirectly solicit any gift or accept or receive any gift whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form - under the following circumstances: (a) it could be reasonably inferred or expected that the gift was intended to influence the performance of official duties; or (b) the gift was intended to serve as a reward for any official action on the official's or employee's part.

Investments in Conflict with Official Duties: Officials and employees shall not invest or hold any investment, directly or indirectly, in any financial business, commercial or other private transaction that creates a conflict with their official duties.

Personal Relationships: Personal relationships shall be disclosed in any instance where there could be the appearance of a conflict of interest.

Business Relationships: Officials and staff shall not use staff time, equipment, or facilities for marketing or soliciting for private business activities.

Reference Checking: Reference checking and responding to agency requests are a normal function of municipal business and is not prohibited if it does not adversely affect the operation of the City.

7. Conduct business of the city in a manner which is not only fair in fact, but also in appearance.

Guidelines

Personal Relationships: In quasi-judicial proceedings elected officials shall abide by the directives of RCW 42.36 which requires full disclosure of contacts by proponents and opponents of land use projects which are before the City Council. Boards and Commissions are also subject to these fairness rules when they conduct quasi-judicial hearings.

Not knowingly violate any Washington statutes, City ordinance or regulation in the course of performing their duties.